



Index Reference :

CPD/Legal Education

CIRCULAR 20-226 (SD)

4 May 2020

**EXEMPTION AND EXTENSION OF TIME TO
COMPLETE THE CONTINUING PROFESSIONAL
DEVELOPMENT (“CPD”) AND RISK MANAGEMENT
EDUCATION (“RME”) REQUIREMENTS FOR
THE 2019/20 CPD/RME PRACTICE YEAR**

CPD Obligations

1. Under rule 5 of the CPD Rules Cap. 159W (“CPD Rules”), a trainee solicitor and a Hong Kong solicitor holding a current practising certificate must accumulate 15 CPD accreditation points in the 2019/20 CPD practice year by 31 October 2020.
2. As a result of COVID-19 and to reduce the risk of transmission, all CPD and RME on-site courses of the Law Society of Hong Kong (“Society”) and Hong Kong Academy of Law (“Academy”) are suspended until further notice.
3. The Council has resolved to grant an exemption and extension of time such that solicitors are only required to accumulate a total of 15 CPD accreditation points within a period of 24 months as opposed to 12 months in the 2019/20 and 2020/21 CPD practice years i.e. by 31 October 2021.
4. In other words, to apply for a practising certificate for next year (i.e. 2021), a solicitor could, inter alia, utilize the exemption and extension of time granted by the Council, to accumulate the usual 15 CPD accreditation points beyond the normal 2019/2020 CPD practice year, in a period of 24 months (instead of 12 months) from 1 November 2019 to 31 October 2021. Please also refer to paragraph 9 below.

RME Obligations

5. Under rules 5, 6 and 7 of the Legal Practitioners (RME) Rules Cap. 159Z (“RME Rules”), trainee solicitors, Hong Kong solicitors and registered foreign lawyers (“RFLs”) practising in Hong Kong law firms must complete their respective RME obligations in the 2019/20 RME practice year by 31 October 2020.

6. The Council has resolved the RME obligations of the aforementioned practitioners for the 2019/20 RME practice year as follows:
- (i) An exemption and extension of time is granted to solicitors and RFLs who are required to attend 3 hours of RME elective courses under rule 7(1) of the RME Rules in the 2019/20 RME practice year such that they are only required to attend a total of 3 hours of RME elective courses within a period of 24 months as opposed to 12 months in the 2019/20 and 2020/21 RME practice years i.e. by 31 October 2021.
 - (ii) An exemption and extension of time is granted to solicitors and RFLs who are required to attend 6 hours of RME elective courses under rule 7(2) of the RME Rules in the 2019/20 RME practice year such that they are only required to attend a total of 6 hours of RME elective courses within a period of 24 months as opposed to 12 months in the 2019/20 and 2020/21 RME practice years i.e. by 31 October 2021.
 - (iii) No exemption and extension of time is granted to practitioners who are required to take the core courses in the 2019/20 RME practice year. Accordingly:
 - (a) Solicitors and RFLs who are required to attend their respective core courses under rule 5 and rule 6 of the RME Rules must complete the requisite core course(s) within the 2019/20 RME practice year.
 - (b) Trainee solicitors
 - (I) if the 2019/20 RME practice year is their first RME practice year under their trainee solicitor contract, they must complete the trainee solicitor's core course within the current RME practice year, i.e. on or before 31 October 2020.
 - (II) if the 2019/20 RME practice year is their second RME practice year under their trainee solicitor contract, they must complete the compulsory first elective course within the current RME practice year, i.e. on or before 31 October 2020.
 - (iv) Practitioners who are entitled to claim exemption under rule 8 of the RME Rules i.e. those practitioners who have been in practice in a Hong Kong law firm for less than 100 days or who have been out of Hong Kong or absent from work due to illness for a continuous period which constitutes 75% or more of the period to which the RME Rules apply to them in the 2019/20 RME practice year are unaffected by the Council's policy on exemption and will remain exempted under the said rule 8.

Revised Statement of Compliance for CPD and RME Requirements

7. The Statement of Compliance with CPD and RME Requirements has been revised to enable those solicitors listed in paragraphs 3, 6(i) and 6(ii) of this Circular to claim exemption.
8. Please click [here](#) for a sample of the revised Statement of Compliance.

Council's Policy in the event of a failure to comply with the CPD and RME requirements

9. In respect of those solicitors entitled to the exemption in paragraphs 3, 6(i) and 6(ii) of this Circular, the Council's policy in the event of a failure to comply with the CPD and RME requirements set out in the CPD and RME Information Packages is modified as follows:

“General Audit:

In the absence of acceptable mitigating factors, solicitors who have not acquired the necessary CPD points or fulfilled the RME requirements for the 2019/20 CPD practice year shall, unless the outstanding CPD point(s) are subsequently acquired and the RME requirements fulfilled by 31 October 2021, be subject to suspension or cancellation of their practising certificate.

Practising Certificate Applications

- (i) *All applications for renewal of practising certificates for the year 2021 by solicitors who have not acquired the necessary CPD point(s) or fulfilled the RME requirements by 31 October 2020 will be processed in the usual way. Subject to the powers of the Society to refuse to issue a practising certificate in circumstances other than the solicitor's compliance with CPD and RME requirements, a practising certificate will be issued to the solicitor on conditions that the solicitor accumulates 15 CPD accreditation points, attends 3 hours of RME elective courses under rule 7(1) of the RME Rules or 6 hours of RME elective courses under rule 7(2) of the RME Rules as the case may be, and files a Statement of Compliance within 30 days after 31 October 2021 to confirm the solicitor's completion of the aforementioned CPD and RME obligations.*
- (ii) *In the absence of acceptable mitigating factors, the Council may suspend or cancel a practising certificate of a solicitor who fails to acquire the necessary CPD points or attend the necessary number of hours of RME elective courses by 31 October 2021 pursuant to its powers in section 6(5A) of the Legal Practitioners Ordinance Cap. 159.*
- (iii) *Failure by a solicitor to acquire the necessary CPD points and /or attend the necessary number of hours of RME elective courses by 31 October 2021 may be referred to the Conduct Section of the Compliance Department of the Society for investigation.*
- (iv) *This revised policy is applicable to the 2019/20 CPD practice year and to those solicitors listed in paragraphs 3, 6(i) and 6(ii) of this Circular only.”*

Ways in which the CPD and RME requirements may be met

10. During the suspension of the CPD and RME on-site courses of the Society and the Academy, practitioners may optimize the use of other activities listed in the CPD and RME Information Packages to meet their CPD and RME requirements. These activities include taking online courses, distance learning courses, courses under the deemed accreditation system, writing articles and books, conducting legal research, production of dissertations, participating in the work of approved Committees and institutions.

Please click the following links for the details:

[CPD Information Package](#)
[RME Information Package](#)

11. The Academy has arranged webinars for those practitioners listed in paragraph 6(iii) to take the core courses or compulsory first elective. For the availability of courses, please visit the [website](#) of the Academy.

Carrying Over excess CPD points from one practice year to another

12. Practitioners who obtain CPD points pursuant to paragraph 6(iii) may carry over any excess CPD points in accordance with the provisions in the CPD and RME Rules and the CPD and RME Information Packages.

Enquiries

13. All enquiries should be sent to adpd@hklawsoc.org.hk.