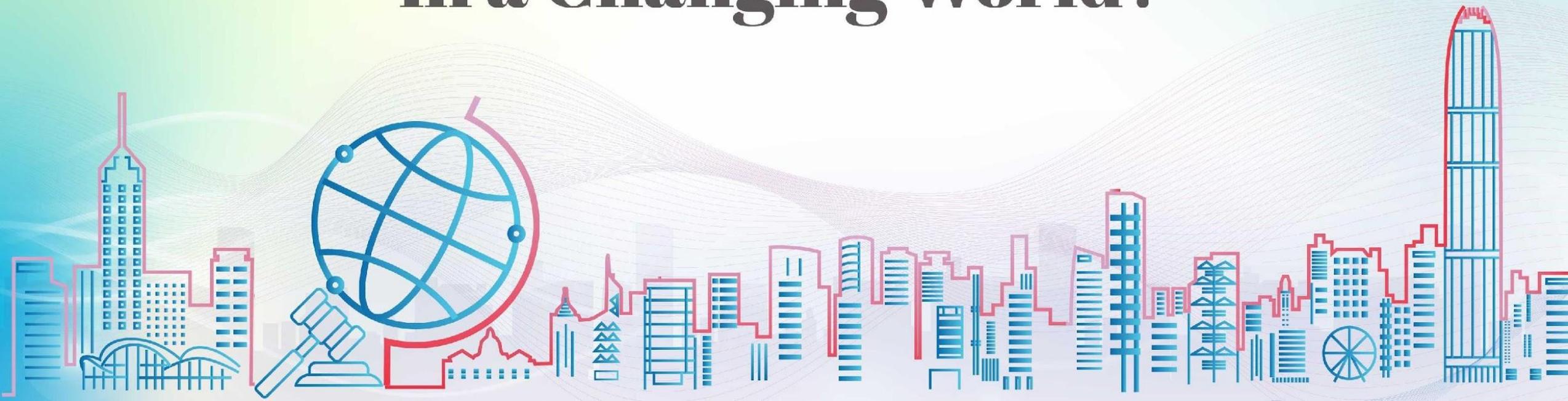




THE
LAW SOCIETY
OF HONG KONG
香港律師會

International Conference of Legal Regulators 2025

New Ways to Regulate in a Changing World?



Regulators and Access to Justice

Breakout Session 9

22 October 2025

15:30 – 16:45

Hopewell Hotel

(15 Kennedy Road, Wan Chai, Hong Kong)

