

Standing Committee on Standards and Development

The Standing Committee convened on ten occasions to oversee the activities of the Department of Standards and Development and to consider recommendations from the committees and working parties under its umbrella, including proposed amendments to the *Legal Practitioners Ordinance*, subsidiary legislation, The Law Society's *Practice Directions*, Information Packages and *The Hong Kong Solicitors' Guide to Professional Conduct Volume 1* ("Guide").

LEGISLATIVE AMENDMENTS

The following amendments which had been reviewed by the Standing Committee came into effect during the year:

Practice Directions

Practice Direction D.7

A waiver provision relating to the requirements on cessation of practice was added in October. The Council may, in a particular case, waive in writing any provision of the *Practice Direction*, subject to such conditions as it may impose.

Practice Directions D.2(3)(c)(ii), D.2(3)(c)(v), D.8(2)(c)(ii) and D.8(2)(c)(v)

Editorial amendments were made following the change of names of "Hong Kong Society of Accountants" and "Hong Kong Institute of Company Secretaries" to "Hong Kong Institute of Certified Public Accountants" and "Hong Kong Institute of Chartered Secretaries" respectively.

PROPOSED LEGISLATIVE AMENDMENTS

The following proposals on legislative amendments were considered by the Standing Committee:

Overseas Lawyers (Qualification for Admission) Rules

In addition to the proposed amendments to the *Overseas Lawyers (Qualification for Admission) Rules* made on the basis of the endorsed recommendations of the Working Party on the Review of the *Overseas Lawyers Qualification Examination*, the Foreign Lawyers Committee proposed the following amendments which were endorsed by the Standing Committee and the Council:

- (a) Non-common law applicants who were not eligible to sit the *Overseas Lawyers Qualification Examination* under rule 5(1) because of a lack of five-year experience and who then chose to complete the *Postgraduate Certificate in Laws* to seek admission in Hong Kong should also be required to complete a two-year trainee solicitor contract in accordance with the *Trainee Solicitors Rules*;
- (b) Appropriate transitional arrangement should be provided for the applicants who had acted in accordance with rule 5(2) when the amendments become effective;
- (c) The current policy that applicants are allowed to resit the subject(s) that they have failed up to a maximum of three times should be incorporated in the Rules.

Approval in principle of the proposed amendments is being sought from the Chief Justice.

Solicitors' Practice Rules

The Working Party to Review Subsidiary Legislation had conducted a review of the *Solicitors' Practice Rules* and recommended some changes. The following major proposals were endorsed by the Standing Committee and the Council:

- (a) Name of firm

It was proposed that if a firm wanted to adopt a name other than one that consisted solely of the names of its partners or one that was allowed under the existing rules, it could apply to the Council for prior approval and the Council might approve or reject the application based on a set of criteria incorporated in the proposed amendments.

Further, it was proposed that if the name or description of a firm did not include the expression "Solicitors", it should be accompanied by the expression "regulated by The Law Society of Hong Kong" on its business letters.

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(b) Electronic communications

It was proposed that with the increasing reliance on electronic communications, the letterhead requirements be extended to cover them and specific requirements on e-mail communications issued in the course of professional practice be set out in the Rules.

(c) Business cards

It was proposed that law firms be expressly required to ensure that the business cards of their solicitors and staff comply with the *Solicitors' Practice Promotion Code*.

(d) Fee cutting

It was proposed that rule 3 on fee cutting be repealed on the basis that it is outdated.

(e) Profit sharing

It was proposed that a solicitor be allowed to share fees and profits with a practising foreign lawyer in Hong Kong, a qualified legal practitioner practising in a foreign jurisdiction or an incorporated legal practice in a foreign jurisdiction provided that the jurisdiction has been approved by The Law Society.

(f) Prior notification

To enable The Law Society to keep a complete record of the law firms in practice, it was proposed that a firm intending to commence practice be required to notify The Law Society in writing the name of the firm, the names of all principals and the intended date of commencement of practice not less than seven days before the intended date of commencement of practice.

