

Standing Committee on Standards and Development



THE
LAW SOCIETY
OF HONG KONG
香港律師會

2019

The Standing Committee on Standards and Development 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 eight meetings, or dealt with business by email circulation, to oversee the activities of the Department of Standards and Development, and to consider recommendations of the Committees, Sub-Committees, Working Parties and Working Groups under its umbrella.

Legislative Amendments

The Standing Committee considers amendments to the *Legal Practitioners Ordinance* Cap.159 (“LPO”) and its subsidiary legislation, The Law Society’s *Practice Directions* (“PD”), *Information Packages* and *The Hong Kong Solicitors’ Guide to Professional Conduct*, third edition, Volume 1 (“*Conduct Guide*”)

The following amendments were made during the year:

Solicitors (Professional Indemnity) Rules (“PIS Rules”) ***Practice Direction M***

The contribution formula set out in the *PIS Rules* was amended on 1 July to incorporate foreign lawyers employed by a Hong Kong law firm into the calculations of *PIS* contribution and deductible in the same manner as an assistant solicitor or consultant practising in a Hong Kong law firm.

The indemnity limit under the *PIS Rules* has been increased from HK\$10 million per claim to HK\$20 million per claim with effect from 1 October. The increased limit of HK\$20 million per claim applies to any claims made on or after 1 October against persons who are entitled to indemnity under the *PIS Rules*. Incidental amendments to *Practice Direction M*, *Information Packages*, *Application Forms*, *Notification Forms* and *Declarations* were made.

Solicitor Advocates (Higher Rights of Audience Certificates) Rules (“HRA Rules”)

The Legislative Council passed the *HRA Rules* empowering The Law Society to issue the *HRA Certificates* to solicitor advocates. There are 4 statutory Forms in the *HRA Rules* for civil and criminal proceedings respectively. Pursuant to rule 1 of the *HRA Rules*, the President of The Law Society appointed 20 January 2020 as the Commencement Date of the *HRA Rules*.

Other matters

Apart from reviewing the aforementioned legislative amendments and making recommendations to the Council, 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* and the *Overseas Lawyers Qualification Examination (“OLQE”)*;
- (b) approving the documentation and the logistics of the *OLQE*;
- (c) appointment of the *OLQE* Co-Chief Examiner and Examiners and reviewing their fees;
- (d) reviewing the results of the *OLQE*;
- (e) considering the applications for review under rule 9 of the *Overseas Lawyers (Qualification for Admission) Rules (“OLQE Rules”)*;
- (f) appointing External Examiners of the *Postgraduate Certificate in Laws (“PCLL”) Programmes* of City University (“CityU”), the Chinese University of Hong Kong (“CUHK”), and The University of Hong Kong (“HKU”);
- (g) reviewing the treatment of breaches of CPD and RME obligations;
- (h) reviewing section 53(1)(a) of the *LPO*;
- (i) reviewing the Marking Procedures of the *OLQE*;
- (j) considering amendments to the *Code of Good Practice in the Recruitment of Trainee Solicitors*;
- (k) reviewing rule 7(1)(b)(iii) of the *Foreign Lawyers Registration Rules (“FLRR”)*;
- (l) reviewing the names, membership and terms of reference of all Committees and Working Parties under the Standing Committee;
- (m) reviewing the *Solicitors (General) Costs Rules*;
- (n) reviewing the responses to the consultation on the amendments to the *Overseas Lawyers (Qualification for Admission) (Fees) Rules*;
- (o) considering the membership of the Standing Committee;
- (p) considering the emergency measures for the *OLQE*;
- (q) reviewing the amendments to the CPD Information Package;
- (r) nomination of representatives of The Law Society on the *PCLL* Academic Boards of

CityU, CUHK and HKU, the Law School Board of CityU and the Board of the Faculty of Law of HKU;

- (s) reviewing the calculations of CPD points awarded to a legal practitioner attending a conference accredited on a segmented basis;
- (t) considering amendments to the course evaluation forms;
- (u) considering amendments proposed by the HKU School of Professional and Continuing Education (“HKU SPACE”) to the *Higher Diploma for Legal Executives*;
- (v) considering the proposal of a deemed CPD accreditation system;
- (w) considering the proposal for mutual accreditation of CPD courses;
- (x) reviewing the minimum charge for events of The Law Society;
- (y) considering the draft Position Paper on the *Common Entrance Examination* (“CEE”) and the *Law Society Examination* (“LSE”);
- (z) considering amendments to the Notes for completing Form 1C (Application For a Certificate of Eligibility For Admission as a Solicitor under S4(1)(b)), Form 1B (Application For a Certificate of Eligibility For Admission as a Solicitor on the basis of Compliance with Section 4(1)(a) – Barristers) and Form 4 (Application For a Certificate of Eligibility For Admission as a Solicitor on the basis of Compliance with S4(1)(a) – Trainee Solicitors);
- (aa) reviewing the *Pilot Professional Exchange Programme* proposed by the Department of Justice (“DOJ”).

