

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 10 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:

LPO

- (a) New sections 39H–39R of Part IIIB of the *LPO* relating to the appointment of solicitor advocates and the *Higher Rights of Audience Rules* were enacted.
- (b) Section 31C was amended to clarify that employed barristers are not required to be insured.
- (c) Sections 40M and 40R were amended to repeal the provision specifying that the decision of the Court of Appeal is final.
- (d) Sections 25, 39 and 40P were amended consequential to the repeal of the finality provisions in sections 13(1) and 37B(1).
- (e) Section 50B was amended to clarify that foreign lawyer or foreign firm must not take a solicitor or barrister into partnership if they hold a practising certificate.
- (f) Section 72 was amended consequential to the repeal of section 27A.

Practice Direction D.7

A new paragraph (6) was introduced to *Practice Direction D.7* making it mandatory for all old physical files to be stored in Hong Kong for ease of retrieval and preservation of confidentiality.

Practice Direction L

Paragraph 2 of *Practice Direction L* was amended to clarify that if a solicitor is not required by law to witness/attest the signing/execution of a document, a firm of solicitors may appoint one or more experienced clerk(s) to do so.

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Information for Registration as a Foreign Lawyer and Information for Registration as a Foreign Law Firm (collectively referred to as “the Information Packages”)

Application Form for Registration as a Foreign Lawyer and Application Form for Registration as a Foreign Law Firm (collectively referred to as “the Application Forms”)

The *Information Packages* and the *Application Forms* were amended to set out the requirements on the qualifications of the two referees. One of the referees must be a member in good standing of the legal profession in the jurisdiction in which the applicant was admitted. The other referee must satisfy any one of the three requirements as stated in the *Information Packages* and the *Application Forms*.

Information Package for Admission as a Solicitor: Barristers

The *Information Package for Admission as a Solicitor: Barristers* was amended to remind a barrister who wishes to become a solicitor to draw up the Court order removing his name from the roll of barristers under Order 42 rule 4 of the *Rules of the High Court* and serve the drawn up order on the Registrar of the High Court for enforcement.

PROPOSED LEGISLATIVE AMENDMENTS

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

Legal Practitioners Ordinance (“LPO”)

- (a) A new section 8A(4) is proposed to empower the Council, if it considers appropriate, to lift the suspension of a solicitor to practise or a foreign lawyer’s registration pending a decision of the Solicitors Disciplinary Tribunal.
- (b) Section 9A(2) is proposed to be amended to deal with the circumstances whereby the Chief Judge directs The Law Society to prosecute a complaint after it has decided not to do so. A new section 25(1)(c) is proposed to empower The Law Society to recover any expenses incurred arising out of or in connection with any proceedings before the Solicitors Disciplinary Tribunal directed by the Chief Judge under section 9A(2), the Court of Appeal and the Court of Final Appeal. Incidental amendments to the *Solicitors Disciplinary Tribunal Proceedings Rules* are also proposed.

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

Foreign Lawyers Practice Rules

A new rule 8(4) of the *Foreign Lawyers Practice Rules* is proposed to prohibit an unqualified person who is not a registered foreign lawyer to be concurrently employed by a Hong Kong firm and a foreign firm or another foreign firm unless approved by the Council under exceptional circumstances.

Approval in principle of the introduction of this new rule 8(4) is being sought from the Chief Justice.

Solicitors’ Practice Rules (“SPR”)

Rule 4B(2) of the *SPR* is proposed to be amended to prohibit an unqualified person to be concurrently employed by two Hong Kong firms or by a Hong Kong firm and a foreign firm unless approved by the Council under exceptional circumstances.