(g) Instructions on criminal matters

It was proposed to extend the scope of rule 5D to cover instructions received from third parties and to extend

the period to complete the steps required in rule 5D(1)(a) to 14 days. Further, it was proposed that a solicitor be required to obtain his client's written confirmation on the instructions letter notwithstanding that the instructions might be given by a third party.

The proposal would not apply to *Duty Lawyer Service* or Legal Aid cases.

(h) Cessation of practice

It was proposed that the provisions of *Practice Direction D.7* in relation to cessation of practice be incorporated in the Rules.

The Standing Committee also endorsed the recommendation of the Guidance Committee to Review Rule 5AA of the Solicitors' Practice Rules with respect to the practice of a sole practitioner. To ensure that there would be someone suitably qualified to properly manage the practice of a sole practitioner upon his death, it was proposed that the requirement on and criteria for the nomination of a solicitor-manager, his powers and duties be set out in the Rules. Further, it was proposed that the sole practitioner be required to maintain a policy of insurance to indemnify The Law Society's fees and expenses in connection with the work of the solicitor-manager.

Approval in principle of the above proposed amendments to the *Solicitors' Practice Rules* is being sought from the Chief Justice.

Practice Direction D.5(4) and rule 7(4) of the Foreign Lawyers Practice Rules

The Standing Committee also considered and endorsed the proposal by the Guidance Committee to clarify the requirement in *Practice Direction D.5(4)* and rule 7(4) of the *Foreign Lawyers Practice Rules*. Signs must be displayed at the main entrance of the office premises of a law firm where the law firm shares a building with another business or where there are shared common areas. A directory at the lobby of the building is not sufficient.

In January 2007, the Chief Justice granted his approval in principle to the proposed amendments to rule 7(4) of the *Foreign Lawyers Practice Rules*. As soon as the drafting of the proposed amendments to the Rules by the Department of Justice is completed, steps will be taken to effect the relevant amendments applicable to Hong Kong solicitors in *Practice Direction D.5(4)* at the same time.

Legal Practitioners (Risk Management Education) Rules

The Standing Committee endorsed the proposal by the Risk Management Education Committee to amend the *Legal Practitioners (Risk Management Education) Rules* in connection with the obligation to complete elective courses.

The proposal was to expand the scope of elective activities under the *Risk Management Education Programme* to include activities other than course attendance so as to enable solicitors to comply with the elective obligation in a more flexible manner.

Approval in principle of the proposed amendments is being sought from the Chief Justice.

Solicitors (Trade Marks and Patents) Costs Rules

The Standing Committee endorsed the proposal by the Working Party to Review Subsidiary Legislation to repeal the *Solicitors (Trade Marks and Patents) Costs Rules* on the basis that the Rules have become obsolete with the coming into operation of the *Trade Marks Ordinance* in April 2003. The Law Society has also issued a circular (03-148) setting out the recommended fee guide on trade mark matters. The Costs Committee has no objection to the proposed repeal of the Rules. Approval in principle of the proposal is being sought from the Chief Justice.

Solicitors (General) Costs Rules

Another proposal by the Working Party to Review Subsidiary Legislation was to amend paragraph 1 of the Third Schedule to the *Solicitors (General) Costs Rules*. The Working Party's recommendations were to repeal the obsolete provision relating to the copying charges of typed copy, printed, stencilled or carbon copy and to introduce new provisions

on laser printing, scanning charges and colour photocopying. Approval in principle of the proposed amendments is being sought from the Chief Justice.

Summary Disposal of Complaints (Solicitors) Rules

With the introduction of the *Risk Management Education Programme*, it was proposed that the relevant obligations under the *Legal Practitioners (Risk Management Education) Rules*, namely rules 5(1), 6(1) and 7(2), be enlisted as scheduled items in the *Summary Disposal of Complaints (Solicitors) Rules*. Approval in principle of the proposed amendments is being sought from the Chief Justice.

