

Chief Justice's Foreword

In a society governed by the rule of law, the administration of law assumes a singular importance in ensuring that the benefits of the law – both contents and spirit – are fully and properly enjoyed. Lawyers have a pivotal role in the administration of justice, a role that is defined by the fearless and independent defence of rights, not just for individual clients but also for the community as a whole. The public looks to lawyers to fulfil this role and it is one that requires a combination of competence, proper conduct and professional ethics. It is these three essential characteristics of legal professional practice that provide one of the most important empirical means of testing the strength of a territory's legal system and her administration. After all, paradoxically but critically, both the strongest and the weakest link in this system are the people who work within it.

This updated Guide to Professional Conduct is a publication that is essential to every solicitor's practice and its contents should of course be closely studied. It provides professional guidance that is not aspirational in nature; rather, the standards set out in this Guide are those that all solicitors are expected to achieve and adopt in practice as *minimum requirements* of professional conduct. This is what the public expects. And, similar to the application of laws, the spirit of the Guide is just as important as its letter. This is recognised by the Guide itself: it makes a significant point that some ethical standards and obligations are higher than even the requirements of the law.

The Guide sets out to be as comprehensive as possible and indeed, a lot of ground has been covered. Much work has been put into updating this important publication. I hope every solicitor will recognise that this has been an effort well worth embarking on and I congratulate all those who have made a contribution. Without doubt it reinforces the confidence that members of the public place in Hong Kong's legal system. Our legal system remains one of the most important edifices that make up modern Hong Kong, some even say perhaps the most important.

Geoffrey Ma
Chief Justice

President's Foreword

We take pride in being lawyers because we play an important role in society which distinguishes our profession from others - we help others realise and take advantage of their rights, promote the rule of law, enhance easy access to justice for all and participate actively in the fair administration of justice. In short, we form the backbone of the legal system which affects almost every aspect of our society.

The practice of law is an honourable profession which demands high ethical standards and a commitment above all to justice, integrity and the rule of law. Our precious heritage of the profession's core principles and values places a heavy responsibility on us to maintain and safeguard them in a way that measures up to the forebearers of our legacy and to the expectation of future successors.

A solicitor is constantly confronted by difficult ethical issues in daily practice. His or her ability to resist improper pressure and maintain independence requires strong determination to stand firm in safeguarding our ethical standards from erosion.

The Hong Kong Solicitors' Guide to Professional Conduct Volume 1 sets out the basic principles governing the practice of solicitors. It has been very helpful to members of our profession as a user friendly guide and reminder on what minimum ethical standards are expected of us. It was first published in 1995 and the second edition in 1998. The development of the profession in Hong Kong since then has necessitated a major task to review and revise the publication to reflect up to date practice issues.

On behalf of the Law Society, I extend my deepest gratitude to all those involved in the production of the third edition of the Guide and in particular to members, past and present, of the Guide Working Party – the Chairman Amirali Nasir, Stephanie Cheung, Richard Cullen, Joseph Li, Patrick Moss, Michael Wilkinson, Michael Lintern-Smith, Alex Lai and Michael Sandor for their tireless efforts in completing this important task.

Ambrose Lam
President

The Guide Working Party's Foreword

This 3rd Edition to The Hong Kong Solicitors' Guide to Professional Conduct (Volume 1) sets out 14 fundamental pillars of professional conduct, which have been revised by the Guide Working Party and approved by the Council of the Law Society.

The Principles of professional conduct define the legal profession as a body of persons committed to adherence to a code of conduct as the foundation of being an honourable profession.

The Principles of professional conduct ensure the independence and integrity of the legal profession as well as protection of clients' interests and the public.

The Principles of professional conduct mould the provision of legal services, representation before courts and Tribunals, and solicitors' interactions with other solicitors, as well as with other professionals and third parties.

Some of these Principles are advisory whilst others are mandatory. The distinction arises from the need to balance the conflicting interests in the protection of the public, freedom of solicitors to practise and the maintenance of the rule of law and the administration of justice. The public interest is, of course, paramount.

The Current and Past members of the Guide Working Party:

Amirali B. Nasir	(Council Member and Chairman)
Stephanie S. Y. Cheung	(Current Member)
Richard Cullen	(Current Member)
Joseph C. W. Li	(Council Member and Current Member)
Patrick R. Moss	(Current Member)
Michael Wilkinson	(Current Member)
Michael J. Lintern-Smith	(Past President, Council Member and Past Member)
Alex T. H. Lai	(Past Council Member and Past Member)
Michael Sandor	(Past Member)