AML COMMITTEE

The AML Committee held three internal meetings and two meetings with external bodies involved in regulatory and AML matters.

The Financial Action Task Force (“FATF”) conducts peer reviews of each member on an ongoing basis to assess the effectiveness of each jurisdiction in preventing money laundering and terrorist financing. The Mutual Evaluation on Hong Kong by the FATF was conducted in November 2018. Extensive exchanges and meetings were held with the Security Bureau and the FATF assessment team explaining to them the AML regulatory measures that had been

implemented for the law firms. The Mutual Evaluation Report was published on 4 September. Hong Kong's AML regime was rated to be compliant and overall effective making it the first jurisdiction in the Asia-Pacific region to have achieved an overall compliant result in this round of Mutual Evaluation. Hong Kong is considered to have a strong legal foundation and effective system for combating money laundering and countering terrorist financing. The FATF acknowledged that Hong Kong is effective in the areas of risk identification, law enforcement, asset recovery, counter terrorist financing and international cooperation. The Committee considered and discussed the Mutual Evaluation Report. It will decide if it needs to make recommendations to the Council on whether any follow-up action is required and if so, as to the steps which the Council may need to consider.

The Committee considered and discussed the Guidance for a Risk-Based Approach for the Legal Professionals ("the Guidance") published by the FATF in June. The Guidance is a useful document to assist the legal professionals in assessing the AML risks. It was posted on the Law Society website for members' reference.

The Government has set up a collaborative platform inviting the representatives of the Monetary Authority, the Securities and Futures Commission, the Insurance Authority and the supervisory bodies of the Designated Non Financial Businesses and Professions to share their experiences in AML matters. Experience sharing sessions were arranged to enhance understanding and collaboration between solicitors and professionals of the other sectors. The first experience sharing session was held on 26 November focusing on the AML enforcement measures taken by the Monetary Authority on the financial institutions. The Chairman and Committee Members attended this session and exchanged constructive and valuable views with the representatives of the other sectors.

AML seminars were held regularly to brief legal practitioners on the major provisions of the *AML and Counter-Terrorist Financing Ordinance*, Cap. 615 ("AMLO") which came into operation on 1 March 2018, provide an overview of the latest developments on international and domestic AML, enhance practitioners' understanding of the statutory obligations of suspicious transaction reporting and provide a forum for discussion on matters of common concerns relating to AML matters. Three AML seminars were co-organized with the Government on 28 May, 6 September and 12 December respectively. The speakers were the Chairman and Members of this Committee, representatives of the Security Bureau, DOJ and the Joint Financial Intelligence Unit. These seminars were well received and were attended by about 750 participants. Preliminary polls were conducted at the end of the seminars on 6 September and 12 December to collate views of the practitioners on the follow-up actions to be taken by The Law Society after the publication of the Mutual Evaluation Report. The information and statistics would facilitate the Committee's further discussion and subsequent recommendations to the Council on whether any consequential measures need to be introduced.

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 Ltd. ("Academy") conducted a total of 357 CPD and RME courses during the year. Of the 357 courses, 14 courses were conducted in Cantonese and the remainder in English. The courses attracted an attendance of 17,362 participants.

The Society and the Academy are grateful to the 132 presenters who contributed by sharing their valuable experiences and expertise.

Some of the highlights of these courses are:

Anti-Money Laundering ("AML")

AMLO came into effect on 1 March 2018. The Society and the Academy held three seminars on AML jointly with the Narcotics Division, Security Bureau of the HKSAR Government on 28 May, 6 September and 12 December to brief practitioners on the major provisions of *AMLO*, with emphasis on their statutory client due diligence and record keeping requirements when they are engaged in specified transactions, and their statutory obligations on suspicious transaction reporting. Over 750 participants attended the seminars.

In addition, the accredited RME course providers of the Society delivered another 4 courses for practitioners and one train-the-trainer course for the RME part-time tutors on AML for the Academy under the Society's *RME Provider Accreditation Scheme*. 287 participants attended the courses.

Unified Screening Mechanism ("USM")

The Society conducted a training programme on the USM ("Training Programme") from 16 to 18 September. Topics discussed in the Training Programme included the definition of refugee under the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, operation of the USM, the scope of subsidiary protection in Hong Kong, making assessments, and the role of the United Nations High Commissioner for Refugees ("UNHCR") under the USM. About 120 participants attended the Training Programme.