OTHER MATTERS

Apart from reviewing proposed legislative amendments and making recommendations to the Council as appropriate, the work of the Standing Committee also covered the following:

- (a) reviewing specific issues on legal education including the PCLL training to be offered by the Chinese University, the PCLL assessment regime, the duration of the LLB programme having regard to the introduction of the New Academic Structure for Senior Secondary Education and Higher Education, the recognition of the *Higher Diploma Courses in Legal and Administrative Studies* conducted by the Hong Kong Institute of Vocational Education (Tuen Mun) ("IVE") enabling their graduates to describe themselves as "Legal Executives" in Hong Kong law firms;
- (b) making recommendations on the appointment of Chief Examiner and External Examiners for PCLL, representatives on the PCLL Academic Boards and External Examiners for the legal executive courses by IVE;
- (c) overseeing the administration of the *Continuing Professional Development Scheme*, the *Risk Management Education Scheme*, the *Mediator Accreditation Scheme* and the *Overseas Lawyers Qualification Examination* and considering specific

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issues that were referred to it by the relevant Committees.

Members of the Standing Committee:

Lester G. HUANG (*Chairman*)
Joseph C.W. LI (*Vice-Chairman*)
Denis G. BROCK (resigned as Vice-Chairman in March)
Victor K.S. CHIU
Gerard W.H. CHUNG
Junius K.Y. HO
James E. JAMISON
Andrew JEFFRIES
Susan P.S.K. LIANG
Sylvia W.Y. SIU
Shane F. WEIR
Cecilia K.W. WONG
Dieter L.T. YIH

Secretary: Director of Standards & Development

ANTI - MONEY LAUNDERING COMMITTEE

The Committee has been actively engaged in considering new guidelines to be issued to the profession in the light of the extension of the *Revised 40 Recommendations* of the Financial Action Task Force ("FATF") to the legal profession. Throughout the year, there has been extensive consultation with the FATF and with the lawyers in other jurisdictions to consider the effect of reporting requirements and the obligation to make Suspicious Transaction Reports and the conflict of such obligation with principles of professional confidentiality and legal professional privilege. A delegate of the Committee attended the meeting of the Working Group on Suspicious Transaction Reports. The Committee met on three occasions to consider the existing practice directions and guidelines on anti-money laundering and to issue a circular for expressions of interest to the legal profession in Hong Kong to draft new guidelines on Clients Due Diligence procedures for opening files, accepting retainers and reviewing of client activities.

Members of the Committee:

Michael J. LINTERN-SMITH (*Chairman*)
AU Ping Kwan
Victor K.S. CHIU
Andrew J. DALE
Serge G. FAFALLEN
Lester G. HUANG
Jeffrey H. LANE
Angela W.Y. LEE
Gavin J. LEWIS (resigned in February)
Gareth H. THOMAS

Secretary: Assistant Director, Regulation & Guidance

THE CONTINUING PROFESSIONAL DEVELOPMENT ("CPD") SCHEME

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

The Law Society offered 109 CPD courses during the year. Of the 109 courses, 34 courses were conducted in Mandarin or Cantonese. The courses attracted a total number of 3,222 course participants.



The Law Society is grateful to the 164 presenters who shared their valuable time and experience to present courses for the benefit of the profession.

Pursuant to rule 9 of the *CPD Rules*, 172 practitioners were granted suspension from the operation of the *CPD Scheme*.

An audit of 5% of all practitioners who were in the *CPD Scheme*, 15% of all first year trainee solicitors and all trainee solicitors seeking admission as a solicitor was undertaken in March. A total of 571 practitioners within these target groups were audited. 30 practitioners were found to be in non-compliance with the provisions of the *CPD Rules*. Arising from general enquiries made by practitioners or from reports made on their own initiatives, 17 practitioners were found to be in non-compliance with the *CPD Rules*. All cases of non-compliance were referred to the Compliance Department to be dealt with in accordance with the Council's sanction policy.

An audit of practitioners subject to the *CPD Scheme* from 1 January will be conducted in March 2007.

CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

The Committee convened on three occasions.

The Working Party on Review of CPD Scheme completed its review in June. Its report was considered by the Committee which then submitted its comments on the report of the Working Party to the Standing Committee on Standards and Development in August.

The Committee also reviewed a proposal on an expansion of CPD courses to cover more advocacy courses and explored ways to enhance the card scanning system with a view to minimise the waiting time for scanning.