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

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OTHER MATTERS

Apart from reviewing the proposed legislative amendments and making recommendations to the Council as appropriate, the work of the Standing Committee 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 and logistics of the OLQE;
- (c) appointment of OLQE Examiners and reviewing their fees;
- (d) reviewing the results of the OLQE;
- (e) considering the proposal for cross-profession accreditation of CPD programmes;
- (f) approving amendments to the CPD and the RME Information Packages;
- (g) review of the number of CPD points a practitioner can claim in a CPD year for participation in the work of approved committees and working parties, and amendments to CPD Guideline 14 of the CPD Information Package;
- (h) approving amendments to the Statement of Compliance with CPD/RME requirements;
- (i) reviewing the applications for accreditation as legal executive courses in accordance with The Law Society's Benchmarks for Legal Executive courses ("LEC Benchmark");
- (j) considering the appointment of External Examiners to the *Postgraduate Certificate in Laws ("PCLL") Programmes* of the Chinese University of Hong Kong, City University, and the University of Hong Kong and to the legal executive courses at the Hong Kong Institute of Vocational Education, Tuen Mun;
- (k) appointing members to the CPD Committee, the CPD Accreditation Sub-Committee, the RME Committee, the RME Accreditation Sub-Committee and the Legal Education Committee;
- (l) considering the *International Bar Association's Resolution on Transfer of Skills and Liberalisation of Trade in Legal Services*;
- (m) considering the structure, contents and logistics of a practice management course;
- (n) approving amendments to the Trainee Solicitors Information Packages;
- (o) approving the service agreement on updating the *RME Programme* and developing new RME elective courses;
- (p) amending the accreditation criteria for courses under the *CPD Scheme*;
- (q) considering the amendments to the *CPD Scheme* and *RME Programme* proposed by senior partners of law firms in their luncheon gatherings with the Council;
- (r) determining the applications for a review of the decisions of the Foreign Lawyers Committee to sit the OLQE or decisions in relation to exemption;

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- (s) reviewing the application for accreditation as an RME elective course;
- (t) considering the differences between the *CPD Scheme* and the *RME Programme*.

Members of the Standing Committee and their meeting attendance during the year:

Dieter YIH (<i>Chairman</i>) (<i>resigned in June</i>)	3/4	Warren P. GANESH	8/10
Melissa K. PANG (<i>Vice-Chairman</i>)	4/4	IP Shing Hing	8/10
(<i>resigned in June</i>)		Ambrose S. K. LAM	2/10
Amirali B. NASIR (<i>Chairman</i>) (<i>joined in June</i>)	8/10	Ivan C. K. NG	8/10
Brian W. GILCHRIST (<i>Vice-Chairman</i>)	6/10	Peter K. P. SIT	7/10
(<i>joined in June</i>)		Sylvia W.Y. SIU	6/10
Peter H. C. BARNES	8/10	Simon S.P. TANG	8/10
Bonita B. Y. CHAN	7/10	Adamas K.S. WONG	9/10

Secretary: Director of Standards & Development

ANTI – MONEY LAUNDERING COMMITTEE

The Committee held two meetings.

The Committee co-organised a seminar on anti-money laundering (“AML”) issues with the Government in February. Mr. Michael Lintern-Smith, Chairman of the Committee, was a speaker at the seminar. The seminar was well received and was attended by more than 340 participants.

The Committee reviewed the revised Recommendations issued by the *Financial Action Task Force* (“FATF”). A circular on the relevant provisions of the revised *FATF* Recommendations affecting the legal profession was issued in April.

The Committee also reviewed the *United Nations (Anti-Terrorism Measures) (Amendment) Bill* and made a written submission to the Government.

The Chairman of the Committee had a meeting with the representatives of the *Security Bureau* in November exchanging views on the next *Mutual Evaluation* to be conducted by the *FATF* and the role of The Law Society as a self-regulatory organisation in enhancing the AML regulatory regime.

The Committee reviewed the *FATF* Questionnaire on the legal profession and submitted its response to the *FATF*.

The Committee noted that *FATF* had positively recognised the efforts made by Hong Kong in combating money laundering and resolved unanimously in its *Plenary Session* to remove Hong Kong from the follow up process arising from its last *Mutual Evaluation*. The Committee will continue to monitor closely the implementation of *Practice Direction* (“PD”) P which is a comprehensive set of AML guidelines on client identification and verification, due diligence and record keeping requirements.

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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 the practitioners on legal knowledge and skills.

The Law Society and Hong Kong Academy of Law Limited ("Academy") conducted a total of 474 CPD and RME courses during the year. Of the 474 courses, three courses were conducted in Putonghua and/or Cantonese and the remainder in English. The courses attracted the attendance of 16,069 participants.