Probate

The Academy conducted a course entitled "Risks and Common Mistakes in Will Drafting and Probate Practice" on 16 May. The course briefed practitioners on their role in preparing and

executing wills, practical tips for conducting due diligence in particular in matters involving vulnerable testators, the Golden Rule and the common mistakes in drafting wills, the pitfalls which should be avoided when filling in the Probate Checklist, and the ways to attend requisitions raised by the Probate Registry. In addition, the speakers examined Supplement No. 2 of the Guide to Non-Contentious Probate Practice (“Guide”) which came into effect on 30 August 2018 and the risks involved in the application of certain rules in the Guide. 294 participants attended the course.

Mediation

Mediation has become one of the primary means of alternative dispute resolution in Hong Kong with PD 31 coming into effect on 1 January 2010.

The Academy and the Mediation Committee of the Society conducted 5 sharing sessions on mediation. Topics discussed included interface between mediation and parenting co-ordination, mediation advocacy, negotiation in mediation, *United Nations Convention on International Settlement Agreements Resulting from Mediation* and mediation for international and cross border disputes. Over 380 participants attended the sharing sessions.

The Judiciary implemented a Pilot Scheme on External Mediation Master (“EMM” Scheme) in the District Court from January to September 2018 with the aim of facilitating settlement through mediation at case management summonses or conferences. The Society, the Academy and the Judiciary jointly organised a sharing session on the EMM Scheme on 28 August to brief practitioners on the EMM Scheme and present its major findings. About 100 participants attended the sharing session.

Legal Tech

The Academy conducted 29 seminars on Legal Tech covering topics including offsite legal research platform, cryptocurrency, bitcoin, blockchain, initial coin offerings, digital forensic, Internet of Things and privacy, cybersecurity, artificial intelligence in the legal sector, e-discovery in litigation and preservation of evidence for court, big data in e-discovery and document review, InsurTech, RegTech, Fintech and its regulation and compliance, technology support for legal operations, machine learning, robotics process automation, Python and techno-ethical threats. Over 2,030 participants attended the seminars.

Civil and Criminal Advocacy

The Academy conducted a 2-day training course on civil practical advocacy on 9 and 10 April to improve and enhance the advocacy skills of practitioners in conducting interlocutory applications and substantive trials. A half-day training course on civil written advocacy was held on 15 April. 12 participants and 17 participants attended the training courses on civil practical advocacy and civil written advocacy respectively.

In addition, the Academy conducted a training course on civil advocacy on 20 September to brief practitioners on the procedural steps in civil advocacy and demonstrated the advocacy skills in interlocutory applications. The Academy also conducted a training course on criminal advocacy on 21 November. The speaker shared with the participants techniques and practical tips on criminal advocacy, and what to expect as an advocate in the Hong Kong courts. The two courses were attended by over 130 participants.

Joint Courses with other Professions

The Society and the Academy jointly organised courses of common interest with other professions and organisations including the Judiciary, the Narcotics Division of the Security Bureau of the HKSAR Government, the Hong Kong Institute of Chartered Secretaries and the Hong Kong Institute of Certified Public Accountants. Six such courses were held over the year. Topics included deferred prosecution agreements, the misuse of beneficial ownership as corporate vehicles, major provisions of *AMLO*, the customer due diligence and record keeping requirements for legal practitioners, suspicious transaction reporting and the EMM Scheme. Over 1,010 participants attended these courses.

Pursuant to rule 9 of the *CPD Rules Cap. 159W* (“CPD Rules”), 251 practitioners were granted suspension from the CPD Scheme during the year. Pursuant to rule 8 of the *CPD Rules*, five trainee solicitors whose term of trainee solicitor training had been reduced from the standard two-year period were granted partial exemption from participation in the *CPD Scheme*.

972 Statements of Compliance with CPD/RME requirements were reviewed. CPD audit was conducted on 1,136 trainee solicitors and solicitors during the year. Arising from the CPD audit, general enquiries, and reports made by practitioners on their own initiatives, 22 solicitors and one trainee solicitors were found to have failed to comply with the CPD Rules.

CPD Committee

The Committee met on two occasions during the year. Issues considered by the CPD Committee in the meeting and by paper circulation included:

- (a) recommendations of the Consultants appointed by the Standing Committee on Legal Education and Training to conduct a comprehensive review of legal education and training in Hong Kong;
- (b) amendments to the 2018/19 CPD Information Package;
- (c) the feasibility of introducing a deemed accreditation system for the *CPD Scheme* and the consequential amendments to the CPD Information Package and CPD/RME Training Record, and the Statement of Compliance with CPD/ RME Requirements;
- (d) the membership of the Committee and the CPD Accreditation Sub-Committee;
- (e) applications for exemption from CPD requirement;
- (f) an application for suspension of the CPD requirement;
- (g) breach of the *Continuing Legal Education Rules* by a practitioner;
- (h) the feasibility of granting mutual and blanket accreditation to judicial and other official organizations in the Mainland and ASEAN countries;
- (i) the policy of dealing with breaches of the *CPD Rules*;
- (j) the proposal for participation in pro bono legal services to be accredited as a CPD activity;
- (k) an application for accreditation of the work of the Legislative Council; and
- (l) the proposal for Hong Kong delegates to pre-register their attendance at a local conference.

