



THE  
**LAW SOCIETY**  
OF HONG KONG  
香港律師會

**MANDATORY**  
**CONTINUING PROFESSIONAL DEVELOPMENT**  
**INFORMATION PACKAGE**

**March 2022**

The Law Society of Hong Kong  
3<sup>rd</sup> Floor, Wing On House  
71 Des Voeux Road  
Central, Hong Kong  
DX-009100 Central 1  
Email: [adpd@hklawsoc.org.hk](mailto:adpd@hklawsoc.org.hk)  
Tel: 2846-0500  
Fax: 2845-0387

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## INTRODUCTION

### What is continuing professional development?

Continuing professional development (“CPD”) is the systematic maintenance, improvement and broadening of relevant knowledge and skills to enable a professional to successfully carry out his professional duties and responsibilities throughout his career.

Whilst the CPD scheme (“CPD Scheme”) may be seen by some as a burdensome requirement, our profession is self regulatory and the Council is obliged to ensure the establishment and promotion of high standards of work within the profession. This includes the encouragement of the continued study and acquisition of legal knowledge and skills by legal practitioners.

Moreover, in a changing legal environment with the profession subject to many external pressures, CPD provides a convenient framework for the profession to meet the changing demands of clients and society to continuously update knowledge and skills, to improve the efficiency and effectiveness of the profession and to enable some practitioners to redefine their careers by learning new professional skills and areas of practice.

The CPD Scheme has been designed to be as flexible as possible so that the relevant number of CPD points may be acquired in a time conscious and cost effective manner. The Law Society (“Society”) has taken into consideration the need for busy practitioners to comply with CPD requirements through other methods of learning than attendance at traditional lecture-based courses. For example, conducting Dissertations, writing legal articles and books, attending distance learning courses and preparing and presenting courses are treated as CPD activities.

### Criteria for accreditation of CPD activities

A CPD activity shall:

- (a) seek to extend, develop, maintain and enhance professional knowledge, skills, abilities, attitudes and ethics in areas that are relevant to the practice needs and professional standards of solicitors and/or trainee solicitors; and
- (b) be of significant or sufficient intellectual or professional or practical content; and
- (c) deal with substantive, procedural, ethical or practice management matters (including client care and relations) or skills directly related or relevant to practitioners’ practice of law; and
- (d) be conducted by a person who is qualified by practical or academic or professional experience in the subject covered; and
- (e) have as its objective the development and maintenance of practitioners’ competency in ethics, professional conduct, legal knowledge and skills and/or legal practice management.

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Legal skills include

- (a) effective communication, both oral and written;
- (b) interviewing and advising;
- (c) problem solving, including related critical thinking and decision making;
- (d) advocacy;
- (e) arbitration;
- (f) mediation;
- (g) negotiation;
- (h) drafting legal documents;
- (i) legal writing, including related plain writing;
- (j) legal research;
- (k) legal project management;
- (l) how to work with law practice technology, including:
  - (I) e-discovery;
  - (II) in the courtroom;
  - (III) client record management;
  - (IV) converting electronically stored information into evidence;
  - (V) social networking technology to facilitate client;
  - (VI) communication (but excluding marketing and client development);

but not

- (a) general business leadership;
- (b) chairing and conducting meetings;
- (c) serving on a Board of Directors;
- (d) general project management;
- (e) skills and knowledge primarily within the practice scope of other professions and disciplines.

This Information Package contains the current rules governing the CPD Scheme and the policies and guidelines of the Council in relation to the practical application of the CPD Scheme.

All trainee solicitors and solicitors covered by the CPD Scheme (hereinafter called “the practitioners”) should acquaint themselves with the information in this Information Package, in particular, the CPD Rules Cap. 159W (“CPD Rules”) and the Guidelines for Compliance with CPD requirements, and ensure that proper attention is given to their participation in CPD activities throughout each CPD practice year.

### **HONOUR-BASED CPD SCHEME**

The CPD Scheme is an honour-based CPD Scheme.

Practitioners are required to register their attendance but they are not required to scan their Society membership card at the course venue. After completion of an accredited CPD course, a practitioner shall make a record of the CPD point(s) awarded to the course in his own training record provided that no CPD points should be claimed by him if he is absent from the course (excluding scheduled breaks) for more than 10 minutes for a course of less than 3 hours or for more than 30 minutes for a course of 3 hours or more.

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The Society does not keep records of individual practitioners' attendance at courses. All practitioners must keep their own training record for 2 CPD practice years and, where records involved CPD point(s) carried from previous CPD practice years, for those previous CPD practice years. The training record form can be downloaded from the Society's website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)

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## **MANDATORY CPD REQUIREMENTS**

### **Practitioners required to undertake CPD**

Since 1 January 2003, the CPD Scheme has applied to all trainee solicitors and to all solicitors with practising certificates.

Exemption from the CPD Scheme for very senior solicitors may be available upon certain conditions. Please refer to page 60 of this Information Package for details.

### **The CPD requirement**

A solicitor or a trainee solicitor must accumulate 15 CPD points in each CPD practice year.

However, a trainee solicitor must accumulate 30 CPD points by the end of his period of employment as a trainee solicitor and on a pro-rata basis in accordance with Table A and/or Table A1.

### **The CPD practice year**

A CPD practice year is a period of 12 months commencing on 1 November and ending on 31 October the following year.

### **The CPD requirement for solicitor-mediators**

Solicitors who have been admitted to the Panel(s) of General and/or Family Mediators and/or Family Mediation Supervisors of the Society can maintain their membership on the Panel(s) for a period of 4 years from the date of their admission to the relevant Panel(s). Membership on the Panels can be renewed, subject to, amongst other things, the Panel Member demonstrating to the Society's Mediator and Parenting Coordinator Admission Committee that he has undertaken the relevant CPD points or has been exempted from the CPD requirement as set out below:

- (a) A total of at least 20 CPD points in mediation training out of the annual CPD requirement of the solicitor-mediator.
- (b) The 20 CPD points on mediation training obtained during the 4 CPD years prior to renewal shall exclude the CPD points obtained from training course(s) that fulfilled the training requirements in Stage 1 (General and Family) and Stage 3 (Family) of the requirements to be an Admitted Mediator.
- (c) Exemptions from the CPD requirement in mediation training may be granted by the Mediator and Parenting Coordinator Admission Committee on a case-by-case basis where exceptional circumstances exist and where it is fair and reasonable to do so.

## The CPD requirement for trainee solicitors

A trainee solicitor is required to complete 15 CPD points during each CPD practice year (which commences on 1 November and ends on 31 October the following year).

### Commencement of a trainee solicitor contract after the commencement of a CPD practice year

Trainee solicitors are advised to note that when their trainee solicitor contract commences after the commencement of a CPD practice year, they will be required to complete their CPD requirement on a pro-rata basis.

Under those circumstances, the annual 15 CPD points requirement will be determined on a pro-rata basis in accordance with **Table A** below.

<b>Commencement date stated on trainee solicitor contract</b>	<b>Number of CPD points to be accumulated</b>
1 November to 15 November	15
16 November to 15 December	14
16 December to 15 January	12½
16 January to 15 February	11
16 February to 15 March	10
16 March to 15 April	9
16 April to 15 May	7½
16 May to 15 June	6
16 June to 15 July	0
16 July to 15 August	0
16 August to 31 August	0
1 September to 31 October	0

**Table A - Pro-rata requirement for trainee solicitors where they commence their trainee solicitor contract after the commencement of a CPD practice year**

There have been cases of misinterpretation of the CPD requirement for trainee solicitors where some trainee solicitors had completed 15 CPD points for the 12-month period starting from the commencement date of their trainee solicitor contract, instead of completing the requisite CPD points for the relevant CPD practice year in accordance with the pro-rata requirement listed in Table A above. Trainee solicitors are strongly advised to review Table A above to ascertain the number of CPD points they are required to accumulate in each CPD practice year.

**Example of the calculation of the pro-rata CPD requirement:**

A trainee solicitor commenced his trainee solicitor contract on 1 April 2015. His 2 year trainee solicitor contract will expire on 31 March 2017. He will need to accumulate **30 CPD points** by 31 March 2017.

CPD Requirement :	1.4.2015 - 31.10.2015 - 9 CPD points (Table A)
	1.11.2015 - 31.10.2016 - 15 CPD points
	1.11.2016 - 31.3.2017 - <u>6 CPD points</u>
	Total — 30 CPD points by the end of trainee solicitor contract

In the event of:

- (1) a suspension of the CPD requirement of a trainee solicitor;
- (2) a reduction of the term of a trainee solicitor contract; or
- (3) a time gap between two trainee solicitor contracts,

the annual 15 CPD points requirement will be determined on a pro-rata basis in accordance with **Table A1** below.

Actual duration in employment under a trainee solicitor contract in a CPD practice year	Number of CPD point(s) to be accumulated
0 – 15 days	0
16 – 45 days	1
46 – 75 days	2½
76 – 105 days	4
106 – 135 days	5
136 – 165 days	6
166 – 195 days	7½
196 – 225 days	9
226 – 255 days	10
256 – 285 days	11
286 – 315 days	12½
316 – 345 days	14
346 – 365 days	15

**Table A1 - Pro-rata requirement for trainee solicitors in special circumstances**

For trainee solicitors, the obligation to comply with the CPD requirement takes effect from the commencement date, not the registration date with the Society, of their trainee solicitor contract.

CPD activities undertaken prior to the end of the period of employment as a trainee solicitor including the time gap between two trainee solicitor contracts will be counted for CPD purposes.

## Commencement of practice as a solicitor after the commencement of a CPD practice year

Where a solicitor is issued with a practising certificate after the commencement of a CPD practice year, the annual 15 CPD points requirement will be pro-rated in accordance with **Table B** on page 7 of this Information Package.

For solicitors, the obligation to comply with the CPD requirement for a CPD practice year takes effect from the commencement date of the period of practice stated in their practising certificate, not the issue date, of their practising certificate.

<b>Commencement date stated on practising certificate</b>	<b>Number of CPD point(s) to be accumulated</b>
1 November to 15 November	15
16 November to 15 December	14
16 December to 15 January	12½
16 January to 15 February	11
16 February to 15 March	10
16 March to 15 April	9
16 April to 15 May	7½
16 May to 15 June	6
16 June to 15 July	5
16 July to 15 August	4
16 August to 31 August	2½
1 September to 31 October	0

**Table B - Pro-rata CPD requirement for solicitors**

## Claiming CPD point(s) before admission

Solicitors can claim CPD point(s) for the CPD activities undertaken between the time of lodging a current application for admission (Form 4 or Form 1C) with the Society and within 3 months after the date of admission provided that details of the CPD activities undertaken have been entered in the CPD training record. Any CPD points obtained after the expiry of 3 months after the date of admission and before the commencement date of the first practising certificate of a solicitor will not be counted towards satisfaction of the solicitor's CPD requirement.

## Carrying over excess CPD point(s) from one CPD practice year to another

Practitioners will be permitted to carry over a maximum of 10 CPD points accumulated in excess of the CPD requirement in one CPD practice year to the next immediately succeeding CPD practice year only.

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As an exception to the CPD policy, a practitioner who has completed all requisite modules of the RME core courses for principals within the practice year specified under rule 6 of the Legal Practitioners (Risk Management Education) Rules (“RME Rules”) will be permitted to carry over a maximum of 15 CPD points accumulated in excess of the CPD requirement in one CPD practice year to the next immediately succeeding CPD practice year.

Accordingly, if a practitioner has attended other CPD activities in addition to all requisite modules of the RME core courses for principals in one CPD practice year, he is permitted to carry over up to a maximum of 15 CPD points he obtained during the CPD practice year to the next immediately succeeding CPD practice year.

Out of the CPD points permitted to be carried over to satisfy the CPD requirement in the succeeding practice year, a maximum of 3 CPD points obtained from completion of RME electives may be utilised to satisfy the RME elective requirement for that succeeding practice year.

However, any excess CPD points accumulated during employment under the trainee solicitor contract cannot be carried over to the CPD practice year in which a trainee solicitor has been admitted as a solicitor.

**Example 1:** A partner completed all requisite modules of the RME core courses for principals in June 2015 and obtained a total of 24 CPD points. In addition, he accumulated 15 CPD points by attendance of a law course (not part of the Society’s RME Programme) during the 2014/2015 CPD practice year. In total, the partner obtained 39 CPD points for the 2014/2015 CPD practice year. Assuming that the partner’s CPD requirement for the 2014/2015 CPD practice year is 15 CPD points, after utilising 15 CPD points out of the 39 points to satisfy his CPD requirement for the 2014/2015 CPD practice year, he can carry forward a maximum of 15 CPD points (out of the balance of 24 CPD points) to the next CPD practice year of 2015/2016.

**Example 2:** A solicitor was required to accumulate 15 CPD points in the 2014/2015 CPD practice year. During the 2014/2015 CPD practice year, the solicitor did not undertake any RME courses. He accumulated 32 CPD points (i.e. 17 excess CPD points) and was thus permitted to carry over 10 CPD points to the next CPD practice year, thereby reducing the minimum CPD points which he is required to accumulate to fulfil his CPD requirement in the 2015/2016 CPD practice year ending 31 October 2016 to 5 CPD points.

## WAYS IN WHICH THE CPD REQUIREMENT MAY BE MET

Individual training needs vary and the CPD Scheme has been designed to reflect this by offering flexibility in the training activities which qualify for CPD point(s). To meet the CPD requirement, solicitors and trainee solicitors are free to choose activities relevant to their individual training needs.

There are various methods of satisfying the CPD requirement other than attendance at traditional lecture-based courses. The methods and the number of CPD point(s) accredited to each type of training activity are set out in the Guidelines below.

### **Guidelines for compliance with CPD requirements issued under Sections 2 and 5(3) of the CPD Rules**

#### **Preamble**

Members have a general responsibility to keep up to date with developments in the law and practice relating to their work. Over and above that general professional responsibility there are mandatory CPD requirements which are set out in the CPD Rules. Details of how these requirements may be satisfied are set out below.

