

# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

The Standing Committee is responsible for establishing standards and rules and formulating policies on the education, training and regulation of solicitors, and on their conduct and practice management.

The Standing Committee convened nine meetings to oversee the activities of the Department of Standards and Development, and to consider recommendations of the Committees and Working Parties under its umbrella.

## LEGISLATIVE AMENDMENTS

The Standing Committee considers amendments to the *Legal Practitioners Ordinance* ("LPO") and its subsidiary legislation, *The Law Society's Practice Directions, Information Packages* and *The Hong Kong Solicitors' Guide to Professional Conduct, Volume 1* ("Guide").

The following amendments were made during the year:

### **Admission and Registration Rules**

Forms 2, 3 and 5 in the Schedule to the *Admission and Registration Rules* were amended to replace gender-specific terms with gender-neutral terms. Paragraph (2)(c) of Form 2 in the Schedule to these *Rules* was also amended to:

- (a) change the reference to the period of trainee solicitor contract in terms of years to months; and
- (b) reflect the reduction of the period of trainee solicitor contract for trainee solicitors with prior work experience under rule 9A of the *Trainee Solicitors Rules*.

### **Principle 13.09 of the Guide**

*Principle 13.09 of the Guide* was amended and a new *Commentary 3* to this *Principle* was introduced excepting the application of this *Principle* to the statutory declarations taken by a China-Appointed Attesting Officer for use in Mainland China.

### **Practising Certificate (Barristers) Rules**

The *Practising Certificate (Barristers) Rules* were amended for house-keeping purposes and to provide for application forms for applying for barristers' practising certificates and barristers' practising certificates in bilingual format.

### **Notification of Changes to a Practice**

#### **Notification of Changes relating to particulars in an application for registration as a foreign firm**

*The Notification of Changes to a Practice* and *the Notification of Changes relating to particulars in an application for registration as a foreign firm* were amended requiring an incoming partner of a Hong Kong law firm or a foreign law firm to countersign the relevant *Notification*, as the case may be, to signify his consent to be a new partner. Alternatively, he may provide a written confirmation duly signed by him to The Law Society to signify his consent to be a new partner.

## PROPOSED LEGISLATIVE AMENDMENTS

The following proposal on legislative amendments was considered by the Standing Committee and the Council:

### ***Overseas Lawyers (Qualification for Admission) Rules***

Rule 8 is proposed to be amended to the effect that if an applicant was admitted in more than one jurisdiction, he should be allowed to elect one of his jurisdictions as his jurisdiction of admission for the purpose of these *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 included the following:

- (a) overseeing the administration of the Continuing Professional Development (“CPD”) Scheme, the Risk Management Education (“RME”) Programme, the Mediator Accreditation Scheme and the Overseas Lawyers Qualification Examination (“OLQE”);
- (b) approving the documentation for the OLQE;
- (c) appointment of OLQE Examiners and reviewing their fees;
- (d) determining the applications for a review of the decisions of the Foreign Lawyers Committee to sit the *OLQE* or decisions in relation to exemption;
- (e) reviewing the results of the OLQE;
- (f) approving amendments to the CPD and the RME Information Packages;
- (g) reviewing the accreditation policy for skills courses for CPD purposes;
- (h) reviewing the necessity for a practice management course;
- (i) reviewing the applications for accreditation as legal executive courses in accordance with The Law Society’s benchmarks for legal executive courses (“Benchmarks”);
- (j) updating the Benchmarks;
- (k) considering the appointment of Postgraduate Certificate in Laws (“PCLL”) External Examiners to the Chinese University of Hong Kong, the City University, and the University of Hong Kong;
- (l) considering the issue of solicitors acting under a limited retainer;
- (m) considering the amendments to the *Commentary on International Bar Association General Principles For the Profession*;

- (n) compiling a checklist for applications for approval of the name of a law firm;
- (o) considering the power to revoke a suspension of practising certificates;
- (p) considering the surrender of practising certificates by Hong Kong solicitors who wish to practise as foreign lawyers;
- (q) appointing members to the various Committees and Working Parties under its umbrella;
- (r) considering provisions relating to the power of final adjudication in the *LPO*;
- (s) reviewing the policies on storage of old files.