The Committee granted exemption from participation in the *CPD Scheme* to two practitioners on the ground of age and on a fair and reasonable ground during the year pursuant to rule 8 of the *CPD Rules*.

CPD ACCREDITATION SUB-COMMITTEE

A total of 5,081 courses, compared with 4,998 courses in 2018, were accredited as CPD courses. In terms of applications, 1,317 of the 5,081 courses were accredited on a course-by-course basis and 3,407 were accredited under the *Provider Accreditation Scheme*. In terms of course providers, 46 of the 5,081 courses were provided by the Society, 352 were provided by the Academy of which 263 were provided under the *RME Programme*, 508 were provided by commercial providers, and the remaining 4,175 were provided by in-house providers such as universities, professional bodies and law firms.

Apart from dealing with the applications for accreditation of courses, the Sub-Committee met on one occasion during the year. Issues considered by the Sub-Committee in the meeting and by paper circulation included applications for renewal of accredited provider status, accreditation of providers, a retrospective application for accreditation of a course, accreditation of other activities, the irregularities of course providers, and membership of the Sub-Committee.

The total number of accredited providers at the end of the year was 61. The Sub-Committee approved five postgraduate or other law courses and 23 legal journals and books, 75 legal researches, one dissertation, and accredited six 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. Three courses were monitored during the year.

OLQE ELIGIBILITY AND EXEMPTION COMMITTEE

To better reflect the work of this Committee, the name was changed from the Foreign Lawyers Committee to the *OLQE* Eligibility and Exemption Committee in December.

During 2019, there were 334 *OLQE* applications. Of these, there were

- (a) 166 applications for exemption from sitting all or part of the 2019 *OLQE*;
- (b) 167 applications for eligibility to sit or re-sit the *OLQE*; and
- (c) one application for direct admission as a solicitor.

238 eligible candidates sat the 2019 *OLQE*.

The members of the Committee are thanked for their service in 2019, yet another busy year.

GUIDANCE COMMITTEE

The Committee convened two meetings and dealt with three enquiries from members and eight referrals from other Committees or Departments within the Secretariat on the following issues of professional conduct:

- (a) relationship between a law firm and an accounting firm involving issues of office supervision, clients' confidentiality and conflict of interest;
- (b) proposed advertisement by a law firm which may breach the provisions of the *Solicitors' Practice Promotion Code*;
- (c) third party funding of arbitration and mediation;
- (d) status of a consultant in a law firm;
- (e) storage and destruction of old files;
- (f) membership of the Committee;
- (g) interpretation of Principle 10.09 of the *Conduct Guide*;
- (h) interpretation of rules 4A, 4B and 5 of the *Solicitors' Practice Rules* ("SPR");
- (i) Law Society draft leaflet for the public regarding "Legal Fees";
- (j) office supervision during the partners' absence; and
- (k) secondment of legal professionals in private practice and the DOJ under the DOJ's *Pilot Professional Exchange Programme*.

LEGAL EDUCATION COMMITTEE

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

- (a) appointment of External Examiners of CityU, CUHK and HKU;
- (b) *Professional Diploma for Legal Executives* provided by the Institute of Vocational Education, Tuen Mun;

- (c) *CEE* and *LSE*;
- (d) appointment of the representative of The Law Society on the *PCLL* Academic Board of CUHK, CityU, HKU and the Law School Board of CityU and the Board of the Faculty of Law of HKU;
- (e) functions and roles of the representatives of The Law Society involved in the *PCLL Programme*;
- (f) issues relating to *PCLL* admission;
- (g) *Higher Diploma for Legal Executives* provided by HKU SPACE;
- (h) assessment criteria in *PCLL* examinations;
- (i) suspension and postponement of *PCLL* classes and examination arrangements;
- (j) proposal of Hong Kong Bar Association to move Civil and Criminal Procedures from the syllabus of the qualifying law degrees to the syllabus of *PCLL*.

A sharing session with the interns of law firms was organised in July. Vice-President of The Law Society, Mr. Amirali Nasir; Mr. David C.W. Cheung, Acting Principal Adjudicator, Small Claims Tribunal; Ms. Chung Lai Ming, Account Director and Legal Officer, ESSAR Insurance Services Ltd. and Mr. Wesley Wong, S.C., J.P., Solicitor General, Legal Policy Division, of DOJ shared their valuable experiences with summer interns and trainee solicitors. About 50 participants attended the sharing session.