Hong Kong SAR – The Only Common Law Jurisdiction in China



**One Country,
Two Systems**

**Only Common Law
City
in the Country**



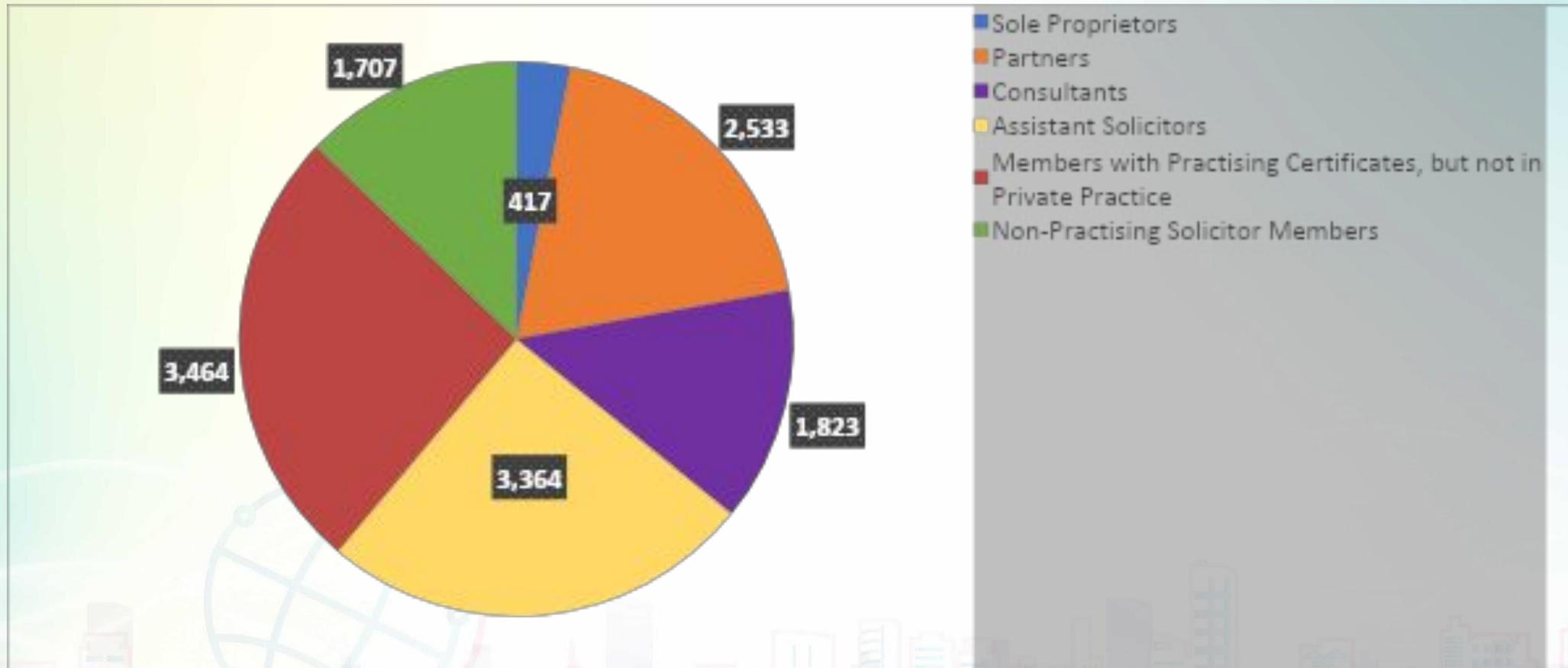
**Only truly Chinese
English bilingual
Common Law
Jurisdiction in the
World**

How Common law approaches Ching Dynasty laws

- [Re Ching Chi Yuen \(07/09/1973, HCMP242/1973\)](#)
- [Wu Koon Tai and Another v. Wu Yau Loi \(12/07/1995, CACV70/1995\)](#)
- [黃對徐 \(22/07/2022, FCMC67/2022\) \[2022\] HKFC 148](#)
- Probate compared with English law
- Whether Ch'ing law and customs, as applied by s13 New Territories Ordinance, can over-ride provisions of s17 New Territories Ordinance - Instrument not signed by 'party to be charged' - Observations on s3(1) Conveyancing and Property Ordinance.
- Third Pary rights