### Members of the Standing Committee and their attendances at meetings during the year:

Dieter YIH ( <i>Chairman</i> )	9/9	Ambrose S. K. LAM ( <i>joined in June</i> )	1/4
Joseph C.W. LI ( <i>Vice-Chairman until June</i> )	4/5	Amirali B. NASIR	6/9
Melissa K. PANG ( <i>Vice-Chairman from June</i> )	2/4	Ivan C. K. NG	6/9
Peter H. C. BARNES ( <i>joined in January</i> )	8/9	Peter K. P. SIT	8/9
Bonita B. Y. CHAN ( <i>joined in January</i> )	7/9	Sylvia W.Y. SIU	7/9
Warren P. GANESH ( <i>joined in April</i> )	5/7	Simon S.P. TANG ( <i>joined in January</i> )	7/9
Brian W. GILCHRIST	8/9	Adamas K.S. WONG ( <i>joined in January</i> )	5/9
IP Shing Hing	8/9		

Secretary: Director of Standards & Development

## ANTI - MONEY LAUNDERING COMMITTEE

The Committee co-organised a seminar on anti-money laundering (“AML”) issues with the Government in March. The Chairman of the Committee, Mr. Michael Lintern-Smith, was a speaker at the seminar. The seminar was well received and was attended by more than 260 participants.

The Committee held a meeting with the representatives of the Practice Management Committee exchanging views on the setting up of a protocol for compliance with the provisions under *Practice Direction P*. The Committee reviewed some AML questionnaires issued by an international law firm. The Committee considered that it would be difficult to devise a questionnaire which would be suitable for all law firms of various sizes with diversifying areas of practice. The Committee recommended that The Law Society could focus on education such as RME courses to raise members’ awareness of the AML provisions.

### Members of the Committee:

Michael J. LINTERN-SMITH (*Chairman*)  
Andrew J. DALE  
Serge G. FAFALAN

Jeffrey H. LANE  
Angela W.Y. LEE

Secretary: Assistant Director, Regulation & Guidance

## THE CPD SCHEME

The *CPD Scheme* aims at providing a convenient framework for the legal profession to meet the changing demands of clients and society by updating them on legal knowledge and skills.

The Law Society and Hong Kong Academy of Law Ltd. (“Academy”) conducted a total of 395 CPD and RME courses during the year. Of the 395 courses, seven courses were conducted in Putonghua or Cantonese and the remainder in English. The courses attracted the attendance of 15,529 participants.

The Law Society and the Academy are grateful to the 125 presenters who contributed by sharing their valuable experiences and expertise.

Some of the highlights of these courses are:

### **Civil Justice Reform (“CJR”)**

CJR has been implemented since April 2009. As part of the CJR Training Programme, the Academy and Hong Kong Bar Association (“Bar”) jointly organised a session in May on an update on CJR which focused on personal injuries practice. About 460 practitioners attended the session.



The Academy also organised five free specialist training sessions on CJR covering topics like case management, originating process and pleadings, offers to settle, evidence, trials, appeals and costs. About 790 participants attended the specialist training sessions.

***Joint Courses with other professions***

To facilitate interaction with other professions and government departments, The Law Society and the Academy jointly organised courses of common interest with other professional bodies including the Bar, Hong Kong Institute of Arbitrators, Hong Kong Institute of Chartered Secretaries, the Hong Kong Institute of Certified Public Accountants, and government departments including the Narcotics Division of the Security Bureau. Eight such courses were held over the year, attracting over 920 attendees.



### **Mediation**

With the introduction of *Practice Direction 31*, mediation has increasingly been used as a means of alternative dispute resolution. The Academy offered three general mediation training courses, four family (two basic and two advanced) mediation training courses and a training course on mediation representation during the year.



### **Reverse Mortgage**

The *Reverse Mortgage Programme* ("Programme") was launched by The Hong Kong Mortgage Corporation Limited ("HKMC") in July. Under the Programme, elderly homeowners must receive counselling by solicitors to ensure they fully appreciate the salient features and legal implications of a reverse mortgage before they can apply for one. The Academy and HKMC co-hosted two courses entitled "Role of Solicitors under the Reverse Mortgage Programme of the HKMC" in June and August respectively for solicitors who would like to become a counsellor. About 350 participants attended the courses.