The Society recognises certain activities as constituting formal continuing professional development. The Society encourages its members to undertake a wide range of activities and to regard acquisition of the prescribed 15 CPD points in each CPD practice year as only a minimum requirement.

#### **Criteria for accreditation of CPD activities**

1. The criteria are set out on pages 1 and 2 of this Information Package.
2. Approval should be obtained from the Society as to the suitability for accreditation of other activities. In such cases, the Society may request that a specific application for accreditation of such activity be made.
3. Except for Guideline 10 and for applications made under Guidelines 11, 12, 13, 15, 16 and 17 and in certain cases, Guideline 6, **all applications for CPD accreditation must be made before the date on which the course is held.** It is not possible to accredit CPD points after a course has taken place. (Please refer to page 64 of this Information Package.)

**Course standards and requirements**

4. Courses shall meet the following standards and requirements:
  - 4.1 “A course” means an education programme, seminar, workshop, lecture, conference, in-house group discussion, distance learning course, face-to-face training session held as part of a distance learning course (eg. summer schools, revision sessions), recorded online course, live webinar, and multi-media, audio-visual, audio or visual course;
  - 4.2 course leaders and lecturers must have the necessary practical and/or academic skills to conduct the course effectively. Experienced lawyers or other professionals must contribute to the development and/or teaching of the course;
  - 4.3 the method of presentation used must be appropriate to meet the aims and objectives of the course and, wherever possible and appropriate, should be varied and include participatory elements in order to encourage learning;
  - 4.4 before or at the course, each participant must be provided with written course materials of a quality and quantity which indicate that adequate time has been devoted to the preparation of the course and that it will be of value to the participants in the course of their practice;
  - 4.5 the course must be presented in a suitable setting conducive to a good educational experience. The course must be scheduled at a time and location so as to be free from interruption from telephone calls and other office matters. In the case of live webinar, the course may be conducted simultaneously with the speakers presenting from different time zones and locations and the participants participating from different locations but all webinars must be conducted from locations free from interruption and disturbance from telephone calls and other matters;
  - 4.6 the level of the course, the number of CPD point(s) accredited to the course and whether the course is substantially a repeat of a previous course must be noted in all promotional material;
  - 4.7 all courses must be evaluated by the participants attending the course in a manner which is approved by the Society;
  - 4.8 subject to paragraph 4.9 and except where provided to the contrary in these Guidelines, courses should be accredited with the number of CPD point(s) corresponding to the number of hour(s) of tuition scheduled, excluding tea, coffee, lunch and other breaks. Only full or half points may be accredited to any courses. CPD points should be rounded down to the nearest half point for courses which are not scheduled to last for an exact number of half or whole hours; and
  - 4.9 for the development of practical skills, courses requiring delegates’ active participation, for example, through workshops, will be more effective than traditional lecture based courses.

Where at least 1/3 of the tuition time is spent in such small group work, trainee solicitors and solicitors may add 25% to the actual time of the course. For example, a 4 hours' workshop comprising 2 hours of small group work qualifies for 1 additional CPD point giving a total of 5 CPD points.

- 4.10 subject to paragraph 4.11, a course must have a duration of at least one hour. Courses of only one hour must have no more than 10 minutes devoted to questions from the audience.
- 4.11 (a) a course of 30 minutes or more but less than 60 minutes is eligible for ½ CPD point provided that for any courses with a lecture format, at least 80% of the course must be devoted to lecture presentation.
- (b) a participant at a course referred to in sub-paragraph (a) hereof may claim ½ CPD point provided that he attends the entire course. No lateness is permitted.
- 4.12 Participation in, or attendance at a course, means attendance at the complete course, or a designated segment of the course which is discrete from the rest of the course and has been accredited on a segmented basis.

#### **Attending Live Webinars and Viewing Multi-media, Audio-visual, Audio, or Visual Courses**

5. 5.1 There is no cap of CPD points which may be acquired by attending live webinars
- 5.2 Live webinar means a web-based seminar conducted over the internet in “real time” during which participants can submit questions and comments, and speakers can interact with the participants and respond to them instantly.
- 5.3 In order for a practitioner to obtain CPD point(s) for courses referred to in Guideline 5, the course provider must, in addition to the usual accreditation requirements, provide the following to the Society:
- (i) a copy of the course materials at the Society's request;
  - (ii) access to the course on-line in order for the Society to monitor the course;
  - (iii) evidence that the course is “real time” and interactive; the interactive elements include but are not limited to question and answer session(s), group work, quizzes and exercises;
  - (iv) attendance records kept by the course provider demonstrating a participant has completed the course in full in the event of CPD audit. For the avoidance of doubt, the attendance policy set out in the Section “Attendance at Accredited CPD Courses” of this Information Package applies to courses referred to in this Guideline.

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- 5.4 Up to 15 CPD points of the annual CPD requirement may be fulfilled by viewing multi-media, audio-visual, audio or visual courses.
- 5.5 Multi-media, audio-visual, audio or visual courses must be conducted in “real time” and be interactive, and must be guided by a course instructor(s) or a qualified commentator(s).
- 5.6 In order for a practitioner to obtain CPD point(s) for viewing multi-media, audio-visual, audio or visual course referred to in this Guideline, in addition to the criteria set out in Guideline 5.3, the following requirements would also apply:
- (i) there must be an opportunity for participants to ask questions of the course instructor(s) and to engage in discussion.
  - (ii) if the course instructor(s) are not available, a qualified commentator must be available to offer comments, react instantly to participants’ questions and lead discussion during the course.
  - (iii) a course which only requires a participant to click through a series of slides will not qualify for CPD points. Reading and reviewing cases or articles does not qualify for CPD points.
  - (iv) a participant must attend the entire course or view all materials presented. This includes reading any accompanying materials and completing any accompanying group work, quizzes and exercises.

### **Overseas courses**

6. Overseas courses will be accredited under the following conditions:
- (a) in the normal course, in approved jurisdictions only;
  - (b) the overseas course provider being an academic institution or a professional body or any other body approved by the CPD Committee;
  - (c) (i) upon the overseas course provider submitting an application for accreditation and paying the requisite accreditation fee; or  
(ii) where it can be demonstrated that the overseas course provider will not, in the normal course, submit an application for accreditation of the course, upon an application for accreditation being made by the Hong Kong practitioner(s) seeking accreditation and upon payment by such Hong Kong practitioner(s) of the requisite accreditation fee;
  - (d) (i) upon production of sufficient documentation by the overseas course provider to enable the Hong Kong practitioner(s) to demonstrate compliance with the CPD Scheme in Hong Kong (i.e. a course attendance list setting out the time at which the practitioner(s) signed in and signed out the attendance at the course); or

- (ii) upon any Hong Kong practitioner who attended the overseas course filing with the Society by the end of the CPD practice year in which he attended the course, written confirmation that he attended the entire course, or, where he attended part of the course, written confirmation setting out which parts/sessions of the course he attended and the full attendance details for each part/session of his attendance; and
- (e) applications for accreditation under this Guideline should be made before the date of the course. However, where the Society is satisfied that exceptional circumstances exist, it may grant retrospective accreditation of an overseas course upon application being made by a practitioner (but not a course provider), provided that the applicant pays a late accreditation fee and submits the application to the Society not later than 30 days after the overseas course has been conducted. However, practitioners should hold no expectation that the submission of an application for retrospective accreditation will necessarily result in the course being accredited.

### **Recorded courses**

- 7. 7.1 A recorded course means a course which is recorded prior to its broadcast and is available online for participants to view and study at any time in accordance with the participants' own pace of learning.
- 7.2 Subject to paragraphs 7.3 and 7.4, up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking recorded courses accredited by the Society.
- 7.3 In order for a practitioner to obtain CPD point(s) for a recorded course referred to in this Guideline, the course provider must, in addition to the usual accreditation requirements, provide the following to the Society:
  - (i) a copy of the course materials;
  - (ii) access to the course on-line in order for the Society to monitor the course;
  - (iii) evidence that the course is interactive; the interactive elements include but are not limited to quizzes and exercises;
  - (iv) details of the technical support services available to participants; and
  - (v) attendance records kept by the course provider demonstrating a participant has completed the course in full.
- 7.4 A practitioner claiming CPD point(s) for attendance at a recorded course must produce to the Society a printed copy of a completion certificate as supporting evidence in the event of a CPD audit.

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### **Distance learning courses**

8. 8.1 “Distance learning course” means a course delivered by means of correspondence, online classes, video recordings, video conferencing or any other audio/visual technology medium.
- 8.2 Up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking distance learning courses approved by the Society where the course involves an examination or a written assignment assessed by the course provider or leads to a qualification recognised by the Society.

### **Law courses**

9. 9.1 “Law course” means a course related to legal practice approved by the Society which leads to a qualification recognised by the Society or a subject related to legal practice approved by the Society which forms part of a course that leads to a qualification recognised by the Society.
- 9.2 Up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking a law course on a part-time basis. Courses leading to a qualification include, for example, courses leading to a master degree, postgraduate diploma or specialised bachelor degree (e.g. Bachelor in Chinese Law). Subjects forming part of a course that leads to a qualification include, for example, a law module forming part of a master course on a discipline other than law.
- 9.3 Trainee solicitors and solicitors must apply to the Society for accreditation of any law courses and must provide such materials and information in support of the application as required by the Society.
- 9.4 The Society may publish a list of approved law courses which will be reviewed from time to time. Any courses may be removed from the approved list following such review.
- 9.5 CPD point(s) under this paragraph may be counted in each CPD practice year during which the course is undertaken, provided that in each CPD practice year the trainee solicitor or solicitor complies with the course attendance requirements, attends lectures and/or tutorials totalling in duration not less than the number of hours of CPD point(s) being claimed and provides evidence of such attendance as and if required by the Society.

### **Courses attended under the deemed accreditation system**

10. 10.1 Up to 3 CPD points of the annual requirement of 15 CPD points may be claimed by undertaking courses which fall within the accreditation criteria set out in paragraph 10.3 without an application for CPD accreditation.

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- 10.2 Where the annual CPD requirement is pro-rated in accordance with Table A on page 5, Table A1 on page 6, Table B on page 7, Table C on page 50, Table D on page 51 or Table E on page 51, up to 1/5 of the pro-rated CPD requirement rounded down to the nearest half point may be claimed by undertaking courses which fall within the accreditation criteria set out in paragraph 10.3 without an application for CPD accreditation.
- 10.3 The courses which are deemed accredited must be:
- (a) of significant intellectual or practical content and must deal primarily with matters related to the practitioner's practice of law, and
  - (b) conducted by persons who are qualified by practical, academic and/or professional experience in the subject covered, and
  - (c) that extends the solicitor's knowledge and/or skills in areas that are relevant to the practitioner's practice needs or professional development.
- 10.4 Courses which are deemed accredited should be accredited with the number of CPD points in accordance with Guidelines 4.8 to 4.12. As a general rule, 1 CPD point is awarded for each hour of the course.
- 10.5 Practitioners are required to state in the annual Statement of Compliance with CPD and RME Requirements the courses undertaken by them under the deemed accreditation system do comply with the accreditation criteria in paragraph 10.3.
- 10.6 Practitioners should keep documentary evidence of attendance including but not limited to course materials, in particular, materials proving the course fulfils the accreditation criteria and attendance certificate for at least 2 years after the end of the relevant CPD practice year for the inspection of the Society for audit purposes.

### Writing articles, books

11. 11.1 Up to 15 CPD points of the annual CPD requirement may be undertaken by writing law books, or articles in legal journals or legal articles in such other journals as approved by the Society.
- 11.2 Subject to paragraph 11.3, any CPD points claimed under paragraph 11.1 must be claimed in the CPD practice year in which the law book or the article is published.
- 11.3 The Society may in its discretion allow CPD point(s) to be claimed in the CPD practice year in which the article or law book was written, and prior to publication, provided that the Society is satisfied that there is sufficient written evidence that during that CPD practice year the publisher had approved that the article or law book be published in the next succeeding CPD practice year.

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- 11.4 The legal or other journal, which may be in an electronic format, must be approved by the Society.
- 11.5 The book or article should be on an area of substantive law or practice and procedure.
- 11.6 Subject to paragraph 11.7, 3 CPD points may be allocated for every 1,000 words (English or Chinese) published, or 1½ CPD points for such lesser number of words published as may be approved by the Society.
- 11.7 In the case of substantial revisions or updates of previous publications, the number of CPD point(s) to be allocated shall be determined by the Society.

### **Legal research**

- 12. 12.1 Subject to the Society's approval, up to 15 CPD points of the annual CPD requirement may be undertaken by conducting legal research which is of use beyond the particular case and results in the production of a precedent, practice note, other form of written guidance, or substantial written submissions on any public consultation document relevant to legal practice, that is generally available to the public or made available to solicitors and trainee solicitors in the researcher's firm.
- 12.2 The number of CPD point(s) to be allocated, if any, in any case shall be determined by the Society having regard to the quality of the results of the research, its availability to the public or to solicitors and trainee solicitors within the researcher's firm or organisation and the contemporaneous records maintained by the trainee solicitor or solicitor engaged in the research.

### **Dissertations**

- 13. 13.1 Up to 15 CPD points of the annual CPD requirement may be undertaken by production of a dissertation counting towards a qualification recognised by the Society.
- 13.2 1 CPD point may be allocated for every 1,000 words (English or Chinese) of such dissertation.

### **Preparation, presentation and facilitation of approved training courses**

- 14. 14.1 Up to 15 CPD points of the annual CPD requirement may be undertaken by *preparation* of oral or written material forming part of the formal instruction within approved training courses by a trainee solicitor or solicitor, whether or not he was involved in the presentation of the course. Contemporaneous working papers and the results achieved in relation to the preparation undertaken must be retained by the trainee solicitor or solicitor engaged in such preparation work.

