

Standing Committee on Standards and Development

The Standing Committee convened on 10 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:

Legal Practitioners (Risk Management Education) Rules

A new rule 8A was introduced on 1 March enabling a solicitor to apply in writing to The Law Society for exemption from requirements under rules 5, 6 or 7 wholly or partially under fair and reasonable circumstances. The exemption may be granted subject to such conditions as The Law Society considers necessary.

Solicitors (Professional Indemnity) Rules

Rule 8 and Schedule 1 were amended on 6 July. A law firm is required to produce a report of gross fee income, instead of an accountant's certificate, to Hong Kong Solicitors Indemnity Fund Limited in each indemnity period in accordance with the Rules.

Practice Directions

Practice Direction A.5

Editorial amendments were made on 9 July following the issuance of a new set of DMC guidelines.

Practice Direction N

Practice Direction N on the regulation of the practice of in-house solicitors in Hong Kong came into effect on 1 June. The standing exemption from compliance with the *Solicitors (Professional Indemnity) Rules* and the requirements to apply for a specific exemption in various circumstances under circular 01-31 were superseded. Previous specific exemption granted to in-house solicitors pursuant to that circular also lapsed with the implementation of *Practice Direction N*.

Practice Direction P

Practice Direction P was issued on 3 December. It is a set of consolidated and updated guidelines on anti-money laundering and counter financing of terrorism. It provides practical guidance on client identification and verification, client due diligence exercises and record keeping. The *Practice Direction* had advisory effect upon issuance, but from 1 July 2008, Table A and paragraphs 18 to 28 on client identification and verification, client due diligence exercises and record keeping will take mandatory effect.

Standing Committee on Standards and Development

PROPOSED LEGISLATIVE AMENDMENTS

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

Foreign Lawyers Registration Rules

It was proposed that rule 5 be amended to the effect that when an applicant with less than two years of post-qualification experience in the full-time practice of foreign law applies for registration as a foreign lawyer, he is required to be supervised irrespective of whether he works in a foreign firm or a Hong Kong firm. Approval in principle of the proposed amendments is being sought from the Chief Justice.

Trainee Solicitors Rules

In addition to the University of Hong Kong and the City University of Hong Kong, the Chinese University of Hong Kong will be offering the Postgraduate Certificate in Laws (“PCLL”) as a one-year full-time programme from 2008/09. Apart from the one-year PCLL, the Chinese University also proposes to offer an alternative training model known as the *Integrated Training Programme* (“ITP”). The ITP will be delivered as a sandwich course in which a student is required to complete the PCLL course and the two years of practical training in a law firm in stages in accordance with a specified sequence.

The implementation of the proposed ITP would necessitate legislative amendments to the relevant rules and regulations.

An application has been made to the Chief Justice for his approval in principle of the proposed amendments to the *Trainee Solicitors Rules*, the *Admission and Registration Rules*, and the *Continuing Professional Development Rules*.

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 of Hong Kong, the PCLL benchmarks, the benchmarks for legal executive courses; clinical legal education and the duration of the LLB programme having regard to the introduction of the New Academic Structure for Senior Secondary Education and Higher Education;
- (b) reviewing the *Mandatory Quality Assurance Certification Programme for Company Secretaries of Listed Companies* proposed by the Hong Kong Institute of Chartered Secretaries;
- (c) reviewing the concept of multi-jurisdictional partnerships and forming a working party to consider the feasibility of introducing it to Hong Kong;

Standing Committee on Standards and Development

- (d) reviewing the mandatory minimum salary for trainee solicitors;
- (e) reviewing the issues of confidentiality and conflict of interest arising from an association between two firms;
- (f) considering enquiries relating to the appropriateness of certain titles used by Hong Kong solicitors and foreign lawyers in law firms; and
- (g) overseeing the administration of the *Continuing Professional Development Scheme*, the *Risk Management Education Programme*, the *Mediator Accreditation Scheme* and the *Overseas Lawyers Qualification Examination* and considering specific issues that were referred to it by the relevant Committees.