### ***Training Programme on the Convention Against Torture (“CAT”) Claims and Refugee Law***

The Government has put in place a publicly-funded legal assistance scheme through the Duty Lawyer Service, the CAT Scheme to assist claimants who have made a claim to the Immigration Department under Article 3 of the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. As a supplement to the two series of four-day training on CAT and refugee law held in 2009 and 2010, the Academy arranged a four-hour seminar in March. Over 140 participants attended the supplementary seminar.



### ***Law Management Conference***

The Academy and LAWASIA co-hosted a two-day *Law Management Conference* entitled “From Good to Outstanding – It’s All About your People” in Hong Kong on 9 and 10 September. Seven speakers from the three jurisdictions of Australia, Canada and Hong Kong were invited to provide practical advice to law firms on how to manage their legal practice and to motivate their employees to attain performance. Over 80 local and overseas delegates attended each day of the Conference.



**Seminar on Risk Management**

The Academy organised a seminar entitled “Reflections on the Shanghai Land Case” on 17 September aiming at alerting practitioners to the pitfalls and risks involved in handling instructions from clients in corporate finance transactions.

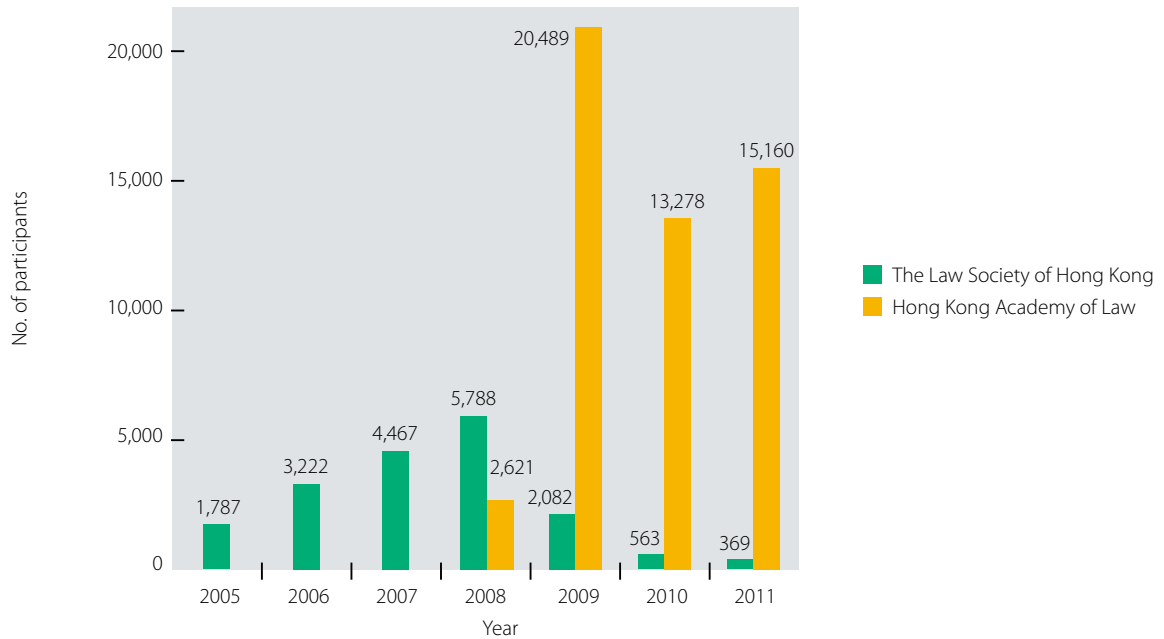


Pursuant to rule 9 of the *CPD Rules*, 202 practitioners were granted suspension from the *CPD Scheme*.