The Law Society and the Academy are grateful to the 123 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. The Academy and Hong Kong Bar Association ("Bar Association") jointly organised a session on an update on CJR, as part of the CJR Training Programme, in December. About 730 practitioners attended the session.

The Academy also organised two series of free specialised training sessions on CJR each consisting of five modules covering topics such as case management, originating process and pleadings, offers to settle, evidence, trials, appeals and costs. About 1,660 participants attended the specialised training sessions.



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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 Association, 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. Five such courses were held over the year, attracting over 660 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 advocacy representation during the year. In addition, the Academy and the Mediation Committee of The Law Society conducted nine free sharing sessions on mediation. Twelve speakers were invited to share their experiences with the participants on topics including using mediation to resolve financial disputes, commencing practice as a general mediator and family mediator, and the Mediation Bill. The sharing sessions were attended by a total of 378 participants.



Seminars on Personal Data Privacy

The Academy organised two seminars by Mr. Roderick B. Woo, JP, former Privacy Commissioner for Personal Data and Past President of The Law Society, on personal data privacy in November and December respectively. The topics discussed included data protection principles and their applications to data users, exemptions and offences under the *Personal Data (Privacy) Ordinance*, transfer and use of personal data in due diligence exercises in business transactions, use of personal data for promotion of goods and services, changes introduced by the *Personal Data Privacy (Amendment) Ordinance 2012* and points for solicitors to ponder when advising clients. The seminars attracted a total of 199 attendees.

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Reverse Mortgage

The *Reverse Mortgage Programme* ("Programme") was launched by The Hong Kong Mortgage Corporation Limited ("HKMC") in July 2011. 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 a loan. The Academy and HKMC co-hosted two courses entitled "*Role of Solicitors under the Reverse Mortgage Programme of HKMC*" in March and November respectively for solicitors who would like to become a counsellor. The session in November updated attendees with the enhancements to the Programme introduced by HKMC. About 550 participants attended the courses.



Seminar on Risk Management and the Professional Indemnity Scheme ("PI Scheme")

The Academy organised a three hour seminar in September on risk management issues for solicitors and PI Scheme. The seminar alerted attendees to conveyancing and litigation pitfalls, risks which are not covered by PI Scheme and claims involving top-up insurance. The seminar attracted 130 participants.



Talk on Solicitor Advocates and Solicitor Judges

The *Higher Rights of Audience Rules* came into operation on 22 June. The Academy organised a talk by Lord Collins of Mapesbury, Justice of the U.K. Supreme Court in July. Lord Collins shared his experience as a former solicitor advocate and as a solicitor judge with about 150 attendees.

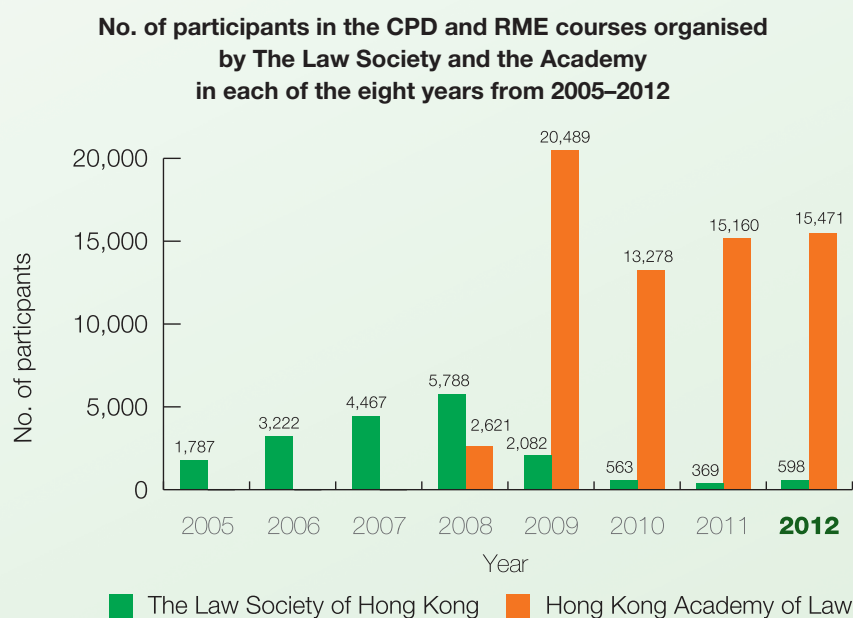
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Seminars on Family Law

Pursuant to PD 15.13, the *Children's Dispute Resolution ("CDR") Pilot Scheme*, a new procedure to resolve children's issues, was implemented with effect from 3 October for 3 years. The Academy offered a seminar in September briefing members on the new practice and procedure dealing with children in the Family Court.