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- 14.2 Actual time spent in the preparation work (as rounded up or down to the nearest half hour\*) may be counted provided that the number of CPD point(s) claimed by a trainee solicitor or solicitor for preparation for any one course may not exceed three times the actual time involved in presenting that part of the course for which the preparation was undertaken.
- 14.3 Up to 15 CPD points of the annual CPD requirement may be undertaken by *presentation of, or assisting in the presentation as a facilitator* in approved training courses. Twice the actual time involved in presenting or facilitating in a course or part of a course, as the case may be, may be counted (as rounded up or down to the nearest half hour\*).
- 14.4 Where a trainee solicitor or solicitor remains in attendance for the whole of the course in which he is involved in presenting or facilitating a part for which CPD point(s) may be allocated under paragraph 14.3, that trainee solicitor or solicitor may be allocated the full number of CPD point(s) available to participants attending that other part of the course in which that trainee solicitor or solicitor is not involved in the presentation or assisting in the presentation as a facilitator (rounded up or down to the nearest half hour).
- 14.5 “Approved training course” means a lecture or tutorial forming part of the LL.B., J.D., PCLL, CPE or CPEC courses at a Hong Kong university, a lecture or tutorial forming part of a law course accredited by the Society, preparatory courses for the Overseas Lawyers Qualification Examination accredited by the Society and an accredited CPD course.

\* blocks of 15 to 29 minutes may be rounded up to the nearest half hour

### Participation in committees/working parties/associations

15. 15.1 Up to 7 CPD points of the annual CPD requirement may be fulfilled by –
- (a) participation in the work of the Council of the Society;
  - (b) subject to the approval of the Society, participation in the work of
    - (i) the committees or working parties of the Society; and
    - (ii) such committees or associations as are approved (from time to time) by the Society,

which deal with issues of substantial significance in the practice of law; and such work being not limited to attendance at meetings of the approved committees, working parties or with third parties such as the Legislative Council, the Department of Justice or the Judiciary, but also work such as review of guidelines and legislation, and comments on consultation documents.

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- (c) participation as a member of the Legislative Council in the work of the Bills Committees involving scrutiny and approval of draft legislation; and
- (d) undertaking work as a member or Tribunal Convenor of the Solicitors Disciplinary Tribunal.

15.2 Solicitors and trainee solicitors may claim 1 CPD point for each hour engaged in such work. Half a CPD point may be claimed if the duration spent on such work is in excess of half an hour but less than an hour. Any amount of time spent on the work specified in paragraph 15.1 can be counted towards the 7 CPD points to be claimed in a CPD practice year.

The approved committees, working parties or associations are listed on pages 39 to 43 of this Information Package.

To apply for CPD accreditation, the committees or associations under paragraph 15.1(b)(ii) should submit an application to the Society for approval and provide the terms of reference of the committees or associations in support of the application.

### **Work as an external examiner/assessor/coach and participation as a judge in a moot court competition**

16. 16.1 Subject to approval by the Society, up to 7 CPD points of the annual CPD requirement may be fulfilled by:
- (a) undertaking work as an external examiner for the PCLL examination or the International Award Writing Examination of the Chartered Institute of Arbitrators, including work in preparing questions for such examination;
  - (b) undertaking work as an examiner for the Overseas Lawyers Qualification Examination, including work in preparing questions for such examination;
  - (c) undertaking work as an assessor for the LL.B. (Honours) Programme provided by City University of Hong Kong;
  - (d) undertaking work as an assessor/ adjudicator for the PCLL Advocacy Course provided by the University of Hong Kong, City University of Hong Kong or the Chinese University of Hong Kong;
  - (e) participation as a judge in a moot court competition organised by a university in Hong Kong;
  - (f) undertaking work as an examiner for the PCLL Advocacy Examination provided by the Chinese University of Hong Kong;

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- (g) undertaking work as an assessor for accreditation of mediators on the Panels of Mediators of Hong Kong Mediation Accreditation Association Ltd (“HKMAAL”); and
- (h) undertaking work as a coach in general mediation or family mediation courses approved by HKMAAL.

16.2 1 CPD point may be claimed for each period of 2 hours engaged in such work. Contemporaneous records in relation to the work undertaken must be retained as evidence in support of the number of CPD point(s) claimed.

### Participation in other legal training activities

17. 2 CPD points may be claimed for each completed Duty Lawyer Scheme orientation on the basis of a confirmation from the Duty Lawyer Service to the Society that a solicitor has successfully completed the orientation.

### Mediation Training

18. Solicitor-mediators seeking renewal of membership on the Panels of General and/or Family and/or Family Mediation Supervisors may fulfil their CPD requirement in mediation training by pursuing the following areas for study and/or training:

- Communication skills
- Negotiation
- Problem-solving
- Other mediation training (Family, Community, Environment, Cross-culture)
- Partnering/alliance-building
- Advanced mediation skills
- Other dispute resolution processes
- Conflict management/avoidance

Suggested areas for further study specifically for Admitted Family Mediators include:

- Domestic violence
- Child Abuse
- Child-care & child development
- Psychological process of separation and divorce
- Appropriate arrangements for custody, care, control and access
- Step-parenting/families
- Co-parenting
- Local policy in practices e.g. Housing, Insurance, Taxation & C.S.S.A
- Special knowledge in solving financial disputes

**Priority CPD areas**

19. Trainee solicitors and solicitors should take note of those areas of law and practice which the Society indicates are of particular current importance. Statements will appear in the Society's Circulars from time to time indicating any additional CPD point(s) which may be given to undertaking CPD in these priority areas.

**Double counting**

20. There shall be no double counting of CPD point(s) in respect of activities specified in these Guidelines. For example, a practitioner will not be allowed to claim CPD point(s) for both attendances at a law course and production of a dissertation in the same law course in the same CPD practice year. The practitioner will only be able to claim CPD point(s) under either one of the above CPD activities in respect of the same law course in the same CPD practice year.

For the avoidance of doubt, a practitioner is entitled to claim CPD point(s) for attending or presenting a CPD course irrespective of the number of times he has presented or attended the course. With respect to the preparation of materials, a practitioner is entitled to claim CPD point(s) for the actual time spent in preparing or updating the materials each time the course is held.

**Revocation or amendment of CPD point(s)**

21. The Society has a discretion to revoke or amend any determination or approval of CPD point(s) accredited to an activity under these Guidelines.

**Coaching**

22. 22.1 “Coaching” means a structured one-to-one training process conducted face-to-face internally in a law firm during which the coach assists an individual practitioner to achieve an enhancement of his legal knowledge and skills. Coaches must have a minimum of 5 years of post-admission experience in the practice of law and have the necessary practical and/or academic skills to assist the practitioners being coached to achieve the objectives set for the coaching sessions.
- 22.2 To qualify for CPD point(s), a coaching session must be of at least 30 minutes in duration and structured with written objectives and an outline of the session content. The activity should be at an appropriate level. It should be structured with the aim of advancing an individual practitioner’s general professional skills and knowledge and not a particular fee-earning matter.
- 22.3 The outcomes following each session must be properly documented. A written record of the objectives, the content outline and the outcomes of each coaching session and the date, the start time, the finish time and the venue with respect to the coaching session held must be retained by the coach and the practitioner being coached for verification by the Society of the CPD point(s) claimed.

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- 22.4 Up to 5 CPD points of the annual CPD requirement may be undertaken by participation in coaching sessions that qualify for CPD point(s) in accordance with the CPD Guidelines. The actual time engaged in each coaching session may be claimed by the coach and the practitioner being coached on the basis of  $\frac{1}{2}$  CPD point for each half-hour. Blocks of 15 to 29 minutes in excess of the minimum 30 minutes referred to in paragraph 22.2 may be rounded up to the nearest half-hour.

Where the Society's approval is required, applications for CPD point(s) should be made in writing and sent to the Assistant Director, Professional Development at 3/F., Wing On House, 71 Des Voeux Road Central, Hong Kong.

## APPROVED LEGAL JOURNALS

(Reference: Guideline 11 on page 15)

The CPD Accreditation Sub-Committee has approved the following as legal journals for the purpose of obtaining CPD point(s) pursuant to paragraph 11 of the CPD Guidelines:

1. Air Finance Annual
2. AmChat
3. Annual Review of Insurance and Reinsurance Law
4. Asia Insurance Review
5. Asia IP Bulletin
6. Asialaw
7. Asialaw Profiles
8. Asian-Mena Counsel
9. Asia Pacific Forum News
10. Asia Pacific IP Focus
11. Asia-Pacific Insurance & Reinsurance Bulletin
12. Asia Pacific Law Review
13. Asia Securitisation & Structured Finance Guide
14. Asian Counsel
15. Asian Dispute Review
16. Asian Financial Law Briefing
17. Asian IP
18. Asian Lawyer
19. Asian Legal Business
20. Banking Today
21. BLG Aerospace News
22. Bloomberg Law Report
23. Building and Enforcing Intellectual Property Value
24. Britain in Hong Kong
25. Capital Markets Law Journal
26. Carbon & Climate Law Review
27. CIPIC Journal Japan
28. China Business Law Journal
29. China Direct Investor
30. China Finance Manual
31. China Intellectual Property Focus 2013
32. China Law
33. China Law & Practice
34. China Law For Business
35. China Law Reference Service
36. China Legal Watch
37. China Notary
38. China Tax Review
39. China Staff
40. Clifford Chance Bi-monthly Email Update
41. Columbia Journal of Asia Law
42. Company Secretary
43. Company Secretaries Journal
44. Computer & Telecommunications Law Review

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45. Computer Law & Security Report
46. Copyright World
47. Corporate Counsel Asia Pacific
48. Corporate Governance
49. Derivatives Week
50. E-Commerce
51. Exporters Bulletin
52. Focus: Arbitration
53. Focus: Hong Kong-Commercial Litigation
54. Focus: Regulation and Compliance
55. Getting the Deal Through – Restructuring & Insolvency in 53 Jurisdictions Worldwide 2012
56. Global Counsel Handbooks – Dispute Resolution
57. Global IP Rights Management
58. Global Legal Group
59. Global Turnaround
60. Hebei Law Science
61. Hong Kong Law Journal
62. Hong Kong Lawyer
63. IBA International Litigation Newsletter
64. Insurance Day
65. Intellectual Asset Management Magazine
66. Intellectual Property Law in Asia
67. Intellectual Property Magazine
68. Intellectual Property Law Newsletter
69. International Arbitration
70. International Arbitration Law Review
71. International Co & Commercial Law Review
72. International Energy Law & Taxation Review
73. International Financial Law Review
74. International Mergers & Acquisitions Review
75. International Sales Newsletter of the International Bar Association Legal Practice Division
76. Internet Gambling Report V
77. Intellectual Asset Management Magazine
78. Intellectual Property in Asia
79. International Business Lawyer
80. International Internet Law Review
81. International Maritime Law
82. INSOL World
83. Insolvency & Restructuring
84. IP Profiles
85. IPASIA
86. IPBA Journal
87. Journal of International Arbitration
88. Journal of International Banking Law
89. Journal of International Dispute Settlement
90. Journal of the Shenzhen Maritime Shipping Association (2005 海峽兩岸暨香港航運物流研討會論文集)
91. Law Science Magazine
92. Legal Bulletin Corporate Finance

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93. Legal Week
94. Managing Intellectual Property
95. Mediation
96. Mergers & Acquisitions
97. Modern Law Science
98. Newsletter of Dental Association
99. Official Guide to Telecommunications in HK
100. PLC Magazine
101. Perspective
102. Preston Gates Guide to Telecommunications in Asia
103. Project Finance
104. Project Finance International
105. Project Finance Models for Greater China
106. Seaview
107. Singapore Law Society Gazette
108. Starting a Hedge Fund – An Asian Perspective
109. Studies in Law & Business
110. Technical Bulletin
111. The Asia-Pacific Restructuring & Insolvency Guide
112. The Asia Pacific Arbitration Review 2012
113. The Asian Leading Arbitrators' Guide to International Arbitration
114. The Chamber of Hong Kong Listed Companies Magazine - Momentum
115. The China Business Review
116. The Computer Law and Security Report
117. The Euromoney Syndicated Lending Handbook
118. The Expert
119. The Global Counsel Mergers and Acquisition Handbook
120. The Global Counsel Restructuring & Insolvency Handbook
121. The Guide to Capital Markets in Asia
122. The Hong Kong Accountant
123. The in-house Perspective
124. The Journal of The Hong Kong Institute of Chartered Secretaries
125. The Metropolitan Corporate Counsel Journal
126. The International Construction Law Review
127. The Journal of Business Law
128. The Patent Journal
129. The Tax Journal
130. Trademark World
131. Urban Planning & Environmental Law Quarterly
132. World Internet Law Report
133. World Leasing Yearbook
134. World Online Gambling Law Report
135. World Securities Law Report
136. World Trademark Law Report
137. World Trademark Review
138. Worldwide Intellectual Property Law

## APPROVED LAW COURSES

(Reference: Guideline 9 on page 14)

The CPD Accreditation Sub-Committee has approved certain LL.M. and other law courses undertaken on a part-time basis for the purposes of compliance with CPD requirements under the CPD Scheme.

A practitioner will receive up to 15 CPD points in the CPD practice year in which the approved law course is undertaken. This means that the practitioner is entitled to claim CPD point(s) even though he has not completed the approved law course in that CPD practice year.

Evidence of attendance includes a certificate of attendance issued by the relevant university or a confirmation letter issued by the Department Head of the relevant university confirming the number of hour(s) of the practitioner's attendance at the course.