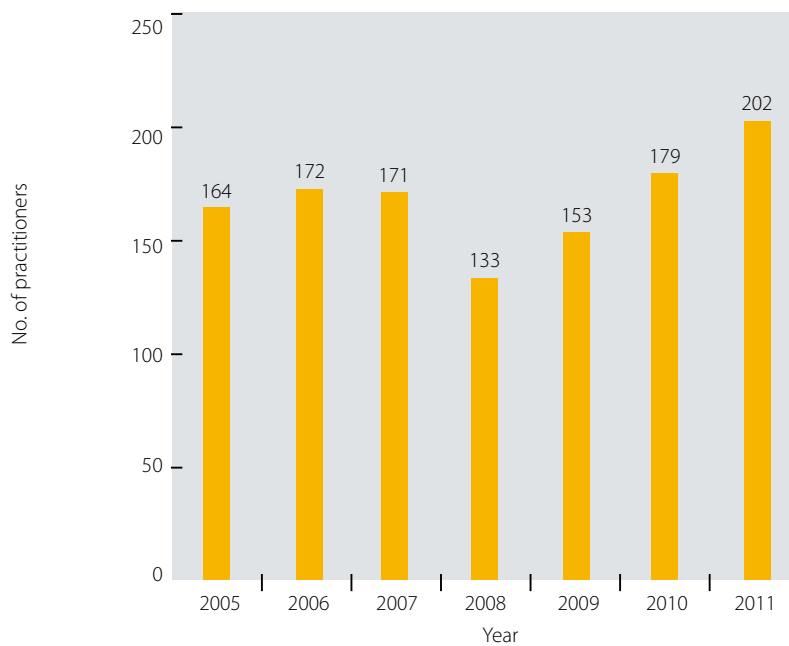
Arising from general enquiries made by practitioners or from reports made on their own initiatives, 18 solicitors and 13 trainee solicitors were found to have failed to comply with the *CPD Rules*. All cases of default were referred to the Compliance Department to be dealt with in accordance with the Council’s sanction policy.



The attendance rates of the participants in the CPD and RME courses organised by The Law Society and the Academy in each of the seven years from 2005-2011 are as follows:



The number of practitioners who were granted suspension from the CPD Scheme in each of the past seven years from 2005-2011:



## CPD Committee

The Committee met on two occasions to discuss the following issues:

- (a) the definition of skills courses, the number of CPD points to be awarded for attending skills courses, amendments to the accreditation guidelines and criteria;
- (b) amendments to the *CPD Information Package* to reflect changes made to the lists of approved legal journals, accredited law courses and approved committees / working parties / associations for CPD purposes and amendments to the Training Record Form;
- (c) Proposal on cross-accreditation of CPD courses with other professional bodies;
- (d) membership of the CPD Accreditation Sub-Committee;
- (e) amendments to the Statement of Compliance with CPD Requirements;
- (f) clarification of and amendments to *CPD Guideline 14.1* of the *CPD Information Package* in relation to participation in the work of the committees or working parties.

The Committee granted one full exemption from participation in the *CPD Scheme* to a practitioner on the ground of age, three partial exemptions from participation in the *CPD Scheme* to trainee solicitors whose term of trainee solicitor contracts had been reduced from the standard two-year period.

### Members of the Committee:

Sylvia W.Y. SIU (*Chairman*)

Gerard W.H. CHUNG

Alexandra D. W. LO

Adamas K.S. WONG

Allan W.M. YU (*resigned in December*)

Douglas ARNER

Iris CHEUNG

Michael A. OLESNICKY

Victor C.K. YAU

Secretary: Director of Standards & Development

## CPD ACCREDITATION SUB-COMMITTEE

The Sub-committee accredited a total of 4,053 courses, compared with 3,967 courses in 2010. In terms of applications, 1,017 of the 4,053 courses were accredited on a course-by-course basis and 3,036 were accredited under the *Provider Accreditation Scheme*. In terms of course providers, 26 of the 4,053 courses were provided by The Law Society, 393 were provided by the Academy, of which 304 were provided under the *RME Programme*, 436 were provided by commercial providers, and the remaining 3,198 were provided by in-house providers such as universities, professional bodies and law firms.

Apart from dealing with the applications for accreditation of the courses by paper circulation, the Sub-committee also met on one occasion to consider, inter alia, the irregularities of course providers, applications for renewal of accredited provider status and accreditation of skills courses.

The Sub-committee accredited seven new providers under the *Provider Accreditation Scheme* during the year. The total number of accredited providers was 48 as at the end of the year. The Sub-committee approved six postgraduate or other law courses and 22 legal journals and books, 103 legal researches and accredited seven committees and working parties for the purpose of compliance with the CPD requirement during the year.