Members of the Standing Committee:

Dieter L.T. YIH (*Chairman in May*)

Lester G. HUANG (resigned as Chairman in May)

Joseph C.W. LI (*Vice-Chairman*)

Victor K.S. CHIU (retired in October)

Phoebus K.F. CHU (joined in July)

Gerard W.H. CHUNG

Junius K.Y. HO (resigned in June)

IP Shing Hing (joined in May)

James E. JAMISON

Andrew JEFFRIES (resigned in July)

Terence P.H. LAU (joined in July)

Susan P.S.K. LIANG

Sylvia W.Y. SIU

Shane F. WEIR

Cecilia K.W. WONG

Secretary: Director of Standards and Development

ANTI – MONEY LAUNDERING COMMITTEE

The Committee held eight meetings. It co-organised a seminar on anti-money laundering issues with the Government in June. The Chairman of the Committee was one of the speakers in the seminar. It also reviewed the Mutual Evaluation Questionnaire of the Financial Action Task Force (“FATF”) and prepared a response to it. In November, the delegates of the Committee had a meeting with the assessment team of FATF during their on-site visit to Hong Kong. In December, the Committee approved the issuance of a new *Practice Direction P* which is a set of consolidated guidelines on anti-money laundering issues. It provides practical guidance on client identification and verification, client due diligence exercise and record keeping requirements.

Throughout the year, there has been extensive consultation with FATF and lawyers in overseas jurisdictions on the effect of reporting requirements and the conflict of such obligation with the principles of professional confidentiality and legal professional privilege.

Standing Committee on Standards and Development

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
 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 154 CPD courses during the year. Of the 154 courses, 37 courses were conducted in Mandarin or Cantonese. The courses attracted a total number of 4,467 course participants.



The Law Society is grateful to the 276 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*, 171 practitioners were granted suspension from the operation of the *CPD Scheme*.

An audit of 5% of all practitioners who were in the *CPD Scheme* and 15% of all first year trainee solicitors and all trainee solicitors seeking admission as a solicitor was undertaken in March. A total of 621 practitioners within these target groups were audited and 51 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, 21 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 2008.

Standing Committee on Standards and Development

CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

The Committee convened on two occasions and made recommendations to the Standing Committee on Standards and Development with respect to the following:

- (a) ways to address the impact of the implementation of the *Mandatory Quality Assurance Certification Programme for Company Secretaries of Listed Companies* proposed by the Hong Kong Institute of Chartered Secretaries on members of The Law Society;
- (b) the recognition of the CPD activities undertaken prior to the end of the period of employment as a trainee solicitor but during the gap in between two trainee solicitor contracts;
- (c) amendments to the *CPD Information Package* and the *Training Record* to reflect changes made to the lists of approved legal journals, accredited law courses and approved committees/working parties/associations for CPD purposes;
- (d) ways to simplify the verification of attendance at CPD courses.

The Committee also reviewed the provision of on-line courses by The Law Society and the proposed CPD courses by category to be offered by The Law Society for 2007/08. In addition, it considered enquiries relating to the application of the *CPD Guidelines* to particular activities including the work of an external examiner and the completion of self-study courses.

Further, the Committee granted two full exemptions from participation in the *CPD Scheme* to practitioners on the ground of age and one full exemption on the ground of illness. Two 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:

Sylvia W.Y. SIU (*Chairman in May*)
Lester G. HUANG (resigned as Chairman in May)
Douglas ARNER
Gerard W.H. CHUNG
Ada W.Y. FUNG
Alexandra D.W. LO

Michael A. OLESNICKY
Martin D. ROGERS
Adamas K.S. WONG
Victor C.K. YAU
Allan W.M. YU

Secretary: Director of Standards and Development

CPD ACCREDITATION SUB-COMMITTEE

The Sub-committee accredited a total of 3,601 courses, compared with 3,595 in 2006; 797 were accredited on a course-by-course basis and 2,804 were accredited under the *Provider Accreditation Scheme*. 154 courses were offered by The Law Society, 282 half-day courses by The Law Society under the *Risk Management Education Programme*, 2,546 by in-house providers and other institutions and 619 by commercial providers.

Standing Committee on Standards and Development

Apart from dealing with applications for accreditation of courses by circulation, the Sub-committee also met on three occasions to consider, inter alia, the demerit points system, the irregularities of course providers, the administrative set-up of the Sub-committee and applications for renewal of accredited provider status.

The Sub-committee accredited two new providers under the *Provider Accreditation Scheme* and the total number of accredited providers was 46 as at the end of the year. The Sub-committee also approved 10 postgraduate or other law courses and nine legal journals, 20 legal researches and accredited two working parties 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

Ram D. BIALA (joined in March)

Simon M.Y. CHAN

Joseph T.Y. CHU

Johnny C.M. FEE

John D.S. HO

Albert K.M. LEUNG

Christopher H.W. SO

Adrian K.M. WONG

Sandy H.Y. WONG

Jill T.L. WONG

Secretary : Assistant Director, Professional Development

FOREIGN LAWYERS COMMITTEE

The number of candidates sitting the 2007 *Overseas Lawyers Qualification Examination* (“OLQE”) increased substantially to 151 from 64 in 2006. The increase might be due to the anticipated implementation of the proposed amendments to the *Overseas Lawyers (Qualification for Admission) Rules* including the introduction of an additional written Head on Hong Kong Basic Law.