Further, the Committee considered enquiries relating to the application of the CPD accreditation criteria to particular activities including the compulsory training course on Civil Celebrants of Marriages conducted by the Immigration Department.

The Committee also made recommendations to the Standing Committee on Standards and Development to amend the

CPD Information Package and the Training Record to reflect changes made to the *CPD Guidelines*, the lists of approved legal journals, accredited law courses and approved committees/working parties/associations for CPD purposes.

The Committee granted two full exemptions from participation in the *CPD Scheme* to practitioners on the grounds of age and illness respectively. Five partial exemptions from participation in the *CPD Scheme* were also granted to trainee solicitors whose term of trainee solicitor contract had been reduced from the standard two-year period.

Members of the Committee:

Lester G. HUANG (*Chairman*)
 Douglas ARNER
 Eric T.M. CHEUNG (resigned in May)
 Gerard W.H. CHUNG
 Ada W.Y. FUNG
 Alexandra D. W. LO
 Michael A. OLESNICKY
 Martin D. ROGERS
 Sylvia W.Y. SIU
 Adamas K.S. WONG
 Victor C.K. YAU
 Allan W.M. YU

Secretary: Director of Standards & Development

CPD ACCREDITATION SUB-COMMITTEE

The Sub-committee accredited a total of 3,595 courses, compared with 3,936 in 2005. Of these courses, 844 were accredited on a course-by-course basis and 2,751 were accredited under the *Provider Accreditation Scheme*. 109 of the courses were offered by The Law Society under the *CPD Scheme*, 359 half-day courses by The Law Society under the *Risk Management Education Programme*, 2,455 by in-house providers and other institutions and 672 by commercial providers.

Apart from dealing with applications for accreditation of courses by circulation, the Sub-committee also met on two occasions to consider, inter alia, issues raised by the Working

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Party on Review of the CPD Scheme and applications for renewal of accredited provider status. The Sub-committee accredited five new providers under the *Provider Accreditation Scheme* bringing the total number of accredited providers to 45. The Sub-committee also approved a further 34 postgraduate or other law courses and four legal journals, 23 legal researches and one accredited working party for the purpose of compliance with the CPD requirement.

Members of the Sub-committee continued to monitor the standard of accredited CPD courses by reviewing course evaluation records, attending selected accredited courses and seeking feedback by way of a standardised assessment form from solicitors and trainees who had attended CPD courses selected at random by The Law Society.

Members of the Sub-committee:

Sylvia W.Y. SIU (*Chairman*)
Douglas ARNER
Charles BOOTH (resigned in January)
Simon M.Y. CHAN
Joseph T.Y. CHU
Johnny C.M. FEE
John D.S. HO
Albert K.M. LEUNG
Sharon D. MELLOY (resigned in June)
Christopher H.W. SO
Adrian K.M. WONG
Jill T. L. WONG
Sandy H.Y. WONG

Secretary : Assistant Director, Professional Development

FOREIGN LAWYERS COMMITTEE

The Committee met on three occasions, and dealt with four circulation agenda. The Committee dealt with 26 applications for exemption from sitting all or part of the 2006 *Overseas Lawyers Qualification Examination* in accordance with the guidelines issued by The Law Society. In addition, it also considered two applications relating to eligibility to sit the *Overseas Lawyers Qualification Examination*.

Members of the Committee:

WONG Kwai Huen (*Chairman*)
Denis G. BROCK (resigned in March)
John C.K. CHAN
CHEONG Pui Fan
Philip M.J. CULHANE
Hannah C.L. HA
Junius K.Y. HO
LI Huanting
Michael P. PHILLIPS
Rupert C. SKRINE

Secretary: Assistant Director, Regulation & Guidance

GUIDANCE COMMITTEE

The Committee met on three occasions and dealt with eight enquiries from members and five referrals from other committees and departments within the Secretariat on matters relating to professional conduct and ethics including:

- appointment of a non-Hong Kong solicitor as a director of a service company under Principle 2.07 of the *Guide*;
- conflict of interest in a matrimonial case and a commercial transaction;
- display of signboard at the premises of a solicitor under *Practice Direction D.5(4)*;
- proposed amendments to rule 5AA of the *Solicitors' Practice Rules* and rule 9A of the *Foreign Lawyers Practice Rules*;
- office supervision under rule 4A of the *Solicitors' Practice Rules*;
- solicitor and client relationship and risk of conflict of interest arising out of a pro-bono legal scheme;

- practice promotion under the *Solicitors' Practice Promotion Code*;
- suspension of *Practice Direction J*;
- accounting practice of Mainland representative offices;
- payment of a solicitor's bill under protest;
- assignment of multiple cases to solicitors under the *Duty Lawyer Service*

Members of the Committee:

Amirali B. NASIR (*Chairman*)

James J. BERTRAM

Stephanie S.Y. CHEUNG

Victor K.S. CHIU

Richard CULLEN

LAU Pok Hoi

Joseph C.W. LI

Patrick R. MOSS

Kenneth S.Y. NG

Richard N. TANNER

Johnson M.H. TSANG

Benny Y.B. YEUNG

Secretary: Assistant Director, Regulation & Guidance

LEGAL EDUCATION COMMITTEE

The Committee convened on six occasions including a meeting with the PCLL External Examiners. Its work included the following:

- (a) conduct of a survey on trainee solicitors with a view to collate comments on the quality of the PCLL from its users;
- (b) analysis of the results of the survey on the quality of the PCLL and the follow up work with the University of Hong Kong ("HKU") and the City University of Hong Kong ("CityU") on how to address the concerns raised;
- (c) review of the *Higher Diploma Courses in Legal and Administrative Studies* conducted by the Hong Kong Institute of Vocational Education (Tuen Mun) on the eligibility of the graduates of the Courses to use the description of "Legal Executive" in law firms;
- (d) consideration of applications for the appointment of External Examiners on the *Higher Diploma Courses in Legal and Administrative Studies* conducted by the Hong Kong Institute of Vocational Education (Tuen Mun);
- (e) development of a draft position paper on benchmarks for legal executive courses;
- (f) consideration of the operation of the "Strength Elsewhere Rules" in the PCLL assessment at HKU and CityU;
- (g) review of the prescriptive benchmark of an overall score of seven in *International English Language Testing System* (IELTS) for entry to the PCLL;
- (h) review of the treatment of the subject on Accounts in the PCLL curriculum;
- (i) review of The Law Society's benchmarks for the PCLL;
- (j) review of applications for the appointment of PCLL External Examiners;
- (k) regular review and input on the proposals in relation to the curriculum, teaching and assessment of the LLB and PCLL programmes and monitoring of HKU and CityU on the progress of their reform of the LLB and PCLL programmes;
- (l) monitoring of PCLL courses and review of the PCLL course materials of HKU and CityU through Focus Groups on Commercial Law and Practice and Civil and Criminal Procedure set up by the Committee;

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(m) review of the feasibility of the *Qualifications Framework* launched by the Education and Manpower Bureau with reference to the legal profession sector.

The Chairman and the Secretary of the Committee continued to serve on the Standing Committee on Legal Education and Training, which met on six occasions.

The Chairman and one member of the Committee were nominated as representatives of The Law Society on the Standing Committee. The Secretary of the Committee continued to serve as Secretary of the Standing Committee.

The Chairman and the Secretary also served as Chairman and Secretary respectively of the two Sub-committees of the Standing Committee; one on English Language Proficiency and the other on Pre-requisites for Entry to the PCLL. The two Sub-committees convened on a total of six occasions. With the establishment of the Hong Kong Conversion Examination Board in August, the Sub-Committee on Pre-requisites for Entry to the PCLL was disbanded. The Chairman continued to serve as Chairman of the Examination Board.