Applications for accreditation of law courses should be addressed and forwarded to the Assistant Director, Professional Development together with supporting materials. The supporting materials should include the following:

- 1) **Course title**
- 2) **Duration (detailed schedule)**
- 3) **Course structure**
- 4) **Entry requirements**
- 5) **Means of Assessment**
- 6) **Award**
- 7) **Course brochure (if any)**

**Additional information may be requested by the Society.**

The law courses which have been approved are:

### **COURSES ORGANISED BY UNIVERSITIES IN HONG KONG**

#### **1. The Chinese University of Hong Kong**

- Certificate Program in Professional Accountancy (by the School of Continuing and Professional Studies)
- Law & Social Work (by the Department of Social Work)
- Master of Laws in Chinese Business Law
- Master of Laws in Common Law
- Master of Laws in International Economic Law
- Master of Laws (LLM) in Energy and Environmental Law
- Perspective on the Basic Law (by the Department of Government & Public Administration)
- Public Health Law

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### **2. City University of Hong Kong**

- Continuing Education Diploma in Property Management
- Law of Business Organisations, Corporate Insolvency, Meetings & Employment
- Master of Laws in Arbitration and Dispute Resolution
- Master of Arts in Language and Law
- Master of Arts in Language Studies (with specialization in Language & Law)
- Master of Laws in Chinese and Comparative Law (Regular mode)
- Master of Laws in Maritime and Transportation Law
- Master of Laws (Chinese & Comparative Law) (Fast-track mode)
- Master of Laws (Chinese and Comparative Law)
- Master of Laws (Common Law)
- Master of Laws (Intellectual Property and Technology Law)
- Master of Laws (International Business Law)
- Master of Laws (International Economic Law)
- Master of Laws (WTO and Law)
- Master of Laws (General)
- Master of Laws (Regular mode)
- Master of Laws (Fast-track mode)
- Postgraduate Diploma (Chinese Law)
- Postgraduate Diploma (International Economic Law)
- Postgraduate Certificate (Chinese Law)
- Postgraduate Certificate (International Economic Law)
- Taxation, one of the core courses of the Master of Arts in Professional Accounting and Information Systems
- The Postgraduate Certificate course in Professional Accounting
- Doctor of Juridical Science (JSD)

#### **City University of Hong Kong / Renmin University of China**

- Master of Laws

#### **SCOPE, City University of Hong Kong / Taxation Institute of Hong Kong**

- Continuing Education Certificate in Hong Kong Taxation
- Continuing Education Certification in Advanced Taxation
- Continuing Education Diploma in Advanced Taxation and Tax Planning
- Continuing Education Diploma in Tax Advisory

#### **SCOPE, City University of Hong Kong / University of Wolverhampton**

- Master of Laws in International Corporate and Finance Law
- Master of Laws (LL.M.) (Top-up Degree)

### **3. The Hong Kong Baptist University**

- Master of Science in Corporate Governance and Directorship

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### **4. The Hong Kong Polytechnic University**

- Master of Arts in Competition Law and Economics
- Postgraduate Diploma in Competition Law and Economics
- Postgraduate Certificate in Competition Law and Economics
- Postgraduate Diploma in Construction Law and Dispute Resolution
- Master of Science in Construction Law and Dispute Resolution
- Master of Corporate Governance
- Mergers & Acquisitions, a module of the Master of Corporate Finance
- Regulatory Framework & Compliance, a subject in the Master of / Postgraduate Diploma in Corporate Finance
- Revision Course for the PRC Certified Tax Accountant (by the China Business Centre)

### **5. The Hong Kong University of Science and Technology**

- Construction Engineering Management and Law course, part of the degree course of Bachelor of Engineering
- Civil Engineering Disputes (Law & Practice), one of the subjects in MSc/GD in Civil Infrastructural Engineering and Management

### **6. The University of Hong Kong**

- Current Topics in Actuarial Science, one of the electives in the Bachelor of Science Degree Programme in Actuarial Science
- Doctor of Legal Science
- E-Crimes: Prevention, Detection & Legal Sanctions, one of the electives in the Master of Science in Electronic Commerce and Internet Computing
- Graduate Diploma in China Business Law (by Poon Kam Kai Institute of Management and Faculty of Business & Economics)
- Internet & E-Commerce Security, one of the elective modules in the programme of MSc in Electronic Commerce and Internet Computing (*up to 7½ CPD points may be claimed by undertaking this course*)
- Legal Aspects of IT & E-Commerce, one of the electives in the Master of Science in Electronic Commerce and Internet Computing
- Master of Laws (Arbitration and Dispute Resolution)
- Master of Laws (Chinese Law)
- Master of Laws (Compliance and Regulations)
- Master of Laws (Corporate & Financial Law)
- Master of Laws (General Stream)
- Master of Laws (Human Rights)
- Master of Laws (Medical Ethics and Law)
- Master of Laws (Technology and Intellectual Property Law)
- Master of Social Sciences in Criminology
- Postgraduate Diploma in Commercial Law
- Postgraduate Diploma in Information Technology & Intellectual Property Law
- Postgraduate Diploma in Public Law
- Postgraduate Diploma in the Law of the People's Republic of China

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### **The University of Hong Kong / Duke University School of Law**

- 2016 Asia-American Institute in Transnational Law

### **SPACE, The University of Hong Kong**

- 2005 National Judicial Examination Preparatory Course-Enhancing Skills for Answering Examination Papers (*up to 8 CPD points may be claimed by undertaking this course*)
- Corporate Governance (a module in The Hong Kong Institute of Chartered Secretaries Examinations Preparatory Programme)
- Diploma in Hong Kong Trade Mark Law and Practice
- Executive Certificate in Anti-Money Laundering and Counter Terrorist Financing
- Executive Diploma/Certificate in Legal Risk for Enterprise Risk Management
- Executive Diploma in Asset Recovery Law, Receivable and Fraud Control Practice 行政人員文憑(資產追收法律、商賬及詐騙監控實務) and four modules:
  - Module 1: Asset Recovery Law and Anti-Fraud Investigations
  - Module 2: China Commercial Law: Liability Risk in Receivable Management
  - Module 3: Collection, Documentary Credits and International Trade Law
  - Module 4: Receivable Management and Financial Regulatory Compliance
- Examination Preparatory Course for the Advanced Diploma in International Taxation Programme (ADIT) – Chartered Institute of Taxation, UK (CIOT)
- High Impact Chinese Legal Writing
- Personal Data (Privacy Ordinance under Law) Public Sector Human Resource Management, a subject in the Postgraduate Certificate in Laws for Human Resource Managers (*up to 8 CPD points may be claimed by undertaking this course*)
- Property Laws, a subject in the Master of Housing Management (by Faculty of Social Sciences, the Centre of Urban Planning & Environmental Management)
- Postgraduate Diploma in Construction Law and Arbitration (*7½ CPD points per module*)
- Postgraduate Diploma/Certificate in China Business
- Postgraduate Diploma in Corporate Compliance
- Postgraduate Certificate in Corruption Studies
- Postgraduate Diploma in Family Mediation
- Postgraduate Diploma in Finance and Law
- Senior Executive Certificate in Institutional Integrity Management

### **SPACE, The University of Hong Kong / Queen Mary, University of London**

- Master of Science in e-Commerce Engineering with Law
- Master of Science in Telecommunication with Law

### **SPACE, The University of Hong Kong / The Manchester Metropolitan University**

- Bachelor of Laws
- LLM in Legal Practice

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### **SPACE, The University of Hong Kong / Tsinghua University**

- Second Bachelor Degree in Chinese Law (中國法學專業第二學士學位課程)
- Professional Certificate in Chinese Civil and Commercial Law (中國民商法專業課程進修結業證書)

### **SPACE, The University of Hong Kong (Built Environment Section) / The Accord Group, Australia**

- Postgraduate Diploma in Construction Law, Mediation & Arbitration

## **7. The Open University of Hong Kong**

- Master of Arts in Legal Translation
- Master of Corporate Governance

### **The Open University of Hong Kong (Li Ka Shing Institute of Professional and Continuing Education) / Nottingham Law School of The Nottingham Trent University, England**

- Bachelor (Hons) of Laws (LL.B.)

## **8. Hong Kong Shue Yan University, International Institute for Conflict Engagement & Resolution**

- Master of Mediation and Conflict Resolution

## **9. Hong Kong Shue Yan University / Peking University**

- Bachelor of Chinese Law
- Master of Chinese Civil Law
- Master of Chinese Economic Law
- Master of International Law
- Master of International Economic Law

## **10. Hong Kong Shue Yan University / China University of Political Science and Law, College of International Studies (中國政法大學港澳台教育中心)**

- China University of Political Science and Law (CUPL) LL.B Second Degree (中國政法大學法學第二學位)

## **11. Hong Kong Shue Yan University and China University of Political Science and Law (中國政法大學)**

- 國際法學專業碩士課程 – 國際經濟法方向

**COURSES ORGANISED BY UNIVERSITIES OUTSIDE HONG KONG**

**12. Katholieke Universiteit Leuven**

- Master of Laws (LL.M.)

**13. International Islamic University Malaysia / the Centre for Islamic Management Studies Pte. Ltd / Harun Hashim Law Centre / Ahmad Ibrahim Kulliyah of Laws**

- Diploma in Shari'ah Law and Practice

**14. London School of Economics**

- Executive LLM
- Diploma of Legal Studies
- Certificate of Legal Studies

**15. Monash University**

- Master of Laws in Intellectual Property

**16. Peking University**

- Doctorate of Laws

**17. Sun Yat-Sen University**

- Special Areas of Interest in Commercial Law in England & Hong Kong, one of the subjects of the Master of Laws

**18. The China University of Politics and Law**

- Doctorate of Laws

**19. The City Law School, City University London and Oxademy Graduate School UK**

- LLM in International Business Law

**20. The University of Aberdeen, Scotland**

- Ph.D. Degree in Law (part-time)

**21. The University of Bristol**

- Diploma Course on Intellectual Property Law and Practice
- Master of Laws by Advanced Study (LL.M. in Maritime Law)
- The Two-Week Residential Course in Intellectual Property Law (First part of the Diploma in Intellectual Property Law and Practice)

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**22. University of California Berkeley, USA**

- Master of Laws (LL.M.) Programme

**23. The University of Canberra (Division of Business, Law and Information Science)**

- Master of Laws
- Graduate Certificate of Legal Studies

**24. The University of Exeter**

- LL.M. in International Business Law

**25. The University of Melbourne**

- Master of Laws

**26. The University of Northumbria, Newcastle, United Kingdom**

- LL.M. in International Commercial Law
- LL.M. in International Trade Law

**27. The University of Reading**

- LL.M. in Construction Law

**28. The University of Southampton**

- Maritime Law Short Course
- Master of Laws (General Stream)
- Master of Laws (Commercial Law)
- Master of Laws (European Law)
- Master of Laws (International Law)
- Master of Laws (Maritime Law)

**29. The College of Adult Education of Shenzhen University**

(深圳大學成人教育學院)

- Diploma in China (Commercial) Law (中國法律(商法)文憑)

**30. Tsinghua University**

- LL.M. in Chinese Law

**COURSES ORGANISED BY PROFESSIONAL BODIES**

- 31. The Chartered Institute of Arbitrators, London**
  - Diploma in International Commercial Arbitration
  
- 32. The Chartered Institute of Arbitrator of East Asia, Singapore and Australia Branch**
  - Asia Pacific Diploma in International Commercial Arbitration
  
- 33. The Hong Kong Institute of Certified Public Accountants**
  - Professional Diploma in Insolvency
  
- 34. International Air Transport Association**
  - International Air Law Diploma

This list of approved courses will be reviewed from time to time and any courses may be removed from the approved list following such review. Members will be advised by Circular of any such decision.

## APPROVED DISTANCE LEARNING COURSES

(Reference: Guideline 8 on page14)

The CPD Accreditation Sub-Committee has approved certain distance learning courses for the purposes of compliance with CPD requirements under the CPD Scheme.

Practitioners undertaking the approved distance learning courses in **items 1 to 39** on pages 34 to 38 may claim:

- (i) 5 CPD points for every subject passed in the examination and up to 15 CPD points of the annual CPD requirement for the CPD practice year in which the examination result is released; **OR**
- (ii) up to 15 CPD points of the annual CPD requirement for the production of a dissertation for the CPD practice year in which the dissertation is submitted to the university (pursuant to Guideline 13.1 on page16); **OR**
- (iii) up to 15 CPD points of the annual CPD requirement in each CPD practice year for attending lectures / tutorials for the CPD practice year in which the lectures / tutorials are undertaken, provided that in each CPD practice year the practitioner:
  - complies with the course attendance requirement;
  - attends lectures and / or tutorials totalling in duration not less than the number of hours of CPD point(s) being claimed; and
  - provides evidence of such attendance as and if required by the Society.

Evidence of attendance includes a certificate of attendance issued by the relevant university or a confirmation letter issued by the Department Head of the relevant university confirming the number of hour(s) of the practitioner's attendance at the course.

On the basis that there shall be no double counting of CPD point(s), practitioners will only be allowed to claim CPD point(s) under (i) or (ii) or (iii) above in respect of an approved distance learning course.