The Committee convened six meetings and dealt with two circulation agenda. The Committee dealt with 66 applications for exemption from sitting all or part of the 2007 OLQE in accordance with the guidelines issued by The Law Society. In addition, it also considered six applications relating to the eligibility to sit the OLQE.

Standing Committee on Standards and Development

Members of the Committee:

WONG Kwai Huen (*Chairman*)
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

LEGAL EDUCATION COMMITTEE

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

- (a) review of the impact of the New Academic Structure for Senior Secondary Education and Higher Education on the duration of the existing 4-year LLB programme;
- (b) review of the ramifications of the concept of clinical legal education;
- (c) revision of the English requirement for legal executives graduating from the Higher Diploma Courses in Legal and Administrative Studies by the Hong Kong Institute of Vocational Education (Tuen Mun) as a result of the change in the assessment reporting regime for English Language in HKCEE as from 2007;
- (d) conduct of a survey on trainee solicitors with a view to collate comments on the quality of the PCLL from its users;
- (e) 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;
- (f) finalisation of The Law Society’s benchmarks for legal executive courses;
- (g) revision of The Law Society’s benchmarks for the PCLL taking into account the changes to the PCLL entry requirements from 2008/09;
- (h) regular review and input on the proposals in relation to the curriculum, teaching and assessment of the PCLL programmes and monitoring of HKU and CityU on the progress of their reform of the PCLL programmes;
- (i) review of the format of the PCLL training to be offered by the Chinese University of Hong Kong;
- (j) 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;

Standing Committee on Standards and Development



- (k) monitoring of the Higher Diploma Courses in Legal and Administrative Studies by the Hong Kong Institute of Vocational Education (Tuen Mun) through the External Examiners on Advocacy and Legal Professional Ethics; and
- (l) review of applications for the appointment of PCLL External Examiners.

The President of The Law Society and the Chairman of the Committee also served as representatives of The Law Society on the Standing Committee on Legal Education and Training, which met on six occasions. The Secretary of the Committee continued to serve as Secretary of the Standing Committee.

The President and the Secretary also served as Chairman and Secretary respectively of the Subcommittee of the Standing Committee on English Language Proficiency which met on one occasion.

Members of the Committee:

Dieter L.T. YIH (*Chairman in May*)
 Lester G. HUANG (resigned as Chairman in May)
 Charles C.C. CHAU
 John J. CLANCEY
 HA Yiu Fat
 Stephen W.S. HUNG (joined in December)

LAM Wing Wo (retired in December)
 Martin D. ROGERS (retired in December)
 Adrian K.M. WONG
 Susan WONG
 Felix K.Y. YAU

Secretary: Director of Standards and Development

MEDIATOR ACCREDITATION COMMITTEE

The Committee met once and reviewed an application for accreditation of a mediation training course and course provider. The Committee also accredited two family mediation training courses by circulation.



The Scheme was formally launched in August 2005. As of the end of the year, there were 34 solicitors accredited on the Panel of General Mediators, 17 solicitors on the Panel of Family Mediators and seven solicitors on the Panel of Family Mediation Supervisors.

Standing Committee on Standards and Development

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 and 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 2006 *OLQE* together with the Chief Examiners, Examination Panel Convenors and Examiners;
- determining the format and the logistical arrangements for the 2007 *OLQE*;
- proposing amendments to the *Information Package* for the 2007 *OLQE*;
- considering the appointment of Examiners; and
- reviewing the syllabus and reading list of each head of the *OLQE*.

Members of the Committee:

John R. BUDGE (*Chairman*)
 Mark LIN
 Amirali B. NASIR

Sylvia W.Y. SIU
 Donna L. WACKER

Secretary: Director of Standards and 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

Brian W. GILCHRIST (*Convenor*)
 Anthony R. UPHAM
 (resigned as Convenor in January)
 Amanda WHITFORT (*Convenor*)
 Melville T.C. BOASE

Eric T.M. CHEUNG (resigned in January)
 Louis K.L. FUNG
 Julienne JEN
 Christopher KNIGHT (resigned in January)
 Martyn RICHMOND
 Martin D. ROGERS