Members of the Committee:

Lester G. HUANG (*Chairman*)
Jane C. BRADBURY (resigned in January)
Charles C.C. CHAU
Norman P.M. CHUI (resigned in March)
John J. CLANCEY
HA Yiu Fai
LAM Wing Wo
Amy Y.K. LIU (resigned in August)
Peter RHODES (resigned in January)
Martin D. ROGERS
Adrian K.M. WONG
Susan WONG
Felix K.Y. YAU
Dieter L.T. YIH

Secretary: Director of Standards & Development

MEDIATOR ACCREDITATION COMMITTEE

The Committee met on one occasion. It reviewed an application for accreditation of a mediation training course



and considered the issue of seeking reciprocity of accreditation from other organisations. The Committee also accredited three mediation training courses and four General Mediators by circulation.

In December, the Committee received a delegation from the Judiciary of Taiwan. Members of the Committee and the delegation exchanged information on the development of mediation and training in both jurisdictions.



The Scheme was formally launched in August 2005. As of the end of the year, there were 33 solicitors accredited on the Panel of General Mediators, 17 solicitors on the Panel of Family Mediators and six solicitors on the Panel of Family Mediation Supervisors.

Members of the Committee:

Lester G. HUANG (*Chairman*)
 CHAN Bing Woon
 CHAN Wing Kai
 Junius K.Y. HO
 Maurice W.M. LEE
 Maureen E. MUELLER
 Jody K.Y. SIN
 Cecilia K.W. WONG

Secretary: Director of Standards & Development

OVERSEAS LAWYERS QUALIFICATION EXAMINATION COMMITTEE

The Committee met on two occasions including a joint meeting with the Chief Examiners and Examination Panel Convenors and Examiners.

The work of the Committee covered the following:

- reviewing the results of the 2005 *Overseas Lawyers Qualification Examination* ("Examination") together with the Chief Examiners, Examination Panel Convenors and Examiners;
- determining the format and the logistical arrangements for the 2006 Examination;
- proposing amendments to the *Information Package* for the 2006 Examination;
- considering the appointment of Examiners and Chief Examiners; and
- reviewing the syllabus and reading list of each head of the Examination.

Members of the Committee:

John R. BUDGE (*Chairman*)
 Elsa KELLY (resigned in May)
 Mark LIN
 Amirali B. NASIR
 Sylvia W.Y. SIU
 Donna L. WACKER

Secretary: Director of Standards & Development

Convenors and Members of the Overseas Lawyers Qualification Examination Panels:

HEAD I : Conveyancing

Myrette J. FOK (*Convenor*)
 Alisa W.C. KWAN
 Alexander H.S. LEUNG
 George S.K. NGAI
 Simon J. REID-KAY
 Cleresa P.Y. WONG

HEAD II : Civil and Criminal Procedure

Anthony R. UPHAM (*Convenor*)
 Brian W. GILCHRIST (*Convenor*)
 Martin J. WALDRON (resigned as Convenor in February)
 Melville T.C. BOASE
 Eric T.M. CHEUNG
 Louis K.L. FUNG
 Christopher KNIGHT
 Martin D. ROGERS

HEAD III : Commercial and Company Law

Michael P. PHILLIPS (*Convenor*)
 Mary W.Y. AU-YUENG
 Felix W. H. CHAN
 Shirley S.L. CHUA
 Alexandra D.W. LO
 Vanessa STOTT
 Adrian K.M. WONG

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HEAD IV : Accounts and Professional Conduct

Michael WILKINSON (*Convenor*)

Colin B. COHEN (*Convenor*)

Richard CULLEN

Adrian J. HALKES

Angelina P.L. LEE (resigned in December)

Ludwig S.W. NG

Anthony R. UPHAM

Judith A. WALDRON

Amanda WHITFORT

HEAD V : Principles of Common Law

D.K. SRIVASTAVA (*Convenor*)

Adrian K.M. WONG (*Convenor*)

Shirley S.L. CHUA

Julianne P. DOE

Kenneth H.W. KWOK SC

Anthony F. NEOH SC

Michael P. PHILLIPS

OVERSEAS LAWYERS QUALIFICATION EXAMINATION

The 12th *Overseas Lawyers Qualification Examination* was held from 26 October to 15 December. A total of 69 candidates sat one or more written heads of the Examination. 68 candidates were from 12 overseas jurisdictions, three of which were non-common law jurisdictions. One candidate was a Hong Kong barrister.