Applications for accreditation of distance learning courses should be addressed and forwarded to the Assistant Director, Professional Development together with the supporting materials. The supporting materials should include the following:

- 1. Course title**
- 2. Duration (detailed schedule)**
- 3. Course structure**
- 4. Entry requirements**
- 5. Means of Assessment**
- 6. Award**
- 7. Course brochure (if any)**

**Additional information may be requested by the Society.**

## **The Law Society of Hong Kong**

The distance learning courses which have been approved are:

### **COURSES ORGANISED BY UNIVERSITIES**

#### **1. Australian National University**

- A compulsory subject “Legal Practice Experience” of a programme entitled “Graduate Diploma in Legal Practice (GDLP)”
- Master of Laws (Legal Practice)

#### **2. Curtin University of Technology, Perth, Australia**

- Taxation Law, one of the units in the Bachelor of Commerce (Commercial Law)

#### **3. College of Law, Australia**

- Graduate Diploma of Family Dispute Resolution Practice
- Modules in the Professional Legal Training Programmes
  - Professional Responsibility
  - Trust and Office Accounting

#### **4. Columbia Law School**

- Executive LL.M. in Global Business Law

#### **5. Dickson Poon School of Law, King’s College London**

- LL.M. in International Corporate and Commercial Law
- LL.M. in International Financial and Commercial Law
- Postgraduate Diploma in International Corporate and Commercial Law
- Postgraduate Certificate in International Corporate and Commercial Law

#### **6. Hong Kong Cyber U / The Hong Kong Polytechnic University / University of International Business and Economics, China**

- Professional Certificate in China Commercial Law (中國商業法律專業證書課程)

#### **7. London Metropolitan University & Lloyd’s Maritime Academy**

- Postgraduate Diploma in Maritime Law

#### **8. Manchester Business School & International Compliance Association**

- International Diploma in Compliance

#### **9. Massey University, New Zealand**

- Law of Business Organisation, one of the compulsory papers in the Bachelor of Accountancy

## **The Law Society of Hong Kong**

- 10. Michigan State University (Institute for Food Laws & Regulations and the College of Agricultural and Natural Resources)**
  - The International Food Law Certificate Program
- 11. Open Polytechnic of New Zealand**
  - Law of Business Organisation, one of the units in the Bachelor of Business
- 12. The City Law School, City University London**
  - LL.M. in International Business Law
- 13. The Deakin University**
  - Master of Business Administration (MBA)
  - Master of Business Administration with CPA Australia Programme (CPA MBA)
- 14. The Honorable Society of Law School of King's Inns**
  - Advanced Diploma in Data Protection Law
- 15. The London School of Economics and Political Science**
  - Master of Law
- 16. The Nottingham Law School**
  - LL.M. in Intellectual Property Litigation
- 17. The Open University of Hong Kong**
  - Master of Laws in Chinese Business Law (Business Applications)
  - 中國商法法律(商業應用)碩士課程
  - Master of Laws in PRC Law
  - Postgraduate Certificate in Commercial Law (PRC Law)
  - Postgraduate Certificate in Legal Studies (PRC Law)
- 18. The University of Cambridge (The Institute of Continuing Education)**
  - Postgraduate Diploma in Notarial Practice
- 19. The University of Hong Kong**
  - HKUx Introduction to Fintech MOOCC (Massive Open Online Course) on edX
- 20. The University of Law, UK**
  - Master of Science degree – Law, Governance, Risk and Compliance

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### **21. University of Dundee, UK**

- LL.M. in Mineral Law & Policy

### **22. University of Exeter (Law School)**

- MPhil/ PhD in Legal Practice

### **23. University of New England**

- Administrative Law (a Module of LL.B. Degree Programme)

### **24. University of Oxford**

- MSc in Taxation

### **25. The University of Leicester**

- LL.M. in Law & Employment Relations

### **26. The University of London**

- LL.M. (External Programme)
- Preparatory courses for the University of London External LL.M. provided by SPACE, the University of Hong Kong

### **27. The University of London (Queen Mary)**

- LL.M. and Postgraduate Diploma in Computer and Communications Law (by Distance Learning)

### **28. The University of London (the Centre of European Law, School of Law, King's College London) & Informa Professional Academy**

- Master in EU Competition Law
- Postgraduate Diploma in EU Competition Law

### **29. The University of Northumbria, Newcastle, United Kingdom**

- LL.M. in Advanced Commercial Property Law
- LL.M. in Advanced Legal Practice
- LL.M. in Claims and Risk Management in Health Care
- LL.M. in Commercial Law
- LL.M. in European Union Law
- LL.M. in International Commercial Law
- LL.M. in International Trade Law
- LL.M. in Medical Law

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- 30. The University of Reading (The College of Estate Management), United Kingdom**
  - Postgraduate Diploma in Arbitration
- 31. The University of Strathclyde, Scotland**
  - LL.M. in IT and Telecommunications Law
- 32. The University of the South Pacific, Emalus Campus (The School of Law)**
  - Master of Laws
- 33. The University of Wolverhampton**
  - LL.M. (External Programme)
- 34. The University of Wolverhampton / School of Continuing and Professional Education (SCOPE) of City University of Hong Kong**
  - Master of Laws

## **COURSES ORGANISED BY PROFESSIONAL BODIES**

- 35. The Chartered Alternative Investments Analyst Association, USA**
  - The Chartered Alternative Investments Analyst (CAIA) Programme
  - Level II Examination of the Chartered Alternative Investments Analyst (CAIA) Programme
- 36. International Bar Association and The College of Law of England and Wales**
  - International Practice Diploma
- 37. The Society of Trust & Estate Practitioners, The International Trust Companies Association and Central Law Training**
  - STEP Certificate in International Trust Management
  - STEP Diploma in International Trust Management

## **PREPARATORY COURSES FOR THE MAINLAND STATE JUDICIAL EXAMINATION (國家司法考試)**

### **(I) Approved Preparatory Courses:**

- 38. SPACE, The University of Hong Kong / Tsinghua University**
  - Preparatory courses for Mainland State Judicial Examination (國家司法考試) (subsequently known as “Training Course for Practising Law in China”)

**39. City University of Hong Kong**

- Advanced Training Programme for the Chinese National Judicial Examination (國家司法考試)

Up to 15 points of the annual CPD requirement may be counted in each CPD practice year during which the Approved Preparatory Courses for the Mainland State Judicial Examination are undertaken provided that the practitioner:

- complies with the course attendance requirement;
- attends lectures and / or tutorials totalling in duration not less than the number of hours of CPD point(s) being claimed; and
- provides evidence of such attendance as and if required by the Society.

**(II) Practitioners undertaking the Mainland State Judicial Examination may claim 15 CPD points for passing the examination for the CPD practice year in which the examination result is released.**

There shall be no double counting of CPD point(s). Practitioners will only be allowed to claim under either (I) or (II) above in respect of the same Examination.

This list of approved courses will be reviewed from time to time and any courses may be removed from the approved list following such review. Members will be advised by Circular of any such decision.

## APPROVED COMMITTEES/WORKING PARTIES/ASSOCIATIONS

(Reference: Guideline 15 on page 17)

### 1. Law Society Committees/Working Parties

#### **Council**

Legco Liaison Group  
Belt and Road Committee  
Hong Kong Solicitors Indemnity Fund Limited  
Honours Committee  
PIS Claims Committee  
PIS Investment Subcommittee  
PIS Panel Solicitors Selection Board  
Professional Indemnity Advisory Committee  
Working Party on Election System  
Working Party on PIS Gross Fee Income Reports and Contributions  
Working Party on Unregulated Legal Service Providers  
Working Party on YSG

#### **Practitioners Affairs**

Standing Committee on Practitioners Affairs  
Arbitration Committee  
Arbitrators Admission Sub-Committee  
Civil Litigation Committee  
Company Law Committee  
Competition Law Committee  
Constitutional Affairs and Human Rights Committee  
Criminal Law & Procedure Committee  
Employment Law Committee  
Family Law Committee  
Higher Rights of Audience Committee  
Insolvency Law Committee  
Insurance Law Committee  
Intellectual Property Committee  
Investment Products and Financial Services Committee  
Joint Standing Committee on Probate Practice  
Land Use Planning and Environmental Law Committee  
Legal Aid Committee  
Liaison Committee with CSD  
Liaison Committee with the Police  
Mediation Committee  
Mental Health Law Committee  
Personal Injuries Committee  
Probate Committee  
Property Committee  
Retirement Schemes Committee  
Revenue Law Committee  
Reverse Mortgage Committee  
Solicitor Advocates Interest Group

## **The Law Society of Hong Kong**

Transportation and Logistics Committee  
Working Party on Charities and Trust  
Working Party on Data Privacy and Records Management  
Working Party on Dreamvar's Case  
Working Party on Enduring Power of Attorney  
Working Party on Enforcement in Civil Proceedings  
Working Party on Interpreters  
Working Party on Review of Non-Consent Scheme Forms  
Working Party on Revised DMC Guidelines  
Working Party on Taxation in Civil Proceedings

### **Standards & Development**

Standing Committee on Standards and Development  
Anti-Money Laundering Committee  
Continuing Professional Development Committee  
CPD Accreditation Sub-committee  
OLQE Eligibility and Exemption Committee  
Guidance Committee  
Guidance Sub-committee to Review Rule 5AA of the Solicitors' Practice Rules  
Guide Working Party  
Legal Education Committee  
Mediator and Parenting Coordinator Admission Committee  
Overseas Lawyers Qualification Examination Committee  
Risk Management Education Committee  
RME Accreditation Sub-committee  
Solicitors' Accounts Rules Committee  
Trainee Solicitors Committee  
Working Party on Practice in Service Centres, at Home, in Domestic Premises or by Virtual Offices  
Working Party on Solicitor Corporation Rules  
Working Party on Solicitors' Practice Rules  
Working Party on the Practising Certificate (Special Conditions) Rules

### **Compliance**

Standing Committee on Compliance  
Consents Committee  
Investigation Committee  
Working Party to Review the Status of Compliance Letters and Delegation of Powers

### **External Affairs**

Standing Committee on External Affairs  
Australia Interest Group  
Belt and Road Conference Organising Committee  
Community Relations Committee  
Cross Strait Four Regions Young Lawyers Forum Organizing Committee  
Czech Interest Group  
Greater China Legal Affairs Committee  
International Legal Affairs Committee  
Japan Interest Group  
Law Week Organising Committee  
Mainland Interest Group  
Public Policy Committee

## The Law Society of Hong Kong

Teen Talk Organising Committee  
Working Group on Community Talks & Services  
Working Group on Law and New Generation Schools Talks  
Working Group on Legal Pioneer Mentorship Programme  
Working Group on Sing Tao Legal Mailbox

### **Policy & Resources**

Standing Committee on Policy and Resources  
Hong Kong Lawyer Editorial Board  
Working Party on Law Society IT Systems  
Working Party on Law Society Premises  
Working Party on Review of the Law Society's Memorandum and Articles of Association

### **Member Services**

Standing Committee on Member Services  
In-House Lawyers Committee  
Interest Group on Mergers and Acquisitions  
Islamic Finance Working Party  
Member Benefit Committee  
Practice Management Committee  
Pro Bono and Community Work Recognition Committee  
Pro Bono Committee  
Recreation and Sports Committee  
Technical Support Interest Group  
Innotech Committee  
Working Group on Insurance for Pro Bono Work  
Working Group on Pro Bono Project on Building Management Work  
Working Group on The Law Society's App  
Working Party on Historical Archive  
Working Group on Pro Bono Webpage  
Working Group on Seminars for Social Enterprises  
Working Party on SME Firms  
Young Solicitors' Group

## 2. **Other Approved Committees/Working Parties/Associations**

Advisory Group on Modernisation of Corporate Insolvency Law

Appeal Tribunal, Buildings Ordinance

Asian Patent Attorneys Association (HK Group)

- Anti-Counterfeiting Committee
- Copyright Committee
- Designs Committee
- Patents Committee
- Trade Marks Committee

Chief Justice's Working Party on Mediation

Council of the Licensing Executives Society of China, Hong Kong Sub-Chapter

## **The Law Society of Hong Kong**

Food and Health Bureau, the Government of HKSAR

- Fishermen Claims Appeal Board

Government's Standing Committee on Company Law Reform

Higher Rights Assessment Board

- Examining Panel

Hong Kong Admiralty Court Users' Committee

Hong Kong Corporate Counsel Association

- Executive Committee

Hong Kong Department of Justice

- Steering Committee on Mediation
- Accreditation Sub-committee of the Steering Committee on Mediation

Hong Kong International Arbitration Centre

- Appointments Committee
- Executive Committee
- Mediator Accreditation Committee
- Proceedings Committee

Hong Kong Maritime Law Association

- Executive Committee

Hong Kong Mediation Accreditation Association Limited (HKMAAL)

- Council
- Working Party on Membership
- Mediation Accreditation Committee

Hong Kong Society of Notaries

- Council
- Examination Committee
- External Affairs Committee
- Management Committee
- Standards and Development Committee
- Statutes and Constitution Committee

Independent Police Complaints Council

Land Registry Customer Liaison Group (Private Sector)

Land Titles Ordinance – Title Registration Education Committee

Land Titles Ordinance Review Committee

Land Titles Ordinance Steering Committee

Legal and Complaints Committee of the Equal Opportunities Commission

## **The Law Society of Hong Kong**

Office of the Secretary for Transport and Housing Government Secretariat

- Appeal Panel (Housing)

Secretary for Justice's Working Group on Mediation

- Accreditation and Training Sub-Group
- Public Education and Publicity Sub-Group
- Regulatory Framework Sub-Group

Security Bureau, The Government of the Hong Kong Special Administrative Region

- Appeal Board on Public Meetings and Procession
- HKSAR Passports Appeal Board
- Immigration Tribunal
- Registration of Persons Tribunal
- Torture Claims Appeal Board

The Association of China–Appointed Attesting Officers Limited

- Council
- Subcommittee on Administrative Affairs
- Subcommittee on Business Development
- Subcommittee on Disciplinary Affairs
- Subcommittee on External Affairs
- Subcommittee on Practice and Procedure

The Hong Kong Federation of Women Lawyers

- Securities and Finance Committee

The Hong Kong Institute of Trade Mark Practitioners Limited

- Council

The Interest Group of Legal Aid Services Council on Scope of Legal Aid

Working Group on Children in Family Proceedings

The Joint Tribunal of the Bar Council and the Law Society

The Law Reform Commission of Hong Kong

- Sub-Committee on Archives Law
- Sub-Committee on Access to Information
- Sub-Committee on Causing or Allowing the Death of a Child
- Sub-Committee on Periodical Payments for Future Pecuniary Loss in Personal Injury Cases
- Sub-Committee on Review of Sexual Offences
- Sub-Committee on Third Party Funding for Arbitration

The Travel Industry Council of Hong Kong

- Appeal Board

## **COACHING**

“Coaching” means a structured one-to-one training process conducted face-to-face internally in a law firm during which the coach assists an individual practitioner to achieve an enhancement of his general legal knowledge and skills (not to achieve an advancement of a fee-earning matter).

### **Criteria/Content**

Like any other CPD activities, the content of a coaching session must meet the criteria for accreditation of CPD activities.

Further, a coaching session must last for at least 30 minutes to qualify for CPD point(s).