Standing Committee on Standards and Development

HEAD III : Commercial and Company Law

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

HEAD IV : Accounts and Professional Conduct

| | |
|---------------------------------------|-------------------|
| Colin B. COHEN (<i>Convenor</i>) | Peter K.P. SIT |
| Michael WILKINSON (<i>Convenor</i>) | Anthony R. UPHAM |
| Richard CULLEN | Judith A. WALDRON |
| Adrian J. HALKES | Amanda WHITFORT |
| Ludwig S.W. NG | |

HEAD V : Principles of Common Law

| | |
|--------------------------------------------------------|----------------------|
| D.K. SRIVASTAVA | Shirley S.L. CHUA |
| (resigned as Convenor effective from the 2008 OLQE) | Julianne P. DOE |
| Adrian K.M. WONG (<i>Convenor</i>) | Kenneth H.W. KWOK SC |
| Jack BURKE (joined in November) | Anthony F. NEOH SC |
| | Michael P. PHILLIPS |

OVERSEAS LAWYERS QUALIFICATION EXAMINATION

The 13th Overseas Lawyers Qualification Examination was held from 30 October to 9 November. A total of 151 candidates sat one or more written heads of the Examination. 145 candidates were from 14 overseas jurisdictions, three of which were non-common law jurisdictions. Six candidates were Hong Kong barristers.

Of the 151 candidates, 103 candidates (68%) passed the Examination, having passed each of the heads that they were required to sit. 48 candidates (32%) failed the Examination, having failed one or more of the heads that they were required to sit.

Figure 1: Examination results with respect to each head of the examination

| | Head I | | Head II | | Head III | | Head IV | | Head V | | The Exam | |
|-------|--------|-----|---------|-----|----------|-----|---------|-----|--------|----|----------|-----|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Pass | 102 | 72% | 16 | 62% | 19 | 63% | 19 | 59% | 0 | 0% | 103 | 68% |
| Fail | 39 | 28% | 10 | 38% | 11 | 37% | 13 | 41% | 0 | 0% | 48 | 32% |
| Total | 141 | | 26 | | 30 | | 32 | | 0 | | 151 | |

Standing Committee on Standards and Development

Written Heads:

| | |
|-----------------|------------------------------------------|
| <i>Head I</i> | <i>Conveyancing</i> |
| <i>Head II</i> | <i>Civil and Criminal Procedure</i> |
| <i>Head III</i> | <i>Commercial and Company Law</i> |
| <i>Head IV</i> | <i>Accounts and Professional Conduct</i> |

Oral Head: *Head V* *Principles of Common Law*

Figure 2: Jurisdictions of candidates

| Jurisdictions | Number of Candidates | Percentage |
|-----------------------------------------------|----------------------|-------------|
| 1 Australia | 47 | 31 |
| 2 Austria ¹ | 1 | 1 |
| 3 Bermuda | 1 | 1 |
| 4 Canada | 5 | 3 |
| 5 England and Wales | 36 | 24 |
| 6 Hong Kong ² | 6 | 4 |
| 7 Ireland | 2 | 1 |
| 8 Italy ¹ | 2 | 1 |
| 9 Mainland China ¹ | 4 | 2 |
| 10 Malaysia | 11 | 7 |
| 11 New Zealand | 1 | 1 |
| 12 Scotland | 2 | 1 |
| 13 Singapore | 16 | 11 |
| 14 South Africa | 1 | 1 |
| 15 U.S.A. | 16 | 11 |
| Total Number of Examination Candidates | 151 | 100% |

¹ *Non-common law jurisdiction*

² *Barrister*

RISK MANAGEMENT EDUCATION COMMITTEE

The Committee met on two occasions and made recommendations to the Standing Committee on Standards and Development on the following matters:

- the adoption of an exemption policy for RME;
- the restructure of the *RME Core Programme for Principals* to a 2-day course taking into account that most of the participants attending it would have completed the *RME Core Programme for Non-Principals*;



Standing Committee on Standards and Development

- the introduction of course provider accreditation for RME elective courses and the accreditation criteria and procedures; and
- an update of the *RME Information Package* to reflect the above changes as well as 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 on or after 1 January 2001.

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

Secretary: Director of Standards and Development

RME ACCREDITATION SUB-COMMITTEE

To enable practitioners to fulfill their obligations under the *Legal Practitioners (Risk Management Education) Rules*, The Law Society has been providing RME courses. In addition, The Law Society permits law firms to conduct in-house *RME core programme for principals* and electives for their practitioners provided 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). Further, with the introduction of a course provider accreditation scheme for elective courses, those law firms which satisfy the criteria may apply to the Sub-committee for accreditation as elective course providers.