Members of the Sub-committee continued to monitor the standard of accredited CPD courses by reviewing course evaluation records and attending selected accredited courses.

### Members of the Sub-committee:

Sylvia W.Y. SIU (*Chairman*)

Ram D. BIALA

Maggie M.C. CHENG (*resigned in October*)

John D.S. HO

Albert K.M. LEUNG

Sandy H.Y. WONG

Douglas ARNER

Simon M.Y. CHAN

Johnny C.M. FEE

Stephen W. K LAU (*joined in January*)

Christopher H.W. SO

Jill T.L. WONG

Secretary: Assistant Director, Professional Development

## FOREIGN LAWYERS COMMITTEE

There were 251 candidates sitting the 2011 *OLQE*.

The Committee convened eight meetings. It dealt with 75 applications for exemption from sitting all or part of the 2011 *OLQE* in accordance with the guidelines issued by The Law Society. It also considered 13 applications for eligibility to sit the *OLQE*. In addition, it exercised its power under rule 10 of the *Overseas Lawyers (Qualification for Admission) Rules* to revoke one candidate's eligibility to sit the *OLQE*.

The Committee also considered the open and inclusive approach adopted by The Law Society towards the admission of overseas lawyers as Hong Kong solicitors through the *OLQE*.

### Members of the Committee:

Angela W.Y. LEE (*Chairman*)

John C.K. CHAN

Philip M.J. CULHANE

Junius K.Y. HO (*resigned in July*)

Michael P. PHILLIPS (*resigned in January*)

Denis G. BROCK (*joined in July*)

CHEONG Pui Fan

Hannah C.L. HA

LI Huanting

Rupert C. SKRINE

Secretary: Assistant Director, Regulation & Guidance

## GUIDANCE COMMITTEE

The Committee met on three occasions and dealt with five enquiries from members and four referrals from other Committees or Departments within the Secretariat on matters relating to professional conduct and ethics including:

- (a) continuing duty of confidentiality owed by a solicitor to his client after the client's death;
- (b) duty of a solicitor to report to The Law Society any professional misconduct;
- (c) application of *Practice Direction L.2* under impracticable circumstances;
- (d) disclosure of the existence of a Will in response to the enquiry made through The Law Society under *Principle 8.01 Commentary 13* of the *Guide*;
- (e) conflict of interest for a solicitor to act for two clients when he is unable to act in the best interest of one or the other client at the same time;
- (f) conflict of interest for a solicitor to act for a client when the solicitor is duty bound to disclose his former client's confidential information;
- (g) wearing of a solicitor's robe outside the Court;
- (h) sending annual retainer letters by a solicitor who was also a local representative to his constituents;
- (i) issuance of an interim bill without the client's consent.

### Members of the Committee:

Amirali B. NASIR (*Chairman*)  
Stephanie S.Y. CHEUNG  
Richard CULLEN  
Joseph C.W. LI  
Kenneth S.Y. NG  
Johnson M.H. TSANG

James J. BERTRAM  
Victor K.S. CHIU  
Alex K.L. LAU  
Patrick R. MOSS  
Richard N. TANNER  
Benny Y.B. YEUNG

Secretary: Assistant Director, Regulation & Guidance

## LEGAL EDUCATION COMMITTEE

The Committee convened six meetings during the year including one joint meeting with the PCLL External Examiners and two meetings with the PCLL providers. Its work included the following:

- (a) analysis of the results of the survey on the PCLL Programmes;
- (b) review of the applications for accreditation as legal executive courses in accordance with the Benchmarks;

- (c) updating the Benchmarks;
- (d) review of the admission requirements for legal executive courses;
- (e) review of the system of admission, curricula, teaching standards, and pass rates of the PCLL Programmes on offer;
- (f) review of the comments made by the PCLL External Examiners on the PCLL courses and course materials in the monitoring forms;
- (g) review of the applications for the appointment of External Examiners for the PCLL courses;
- (h) the rate of attendance of students at lectures and tutorials in the PCLL programmes;
- (i) use of Chinese as a medium of instruction in law courses and preparation of assignments and provision of answers in Chinese in examinations;
- (j) the Clinical Legal Education Programme.