The Academy organised two seminars in September and October respectively to examine the concept of parental responsibilities and rights suggested in the Report of The Law Reform Commission of Hong Kong.

The attendance rates of the participants in the CPD and RME courses organised by The Law Society and the Academy in each of the eight years from 2005–2012 are as follows:



The number of practitioners who were granted suspension from the *CPD Scheme* in each of the past eight years from 2005–2012:



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Pursuant to rule 9 of the *CPD Rules*, 196 practitioners were granted suspension from the *CPD Scheme*.

Arising from general enquiries made by practitioners or from reports made on their own initiatives, 14 solicitors and 10 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.

CPD COMMITTEE

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

- (a) the accreditation of skills courses and amendments to the accreditation guidelines and criteria;
- (b) review of the number of CPD points a practitioner can claim in a CPD year for participation in the work of approved committees and working parties, and amendments to CPD Guideline 14 of the *CPD Information Package*;
- (c) membership of the CPD Committee and CPD Accreditation Sub-Committee;
- (d) amendments to the *CPD Scheme* proposed by senior partners of law firms in their luncheon gatherings with the Council;
- (e) differences between the *CPD Scheme* and the *RME Programme*.

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*)

Douglas ARNER

Ram D. BIALA (*joined in August*)

Gerard W.H. CHUNG

Iris CHEUNG

Alex K. L. LAU (*joined in August*)

Alexandra D. W. LO

Michael A. OLESNICKY

Adamas K.S. WONG

Victor C.K. YAU

Secretary: Director of Standards & Development

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CPD ACCREDITATION SUB-COMMITTEE

The Sub-Committee accredited a total of 4,586 courses, compared with 4,053 courses in 2011. In terms of applications, 1,303 of the 4,594 courses were accredited on a course-by-course basis and 3,283 were accredited under the *Provider Accreditation Scheme*. In terms of course providers, 38 of the 4,594 courses were provided by The Law Society, 470 were provided by the Academy, of which 350 were provided under the RME Programme, 468 were provided by commercial providers, and the remaining 3,610 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 eight new providers under the *Provider Accreditation Scheme* during the year. The total number of accredited providers was 51 as at the end of the year. The Sub-Committee approved five postgraduate or other law courses and eight legal journals and books, 124 legal researches and accredited 10 committees and working parties for the purpose of compliance with the CPD requirements 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*)

Douglas ARNER

Ram D. BIALA

Simon M.Y. CHAN

Francis K.W. CHEN (*joined in September*)

Johnny C.M. FEE

John D.S. HO

Stephen W. K. LAU

Albert K.M. LEUNG

Clara G.Y. LI (*joined in February*)

Christopher H.W. SO

Christie K.S. MOK (*joined in September*)

WAN Charn Wing (*joined in September*)

Sandy H.Y. WONG

Jill T.L. WONG (*resigned in January*)

Secretary: Assistant Director, Professional Development

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FOREIGN LAWYERS COMMITTEE

There were 256 candidates sitting the 2012 *OLQE*.

The Committee convened five meetings. It dealt with 54 applications for exemption from sitting all or part of the 2012 *OLQE* in accordance with the guidelines issued by The Law Society. It considered five applications for eligibility to sit the *OLQE*.

The Committee also considered and approved the proposed amendments to the *Overseas Lawyers (Qualification for Admission) Rules* prepared by the Department of Justice ("DOJ").

