

COMMITTEES AND WORKING PARTIES REPORTING DIRECTLY TO THE COUNCIL

HONG KONG LAWYER EDITORIAL BOARD (“EDITORIAL BOARD”)

Members of the Editorial Board meet monthly and work closely with the publisher of *Hong Kong Lawyer* to monitor the overall quality and standard of the publication and to identify topics of interest to the profession. The journal is distributed to members of The Law Society, members of the Hong Kong Bar Association (“Bar Association”), judges, government departments and relevant public organisations. It is also displayed at all airport lounges to reach out to international readers.

The soft copy of the journal is available at the *Hong Kong Lawyer* website www.hk-lawyer.org.



Members of the Editorial Board:

Huen WONG (*Chair*)
Jenkin S.F. CHAN
Peter C.H. CHAN (*joined in July*)
Charles C.C. CHAU (*resigned in November*)
Heidi K.P. CHU
Steven Brian GALLAGHER
Warren P. GANESH (*joined in March*)
Anne SCULLY-HILL

Julienne JEN
Dave C.K. LAU
George Y.C. MOK
Adamas K.S. WONG
Cecilia K.W. WONG
Michelle K.M. TSANG
Tony Y.H. YEN

Secretary: Assistant Director, Member Services



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HONOURS COMMITTEE

The Committee met on one occasion. In accordance with the Nomination Guidelines, the Committee considered candidates for admission to The Law Society's Roll of Honour and for admission as an Honorary Member of The Law Society.

At the 2014 Annual General Meeting of The Law Society held in May, upon recommendation of the Honours Committee, the Council admitted Mr Anson Kan Kam Choy and Mr Roderick Woo Bun to the Roll of Honour of The Law Society.

Members of the Committee:

Huen WONG (*Chair*)
Michael J. LINTERN-SMITH
Amy Y.K. LIU
Amirali B. NASIR
Paul C.Y. TAN
Herbert H.K. TSOI

Secretary: Secretary General

MEDIATION COMMITTEE

The Committee met three times during the year to discuss, *inter alia*, policies on the development of mediation and standards in Hong Kong. The Committee considered the following matters.

Mediator Admission Scheme (General Mediation)

After joining the Hong Kong Mediation Accreditation Association Limited ("HKMAAL"), the Law Society ceased to accredit mediators since September 2013. In November, the Committee made a recommendation to the Council to implement a Mediator Admission Scheme (General Mediation). Under the proposal, general members who complied with the admission requirements of The Law Society could apply for admission as Law Society Admitted General Mediators. When admitted, their names would be on The Law Society's Panel of Admitted General Mediators. The Council approved the said recommendation. Details of the Scheme would be announced in due course.

Pilot Scheme on Mediation Helpline

The Committee helped the launch of the Helpline in December. The Helpline, grouped under the Free Legal Helpline already in operation, aimed to improve the awareness and understanding of the public on mediation; it also helped to promote mediation and solicitors' mediation practices in Hong Kong. The Helpline was launched for an initial trial period of six months. In this trial period, under the co-ordination of the Mediation Co-ordinator, a panel of Solicitor-Mediators has been set up to provide information on mediation and mediation services to the telephone callers. The response to the Helpline was to be evaluated after the trial period.



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Consultation regarding Amendments to the Terms of Reference of the Financial Dispute Resolution Centre

The Financial Dispute Resolution Centre (“FDRC”) proposed amendments to its Terms of Reference in order to allow for information disclosure for the purpose of disciplinary proceedings. It sought comments on the above proposed amendments. The Committee reviewed the proposal and provided views in response.

Survey on Solicitor-Mediators

With the view to considering and formulating policies to help members to develop their mediation practices, the Committee has designed the Survey to source information on issues relating to the choice of mediators by clients. The Survey specifically sought views on (i) selection of mediators; (ii) appointment of solicitors as mediators; and (iii) initiatives in promoting solicitors’ mediation practices. The Survey was disseminated to and collected from those participants of the “Seminar on Promotion and Risk Management in Mediation Practice” on 30 April. The findings of the Survey were evaluated and submitted to the Council.