A sharing session with the interns of law firms was organised in July. Senior legal practitioners in different fields were invited to share their valuable experiences with new entrants to the profession. About 117 participants took part in the sharing session.

The Immediate Past President of The Law Society and the Chairman of the Committee served as representatives of The Law Society on the Standing Committee on Legal Education and Training, which met on four occasions. The Secretary of the Committee continued to serve as Secretary of the Standing Committee and as Secretary of the Sub-committee of the Standing Committee on English Language Proficiency.

#### **Members of the Committee:**

Dieter YIH (*Chairman*)  
John J. CLANCEY  
Stephen W.S. HUNG  
Susan WONG

Charles C.C. CHAU  
HA Yiu Fat  
Adrian K.M. WONG  
Felix K.Y. YAU

Secretary: Director of Standards & Development

#### **MEDIATOR ACCREDITATION COMMITTEE**

The Committee convened three meetings. With the growing importance of mediation and the increasing demand for mediation training courses and to gain accreditation as a mediator, the Committee's work has focused on the standards of mediation training and assessment, the standards of accreditation, and consideration of applications for accreditation as a mediator on The Law Society's Panels.

The work of the Committee included:

- (a) consideration of the qualifications of assessors and selection of assessors for The Law Society mediator assessments;

- (b) review of the mediator assessment procedure, logistics and documentation;
- (c) review of the results of mediator assessments;
- (d) dealing with enquiries from members relating to the mediator accreditation requirements;
- (e) consideration of accreditation standards and policies;
- (f) consideration of applications for waiver or exemption of various accreditation requirements;
- (g) consideration of the standards for accrediting general mediation training courses;
- (h) determination of applications for a review of the mediator assessment results;
- (i) approval of applications for mediator accreditation;
- (j) approval of applications as assessors and family supervisor.

The Committee accredited 33 general mediators, eight family mediators and one family mediation supervisor for inclusion in The Law Society's Panels of Mediators and Supervisors.

The Mediator Accreditation Scheme was formally launched in August 2005. As of the end of the year, there were 205 solicitors on the Panel of General Mediators, 39 solicitors on the Panel of Family Mediators and eight solicitors on the Panel of Family Mediation Supervisors. Further, 49 mediator assessments were conducted.

#### **Members of the Committee:**

Cecilia K.W. WONG (*Chairman*)  
CHAN Bing Woon  
Maureen E. MUELLER

Michael H. BECKETT  
Junius K.Y. HO  
Jody K.Y. SIN

Secretary: Director of Standards & Development

#### **OLQE COMMITTEE**

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

The issues considered by the Committee in the meetings and by paper circulation included the following:

- (a) the results of the 2010 *OLQE*;
- (b) the format and the logistical arrangements for the 2011 *OLQE*;
- (c) the 2011 *OLQE* Information Package and related documentation;
- (d) appointment of Examiners and Convenors and their fees;

- (e) the syllabus and reading list of each head of the *OLQE*;
- (f) applications for special arrangements to sit the *OLQE*, applications for waiver of the *OLQE* procedures prescribed by The Law Society, and applications for an extension of time to apply for a review of the results of the *OLQE*.

**Members of the Committee:**

John R. BUDGE (*Chairman*)  
Arthur McINNIS  
Sylvia W.Y. SIU

Mark LIN  
Amirali B. NASIR  
Donna L. WACKER

Secretary: Director of Standards & Development

**Convenors and Members of the *OLQE* Panels:**

HEAD I : Conveyancing

Myrette J. FOK (*Convenor*)  
Alexander H.S. LEUNG  
George S.K. NGAI

Alisa W.C. KWAN  
Michael LOWER  
Simon J. REID-KAY

HEAD II : Civil and Criminal Procedure

James E. JAMISON (*Convenor*)(*joined in June*)  
Brian W. GILCHRIST (*Convenor*)(*resigned in June*)  
Melville T.C. BOASE  
Louis K.L. FUNG  
Elsa KELLY (*resigned in May*)  
Martin D. ROGERS  
Anthony R. UPHAM (*resigned in April*)

Amanda WHITFORT (*Convenor*)  
Ned AUGHTERSON (*resigned in August*)  
William S. CLARKE (*joined in July*)  
Julienne JEN  
Nancy B.Y. LEUNG (*joined in July*)  
Bernard K.F. SIU