Members of the Committee:

Angela W.Y. LEE (*Chairman*)
Denis G. BROCK
John C.K. CHAN
CHEONG Pui Fan

Philip M.J. CULHANE
Hannah C.L. HA
LI Huanting
Rupert C. SKRINE

Secretary: Assistant Director, Regulation & Guidance

GUIDANCE COMMITTEE

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

- (a) application of *PD L.2* under impracticable circumstances;
- (b) payment of unidentified deposits into a suspense account;
- (c) appointment of client as a co-signatory to a client account and rule 7A of the *Solicitors' Accounts Rules*;
- (d) retention of copies of oaths, affidavits and sealed copies of judgments and orders for the purpose of paragraph 5B of circular 12-475;
- (e) duty of confidentiality owed by a solicitor when approached by a party who was an opponent of his existing client;
- (f) payment of an administration fee by a solicitor-mediator to a mediation service provider;
- (g) application of *Principle 10.13* of the *Guide* to an instructing solicitor who may be called as a witness in a trial.

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Members of the Committee:

Amirali B. NASIR (*Chairman*)
James J. BERTRAM
Stephanie S.Y. CHEUNG
Victor K.S. CHIU
Richard CULLEN
Alex K.L. LAU

Joseph C.W. LI
Patrick R. MOSS
Kenneth S.Y. NG
Richard N. TANNER (*resigned in February*)
Johnson M.H. TSANG
Benny Y.B. YEUNG

Secretary: Assistant Director, Regulation & Guidance

LEGAL EDUCATION COMMITTEE

The Committee convened four meetings during the year including one meeting with the PCLL providers. It considered the following:

- (a) results of the survey on the *PCLL Programmes*;
- (b) the applications for accreditation as legal executive courses in accordance with the LEC Benchmarks;
- (c) changes to the admission requirements for legal executive courses;
- (d) membership of the PCLL Academic Boards;
- (e) proposal for a common entry examination;
- (f) comments made by the PCLL External Examiners on the PCLL courses and course materials in the monitoring forms;
- (g) applications for the appointment of External Examiners for the PCLL courses and legal executive courses;
- (h) use of Chinese in court proceedings;
- (i) enquiries on the PCLL Benchmarks;
- (j) report submitted by the External Academic Advisors to the PCLL providers.

A sharing session with the interns of law firms was organised in August. Senior legal practitioners in different fields were invited to share their valuable experiences with new entrants to the profession. About 68 participants took part in the sharing session.

Standing Committee on Standards and Development

Past President and President of The Law Society 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*) (*resigned in May*)

Stephen W.S. HUNG (*Chairman*, *appointed in June*)

Charles C.C. CHAU

John J. CLANCEY

HA Yiu Fat

Adrian K.M. WONG

Susan WONG (*resigned in September*)

Felix K.Y. YAU

Secretary: Director of Standards & Development

MEDIATOR ACCREDITATION COMMITTEE

The Committee convened five 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 assessments, the standards of accreditation, and consideration of applications for accreditation as a mediator on The Law Society's Panels.

The Committee considered the following:

- (a) qualifications of lead assessors;
- (b) procedure, logistics and documentation for Stage 2 mediator assessments;
- (c) results of mediator assessments;
- (d) proposals for mediation training;
- (e) the Hong Kong Mediation Code;
- (f) applications for waiver or exemption from complying with the accreditation requirements;
- (g) amendments to the Mediator Accreditation Scheme Information Package;
- (h) the policy of accrediting family mediators as general mediators;
- (i) applications for accreditation as general and/or family mediators;
- (j) applications for appointment as assessors and applications for appointment as family mediation supervisors.

Standing Committee on Standards and Development

The Committee accredited 31 general mediators, two family mediators and two family mediation supervisors for inclusion on 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 234 solicitors on the Panel of General Mediators, 41 solicitors on the Panel of Family Mediators and 10 solicitors on the Panel of Family Mediation Supervisors. Further, 32 mediator assessments were conducted.

Members of the Committee:

Cecilia K.W. WONG (*Chairman*)
Michael H. BECKETT
CHAN Bing Woon
Junius K.Y. HO
Maureen E. MUELLER
Jody K.Y. SIN

Secretary: Director of Standards & Development

OLQE COMMITTEE

The Committee met on two 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) results of the 2011 *OLQE*;
- (b) the format and the logistical arrangements of the 2012 *OLQE*;
- (c) the 2012 *OLQE* Information Package and related documentation;
- (d) appointment of the Chief Examiner;
- (e) appointment of Examiners and Convenors and their fees;
- (f) the syllabus and reading list of each head of the *OLQE*;
- (g) applications for special arrangements to sit the *OLQE*.