To qualify to act as a coach, a practitioner must have a minimum of 5 years of post-admission experience in the practice of law and the necessary practical and/or academic skills to assist the practitioner being coached to achieve the objectives set for the coaching sessions.

### **Objectives**

A coaching session usually involves a more experienced practitioner of a law firm providing structured guidance and support to a junior practitioner of the same firm.

The coach and the practitioner being coached should first establish the objectives of the coaching session by identifying the training and development needs of the practitioner and determining which of those needs and how they will be addressed during the coaching session.

A coaching session may form part of a coaching programme which contains a series of coaching sessions, but each session should have its own objectives and should be clearly documented.

### **Outcome**

During each coaching session, the coach is expected to provide structured guidance and feedback with a view to assisting the practitioner being coached to achieve the objectives of the session. The practitioner being coached should record in writing the development outcome following each session for review by the coach.

## **Accreditation**

For a law firm which is an accredited course provider of CPD courses, no prior application for accreditation of a coaching session held internally within the firm is required.

Where a law firm is not an accredited course provider of CPD courses, prior application for accreditation of its coaching programme (at an application fee) is required. It is required to submit a detailed outline or plan for the coaching programme setting out:

- (a) the name of the coach
- (b) the professional qualifications and experience of the coach
- (c) the name of the practitioner being coached
- (d) the venue where the programme is to be held
- (e) the overall objectives of the programme
- (f) an outline of the programme
- (g) the proposed duration of the programme and the duration and frequency of individual sessions within the programme.

Any subsequent changes to any approved coaching plan should be notified to the Society.

## **Record**

A practitioner wishing to claim CPD point(s) for participation in a coaching session (which can either be self-accredited where the law firm is an accredited course provider or be accredited by prior application to the Society where the law firm is not an accredited course provider) is responsible for keeping his own record of the details of each session of the coaching programme for verification by the Society during audit. The details include:

- (a) the name of the coach
- (b) the professional qualifications and experience of the coach
- (c) the name of the practitioner being coached
- (d) the venue where the session is held
- (e) the duration of the session with the date, the start time and the finish time
- (f) the number of CPD point(s) claimed for the session
- (g) the objectives of the session
- (h) an outline of the content of the session
- (i) the development outcome of the session.

The record must be signed by the coach and the practitioner being coached.

## EXAMPLES OF COMPLIANCE WITH THE CPD REQUIREMENT

The examples below give an indication of the types of training activities which qualify for CPD points and the number of CPD point(s) that may be claimed from each type of training activities.

**Example 1:**

- 15 CPD points by attendance at accredited courses

**Example 2:**

- 10 CPD points by writing legal articles PLUS
- 5 CPD points by preparation of accredited course materials

**Example 3:**

- 8 CPD points by preparation of course materials PLUS
- 7 CPD points by presentation of accredited training courses

**Example 4:**

- 15 CPD points by undertaking a distance learning course (which involves an examination) leading to an LL.M.

### Preparation and presentation of approved training courses

**Example 5:**

Presenter A presents a lecture of 50 minutes at a 4 hour CPD course accredited with 4 CPD points. Her actual preparation time was 4 hours supported by contemporaneous working papers and results achieved.

CPD points may be awarded to Presenter A as follows:

Presentation time : 50 minutes = 1 hour (rounded up) = 2 CPD points

PLUS

Preparation time : 4 hours = 4 CPD points but subject to a maximum of 3  
CPD points = 3 CPD points

TOTAL : 5 CPD points

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### Example 6:

Presenter B presents a lecture of 1 hour 15 minutes at a 3 hour CPD course accredited with 3 CPD points. His actual preparation time was 5½ hours supported by contemporaneous working papers and results achieved.

CPD points may be awarded to Presenter B as follows:

Presentation time : 1¼ hours = 1½ hours (rounded up) = 3 CPD points  
PLUS  
Preparation time : 5½ hours = 5½ CPD points but subject to a maximum of  
4½ CPD points = 4½ CPD points  
TOTAL : 7½ CPD points

### Example 7:

- (a) Presenter C presents a lecture of 2 hours at a 3 hour CPD course accredited with 3 CPD points. His actual preparation time was 10 hours supported by contemporaneous working papers and results achieved.

CPD points may be awarded to Presenter C as follows:

Presentation time : 2 hours = 4 CPD points  
PLUS  
Preparation time : 10 hours = 10 CPD points but subject to a maximum of 6  
CPD points = 6 CPD points  
TOTAL : 10 CPD points

- (b) Presenter C remains in attendance for the entire 3 hours of the course (that is, one hour in addition to his actual presentation time). He is entitled to claim an additional 1 CPD point for his attendance bringing the number of CPD points which he may claim to 11 CPD points.

### Example 8:

A trainee solicitor assisted Presenter C in the preparation for the course by spending 7 hours of actual preparation supported by contemporaneous working papers and results achieved. He will be entitled to claim up to 6 CPD points for such preparation (that is, 3 times the actual presentation time (2 hours) of Presenter C).

## SUSPENSION OF THE CPD REQUIREMENT

### What is a suspension of the CPD requirement?

Solicitors who are holding current practising certificates but who are not in practice as a solicitor, and trainee solicitors who are employed as a trainee solicitor outside Hong Kong, for any period **not shorter than 70 days** may apply to suspend the CPD requirement for such period. During that period they are not required to undertake any CPD activities. Any CPD activity undertaken during the suspension period will not be counted for CPD purposes.

In order to apply for a suspension of the CPD requirement, the period of absence from practice in Hong Kong must relate to any one period running continuously for 70 days or more. An aggregate of various periods of absences during the year each lasting for less than 70 days but totaling 70 days or more will not entitle a solicitor or a trainee solicitor to a suspension.

### Who can suspend the CPD requirement?

The CPD Rules only apply to trainee solicitors and solicitors holding a current practising certificate. It is therefore unnecessary for solicitors to apply for a CPD suspension for the period during which they do not hold a practising certificate.

**Solicitors** must make an application to the Society to suspend the CPD requirement if they are:

1. **Not in practice as a solicitor.** This would apply, where, despite holding a current practising certificate, a solicitor:
  - (i) is unemployed
  - (ii) is on maternity leave, or
  - (iii) is not required to act as a solicitor.
2. **In practice outside Hong Kong.** This would apply where a solicitor is out of practice due to working abroad.
3. **Absent from work as a result of illness.** This would apply where the solicitor is absent from practice due to long term illness.

**Trainee solicitors** must make an application to the Society to suspend the CPD requirement if they are:

1. **Employed as a trainee solicitor outside Hong Kong.** This would apply only if it is for a period permitted by the Society.
2. **Absent from work as a result of illness.** This would apply where a trainee solicitor is absent from work due to long term illness.

## What must practitioners do in order to obtain a CPD suspension?

Practitioners must make an application to the Society for a suspension of their CPD requirement. Applications should be directed to the Assistant Director, Professional Development. The Society may require the practitioner to submit a statutory declaration in support of the application. When any suspension is granted, the Society will confirm the number of CPD point(s) outstanding for that CPD practice year at the date of CPD suspension.

It should be noted that if a practitioner:

- (a) Applies for and is granted a CPD suspension, any training undertaken during the suspension **will not** be counted towards the CPD requirement on return to practice or employment.
- (b) Does **not** apply for a suspension, he **may be required** to meet the CPD requirement in full for that period.

Practitioners should enter in their CPD training record the date that any CPD suspension was granted by the Society, the dates the CPD suspension commenced and concluded and the reason for the CPD suspension.

## Circumstances under which a CPD suspension granted may be void and/or ineffective

The CPD suspension granted to solicitors and trainee solicitors will become void and ineffective under the following circumstances:

- (a) where a solicitor or trainee solicitor has been granted a CPD suspension on the basis that the solicitor or trainee solicitor will be absent from practice or employment for 70 days or more; and the solicitor or trainee solicitor returns to practice or employment in Hong Kong before the expiry of the 70 days;
- (b) where a solicitor has been granted CPD suspension and during the CPD suspension, the practising certificate of the solicitor expires; the solicitor does not renew his practising certificate and the period commencing from the effective date of the CPD suspension to the date of expiry of the practising certificate of the solicitor is less than 70 days.

### Example 1

A solicitor was granted a CPD suspension effective from 5 February 2014 on the basis that he would be out of Hong Kong for more than 70 days from 5 February 2014. However, he resumed practice as a solicitor in Hong Kong on 1 April 2014. The CPD suspension granted to him became void and ineffective because there were less than 70 days between 5 February and 31 March 2014, the day prior to his resumption of practice.

### Example 2

A solicitor was granted a CPD suspension effective from 28 October 2014. He did not apply to renew his practising certificate when it expired on 31 December 2014. As solicitors are only subject to the CPD Rules if they hold a current practising certificate, and the solicitor has not held a practising certificate since 1 January 2015, the solicitor is not entitled to claim any CPD suspension from 1 January 2015. The CPD suspension granted to him from 28 October 2014 became void and ineffective as there were less than 70 days between 28 October and 31 December 2014, the expiry date of his 2014 practising certificate.

### The CPD requirement for practitioners returning to work

A practitioner's CPD requirement on return to work will depend on how many CPD point(s) he has accrued before the suspension began, how many CPD point(s) will be required after the resumption of work and whether any excess point(s) may be carried over.

### Determination of a practitioner's CPD requirement on return to work

A practitioner's CPD requirement will be determined by adding together a pro-rata of the annual CPD point(s) that were required to be undertaken up to the date of his CPD suspension (in accordance with **Table C** or **Table D** on pages 50 and 51 as the case may be), with a pro-rata of the annual CPD point(s) that will be required from the date of his return to practice or employment to the end of the CPD practice year (in accordance with **Table E** on page 51), taking into account any excess point(s) permissible.

**Table C** applies where a practitioner's CPD requirement arise from 1 November in the CPD practice year. However, where a practitioner comes within the ambit of the CPD Scheme after the commencement of the CPD practice year and is granted a suspension later in the same year, **Table D** applies.

Any enquiries should be directed to the Assistant Director, Professional Development on 2805-9105 or e-mail to [adpd@hklawsoc.org.hk](mailto:adpd@hklawsoc.org.hk)

Date of suspension	Number of CPD point(s) to be accumulated
1 November to 15 November	0
16 November to 15 December	1
16 December to 15 January	2½
16 January to 15 February	4
16 February to 15 March	5
16 March to 15 April	6
16 April to 15 May	7½
16 May to 15 June	9
16 June to 15 July	10
16 July to 15 August	11
16 August to 15 September	12½
16 September to 15 October	14
16 October to 31 October	15

**Table C**

<b>Actual duration in practice or employment under a trainee solicitor contract prior to suspension</b>	<b>Number of CPD point(s) to be accumulated</b>
0 – 15 days	0
16 – 45 days	1
46 – 75 days	2½
76 – 105 days	4
106 – 135 days	5
136 – 165 days	6
166 – 195 days	7½
196 – 225 days	9
226 – 255 days	10
256 – 285 days	11
286 – 315 days	12½
316 – 345 days	14
346 – 365 days	15

**Table D**

<b>Date of return to practice / resumption of training in Hong Kong under trainee solicitor contract</b>	<b>Number of CPD point(s) to be accumulated</b>
1 November to 15 November	15
16 November to 15 December	14
16 December to 15 January	12½
16 January to 15 February	11
16 February to 15 March	10
16 March to 15 April	9
16 April to 15 May	7½
16 May to 15 June	6
16 June to 15 July	5
16 July to 15 August	4
16 August to 15 September	2½
16 September to 15 October	1
16 October to 31 October	0

**Table E**

**Example 1:**

	<b>CPD requirement</b>
Commencement date of CPD suspension: 10 November 2014	0 CPD point
	+
Date of return to work: 20 April 2015	7½ CPD points
<b>CPD REQUIREMENT – 20.4.2015 to 31.10.2015</b>	<b>= 7½ CPD POINTS</b>

**Making up a shortfall in the CPD requirement at the date of CPD suspension**

A practitioner who has not undertaken all of his CPD requirement in the CPD practice year in which the suspension began must make up any shortfall on his return to work.

**Example 2:**

	<b>CPD requirement</b>	<b>Actual CPD points accrued</b>
Commencement date of CPD suspension: 18 December 2014	2½ CPD points	1 CPD point
Date of return to work: 6 March 2015	10 CPD points	
<b>Shortfall in CPD points at 18 December 2014:</b>	<b>1½ CPD points</b>	
<b>CPD REQUIREMENT - 6.3.2015 to 31.10.2015</b>	<b>= 12½ CPD points less 1 accrued CPD point</b>	
	<b>= 11½ CPD points</b>	

**Carrying over excess CPD point(s)**

1. A practitioner who ceases practice or employment in one CPD practice year and resumes practice or employment in the same CPD practice year, on return to practice or employment, will be allowed to carry over any excess CPD point(s) accumulated at the date of CPD suspension.

**Example 3:**

	<b>CPD requirement</b>	<b>Actual CPD points accrued</b>
Commencement date of CPD suspension: 10 December 2014	1 CPD point	4 CPD points
Date of return to work: 15 July 2015	5 CPD points	
<b>CPD REQUIREMENT - 1.11.2014 to 31.10.2015</b>	<b>= 6 CPD points</b>	
<b>Balance of CPD points required before 31.10.2015</b>	<b>= 2 CPD points</b>	

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2. A practitioner who ceases practice or employment in one CPD practice year and resumes practice or employment in another CPD practice year, on return to practice or employment, will be allowed to carry over excess CPD point(s) to a maximum of 10 CPD points from the CPD practice year in which the CPD suspension commenced (Year X) to the CPD practice year in which practice or employment is resumed (Year Y) **only if Year Y is the immediate succeeding CPD practice year following Year X.**

### Example 4:

	<b>CPD requirement</b>	<b>Actual CPD points accrued</b>
Commencement date of CPD suspension: 16 May 2013	9 CPD points	15 CPD points
<b>Excess CPD points at 16 May 2013:</b>	<b>6 CPD points</b>	
Date of return to work: 10 May 2015 (Not permitted to carry over the excess 6 CPD points)	7½ CPD points	
CPD REQUIREMENT - 10.05.2015 to 31.10.2015	= 7½ CPD points	

### Example 5:

		<b>CPD requirement</b>
Commencement date of first practising certificate:	1 January 2015	
Date of CPD suspension:	1 July 2015	7½ CPD points
Date of return to work:	12 September 2015	2½ CPD points
CPD REQUIREMENT for the CPD practice year ending 31 October 2015:		10 CPD points

## CPD TRAINING RECORD

**The Society does not keep records of individual practitioners' attendance at courses.** All practitioners subject to the CPD Scheme are required to maintain their own record of their training activities with sufficient details for verification purposes. A recommended CPD training record form can be downloaded from the Society's website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).