Of the 69 candidates, 39 (57%) passed the Examination, having passed each of the heads that they were required to sit. 30 candidates (43%) failed the Examination, having failed one or more of the heads that they were required to sit.

Figure 1: Examination Results

	Head I		Head II		Head III		Head IV		Head V		The Exam	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Pass	38	59%	13	62%	11	58%	12	71%	1	100%	39	57%
Fail	26	41%	8	38%	8	42%	5	29%	0	0%	30	43%
Total	64		21		19		17		1		69	

Written Heads : Head I Conveyancing
 Head II Civil and Criminal Procedure
 Head III Commercial and Company Law
 Head IV Accounts and Professional Conduct

Oral Head : Head V Principles of Common Law

Figure 2: Jurisdictions of candidates

	Jurisdictions	Number of Candidates	Percentage
1	Australia	16	24
2	Canada	3	5
3	England and Wales	23	33
4	Hong Kong [§]	1	1
5	India	1	1
6	Ireland	2	3
7	Italy*	1	1
8	Mainland China*	2	3
9	Malaysia	1	1
10	Nepal*	1	1
11	New Zealand	2	3
12	Singapore	12	18
13	U.S.A.	4	6
	Total Number of Examination Candidates	69	100%

* Non-common law jurisdiction

§ Barrister

RISK MANAGEMENT EDUCATION COMMITTEE

The Committee met on six occasions.

In January, representatives of Nottingham Law School, Nottingham Trent University which was commissioned to develop the *Risk Management Education* ("RME") Programme visited Hong Kong. Members of the Committee, together with the RME tutors, had two meetings with them reviewing the feedback on the *RME Programme* as well as planning for the development of the RME elective courses and core courses for non-principals.

Further, the Committee made recommendations to the Standing Committee on Standards and Development on the following matters:

- update of the *RME Information Package* to reflect the extension, with effect from November, of the RME Programme to non-principals practising in Hong Kong

law firms and admitted as Hong Kong solicitors before 1 January 2001;

- the accreditation criteria and procedures with respect to in-house RME core programmes for non-principals by law firms;
- the extension of the scope of activities that could be undertaken by practitioners to satisfy their RME elective obligation.



Standing Committee on Standards and Development



The Committee also considered issues relating to the administration of the *RME Programme* and closely monitored the evaluation by the course participants.

Members of the Committee:

Cecilia K.W. WONG (*Chairman*)
Susan L. CLAY
Warren P. GANESH
Lester G. HUANG
Joseph C.W. LI
Melanie PRITCHARD (resigned in March)

Secretary: Director of Standards & Development

RME ACCREDITATION SUB-COMMITTEE

To enable practitioners to fulfill their obligations under the *Legal Practitioners (Risk Management Education) Rules*, apart from providing RME courses itself, The Law Society also permits law firms to conduct in-house RME core programme for principals and electives for their practitioners provided that the programmes have been approved by The Law Society in accordance with the applicable accreditation criteria.

With respect to electives, application for accreditation is also open to external providers including commercial providers.

The Sub-committee was set up in January to review applications for accreditation of RME courses.

The Committee met on three occasions and dealt with some of the applications by circulation. The Committee

accredited one core programme for principals and 23 elective courses offered by law firms and two elective courses offered by commercial providers.

Members of the Sub-Committee:

Joseph C.W. LI (*Chairman*)
Susan L. CLAY
Michael PENDLETON
Anthony R. UPHAM
Helen D. WALKER

Secretary: Director of Standards & Development

WORKING PARTY ON EMPLOYED SOLICITORS' CODE

The Working Party recommended the issuance of a *Practice Direction* setting out clearly the scope within which in-house solicitors can practise and a consultation of the general membership on the draft *Practice Direction*. Its recommendations were considered and accepted by the Standing Committee on Standards and Development and the Council.

A consultation was carried out. The Working Party met in June to discuss the feedback from the consultation and to revise the draft *Practice Direction*.

Comments on the draft *Practice Direction* were also received from The Law Society's Property Committee, which are under consideration by the Working Party.