Members of the Committee:

John R. BUDGE (*Chairman*)
Mark LIN
Arthur McINNIS
Amirali B. NASIR (*resigned in July*)
Sylvia W.Y. SIU
Donna L. WACKER

Secretary: Director of Standards & Development

Standing Committee on Standards and Development

Convenors and Members of the OLQE Panels:

HEAD I : Conveyancing

Myrette J. FOK (*Convenor*)

Alisa W.C. KWAN

Alexander H.S. LEUNG

Michael LOWER

George S.K. NGAI

Simon J. REID-KAY

HEAD II : Civil and Criminal Procedure

James E. JAMISON (*Convenor*)

Amanda WHITFORT (*Convenor*)

Melville T.C. BOASE

William S. CLARKE

Louis K.L. FUNG

Julienne JEN

Nancy B.Y. LEUNG

Martin D. ROGERS

Bernard K.F. SIU

HEAD III : Commercial and Company Law

Mark J. STEVENS (*Convenor*)

Mary W.Y. AU-YUENG

Felix W. H. CHAN

Shirley S.L. CHUA

Dennis H.F. HIE

Alexandra D.W. LO

Thelma TONG

Adrian K.M. WONG

HEAD IV : Accounts and Professional Conduct

Colin B. COHEN (*Convenor*)

Michael WILKINSON (*Convenor*)

Adrian J. HALKES

Ludwig S.W. NG

Peter K.P. SIT

HEAD V : Principles of Common Law

Michael C. JENKINS (*Convenor*)

Adrian K.M. WONG (*Convenor*)

Shirley S.L. CHUA

Julianne P. DOE

Alex K.L. LAU

Anthony F. NEOH S.C.

Peter F. RHODES

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OVERSEAS LAWYERS QUALIFICATION EXAMINATION

The 18th OLQE was held from 2 to 14 November. A total of 256 candidates sat one or more written heads of the Examination. 245 candidates were from 19 overseas jurisdictions, 9 of which were non-common law jurisdictions. 11 candidates were Hong Kong barristers.

Of the 256 candidates, 168 candidates (66%) passed the Examination, having passed each of the heads that they were required to sit. 88 candidates (34%) failed the Examination, having failed one or more of the heads that they were required to sit. 12 candidates registered to sit head V but none of them passed all the written heads they were required to sit to qualify for taking the head V examination paper.

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	174	76	49	78	52	84	39	44	0	0	168	66
Fail	54	24	14	22	10	16	49	56	0	0	88	34
Total	228		63		62		88		0		256	

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	38	14.8
2	Canada	7	2.7
3	England and Wales	67	26.2
4	France ¹	2	0.8
5	Germany ¹	1	0.4
6	Hong Kong ²	11	4.3
7	India	3	1.2
8	Israel	1	0.4
9	Italy ¹	2	0.8
10	Japan ¹	2	0.8
11	Mainland China ¹	15	5.9
12	Malaysia	2	0.8
13	New Zealand	9	3.5
14	Philippines ¹	1	0.4
15	Portugal ¹	2	0.8
16	Scotland	1	0.4
17	Singapore	8	3.1
18	Sweden ¹	2	0.8
19	Taiwan ¹	3	1.2
20	U.S.A.	79	30.9
Total		256	

¹ Non-common law jurisdiction

² Barrister

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

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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 eight 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.

Eight Module 1A, eight Module 1B, eight Module 2A and eight Module 2B of principals' core courses, seven Module 1 and seven Module 2 of non-principals' core courses, 14 Module 1 and 14 Module 2 of registered foreign lawyers' core courses, 16 Module 1 and 16 Module 2 of trainee solicitors' core courses, 18 compulsory first elective courses for trainee solicitors, and 208 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 the Academy has offered RME core courses in Chinese to non-English speaking registered foreign lawyers. The courses are conducted in Putonghua.