Hong Kong Legal Profession

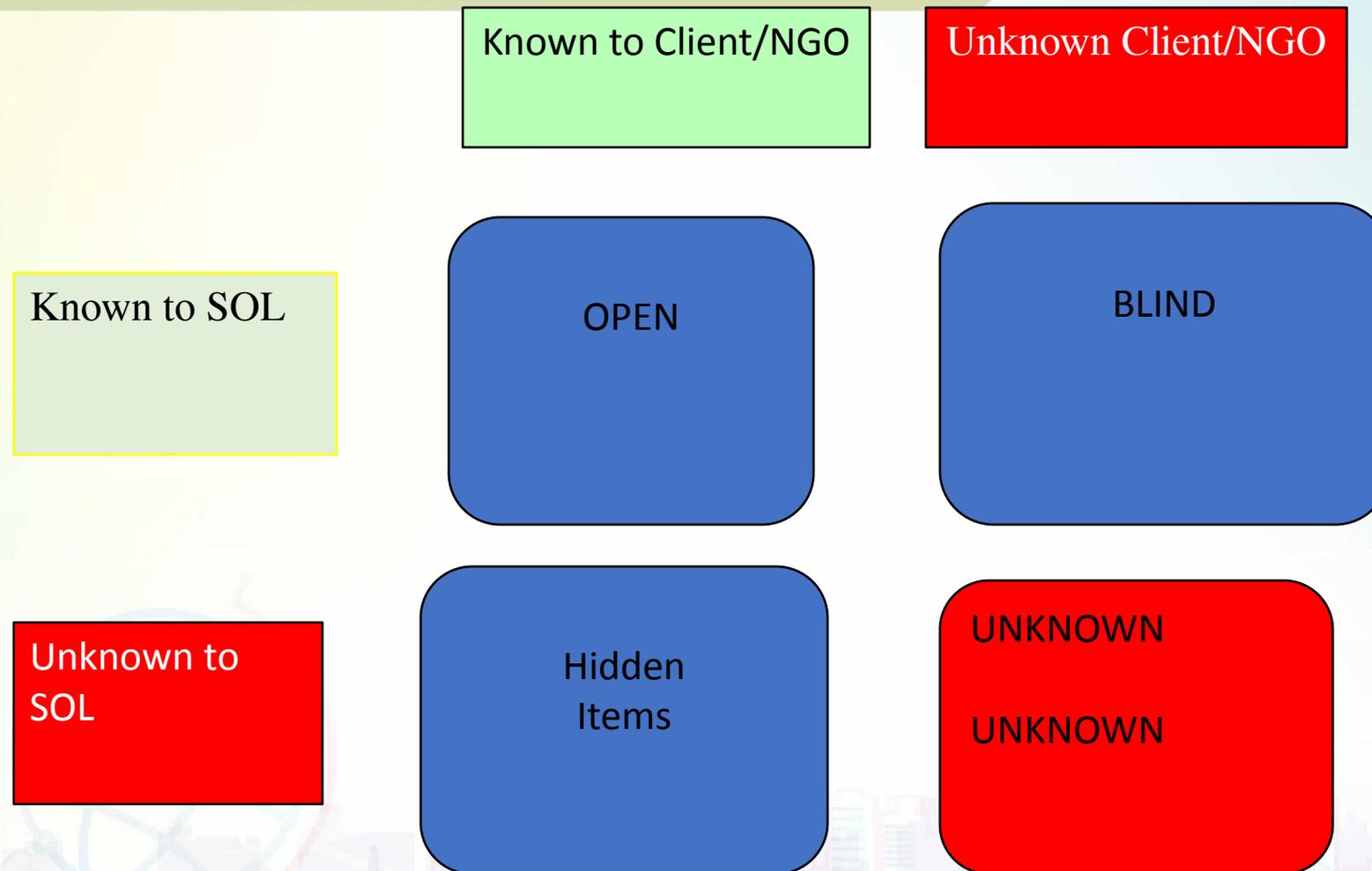
- As of 31 March 2025, we have 13,308 solicitors



□ About 1,725 barristers in Hong Kong
22 Oct 2025

JOHARI WINDOW

An Awareness Tool for Accounts



Professional Indemnity Scheme by The Law Society of Hong Kong

Rule 6

Held out
Public
“in Practice”

I.e. must have indemnity
under r. 10

“Practice” – “the business
of practising as a solicitor”

“Practice” is not “fee” base
but relates to some
“holding out to the public”

Rule
2-indemnity
under r. 10

Rule 10

If **receipt** under r. 9
indemnity provided as set
out in r. 11

Indemnity in connection
with “Practice”

So if not within “Practice”
of the firm **NOT COVERED**

RFC: The Three Dragons faced by professionals

Regulatory Dragon



Financial Dragon



The three tailed Conduct Dragon



- Competence
- Conflicts
- Confidentiality

The Three Dragons

- Regulatory
- Financial
- Conduct (3rd dragon has three tails)
 - Conflicts or significant risk of conflict P. 9.01, P. 7.02, P. 7.03
 - Confidentiality 8.01 and 8.03, Article 30 and 35 Basic Law. Practice Direction P.
 - Competence P. 6.01