HEAD III : Commercial and Company Law

Mark J. STEVENS (*Convenor*)(*joined in July*)  
Mary W.Y. AU-YUENG  
Shirley S.L. CHUA  
Alexandra D.W. LO  
Adrian K.M. WONG

Michael P. PHILLIPS (*Convenor*)(*resigned in January*)  
Felix W. H. CHAN  
Dennis H.F. HIE  
Thelma TONG

HEAD IV : Accounts and Professional Conduct

Colin B. COHEN (*Convenor*)  
Adrian J. HALKES  
Peter K.P. SIT

Michael WILKINSON (*Convenor*)  
Ludwig S.W. NG

HEAD V : Principles of Common Law

Michael C. JENKINS (*Convenor*)  
Shirley S.L. CHUA  
Alex K.L. LAU  
Peter F. RHODES

Adrian K.M. WONG (*Convenor*)  
Julianne P. DOE  
Anthony F. NEOH S.C.

## OVERSEAS LAWYERS QUALIFICATION EXAMINATION

The 17th *OLQE* was held from 3 November to 20 December. A total of 251 candidates sat one or more written heads of the Examination. 246 candidates were from 18 overseas jurisdictions, seven of which were non-common law jurisdictions. Five candidates were Hong Kong barristers.

Of the 251 candidates, 160 candidates (64%) passed the Examination, having passed each of the heads that they were required to sit. 91 candidates (36%) 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	152	68	39	66	48	84	41	58	1	100	160	64
Fail	73	32	20	34	9	16	30	42	0	0	91	36
<b>Total</b>	<b>225</b>		<b>59</b>		<b>57</b>		<b>71</b>		<b>1</b>		<b>251</b>	

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 the candidates**

	Jurisdictions	Number of Candidates	Percentage*
1	Australia	53	21.1
2	Canada	6	2.4
3	England and Wales	84	33.5
4	France <sup>1</sup>	2	0.8
5	Germany <sup>1</sup>	2	0.8
6	Hong Kong <sup>2</sup>	5	2.0
7	India	2	0.8
8	Israel	2	0.8
9	Italy <sup>1</sup>	2	0.8
10	Japan <sup>1</sup>	2	0.8
11	Mainland China <sup>1</sup>	11	4.4
12	Malaysia	1	0.4
13	New Zealand	6	2.4
14	Philippines <sup>1</sup>	1	0.4
15	Scotland	4	1.6
16	Singapore	9	3.6
17	South Africa	2	0.8
18	Sweden <sup>1</sup>	2	0.8
19	U.S.A.	55	21.9
<b>Total</b>		<b>251</b>	

<sup>1</sup> Non-common law jurisdiction

<sup>2</sup> Barrister

\* The percentages have been calculated to the nearest decimal point. Therefore the aggregation of the percentages may not add up to 100%.



## RME COMMITTEE

The Committee oversees the administration of the *RME Programme* which aims at raising the awareness of risk issues and promoting good risk management of legal practice.

Since its implementation in November 2004, the *RME Programme* has been in operation for over seven years extending its application gradually to all Hong Kong solicitors practising as sole practitioners, partners, associates, consultants, trainee solicitors, and registered foreign lawyers working in Hong Kong law firms.

With the establishment of the Academy, the RME courses are all offered through the Academy.

10 Module 1A, 10 Module 1B, 11 Module 2A and 11 Module 2B of principals' core courses, 21 Module 1 and 21 Module 2 of non-principals' core courses, 22 Module 1 and 22 Module 2 of trainee solicitors' core courses and 15 elective courses were held during the year. The Committee monitored closely the evaluation of these courses by the course participants.

RME electives have since 1 November 2008 been offered free of charge to those participants who have to fulfil their RME obligations in the relevant RME practice year and who have not attended any other RME electives during that year. Free core courses have also been offered by the Academy to all trainee solicitors since 1 November 2009.

Since 2010 RME core courses have been available in Putonghua for non-English speaking registered foreign lawyers although there was no demand for such courses during the year.