**The Society can request production of the training record at any time.**

Many firms keep duplicate training records. However, solicitors are reminded that the onus is on the individual to maintain the training record. Practitioners who are unable to produce the training record may be required to undertake the training again.

Practitioners should ensure that all the relevant details of all CPD courses or activities undertaken are entered onto the CPD training record.

**NOTE: CPD training records should be retained for at least two (2) CPD practice years after the period to which it relates. In any event, the CPD training record for the CPD practice year in which a practitioner last engaged in practice must also be retained as supporting evidence for his statement of CPD compliance should he later resume his practice and apply for renewal of his practising certificate. If any of the CPD points recorded in the training record involve CPD point(s) carried over from the preceding CPD practice years, the CPD training records for all relevant years should also be retained as supporting evidence for audit purposes.**

## ATTENDANCE AT ACCREDITED CPD COURSES

### Attendance policy

With effect from 1 November 2008, a practitioner should not claim any CPD points if he is absent from the course (excluding scheduled breaks) for more than 10 minutes for a course of less than 3 hours or for more than 30 minutes for a course of 3 hours or more in duration.

The following attendance policy applied until 31 October 2008:

- (a) For a course of less than 60 minutes in duration, any course participants who is absent for any period during the course, including late arrivals or early departures, will not receive any CPD points for that course.
- (b) For a course of 60 minutes or more in duration, a grace period of 10 minutes for either late arrival or early departure (but not both in the same course) will be permitted without deduction of any CPD points. Any course participant who is otherwise absent during the course apart from scheduled breaks will not receive any CPD points for that course.
- (c) For a course of 3 hours or more but less than 6 hours in duration,
  - (i) 1 CPD point will be deducted for any late arrival or early departure beyond the 10 minutes' grace period of up to 30 minutes from the commencement of the course;
  - (ii) any course participant who arrives late or leaves early for more than 30 minutes or who is otherwise absent during the course apart from scheduled breaks will not receive any CPD points for that course.
- (d) For a course of 6 hours or more in duration,
  - (i) 1 CPD point will be deducted for any late arrival or early departure beyond the 10 minutes' grace period of up to 30 minutes from the commencement or before the end of the course;
  - (ii) 2 CPD points will be deducted for any late arrival or early departure beyond the 10 minutes' grace period of more than 30 minutes and up to 60 minutes from the commencement or before the end of the course;
  - (iii) any course participant who arrives late or leaves early for more than 60 minutes or who is otherwise absent during the course apart from scheduled breaks will not receive any CPD points for that course.

Where a course participant both arrives late and leaves early in the same course, the grace period or partial award of CPD points will not apply. In such cases, no CPD points will be awarded for attendance at that course.

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Where courses last for more than one day and have been accredited as a whole (i.e. not on a segmented basis), the attendance policy will apply on a day-to-day basis.

When attending courses, practitioners should notify the provider that they will claim CPD points and should make sure that their attendance at the entire course is noted (e.g. by scanning membership cards where there is a computerised scanning system, or by signing in and signing out of the course where such a system is not implemented.)

## SEGMENTED ACCREDITATION OF CPD COURSES

Attendance at all segments and days (as the case may be) of a CPD course of one or more days in duration is necessary in order to obtain CPD point(s). No CPD points will be awarded for partial attendance, except in the circumstances outlined in the attendance policy and in this section.

Where courses last for more than one day and have been accredited as a whole (i.e. not on a segmented basis), the attendance policy will apply on a day-to-day basis.

Members are reminded to check with the course provider about the number of CPD point(s) that have been granted by the CPD Accreditation Sub-Committee to a course of one or more days in duration.

Accreditation of a programme on a segmented basis will be granted by the CPD Accreditation Sub-Committee only where it is appropriate to do so, that is, where the various sessions/segments of the course are discrete, and where segmented accreditation will not detract from the educational value of the course.

Where the course provider has applied successfully to the CPD Accreditation Sub-Committee for accreditation of individual segments or days of a course of one or more days in duration, solicitors and trainee solicitors attending an accredited segment(s) or day(s) of the course in full will be entitled to claim the CPD point(s) accredited to that segment(s) or day(s). Where solicitors and trainee solicitors attend a few segments, the duration of all the segments attended will be aggregated before the CPD points accredited are rounded down to the nearest half point.

### Claiming CPD points for attending a segmented course

A conference has been accredited on a segmented basis. The conference has 4 sessions.

<u>Sessions:</u>	<u>Duration:</u>
Session I	45 minutes
Session II	1 hour 45 minutes
Break	15 minutes
Session III	1 hour 30 minutes
Lunch	1 hour
Session IV	3 hours 15 minutes

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### Example 1:

A practitioner who has attended Sessions I, II, III and IV may claim the following:

Total duration of attendance:

45 minutes + 1 hour 45 minutes + 1 hour 30 minutes + 3 hours 15 minutes  
= 7 hours 15 minutes

Total number of CPD points obtained: 7 CPD points (rounded down to the nearest half point)

### Example 2:

A practitioner who has attended Sessions I and III may claim the following:

Total duration of attendance:

45 minutes + 1 hour 30 minutes = 2 hours 15 minutes

Total number of CPD points obtained: 2 CPD points (rounded down to the nearest half point)

Where courses have been accredited on a segmented basis, the attendance policies are:

- (a) a practitioner cannot claim any CPD points in respect of a segment of less than 3 hours where he is absent (excluding any scheduled breaks) from that segment for more than 10 minutes;
- (b) a practitioner cannot claim any CPD points in respect of a segment of 3 hours or more where he is absent (excluding any scheduled breaks) from that segment for more than 30 minutes.

### Example 3:

A practitioner who has attended Sessions I, II, III and IV but was late for Session I for 15 minutes, he is not eligible to claim any CPD point for Session I. He may claim the following CPD points for his attendance at Sessions II, III and IV only:

Total duration of attendance:

1 hour 45 minutes + 1 hour 30 minutes + 3 hours 15 minutes = 6 hours 30 minutes

Total number of CPD points obtained: 6.5 CPD points

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### Example 4:

A practitioner who has attended Sessions I, II, III and IV but was late for Session IV for 35 minutes, he is not eligible to claim any CPD point for Session IV. He may claim the following CPD points for his attendance at Sessions I, II and III only:

Total duration of attendance:

45 minutes + 1 hour 45 minutes + 1 hours 30 minutes = 4 hours

Total number of CPD points obtained: 4 CPD points

Any enquiries should be directed to the Assistant Director, Professional Development on 2805-9105 or e-mail to [adpd@hklawsoc.org.hk](mailto:adpd@hklawsoc.org.hk)

## EXEMPTION FROM THE CPD REQUIREMENT

As the CPD Scheme is an ongoing requirement for those practitioners coming within it, the system of exemptions that applied under the CLE Scheme (which had application to a limited category of practitioners and for only a limited period) has no relevance under the CPD Scheme.

The granting of exemptions from the operation of the CPD Scheme will be considered on a case-by-case basis only where exceptional circumstances exist. An exemption may be granted where it is fair and reasonable to do so.

Since 1 January 2003, the following exemption policy has been in force:

Upon an application being made to the Society, an exemption from compliance with the annual CPD requirement may be provided to a solicitor who meets all of the following criteria:

- (a) he has been in practice as a solicitor for a period of 40 years or more, or he is over 70 years old;
- (b) he gives an undertaking to the Society that he is not in active practice; and
- (c) he undertakes to notify the Society immediately if circumstances in relation to paragraph (b) change.

For the purposes of this policy only, a solicitor will not be regarded as being in “active practice” if the only activities that he engages in as a solicitor are:

- (1) administering oaths; and/or
- (2) taking affidavits or declarations; and/or
- (3) certifying documents.

Applications should be directed to the Assistant Director, Professional Development.

## MONITORING COMPLIANCE WITH THE MANDATORY CPD REQUIREMENT

1. A **solicitor** will be required, at the time of applying for renewal of his practising certificate (usually in November), to make a statement of compliance that he has complied with the CPD requirement for the preceding CPD practice year.

A **trainee solicitor** will be required to make a declaration in his Form 4 Application for a Certificate of Eligibility for Admission that he has complied with the requirement of the CPD Scheme.

A false or incorrect statement may constitute professional misconduct and may lead to disciplinary actions.

2. The Society may conduct random checks to ensure compliance with mandatory CPD requirements.

The Society may:

- request sight of a practitioner's CPD training record at any time;
- require a practitioner to produce such information relating to his participation in the CPD Scheme as may be specified; and
- require a practitioner to attend the Society in person and furnish such additional evidence as to participation in the CPD Scheme as may be required.

All practitioners must keep their CPD training record for 2 CPD practice years after the period to which it relates for auditing purposes. If the CPD points recorded involve CPD point(s) carried over from previous CPD practice years, the CPD training records for the relevant CPD practice years must also be retained as supporting evidence for audit purposes.

## **FAILURE TO COMPLY WITH THE CPD REQUIREMENT**

The Council has the power under section 6 of the Legal Practitioners Ordinance to refuse to issue a practising certificate to an applicant who has not complied with the CPD Rules, or to suspend or cancel the practising certificate of a solicitor.

The Council's policy in the event of failure to comply with the CPD requirement ascertained during:

### **General Audit:**

In the absence of acceptable mitigating factors, solicitors who did not acquire the necessary CPD points for the preceding CPD practice year shall, unless the outstanding CPD point(s) was subsequently acquired by a deadline specified by the Society, be subject to suspension or cancellation of their current practising certificate.

### **Practising Certificate Applications:**

1. In the absence of acceptable mitigating factors, the Council may refuse to issue a practising certificate to a solicitor who fails to acquire the necessary CPD point(s) by 15 December pursuant to its powers under section 6 (5)(d) of the Legal Practitioners Ordinance.
2. Applications for renewal of practising certificates by solicitors who had not acquired the necessary CPD point(s) by 31 October, but did acquire the necessary CPD point(s) by 15 December, will be processed in the usual way.
3. Failure by a solicitor to acquire the necessary CPD point(s) by the end of a CPD practice year may be referred to the Conduct Section of the Compliance Department of the Society for investigation.

### **Breaches of the CPD requirement**

Breaches of the CPD requirement are regarded by the Council as professional misconduct. Mitigating factors will be taken into account in assessing individual cases. Serious cases will be referred to a Disciplinary Tribunal. Sanctions by the Disciplinary Tribunal may involve imposition of a fine, censure, suspension or striking off of solicitors, and cancellation or suspension of a trainee solicitor contract.

### **Form 4 declaration of compliance by trainee solicitors**

In addition to complying with the requirement to acquire 15 CPD points (or a pro-rata as applicable) during a CPD practice year, a trainee solicitor is required to have accumulated 30 CPD points by the end of his period of employment as a trainee solicitor. Trainee solicitors must declare in the Form 4 Application for a Certificate of Eligibility for Admission that they have accumulated the number of CPD points that is required by section 5 of the CPD Rules to be accumulated by the end of their period of employment as a trainee solicitor.

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Any failure to comply with section 5 of the CPD Rules by trainee solicitors (including failure to comply with the pro-rata acquisition of CPD points during each CPD practice year of the trainee solicitor contract) may be referred to the Conduct Section of the Compliance Department of the Society for investigation.

## COURSE AND PROVIDER ACCREDITATION

### 1. Application

In order for a course to be awarded with CPD point(s), a separate application for accreditation of each course must be made by the provider of the course to the CPD Accreditation Sub-Committee. The application must be made on the Society's standard form and sent to the Assistant Director, Professional Development at least **4 weeks** before the scheduled date of the course. If the application is incomplete, accreditation may take 4 weeks from the date of submission of the complete application.

All changes to the information submitted to the Society in relation to an application for CPD course accreditation shall be notified to the Society as soon as the changes are made and in any event prior to the commencement of the course.

### 2. No Retrospective Accreditation

It is not possible to accredit CPD point(s) after any course has taken place. However, in exceptional circumstances, the Society may accredit an overseas course on a retrospective basis, subject to certain conditions. Please refer to Guideline 6 on page 12 and page 13 of this Information Package for details.

### 3. Documents and Information Required on Application for Course Accreditation

- (a) a **detailed outline** of what will be covered in the course and by whom;
- (b) a **programme** showing the sequence of speakers, the method(s) of teaching, e.g. lecture, participatory case study, role-play, discussion, question and answer, and the amount of time which each speaker will spend on each area;
- (c) an outline of the **course materials** which will be provided to participants; and
- (d) a brief up-to-date **resume** of each speaker's professional qualifications, legal background and any teaching experience which they each have.

### 4. Honour-based CPD Scheme

- (a) Course providers should note the Society's introduction of an honour-based CPD Scheme with effect from 1 November 2008 as set out on page 2 of this Information Package.
- (b) Under the honour-based CPD Scheme, the scanning system becomes optional. Unless the Society has made a specific request, course providers are no longer required to submit the attendance records of each accredited course to the Society within 7 days of the course.
- (c) Course providers are required to keep the attendance record **of an accredited CPD course for 4 CPD practice years from the end of the CPD practice year during which the course is held.**

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- (d) The attendance record kept by a course provider may be in any form as decided by the course provider on condition that it is sufficiently clear to support the entitlement to the number of CPD point(s) claimed by a participant for his attendance.
- (e) A participant shall not be entitled to claim any CPD point(s) if he is absent from the course (excluding scheduled breaks) for more than 10 minutes for a course of less than 3 hours or for more than 30 minutes for a course of 3 hours or more.
- (f) By way of reference, the Society as a course provider requires attendees to register their attendance upon arrival at the venue by production of their Law Society membership card or Hong Kong identity card. Attendees are no longer required to sign out at the end of the courses.
- (g) Course providers shall not be deemed to have failed to comply with their obligation to maintain attendance records merely by reason of the absence of any sign out record.

