

## SECRETARY GENERAL'S REPORT

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It has been two years since I took over as Secretary General. Over the past year, the Secretariat, under the leadership of the President and the Council, has dedicated much of its efforts in enhancing its servicing role for the general membership.

### **General membership**

Our Registration Section is perhaps the Section within The Law Society that most members have had dealings with. Registration handles admission procedures for solicitors, issues annual practising certificates, registers trainee solicitors and foreign lawyers.

In 2009, Registration processed 420 admissions as solicitors. Out of these 420 admissions,

- (a) 313 were qualified under the “local route” (i.e. after obtaining the Postgraduate Certificate in Laws from one of the local universities and completing two years’ training as a trainee solicitor in a Hong Kong law firm);
- (b) 105 were qualified under the “overseas route” (i.e. based on the legal qualification and experience as a practising lawyer from a common law or a non-common law jurisdiction outside Hong Kong after passing the Overseas Lawyers Qualification Examination administered by The Law Society); and
- (c) 2 were transferred from the barristers’ branch of the profession.

Registration issued 6,465 practising certificates, out of which 2,000 certificates were also issued in Chinese at the request of the certificate holders.

The foreign lawyer population is increasing. Registration handled 261 applications to register as foreign lawyers (excluding renewal registrations), 11 applications to set up new foreign firms, 6 applications from existing foreign firms to convert to Hong Kong law firms and 10 applications to set up an Association between a foreign firm and a Hong Kong firm.

Registration also assists in processing applications for certificates of standing which are required by members for other applications incidental to their legal practice, for example, establishment of a representative office in the Mainland, application for overseas admission and qualifying to be Civil Celebrants of Marriages.

Registration manages a huge database for the membership and builds up a useful resource from which statistics are regularly drawn and analysed.

### **Serving members’ needs**

Another section within The Law Society that members may have more contact with is Member Services. The Department of Member Services was set up in late 2008 to focus on identifying and meeting members’ needs.

Over the past year, in addition to regular luncheon talks and social and recreational activities, it has also organised for members special events including the 33<sup>rd</sup> New Year Winter Swimming Lifesaving Championship 2009, Saint Joseph Anniversary Soccer Competition 2009, 60<sup>th</sup> National Day Celebration Dragon Boat Invitational Race, The 5<sup>th</sup> Cross Strait Lawyers’ Golf Tournament, Oxfam Trailwalker 2009, the 4<sup>th</sup> Law and Order Cup and Law Society Live Band Christmas Concert.

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Effectively utilising the potential of The Law Society's collective bargaining power, special discount rates and preferential packages for different products including research tools and law books have been secured for members.

### Maintaining highest professional standards

Every member must have contacted either personally or through his/her staff the Department of Standards and Development at The Law Society which handles the Continuing Professional Development Scheme and the Risk Management Education Programme both of which apply to all practising solicitors. Nevertheless, apart from organising courses, the Department also handles a lot of other work related to the maintenance of professional standards.

The Department administers the Mediator Accreditation Scheme and the Overseas Lawyers Qualification Examination. In addition, it coordinates the monitoring of the standard of Postgraduate Certificate in Laws courses and legal executive courses. It also provides secretarial services to the statutory committee that monitors the legal education and training in Hong Kong, the Standing Committee on Legal Education and Training.

The Department is also responsible for effecting amendments to the *Legal Practitioners Ordinance* and its subsidiary legislation as approved by the Council. In this aspect, much effort during the year has been spent on the amendments to the Ordinance for the introduction of limited liability partnerships. Others included amendments to the *Foreign Lawyers Registration Rules*, *Practising Certificate (Solicitors) Rules* and *Legal Practitioners (Risk Management Education) Rules*.

The *Legal Practitioners Ordinance* is the governing legislation for solicitors and the Department assists in giving guidance to members on the provisions of the Ordinance as well as other practice regulations on ethics and administrative matters.

In addition to the routine handling of enquiries, over the past year, the Department organised 430 training courses attracting a total of 20,489 attendances, processed 153 applications for suspension from the CPD Scheme, accredited 3,970 CPD / RME courses, one new CPD course provider and one new RME elective course provider. It further processed 86 applications for accreditation on The Law Society Panels of Mediators and conducted 138 mediator assessments. It handled over 220 applications to sit or be exempted from the Overseas Lawyers Qualification Examination.

Further, the Department coordinated the monitoring of 38 classes on the Postgraduate Certificate in Laws as well as relevant course materials by practitioner-monitors who provided feedback to the course providers to assist in improving the courses.

### Keeping a watchful eye on legal policy and law reform development

The Department of Practitioners Affairs deals with legal policy, practice and law reform. In addition, it is responsible for the administration of the Professional Indemnity Scheme.

It coordinates the views of practitioners on legal policies and law reforms and prepares submissions in response to consultations to reflect the views of the profession. Just to name a few examples, the more well known policy and reform issues handled by the Department during the year included the Higher Rights of Audience to solicitors, Civil Justice Reform and the Land Titles Ordinance.

The Department also provides administrative support to the Hong Kong Solicitors Indemnity Fund Limited which is empowered under the *Solicitors (Professional Indemnity) Rules* to manage and administer the Professional Indemnity Scheme and the Solicitors Indemnity Fund.

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### Enhancing the public image of the profession

The Department of External Affairs was revamped in 2008 with a view to putting more resources to enhance the public image of the profession and raise the profile of The Law Society.

The Department handles media relations, press conferences, public policy issues, government and community relations, activities with the Mainland China, local and overseas promotions. Numerous publicity campaigns raising public awareness on legal issues and promoting solicitors' legal services were organised. They included campaigns on mediation services by solicitors, criminal legal aid fees reform, land title registration system and legal services on personal injury cases by solicitors.

More opportunities were created for members to foster a closer link with the community. Interaction with the community through visits to NGOs, schools, charitable organisations and public talks were organised.

The Department also closely monitors news reports on current affairs to ensure timely response by The Law Society to matters of interest to the legal profession.

Establishing good Mainland relations is on every business' agenda and the legal services industry is no exception. The Department has been very active in organising networking events for members including the Cross Strait Four Regions Lawyers Summit 2009, roadshows to various provinces in the Mainland and exchange programmes for professional development.

### Enforcing rules and regulations in the interest of the public

The Compliance Department of The Law Society deals with the regulatory aspects of the profession. It investigates allegations of professional misconduct against practitioners and their employees and then prepares reports for consideration by the Investigation Committees which adjudicate on those allegations. For cases to be referred to the Solicitors Disciplinary Tribunal, the Department assists in preparing the prosecution cases for either in-house or external prosecution.

Apart from investigating complaints which is an "after the event" job, the Department also works on "before the event" preventive measures. The Department schedules visits by two Monitoring Accountants to newly established law firms to provide assistance in their accounting procedures and systems and to other law firms on a routine basis to ensure compliance with the accounting rules.

Further, The Law Society welcomes enquiries from members whenever they wish to seek guidance on professional ethical issues. Such enquiries are handled by the Department on Standards and Development.

I am very grateful for the hard work and dedication of the staff at the Secretariat. It has been a very eventful year and with their unreserved support and assistance, it has made my job much easier.

**Raymond C.K. Ho**  
*Secretary General*