**Clients/Court/
others**

**Public
Interest**

Misconduct



**Legal Profession
Guidance Committee**

Solicitor

**Professional
Conduct**

Solicitors Disciplinary Tribunal
Court of Appeal
Court of Final Appeal



Purpose of Professional Conduct



- “The primary purpose of professional disciplinary proceedings is not to punish, but to protect the public, to maintain public confidence in the integrity of the profession, and to uphold proper standards of behaviour: see e.g. *Bolton v Law Society* [1994] 1 WLR 512, 518 per Sir Thomas Bingham MR;” *Gupta v General Medical Council* [2002] 1 WLR 1691, para 21, per Lord Rodger of Earlsferry.
- Similarly stated in: ***Luk Ka Cheung v Market Misconduct Tribunal*** [2009] 1 HKLRD 114 at para 54

Civil appeal No. 130 of 1995

The Hong Kong Law Society v A Solicitor

- Tribunal may form a different view from the Guide as to what is conduct.

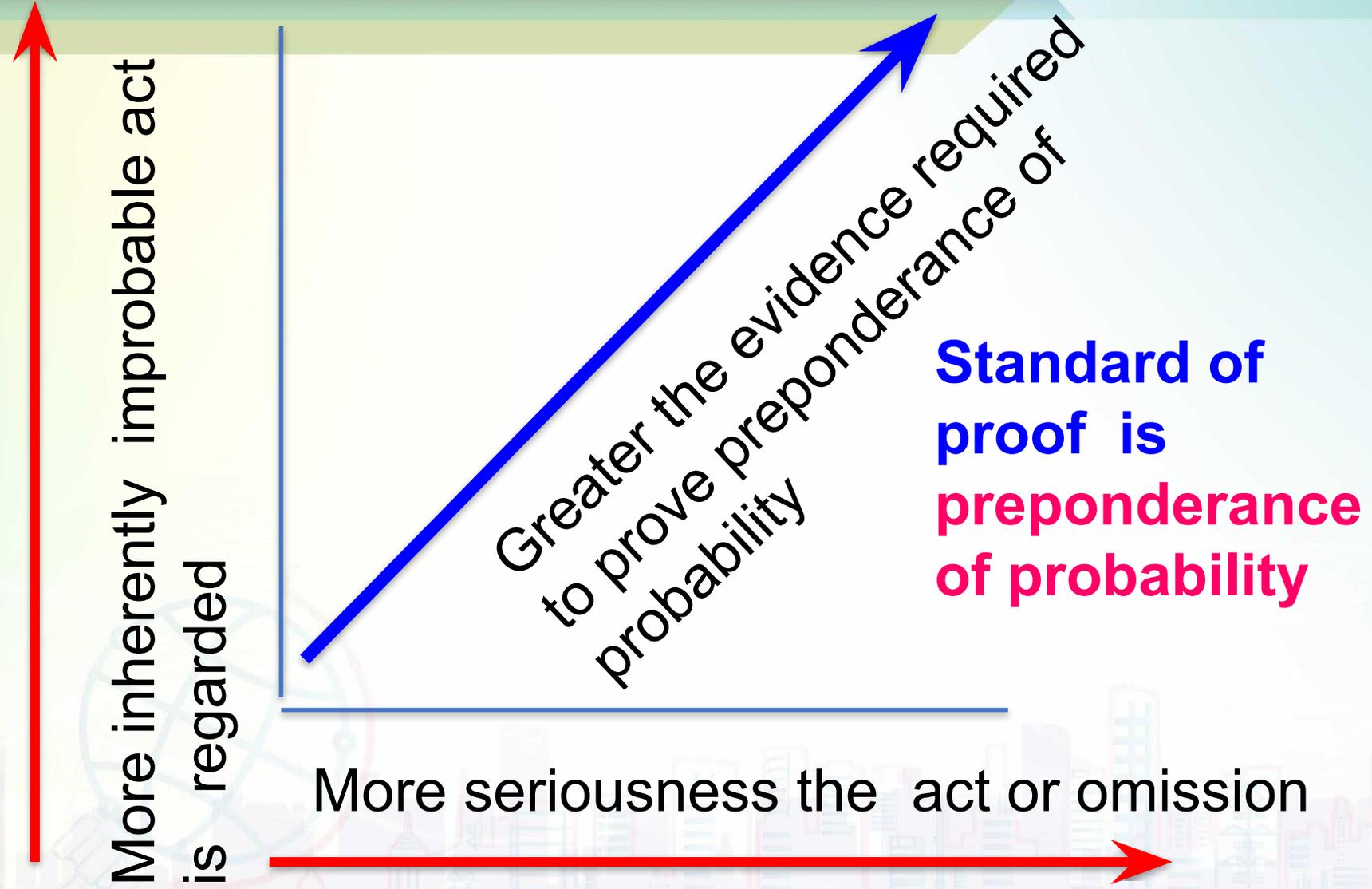
Eg. Advertisement

- Tribunal may decide a breach is trivial as not to justify proceedings.