Former Council Members Nick Chan and Simon Lai served as representatives of The Law Society on the Standing Committee on Legal Education and Training (“SCLET”) until they were succeeded by Vice-President Brian Gilchrist and Past President Dieter Yih in August. SCLET met on three occasions.

WORKING GROUP ON THE CEE POSITION PAPER

The Working Group convened three meetings. Matters considered by the Working Group in meetings and by paper circulation included:

- (a) the draft Position Paper on *CEE* and *LSE*;
- (b) functions and roles of the representatives of The Law Society involved in the *PCLL Programme*;

- (c) issues relating to *PCLL* admission;
- (d) invitation of the Panel on Administration of Justice and Legal Services to attend a meeting at the Legislative Council;
- (e) the 2018 Annual Report of SCLET;
- (f) *CEE* and *LSE* preparatory course providers;
- (g) draft press statement on *CEE* and *LSE*;
- (h) proposed meeting with the Judiciary.

MEDIATOR AND PARENTING CO-ORDINATOR ADMISSION COMMITTEE

The Committee convened four meetings including two meetings of its Working Group to consider the applications to tender as course provider to develop a course on general mediation.

Matters considered in meetings and by paper circulation included :

- (a) applications for admission as general mediators and/or family mediators and/or parenting co-ordinators;
- (b) applications for reinstatement as general mediator;
- (c) applications for renewal of membership on the Panels of General Mediators, Family Mediators and Family Mediation Supervisors;
- (d) establishment of a Panel of International General Mediators and a Panel of International Family Mediators;
- (e) training on evaluative mediation;
- (f) applications for admission as International General and Family Mediators;
- (g) Mediate First Pledge;
- (h) responses to Call for Fee Proposal to develop the general mediation training course;
- (i) website of The Law Society displaying information about members on the Panels of General and Family Mediators and Panel of Family Mediation Supervisors.

The *Mediator Accreditation Scheme* was formally launched in August 2005. The Law Society joined the Hong Kong Mediation Accreditation Association Ltd. (“HKMAAL”) as a Founder Member and HKMAAL commenced operation on 2 April 2013. HKMAAL resolved that all Founder Members including The Law Society should stop conducting its stage two mediator assessments by 15 July 2013 and accrediting applicants as mediators by 15 September 2013. Thereafter, all accreditation of mediators must be conducted by HKMAAL.

In August 2015, The Law Society implemented the *Mediator Admission Scheme (General Mediators)*.

In November 2017, The Law Society further extended the *Mediator Admission Scheme (General Mediators)* to cover the admission of family mediators and family mediation supervisors and the *Mediator Admission Scheme (General Mediators)* was renamed as the *Mediator Admission Scheme*.

Solicitors who were not accredited by The Law Society as General Mediators, Family Mediators and Family Mediation Supervisors prior to September 2013 under the *Mediator Accreditation Scheme* may seek admission, subject to the requirements in the *Mediator Admission Scheme*, onto the Panel of Admitted General Mediators, Panel of Admitted Family Mediators and Panel of Admitted Family Mediation Supervisors through the *Mediator Admission Scheme*. Applications are considered and approved by the Committee on a case-by-case basis.

As of the end of the year, there were 192 solicitors on the Panel of General Mediators, 43 solicitors on the Panel of Family Mediators and 10 solicitors on the Panel of Family Mediation Supervisors.

25 applications for renewal of membership on the Panel of General Mediators, 7 applications for renewal of membership on the Panel of Family Mediators and two application for renewal of membership on the Panel of Family Mediation Supervisors were processed. Audit on 5 cases was conducted. 27 applications for renewal were approved.

In November 2017, The Law Society also established the Panel of Parenting Co-ordinators. Parenting Co-ordination is an alternative dispute resolution process whereby a Parenting Co-ordinator is appointed either by the courts or the parties in high conflicts matrimonial disputes to resolve child-related issues. As of the end of the year, there were 18 Parenting Co-ordinators on the Panel.

In January, The Law Society established the Panel of International General Mediators and the Panel of International Family Mediators to assist parties with mediation on international and cross-border disputes.

At of the end of the year, there were 17 solicitors on the Panel of International General

Mediators and 8 solicitors on the Panel of International Family Mediators.

OLQE COMMITTEE

The Committee convened three meetings including a joint meeting with the Chief Examiner, Panel Convenors, and Examiners.