Promotion of Solicitor-mediators

The Committee continued its efforts on the promotion of solicitors’ mediation practices. It had been:

- reviewing policies and implementing services in relation to solicitors’ practices in mediation
- organising CPD and RME activities on mediation and other related subjects
- liaising with parties on matters in relation to mediation
- monitoring and updating solicitors on the latest development of mediation in Hong Kong

Organisation of and Participation in Mediation Events

The Committee organised the following events as part of the continual efforts to promote mediation services to the members:

- (a) Financial Dispute Mediation Cases Sharing: Under FDRC or Ad-hoc Process Model on 27 February;
- (b) Conversion from General to Family Mediation: Importance of Pre-mediation Sessions on 14 April;
- (c) Seminar on Promotion and Risk Management in Mediation Practice on 30 April;
- (d) What is Victim-Offender Mediation and How is it Different from General/Family Mediation on 25 June;
- (e) How to Develop your Practice as a Solicitor-Mediator on 18 July;
- (f) Information Session on The Hong Kong Mediation Accreditation Association Limited (HKMAAL) on 25 September;
- (g) Apologise, Mediate or Both on 9 October; and
- (h) Financial Dispute Resolution Centre (“FDRC”) Information Session on 23 October.

Moreover, the Committee also helped organise the following events:

- (a) The 3rd AMA Conference on 3-4 April; and
- (b) JMHO One-Day Conference — “Mediate Disputes to Enhance Harmony in doing Business between Hong Kong and China cum the 2nd Shanghai-Hong Kong Commercial Mediation Forum” on 27 November.



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Mediation Services

The Committee continued to provide mediation services support to The Law Society's members. In this year, over 20 requests for nomination of mediators were received and handled. Logistics support was on the other hand rendered to a Government Pilot Project on mediation venue. Under this Pilot Project, venues at the Henry G. Leong Yaumatei Community Centre and Leighton Hill Community Hall were provided free of charge for mediations conducted on a pro bono basis. This Pilot Project was supported by the Department of Justice and was administered by The Law Society.

Members of the Committee:

Cecilia K.W. WONG (*Chair*)
Geoffrey N. BOOTH
John R. BUDGE
Patrick M. BURKE
Bryan G.T. LUNG
Maureen E. MUELLER

Melissa K. PANG
Catherine K.G. POR
Jody K.Y. SIN
Sylvia W.Y. SIU
Norris H.C. YANG
Helena S.Y. YUEN

Secretary: Director of Practitioners Affairs
Mediation Co-coordinator: Barbarossa Wan

PUBLIC POLICY COMMITTEE ("PPC")

The PPC aims to investigate, identify and make recommendations on public policy and socio-legal issues that might be of interest to members of The Law Society by conducting research and facilitating dialogue among members and public policy-makers. It also assists other committees of The Law Society in preparing submissions to government consultations.

The PPC was established in March and convened on 10 occasions. It actively procured opportunities for members to enhance their awareness of and to express their opinions on social and political issues relevant to the legal profession. The PPC also met with leading government officials to learn their views on major contemporary issues. Highlights of some of these opportunities are set out below.

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Electoral Reform Survey

In April, the PPC initiated a survey for members to express their views on the 2014 Public Consultation on the Method for Selecting the Chief Executive by Universal Suffrage. Over 500 members submitted their responses online and in hardcopy forms.

The Law Society held a press conference on the survey results. The event was attended by a full house of reporters and the results were widely covered by the media. The survey results were also attached to The Law Society's submission on the electoral reform to the Government.



Visit to the Treaty and Law Department, Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in Hong Kong Special Administrative Region ("MFA")

On 31 May, the PPC organised a full-day visit to the Commissioner's Office. Over 80 members participated and were warmly welcomed by Commissioner Song Zhe, Mr. Hu Jianzhong, Deputy Commissioner and Dr. Tian Lixiao, General Director of the Treaty and Law Department. The participants were introduced to the work of the Commissioner's Office and the latest diplomatic achievements and concerns of China.



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The participants were also shown photos exhibiting historical events and international achievements of China as well as unique souvenirs and antique gifts from past visiting dignitaries.

The visit presented a valuable opportunity for members to better understand the MFA's responsibilities. Members welcomed similar visits in the future.

Meeting with Star Guests Luminaries

In the second half of 2014, the PPC met with Jeff Sze Chun-fai, Political Assistant to the Secretary for Education, and Dr. York Chow, Chairperson of the Equal Opportunities Commission ("EOC"), in two small-group meetings to hear their views on, respectively, the development of the Hong Kong education system and the reform of anti-discrimination laws. The meetings offered valuable insights for the PPC to formulate recommendations to The Council on government consultations, including the 2014 Public Consultation on Discrimination Law Review by the EOC.