- Tribunal may not find a prima facie case.



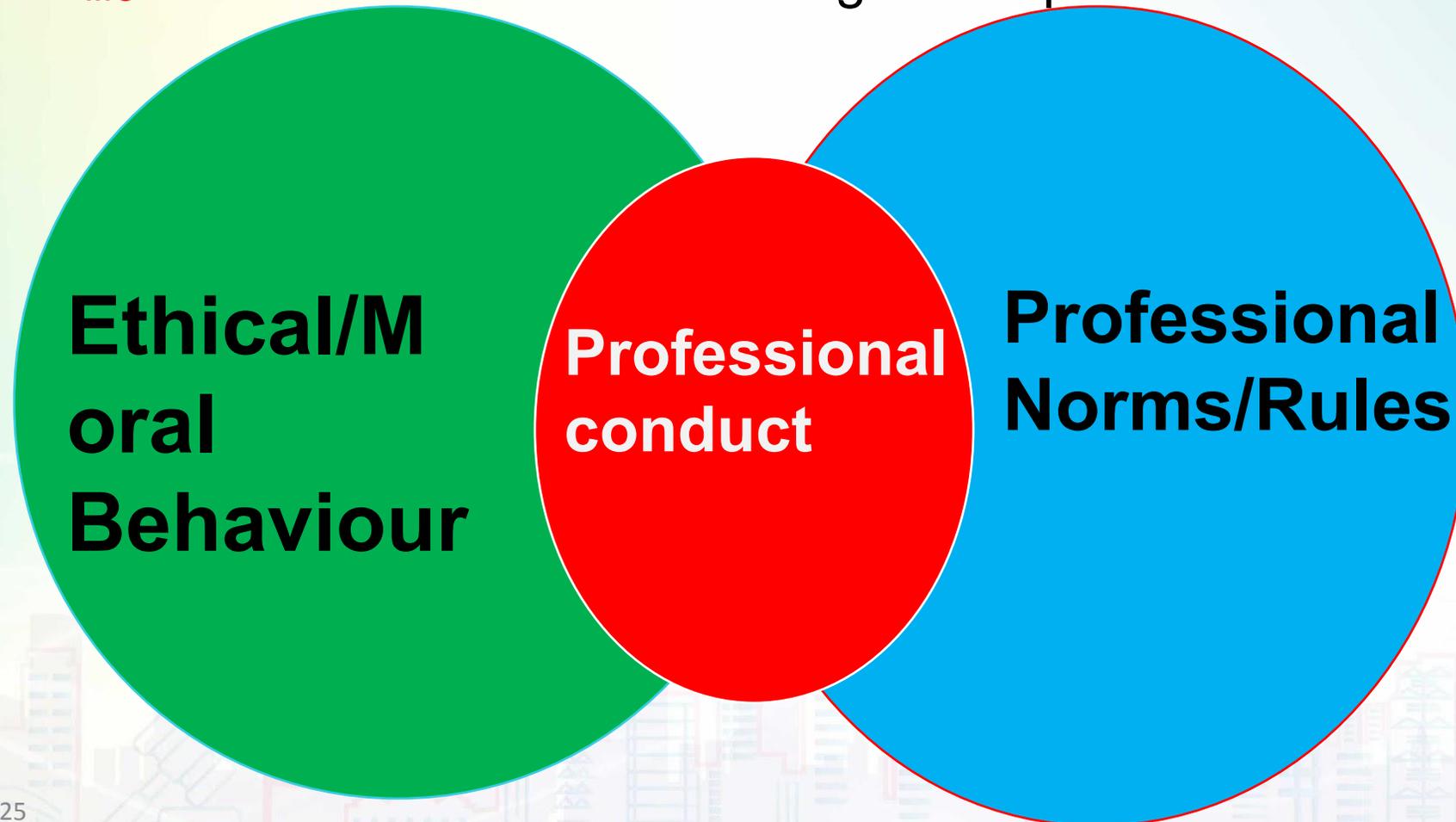
A Solicitor v. The Law Society of Hong Kong FACV No. 24 of 2007