### 5. Administrative Matters

- (a) Course providers should note the attendance policy and policy on segmented accreditation of CPD courses contained in pages 55 to 59 of this Information Package.

The requirement for course providers to submit all computerised attendance records generated from a computerised scanning system in respect of an accredited course to the Assistant Director, Professional Development within **7 days** of the course in order for the participants to gain their CPD points applied until 31 October 2008. Upon the implementation of the honour-based CPD Scheme on 1 November 2008, the scanning system has become optional. Unless the Society has made a specific request, course providers are no longer required to submit the attendance records of each accredited course to the Society within 7 days of the course.

- (b) All accredited courses must be evaluated by participants attending the course in a manner approved by the Society.
- (c) Course providers shall promptly submit a full set of course materials to the Society upon request by the Society at any time after application for accreditation has been submitted or within a reasonable period after the course is held.

A summary of evaluation forms must be forwarded to the Assistant Director, Professional Development within 7 days of the course.

- (d) Course providers must carefully monitor the delivery of the course. If the course finishes more than 30 minutes before its scheduled finish time, ½ CPD point will be deducted for every half hour.

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By way of example, take the case of a course which started at 9:30 a.m., was scheduled to finish at 12:45 p.m. and was accredited with 3 CPD points:

- (i) If it finished at 12:30 p.m., i.e. 15 minutes before the scheduled finish time, no CPD points will be deducted. Participants who had not been late for more than 10 minutes and who stayed until the course ended at 12:30 p.m. would be awarded with 3 CPD points.
  - (ii) If it finished at 12 noon, i.e. 45 minutes before the scheduled finish time, on the basis of the shortened duration of the course, ½ CPD point will be deducted.
- (e) (i) Course providers are required to state clearly in their CPD course promotional materials:
- the course objectives;
  - the course coverage;
  - the intended learning outcomes;
  - the target audience and the level of prior knowledge / experience assumed; and
  - a description of the presenters' areas of practice.
- (ii) Course providers are required to ensure that presenters of the same course do communicate with each other to discuss how the course is to be conducted and that steps be taken to ensure that the course information on the promotional materials are accurate and reflect truly how the course is to be conducted.
- (f) A demerit points system is in place to promote quality control and efficient administration of CPD courses by accredited course providers. (Please refer to pages 68 to 69 of this Information Package for details.) The performance of course providers including any irregularities in the conduct of accredited courses will be taken into account when their accredited course provider status is reviewed annually.
- (g) A course number will be generated and given to a course provider once a course has been accredited with CPD point(s). Course providers should not assume that a course will be accredited with CPD point(s) unless and until they receive, from the Society, the respective course number and/or a confirmation of the number of CPD point(s) accredited to the course.

## 6. Prescribed Fee

A fee will be charged on course-by-course accreditation of CPD courses. The rates vary for commercial and non-commercial providers. Course providers may be requested to produce a copy of their constitutional document to confirm the applicable rate of prescribed fee.

## **7. Provider Accreditation**

The Society is also implementing an accreditation scheme for organisations. In order to be considered for Provider Accreditation, it will be necessary for an organisation to:

- (a) have established a suitable track record of
  - (i) obtaining individual course accreditation for CPD courses;
  - (ii) providing a reasonable number of accredited courses over a reasonable period (usually at least 10 hours of courses over 12 months); and
  - (iii) compliance with course-by-course accreditation criteria and conditions.
- (b) have a suitable training infrastructure; and
- (c) have a general favourable assessment of the accredited courses by the participants.

The number of courses held by an accredited course provider is a factor which will be taken into account when considering an application for renewal of its accredited course provider status. The general guideline is that an accredited course provider should hold at least 10 hours of courses in a CPD practice year.

## **8. Monitoring of Accredited Courses by the Society's Representatives**

Course providers shall permit any person nominated by the Society to attend any CPD courses free of charge for the purpose of monitoring the CPD course to ensure the course provider's compliance with the Guidelines and Rules as set out in this Information Package.

Any enquiries on course accreditation should be directed to the Assistant Director, Professional Development on 2805-9105 or e-mail to [adpd@hklawsoc.org.hk](mailto:adpd@hklawsoc.org.hk).

## DEMERIT POINTS SYSTEM

(Reference: Course and Provider Accreditation paragraph 5(f) on page66)

1. The Demerit Points System is aimed at promoting quality control and efficient administration of CPD courses by accredited course providers.
2. Failure to comply with the terms and conditions of CPD course provider accreditation will attract Demerit Point(s). A list of items together with the Demerit Point(s) that they attract are set out on page 69. The Society may include more items in the list from time to time.
3. Upon discovery of any alleged non-compliance, the Society will inform the course provider the number of Demerit Point(s) incurred by the course provider for that item together with the number of Demerit Point(s) the course provider has incurred within the 12 months preceding the date of notification. If the total number of Demerit Points reaches 5 or more, the accredited course provider status may be suspended for a period to be determined by the CPD Accreditation Sub-Committee. Any suspension shall not take effect until at least 3 months after written notification has been sent to the course provider. A suspension of the accredited course provider status has the effect that all applications for accreditation of courses during the period of suspension will have to be submitted on a course-by-course basis at least 4 weeks in advance of the scheduled date of the course together with all supporting documents and the prescribed fee.
4. All Demerit Points which result in a suspension of the accredited course provider status will be spent.
5. The Demerit Points System shall operate without prejudice to the general power of the CPD Accreditation Sub-Committee to take into account all irregularities when it reviews the accredited course provider status of an accredited course provider.
6. A course provider aggrieved by a decision of the CPD Accreditation Sub-Committee may apply in writing to the Standing Committee on Standards and Development for a review of the decision within one month of the date of notification of the decision.

## List of Irregularities

(Reference: Demerit Points System on page68)

Irregularities	Demerit Point(s)
Late submission of notification form, return form or evaluation summary to the Society - late for 14 days or less - late for more than 14 days	½ 1
Change of course particulars (including course title, date, time, venue and language stated on the application or notification form) without notifying the Society before the course	1
Change of course particulars which would have an impact on accreditation (including speakers, course duration and contents stated on the application or notification form) without notifying the Society before the course	1
Failure to submit return form or evaluation summary to the Society	1
Course duration shortened by over 20% of the scheduled duration	1
Failure to provide written course materials to participants	2

## CONTINUING PROFESSIONAL DEVELOPMENT RULES

[Made by the Council of the Law Society of Hong Kong under section 73 of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice]

### 1. Omitted

### 2. Interpretation and definitions

In these Rules, unless the context otherwise requires -

"continuing professional development" means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of solicitors, enhances professional competence and complies with guidance issued from time to time by the Society pursuant to section 5(3);

"CPD accreditation points" means the points credited to such a course, lecture, seminar or other programme or method of study under the Scheme;

"practice year" means a period of 12 months ending on 31 October each year in legal practice or in employment as a solicitor or in employment as a trainee solicitor;

"practising certificate" means a certificate issued by the Society under section 6 of the Ordinance;

"Scheme" means the Continuing Professional Development Scheme referred to in section 4;

"trainee solicitor" has the meaning assigned to it by rule 2 of the Trainee Solicitors Rules (Cap. 159 sub. leg.).

### 3. Application

- (1) These Rules shall apply to all trainee solicitors and -
  - (a) from 1 January 1998, to all solicitors holding a current practising certificate who were admitted after 31 December 1993;
  - (b) from 1 January 1999, to all solicitors holding a current practising certificate who were admitted after 31 December 1991;
  - (c) from 1 January 2000, to all solicitors holding a current practising certificate who were admitted after 31 December 1988;
  - (d) from 1 January 2001, to all solicitors holding a current practising certificate who were admitted after 31 December 1984;

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- (e) from 1 January 2002, to all solicitors holding a current practising certificate who were admitted after 31 December 1979;
- (f) from 1 January 2003, to all solicitors holding a current practising certificate.

(2) Where a solicitor to whom these Rules apply has been admitted to practise law in any other jurisdiction prior to his admission in Hong Kong, his admission date for the purposes of the application of these Rules under subsection (1) shall be the date of his admission to practise law in the jurisdiction immediately preceding his admission as a solicitor in Hong Kong.

### 4. Continuing Professional Development Scheme

The Society shall institute and organise, in accordance with these Rules, a system of continuing professional development for trainee solicitors and solicitors to be known as the Continuing Professional Development Scheme, and, without limiting the generality of the foregoing, may -

- (a) provide courses, lectures, seminars or other programmes of instruction;
- (b) subject to any conditions -
  - (i) authorise other persons or organisations to provide courses, lectures, seminars or other programmes of instruction;
  - (ii) approve courses, lectures, seminars or other programmes of instruction provided by other persons or organisations;
  - (iii) determine or approve the number of CPD accreditation points to be credited to each course, lecture, seminar, other programme or other method of study provided for under the Scheme;
  - (iv) authorise other persons or organisations to accredit the number of CPD accreditation points for a course, lecture, seminar or other programme or method of study provided for under the Scheme in accordance with the criteria and guidelines issued from time to time by the Society;
- (c) remove any authorisation or approval referred to in paragraph (b) (i), (ii) and (iv);
- (d) revoke or amend any CPD accreditation points accredited under paragraph (b) (iii); and
- (e) revoke any determination or approval referred to in paragraph (b) (iii).

**5. Continuing professional development requirements**

(1) Subject to subsection (2), a trainee solicitor and a solicitor to whom these Rules apply must accumulate 15 CPD accreditation points each practice year.

Provided that a trainee solicitor to whom these Rules apply must accumulate 30 CPD accreditation points by the end of his period of employment as a trainee solicitor.

(2) Where -

- (a) a trainee solicitor commences or resumes employment as a trainee solicitor; or
- (b) a solicitor commences or resumes legal practice or employment as a solicitor,

at any time after the commencement of a practice year, he must accumulate such CPD accreditation points as determined by the Society in accordance with guidance issued from time to time, but in any case, not more than 15 CPD accreditation points in relation to any practice year.

(3) The Society shall provide guidance from time to time as to -

- (a) the continuing professional development activities which may be undertaken by trainee solicitors and solicitors in order to comply with the continuing professional development requirements under subsections (1) and (2); and
- (b) the method of calculation of CPD accreditation points in relation to such activities.

**6. Obligation to keep record and duty to submit information**

(1) A trainee solicitor and a solicitor to whom these Rules apply must keep a record in a form approved by the Society of such continuing professional development undertaken to comply with these Rules and produce the record to the Society on demand.

(2) Subject to section 8, a trainee solicitor or a solicitor to whom these Rules apply shall submit to the Council such information relating to his participation in the Scheme within such period and in the manner as may be specified by the Council.

(3) The Council may, if it thinks fit, require a trainee solicitor or a solicitor to whom these Rules apply to attend before it and to furnish such additional evidence as to his participation in the Scheme as the Council may consider necessary.

**7. Continuing professional development undertaken pre-admission**

A solicitor who has undertaken continuing professional development prior to his admission shall be credited with the relevant number of CPD accreditation points for the purpose of section 5(1) or (2):

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Provided that at the time of undertaking the continuing professional development an application for admission in accordance with the Admission and Registration Rules (Cap. 159 sub. leg.) current at that time had been lodged with the Society and a record kept in accordance with section 6.

### **8. Exemption**

(1) The Society may, on the application in writing of a trainee solicitor or a solicitor, exempt the applicant from any or all of the requirements of the Scheme if the Society is satisfied that it is fair and reasonable to grant the exemption.

(2) Where exemption is granted under subsection (1), the Society may impose such conditions as it may consider necessary on the exemption.

### **9. Suspension**

(1) The Society shall, on the application in writing of a trainee solicitor, suspend for the period described in subsection (3) the application of these Rules in relation to the applicant, if he is, for any period not shorter than 70 days -

- (a) employed as a trainee solicitor outside Hong Kong for a period permitted by the Society; or
- (b) absent from employment as a trainee solicitor as a result of illness.

(2) The Society shall, on the application in writing of a solicitor to whom these Rules apply, suspend for the period described in subsection (3) the application of these Rules in relation to the applicant, if he is, for any period not shorter than 70 days -

- (a) not in practice as a solicitor; or
- (b) in practice as a solicitor outside Hong Kong; or
- (c) absent from work as a result of illness.

(3) The period of suspension referred to in subsections (1) and (2) shall be the period in respect of which the Society is satisfied under subsection (1) (a) or (b) or (2) (a), (b) or (c).

(4) The Society may require the applicant to make a statutory declaration of the facts upon which his application under subsection (1) or (2) is based.

### **10. Reporting**

(1) Any person or organisation providing courses under the Scheme must keep an attendance record for each accredited course of persons who have completed the course.

(2) Such record shall be kept in accordance with the guidelines issued by the Society as amended from time to time.

(3) The Society may require any person or organisation referred to in subsection  
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(1) to produce the record to the Society within 7 days of the completion of the course.

### **11. Review**

(1) A person aggrieved by a decision made by or on behalf of the Society in respect of the operation of the Scheme may apply in writing to the Council for a review of the decision within 1 month after being informed of the decision.

(2) The Council may consider the application and may confirm or vary the decision made by or on behalf of the Society.

### **12. Omitted**

### **13. Omitted**

### **14. Transitional**

(1) Notwithstanding the definition of “practice year” in section 2, the practice year for the period ending 31 October 2001 shall be the period between 1 January 2001 and 31 October 2001.

(2) Section 5 shall have effect in relation to the practice year in subsection (1) as if the reference in that section to 15 CPD accreditation points were a reference to 12½ CPD accreditation points.