The RME Committee convened three meetings including one meeting by its Sub-Committee during the year. Matters considered by the Committee and its Sub-Committee in the meetings and by paper circulation included:

- (a) the appointment of consultants to update the RME course materials and to develop new RME electives courses;
- (b) topics for new RME electives courses;
- (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 their RME requirements;
- (h) the structure, contents, and provision of a practice management course;
- (i) comments on the *RME Programme* made by senior partners of law firms in their luncheon gatherings with the Council;
- (j) comments and changes proposed by the RME tutors to the *RME Programme*;
- (k) appointment of part-time RME tutors;

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(l) amendments to the Statement of Compliance with CPD/RME obligations;

(m) differences between the *CPD Scheme* and the *RME Programme*.

The Committee considered 78 applications for exemption from complying with the RME requirements pursuant to rule 8A of the *Legal Practitioners (Risk Management Education) Rules*.

Members of the Committee:

Cecilia K.W. WONG (*Chairman*)

CHUNG Lai Ming (*appointed in October*)

Warren P. GANESH

Alex K.L. LAU

Joseph C.W. LI

Evelyn S.M. YAN (*resigned in October*)

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 33 elective courses offered by law firms and other institutions and 16 elective courses offered by commercial providers.

Course provider accreditation for RME elective courses was introduced in 2007. Seven law firms accredited as RME elective course providers offered a total of 101 in-house elective courses during the year.

The Sub-Committee also considered one application for accreditation of writing articles.

Members of the Sub-Committee:

Joseph C.W. LI (*Chairman*)

CHUNG Lai Ming (*joined in October*)

Heather DOUGLAS

Christopher KNIGHT (*joined in December*)

Alan M.B. LAM (*joined in December*)

Helen D. WALKER

Evelyn S.M. YAN (*resigned in October*)

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TRAINEE SOLICITORS COMMITTEE

The Committee convened two meetings to consider:

- (a) breach of trainee solicitor contract;
- (b) the *Minimum Wage Ordinance Cap. 608* and the *Competition Ordinance Cap. 619*;
- (c) minimum wage for trainee solicitors.

Members of the Committee:

Joseph C.W. LI (*Chairman*)

John T. HARTLEY

Junius K.Y. HO

Ivan C.K. NG

Dieter YIH

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WORKING PARTY ON SOLICITOR CORPORATION RULES

The Working Party convened two meetings to consider:

- (a) amendments to the *Solicitor Corporation Rules*
- (b) the *Statute Law (Miscellaneous Provisions) Bill 2012*
- (c) incidental amendments to the *Admission and Registration Rules*
- (d) incidental amendments to the *Trainee Solicitors Rules*
- (e) incidental amendments to the *Solicitors Disciplinary Tribunal Proceedings Rules*
- (f) incidental amendments to the *Solicitors' Accounts Rules*
- (g) incidental amendments to the *Accountant's Report Rules*

The *Solicitor Corporation Rules* and consequential amendments to 16 pieces of subsidiary legislation to the *LPO* have been sent to the Chief Justice and the DOJ for comments and approval.

Members of the Working Party:

Junius K.Y. HO (*Chairman*)

Anthony W.K. CHOW

IP Shing Hing

Frederick K.C. KAN

Christopher E. LAMBERT

Joseph C.W. LI

Ivan C.K. NG

Peter K.P. SIT

Cecilia K.W. WONG

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WORKING PARTY ON PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES

The Working Party held one meeting to discuss the proposed amendments to the *Practising Certificate (Special Conditions) Rules* prepared by the DOJ. The Working Party recommended that if the monetary judgment or the order under rule 3(g) has been satisfied or stayed, The Law Society will not impose conditions on a solicitor's practising certificate. The Working Party also recommended that if there is a pending appeal against a judgment or order, The Law Society will withhold imposing conditions on a solicitor's practising certificate until the appeal has been disposed of.

Upon the conclusion of the drafting exercise with the DOJ to amend the *Practising Certificate (Special Conditions) Rules*, The Law Society will apply to the Chief Justice for his final approval of the proposed amendments.

Members of the Working Party:

Joseph C.W. LI (*Chairman*)

Dieter YIH

IP Shing Hing

Thomas S.T. SO

Margot TUNG

Secretary: Assistant Director, Regulation & Guidance



Standards and Development Department