Matters considered by the Committee in meetings and by paper circulation included:

- (a) results of the 2018 *OLQE*;
- (b) feedback of the candidates on the 2018 *OLQE*;
- (c) the format and the logistical arrangements for the 2019 *OLQE*;
- (d) the 2019 and 2020 *OLQE* Information Packages and related documentation;
- (e) appointment of Examiners and Panel 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*;
- (h) membership of the Committee;
- (i) review of the Marking Procedures;
- (j) job description of the Chief Examiner;
- (k) appointment of a Co-Chief Examiner;
- (l) logistical arrangements for the 2020 *OLQE*;
- (m) emergency measures for the 2019 *OLQE*;
- (n) irregularities in the 2018 *OLQE*.

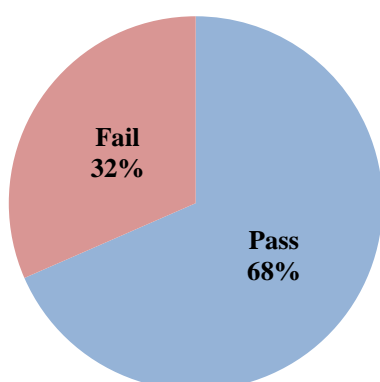
OLQE

The 25th *OLQE* was held from 29 October 2019 to 17 January 2020. A total of 238 candidates sat one or more written Heads of the Examination. 235 out of 238 candidates came from 19 overseas jurisdictions, eight of which were non-common law jurisdictions. The remaining three out of the 238 candidates were Hong Kong barristers.

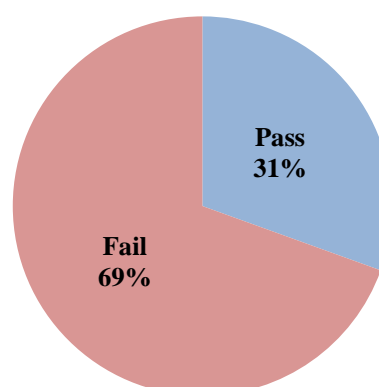
Of the 238 candidates, 108 candidates (45%) passed the Examination, having passed each of the Heads that they were required to sit. 130 candidates (55%) failed the Examination, having failed one or more of the Heads that they were required to sit.

Figures 1 – 6 : Examination results with respect to each head of the OLQE

*Figure 1 :
Head I – Convenancing*



*Figure 2 :
Head II - Civil and Criminal Procedure*



*Figure 3 :
Head III - Commercial and Company Law* *Figure 4 :
Head IV – Accounts and Professional Conduct*

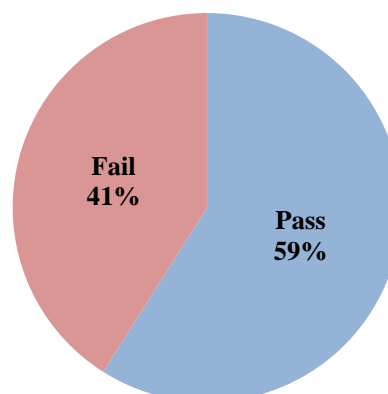
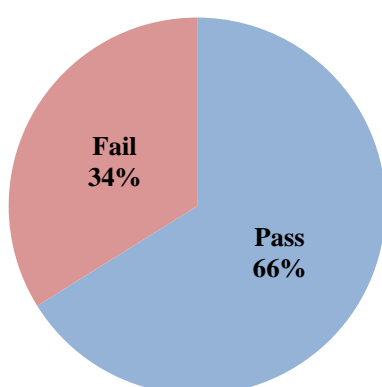


Figure 5 :
Head V – Principles of Common Law

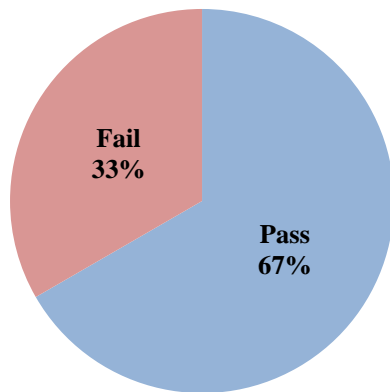


Figure 6 :
Head VI - Hong Kong Constitutional Law

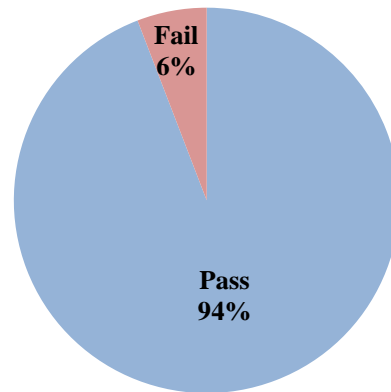
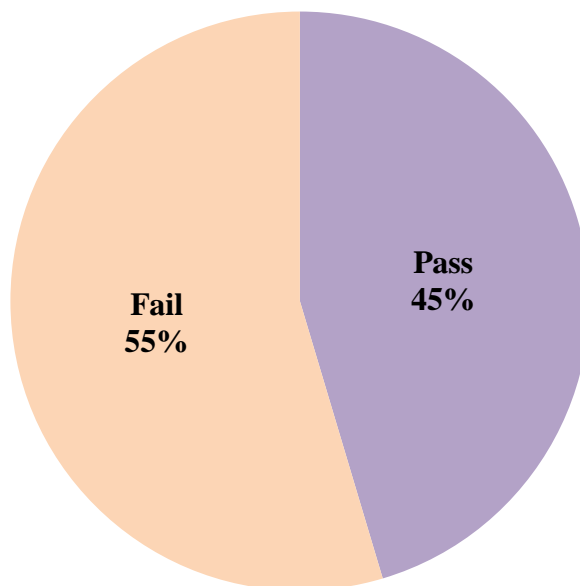