Members of the Committee:

Nick CHAN (<i>Chair</i>)	10/10	Charles C.C. CHAU (<i>resigned in November</i>)	0/9
Frederick K.C. KAN (<i>Vice-Chair</i>)	3/10	Horace K.K. CHEUNG	2/10
CHAN Chak Ming	3/10	Sebastian Y.F. KO	9/10
Serina K.S. CHAN (<i>resigned in July</i>)	1/4	Angela Y.L. LAU	7/10
Bonnie J.Y. CHAN	0/10	Terry LIU	3/10
Keith C.W. CHAN	3/10	Raymond C.P. SIU	6/10
CHAN Tze Chin	10/10	Roden M.L. TONG	6/10
Stanley W.L. CHAN	6/10	James K.T. WONG	4/10
Wendy CHAN	4/10	Eric H.Y. WOO	5/10
Eliza L.S. CHANG	6/10	Roderick B. WOO	0/10

Secretary: Assistant Director, Communication and External Affairs

WORKING PARTY ON LIMITED LIABILITY PARTNERSHIPS ("LLPS")

The Working Party convened on three occasions.

Section 7AD of the amended *Legal Practitioners Ordinance* ("Amendment Ordinance") requires every LLP to have top-up insurance cover for loss arising from any default that exceeds HK\$10 million up to an amount not less than HK\$10 million in respect of any one claim, with no limit in the aggregate.

Section 7AJ of the *Amendment Ordinance* provides that the name of a limited liability partnership must include "Limited Liability Partnership" or the abbreviation "LLP" or "L.L.P.". If it has a Chinese name, it must include the words "有限法律責任合夥" as part of the Chinese name. The Working Party reviewed the *Foreign Lawyers' Practice Rules* and the *Solicitors' Practice Rules*. It took the view that to avoid confusion, these Rules had to be amended to clarify that notwithstanding that the firm name of its parent firm includes "LLP", a foreign firm shall only include "LLP" in its name if it is a limited liability partnership to which the *Amendment Ordinance* applies.



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The draft *Limited Liability Partnerships (Top-Up Insurance) Rules* and amendments to the *Foreign Lawyers' Practice Rules* and the *Solicitors' Practice Rules* were sent to the Chief Justice for approval in principle towards the end of 2013 and the Working Party received comments on the drafts from the Judiciary in April. The Working Party addressed the comments raised and obtained a confirmation from the Judiciary that it had no further comments in July.

The Working Party then submitted the draft legislation to the Drafting Division of the Department of Justice for vetting in July and also started preparation of the Chinese text of the draft legislation. Between July and December, the Working Party engaged in extensive correspondence with the Drafting Division. The draft legislation was finalised in December when the Working Party submitted it to the Judiciary for final approval.

The Working Party had kept the general membership closely informed of the progress of the legislative exercise by publishing updates via the *President's Weekly Letter* dated 14 February and 25 July as well as *Hong Kong Lawyer* in the monthly issues in January and August.

Further, to give advance notice of the requirement in relation to the use of "LLP" as part of a firm's name, in April, a letter was sent to each of the foreign firms that currently include "LLP" as part of their firm names to remind them of the amendments to the *Foreign Lawyers Practice Rules* and the *Solicitors Practice Rules* arising from the introduction of limited liability partnerships.

The introduction of limited liability partnerships also necessitates consequential amendments to Order 81 of the *Rules of the High Court* and Order 81 of the *Rules of the District Court*. The Working Party had been working closely with the Administration on the proposed amendments to these provisions. After numerous rounds of internal discussions among members of the Working Group on Order 81 and correspondence with the Administration, the Working Party confirmed to the Administration that it had no further comment on the proposed amendments in August. However, in December, the Working Party received further proposed amendments to Order 81 of the *Rules of the High Court* from the Administration. The Working Party had reverted with its comments on those further revisions and awaited feedback from the Administration.

The Working Party will work at full speed to push for the implementation of limited liability partnerships in 2015.

Members of the Working Party :

Joseph C. W. LI (*Chair*)

Junius K. Y. HO

Allan C. Y. LEUNG

Michael J. LINTERN-SMITH

Amirali B. NASIR

David G. SMYTH

Huen WONG

Secretary: Secretary General