Members of the Working Party:

Kenneth S. Y. NG (*Chairman*)
CHEUNG Yuen Sang
IP Shing Hing
Anson K. C. KAN
Patrick R. MOSS
Jonathan ROSS

Secretary: Director of Standards & Development

GUIDE WORKING PARTY

The Working Party met on four occasions to review and update the *Guide*.

The Working Party reviewed and updated Chapter 16 on complaints and disciplinary procedures and Chapter three on obtaining instructions.

The Working Party will continue its review of the *Guide* and upon completion, it will be making recommendations to the Council on the publication of an updated edition of the *Guide*.

Members of the Working Party:

Amirali B. NASIR (*Chairman*)
Stephanie S.Y. CHEUNG
Richard CULLEN
Joseph C.W. LI
Patrick R. MOSS
Michael WILKINSON

Secretary: Assistant Director, Regulation & Guidance

WORKING PARTY ON THE PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES

In November, the Working Party was set up to review the *Practising Certificate (Special Conditions) Rules* which came into operation in February 2003. It met once and considered:

- (a) the circumstances under which The Law Society might impose conditions on a new practising certificate;
- (b) the circumstances under which conditions might be added to an already issued practising certificate; and
- (c) the conditions imposed on a practising certificate.

Upon completion of its review, the Working Party will make recommendations on any necessary legislative amendments to the Council for consideration.

Members of the Working Party:

Joseph C.W. LI (*Chairman*)
IP Shing Hing
Thomas S.T. SO
Margot TUNG
Dieter L.T. Yih

Secretary: Assistant Director, Regulation & Guidance

WORKING PARTY ON REGISTERED FOREIGN LAWYERS

The Working Party held three meetings. It discussed the scope of practice of registered foreign lawyers and the rate of remuneration for work undertaken by them. It also reviewed rule 12 of the *Foreign Lawyers Registration Rules* and the undertakings given by registered foreign lawyers.

Members of the Working Party:

Joseph C.W. LI (*Chairman*)
Denis G. BROCK (resigned as Chairman in March)
James C.E. GARDNER
James D. MCDAID
Amirali B. NASIR
Thomas S.T. SO
Edward L. TURNER (resigned in September)

Secretary: Assistant Director, Regulation & Guidance

Standing Committee on Standards and Development

WORKING PARTY ON REVIEW OF CPD SCHEME

The Working Party convened on two occasions and submitted a report setting out its recommendations to the Continuing Professional Development Committee in July.

The recommendations were further considered by the Standing Committee on Standards and Development and finally by the Council. The recommendations that were endorsed included:

- (a) the increase of the number of CPD points for preparation and presentation of CPD courses and the authoring of law books, articles in legal journals or legal articles in approved journals;
- (b) the introduction of structured coaching as a CPD activity;
- (c) the promotion of on-line CPD courses;
- (d) the clarification of the accreditation criteria;
- (e) the tightening of the requirements on CPD course promotional materials; and
- (f) the relaxation of the carry over policy on excess CPD points.

The endorsed recommendations were implemented with effect from November.

Members of the Working Party:

Lester G. HUANG (*Chairman*)

A. Paul APOSTOLIS

Jane C. BRADBURY (resigned in January)

Victor C.Y. CHAN

Larry S.K. KO

Stephen W.K. LAU

Joseph C.W. LI

Roger T.G. PATTERSON

Sylvia W.Y. SIU

Thelma TONG

Victor C.K. YAU

Secretary: Director of Standards & Development

WORKING PARTY ON SOLICITORS' ACCOUNTS RULES

The Working Party held two meetings. It considered the accounting practice of some Mainland representative offices. It continued to monitor the progress of the DOJ in finalising the text of the amended *Solicitors' Accounts Rules* which were submitted to the Chief Justice for approval in 2002.

Upon completion of the drafting exercise, the Working Party will submit a report to the Council setting out its recommendations on the proposed amendments.

Members of the Working Party:

Michael J. LINTERN-SMITH (*Chairman*)

Wing W.S. CHU

Colin B. COHEN

William C.W. LAM

Edward LIN (resigned in October)

Billy W.Y. MA

Helen MACKENZIE

Secretary: Assistant Director, Regulation & Guidance