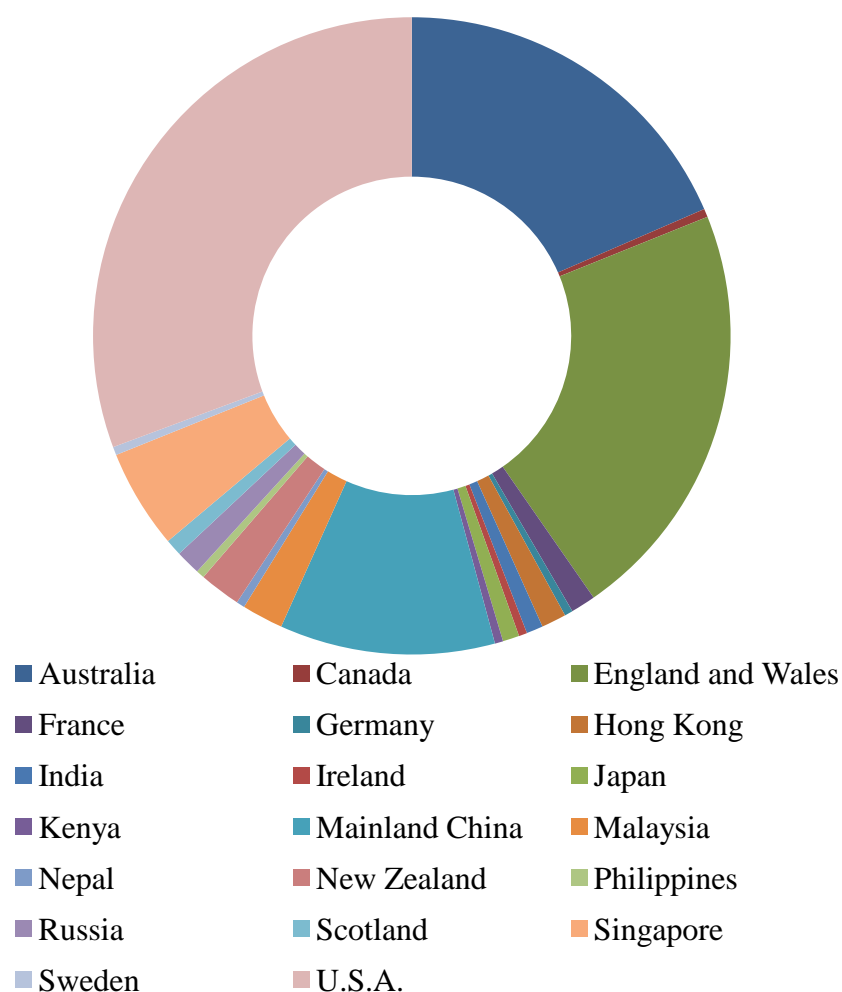
Figure 7 : Overall Examination Result



	No. of Candidates						Overall Result
	Head I	Head II	Head III	Head IV	Head V	Head VI	
Pass	128	18	41	69	4	145	108
Fail	59	41	21	48	2	9	130
Total	187	59	62	117	6	154	238

Written Heads *Head I – Head IV & Head VI*
Oral Head *Head V*

Figure 8: Jurisdictions of the candidates



Jurisdictions	No. of Candidates	%*	Jurisdictions	No. of Candidates	%*
Australia	44	18.5	Mainland China ¹	26	10.9
Canada	1	0.4	Malaysia	5	2.1
England and Wales	51	21.4	Nepal ¹	1	0.4
France ¹	3	1.3	New Zealand	5	2.1
Germany ¹	1	0.4	Philippines ¹	1	0.4
Hong Kong ²	3	1.3	Russia ¹	3	1.3
India	2	0.8	Scotland	2	0.8
Ireland	1	0.4	Singapore	12	5.0
Japan ¹	2	0.8	Sweden ¹	1	0.4
Kenya	1	0.4	U.S.A.	73	30.7
			Total	238	

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%.*

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 15 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.