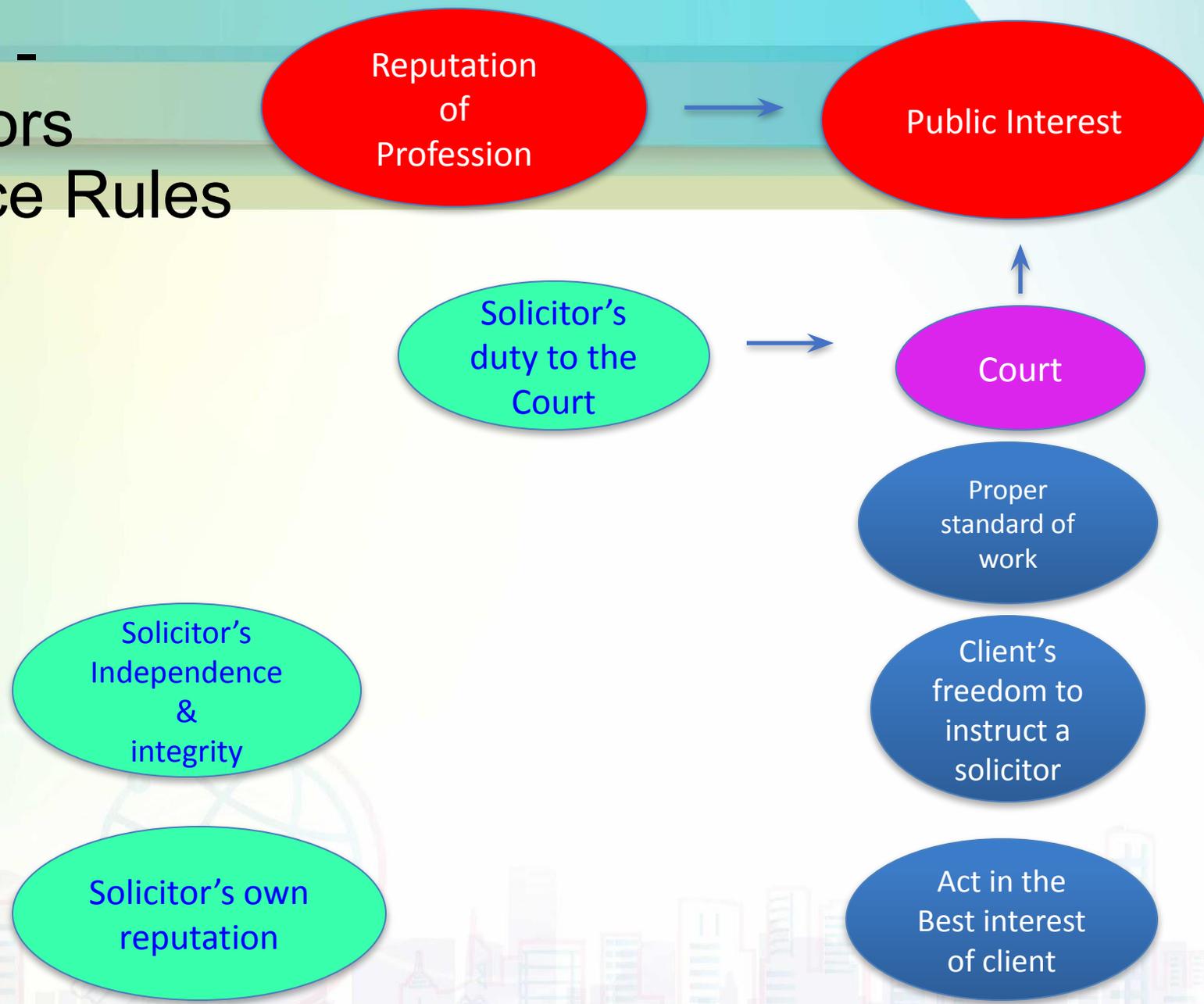
Emotion are largely
unconscious

How can unconscious
thoughts affect professional
life

High degree of **conscious control**
and logic is required



Rule 2 - Solicitors Practice Rules





Widest expression of solicitor's duty

- Rule 2 – Solicitors' Practice Rules
- provides the standard for measuring the quality of the conduct.
- A solicitor **shall not**, in the course of practising as a solicitor, do or permit to be done on his behalf anything which **compromises** or **impairs** or is **likely to compromise** or **impair** -

The touch Stone of conduct



Maintaining Professional Ethics in AI in Hong Kong

“Hong Kong Solicitors’ Guide to Professional Conduct”



- The Law Society of Hong Kong has been preparing for application of AI since 2009
- To regulate the conduct of solicitors in the use of technology, ensuring compliance with laws and professional ethics when using technology

Principle 1.07 “*Hong Kong Solicitors’ Guide to Professional Conduct*”



1.07 Information Communication Technology A solicitor using information communication technology should endeavour to ensure within the parameters of technology, information and knowledge available at the time of use, that no Principle in the Guide or a provision in the Practice Directions or applicable law is breached by such use.

Commentary

Solicitors may use the available information and knowledge available at the time to determine whether to adopt a particular approach to the use of information communication technology. For examples of non mandatory guidelines see Circular 04-604, ISO/IEC 17799:2005 and ISO/IEC 27001:2005 (see also Principle 8.01 Commentary 31).

The Law Society of Hong Kong's Position Paper –

“The Impact of Artificial Intelligence on the Legal Profession”



- Released in January 2024: to contribute to a comprehensive understanding of the impact of AI for lawyers and legal service users
- The Law Society of Hong Kong acknowledges that AI presents breakthrough opportunities to the legal profession, while also recognising the limitations and accompanying risks of AI