The RME Committee convened two meetings. Matters considered by the Committee in the meetings and by paper circulation included:

- (a) the appointment of consultants to update the RME course materials and to prepare new RME electives;
- (b) topics for new RME electives;
- (c) RME requirements for trainee solicitors;
- (d) amendments to the RME Information Package;
- (e) applications for exemption from complying with the RME requirements;
- (f) membership of the RME Committee and RME Accreditation Sub-committee;
- (g) review of the policy on granting exemption to practitioners from complying with their RME requirements;
- (h) the structure, contents, and provision of a practice management course.

The Committee considered 74 applications for exemption from RME requirements pursuant to rule 8A of the *Legal Practitioners (Risk Management Education) Rules*.

**Members of the Committee:**

Cecilia K.W. WONG (*Chairman*)  
Alex K.L. LAU (*joined in September*)  
Evelyn S.M. YAN

Warren P. GANESH  
Joseph C.W. LI

Secretary: Director of Standards & Development

**RME ACCREDITATION SUB-COMMITTEE**

The Sub-committee is tasked with the responsibility to review applications for accreditation of RME providers, courses and activities in accordance with the accreditation criteria.

The Sub-committee accredited 47 elective courses offered by law firms and other institutions and 15 elective courses offered by commercial providers.

Course provider accreditation for RME elective courses was introduced in 2007. Four law firms accredited as RME elective course providers offered a total of 91 in-house elective courses during the year.

The Sub-committee also considered applications for accreditation of RME elective activities including one application for accreditation of writing articles and two applications for accreditation of approved committees.

**Members of the Sub-Committee:**

Joseph C.W. LI (*Chairman*)  
Michael LOWER (*resigned in February*)  
Helen D. WALKER

Heather DOUGLAS  
Michael D. PENDLETON (*re-joined in February and resigned in December*)  
Evelyn S.M. YAN

Secretary: Director of Standards & Development

## GUIDE WORKING PARTY

The Working Party met on 10 occasions to review and update the *Guide*.

The Working Party completed its final review on all the following Chapters of the *Guide*:

- (a) Chapter One on Principles of professional conduct, use and interpretation of the *Guide*;
- (b) Chapter Two on A solicitor's practice;
- (c) Chapter Three on Obtaining instructions;
- (d) Chapter Four on Fees;
- (e) Chapter Five on Retainer – accepting instructions, grounds for refusing to act, duties owed during a retainer and termination of retainer;
- (f) Chapter Six on Competence and quality of service;
- (g) Chapter Seven on The fiduciary duty;
- (h) Chapter Eight on Confidentiality;
- (i) Chapter Nine on Conflict of interest between clients;
- (j) Chapter Ten on The litigation solicitor;
- (k) Chapter Eleven on Relations with other solicitors;
- (l) Chapter Twelve on Relations with the Bar;
- (m) Chapter Thirteen on Relations with third parties;
- (n) Chapter Fourteen on Professional undertakings;
- (o) Chapter Fifteen on Explanatory Note on the Memorandum of Understanding between The Law Society of Hong Kong and the Stock Exchange of Hong Kong; and
- (p) Chapter Sixteen on Complaints and discipline.

A copy editor will be appointed for the editorial work of the publication of an updated edition of the *Guide*.

### Members of the Working Party:

Amirali B. NASIR (*Chairman*)  
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Stephanie S.Y. CHEUNG  
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Secretary: Assistant Director, Regulation & Guidance

## WORKING PARTY ON SOLICITOR CORPORATION RULES

The Working Party convened three meetings to consider the amendments to the *LPO* and the incidental amendments to the following pieces of subsidiary legislation arising from the draft *Solicitor Corporation Rules*:

- (a) *Solicitors' Practice Rules*
- (b) *Solicitors (Group Practice) Rules*
- (c) *Summary Disposal of Complaints (Solicitors) Rules*
- (d) *Notaries Public (Practice) Rules*
- (e) *Practising Certificate (Solicitors) Rules*
- (f) *Foreign Lawyers Registration Rules*
- (g) *Foreign Lawyers Practice Rules*
- (h) *Practising Certificate (Special Conditions) Rules*
- (i) *Legal Practitioners (Risk Management Education) Rules*
- (j) *Barristers (Qualifications) Rules*

The Working Party also compiled a table setting out all the definitions in the *LPO* and its subsidiary legislation.

### Members of the Working Party:

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