The Committee met once and dealt with some of the applications by circulation. The Committee accredited 61 elective courses offered by law firms and other institutions and eight elective courses (including one on-line course) offered by commercial providers. It also accredited four RME elective course 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 and Development

Standing Committee on Standards and Development

TRAINEE SOLICITORS COMMITTEE

The Committee reconvened in February and met on 11 occasions.

A common route to admission as a solicitor of Hong Kong is to complete the PCLL and then two years of training under a trainee solicitor contract in a Hong Kong law firm.

In addition to the University of Hong Kong and the City University of Hong Kong, the Chinese University of Hong Kong will be offering the PCLL as a one-year full-time programme from 2008/09. Apart from the one-year PCLL, the Chinese University also proposes to offer an alternative training model known as the *Integrated Training Programme* (“ITP”). The ITP will be delivered as a sandwich course in which a student is required to complete the PCLL course and the two years of practical training in a law firm in stages in accordance with a specified sequence.

The implementation of the proposed ITP would necessitate legislative amendments to the relevant rules and regulations.

The Committee reviewed the proposal and considered the necessary amendments to the *Trainee Solicitors Rules*, the *Admission and Registration Rules*, the *Continuing Professional Development Rules*, The Law Society *Practice Directions* and the standard form of trainee solicitor contract. The Committee also sought input from the Legal Education Committee.

In August, the Committee submitted a report to the Standing Committee on Standards and Development recommending the changes to be made to the relevant legislation to allow for the implementation of the proposed ITP. The recommendation was approved by the Standing Committee and subsequently by the Council. An application has been made to the Chief Justice for his approval in principle of the proposed amendments.

Members of the Committee:

Joseph C.W. LI (*Chairman*)
John T. HARTLEY
Junius K.Y. HO

IVAN C.K. NG
Dieter L.T. YIH

Secretary: Director of Standards and Development

Standing Committee on Standards and Development

GUIDANCE SUB-COMMITTEE TO REVIEW RULE 5AA OF SOLICITORS' PRACTICE RULES

The Sub-committee held two meetings to discuss the existing arrangements for sole practitioners in the event of physical or mental incapacity. It considered the relevant guidelines and statutory provisions of some overseas jurisdictions and the possibility of insurance cover.

At the request of the Sub-committee, a quotation report was prepared listing out the annual premium rates quoted by three insurance companies for an insurance coverage of HK\$1 million in cases of death or total permanent disability. The Sub-committee will consider the report and make recommendations to the Guidance Committee on any necessary amendments to the *Solicitors' Practice Rules*.

Members of the Committee:

Amirali B. NASIR (*Chairman*)
James J. BERTRAM
Richard CULLEN
LAU Pok Hoi

Joseph C.W. LI
Billy W.Y. MA
Stephen W.K. LAU

Secretary: Assistant Director, Regulation & Guidance

GUIDE WORKING PARTY

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

It reviewed and updated Chapter Three on "Obtaining instructions" and Chapter Four on "Fees".

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

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

Standing Committee on Standards and Development

WORKING PARTY ON THE *PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES*

The Working Party held four meetings to review the *Practising Certificate (Special Conditions) Rules*. Upon completion of its review, it recommended that amendments be made to rule 3 setting out the cases in which The Law Society may consider imposing conditions on a practising certificate and the conditions that may be imposed. It also recommended the scope of conditions in Schedule 1 of the Rules be expanded and the definition of “unconditional practising certificate” be clarified.

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

Upon completion of its review on the scope of service and rate of remuneration for work undertaken by registered foreign lawyers, the Working Party submitted a report recommending a prescriptive approach on scope of service for registered foreign lawyers to the Council for consideration. After deliberation, the Council decided against making any change to the current framework regulating registered foreign lawyers.

Members of the Working Party:

Joseph C.W. LI (*Chairman*)
James C.E. GARDNER
James D. MCDAID

Amirali B. NASIR
Thomas S.T. SO

Secretary: Assistant Director, Regulation & Guidance

Standing Committee on Standards and Development

WORKING PARTY ON SOLICITORS' ACCOUNTS RULES

The Working Party continued its review on the proposed amendments to the *Solicitors' Accounts Rules* prepared by the DOJ and met on one occasion. In addition, it reviewed specific issues arising from the proposed amendments by circulation.

The Working Party also considered rule 7A relating to the authorised signatories of client accounts. It recommended amending rule 7A to the effect that a solicitor, partner, consultant or foreign lawyer in the firm must be one of the co-signatories of a client account if a certified public accountant or an unqualified person is authorised to operate the client account. Upon completion of its review, 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 (*resigned in June*)
Billy W.Y. MA
Helen MACKENZIE

Secretary: Assistant Director, Regulation & Guidance



Department of Standards and Development