The Law Society of Hong Kong's Position Paper – *“The Impact of Artificial Intelligence on the Legal Profession”*

The position paper sets out a three phased approach to AI.

Phase 1 – Inform

Phase 2- Engage

Phase 3- implement

Judiciary Guidelines

- The Judiciary issued its “Guidelines on the Use of Generative Artificial Intelligence for Judges and Judicial Officers and Support Staff of the Hong Kong Judiciary.” in July 2024.
- Guidance note “ Greater use of technology in Court Operations released on 20 January 2025 in particular the ICMS.
- Given the above, your approach should be
 - **inform** yourself on the AI and different Ais
 - **Engage** with the AI appropriately as assess its functionality and limitation
 - **Implement** the tool to your required use.

Rule of Law- Hong Kong

World Justice Project Rule of Law Index (“WJP RLI”)

- HK ranked 23rd out of 142 countries and jurisdictions covered in the 2023.
- 6th in East Asia and the Pacific

Factor 7 WJP RLI HK ranked 20th

Factor 7 relates to civil justice and measures issues including whether ordinary people can resolve their grievances peacefully and effectively through the civil justice system, and the accessibility, impartiality, and effectiveness of alternative dispute resolution mechanisms. Factor 8 WJP RLI

Factor 8 WJP RLI HK ranked 20th

Factor 8 (criminal justice) evaluates a jurisdiction’s criminal justice system.

An effective criminal justice system is a key aspect of the rule of law, as it constitutes the conventional mechanism to redress grievances and bring action against individuals for offences against society

Legal Aid and Duty Lawyer Scheme

- Lawyers around the world have always played an important role in creating the conditions necessary for economic and social progress to thrive.
- Legal Aid in Hong Kong plays a key role in access to justice when a litigant is faced with a strong opponent.
- Duty Lawyer provides representation in Magistrates court

PRO BONO ACTIVITIES ENCOURAGED



THE
LAW SOCIETY
OF HONG KONG
香港律師會