Six Module 1A, six Module 1B, six Module 2A and six Module 2B of principals' core courses, two Module 1 and two Module 2 of non-principals' core courses, 10 Module 1 and 10 Module 2 of registered foreign lawyers' core courses, 21 Module 1 and 21 Module 2 of trainee solicitors' core courses, 19 compulsory first elective courses for trainee solicitors, and 123 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 1 November 2014, subject to certain exceptions, all courses within the *RME Programme* have been offered free to participants.

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

- (a) membership of the Committee and the RME Accreditation Sub-Committee;
- (b) applications for exemption from complying with the RME requirements;
- (c) deemed accreditation system;
- (d) recruitment of part-time tutors;

- (e) recommendations of the consultants appointed to review the RME core courses and electives;
- (f) international recognition of the *RME Programme*;
- (g) evaluation form for RME courses;
- (h) treatment of breaches of RME obligations;
- (i) membership of the Working Group on Proactive Management Based Regulation;
- (j) checklists on the ethical requirements set out in the core courses and electives;
- (k) high risk issues in legal practice.

90 applications for exemption from complying with the RME requirements pursuant to rule 8A of the *Legal Practitioners (RME) Rules* (“*RME Rules*”) were processed during the year.

RME ACCREDITATION SUB-COMMITTEE

The Sub-Committee is tasked with the responsibility of reviewing applications for accreditation of RME course providers, courses and activities in accordance with the accreditation criteria.

104 applications for accreditation were processed, out of which 66 elective courses offered by law firms and other institutions and 31 elective courses offered by commercial providers were accredited.

Course provider accreditation for RME elective courses was introduced in 2007. 13 law firms accredited as RME elective course providers offered 127 in-house elective courses, one train-the-trainer course to the RME course tutors and another 12 elective courses to the general membership of The Law Society during the year.

The Sub-Committee also considered three applications for conducting legal research for accreditation as an RME elective activity.

WORKING PARTY ON PRACTICE IN SERVICE CENTRES, AT HOME, IN DOMESTIC PREMISES OR BY VIRTUAL OFFICES

New members were recruited to join the Working Party to review the legislative provisions in Hong Kong and overseas jurisdictions governing lawyers’ practice through flexible work arrangements.

In addition to formulating internal guidelines to facilitate the Consents Committee to consider the applications for waivers of *PD D5* and rule 7 of the *FLRR*, the Working Party continued to review the feasibility of amending the Practice Directions, rules and regulations to enable practitioners to practise in flexible modes.

GUIDE WORKING PARTY

The Working Party invited the general membership and the specialist Committees and Working Parties of The Law Society to submit suggestions on topics or issues for inclusion in the *Conduct Guide* over a consultation period of three months. The Working Party collated the feedback and commenced its review and update of the *Conduct Guide* in January 2020.

WORKING PARTY ON SOLICITOR CORPORATION RULES

The Working Party convened two meetings.

Matters considered in meetings and by paper circulation included:

- (a) membership of the Working Party;
- (b) progress of the consequential amendments to the subsidiary legislation to the *LPO* arising from the draft *Solicitor Corporation Rules* (“*SCR*”);
- (c) draft *Foreign Lawyer Corporation Rules* (“*FLC Rules*”);
- (d) fee for incorporation, fee for application for change of articles of association of a solicitor corporation;
- (e) fee for change of name of a solicitor corporation or a foreign lawyer corporation;
- (f) fee for registering the name of a solicitor corporation or foreign lawyer corporation;
- (g) the *Statute Law (Miscellaneous Provisions) Bill 2020*.

The Law Society continued to liaise with DOJ on the drafting of the *SCR*, the *FLC Rules*, the consequential amendments to the *LPO* and its subsidiary legislation.

DOJ raised various enquiries on the treatment of “non-Hong Kong companies” under the *FLC Rules* and The Law Society is seeking advice on the issues.

Progress was made in finalizing the consequential amendments to the following pieces of subsidiary legislation:

- (a) the English and Chinese texts of the *FLRR*;
- (b) the English and Chinese texts of the *RME Rules*;
- (c) the English and Chinese texts of the *Summary Disposal Complaints (Solicitors) Rules*;
- (d) the English and Chinese texts of the *Practising Certificate (Special Conditions) Rules*;
- (e) the English and Chinese texts of the *Admission and Registration Rules*;
- (f) the English and Chinese texts of the *Practising Certificate (Solicitors) Rules*.

WORKING PARTY ON THE PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES

The Council accepted the Working Party's recommendations to amend, inter alia, the *Practising Certificate (Special Conditions) Rules* to remove the time limit for The Law Society to impose special conditions on a solicitor's practising certificate under certain circumstances. The Law Society's proposals were submitted to the Chief Justice for his approval-in-principle. The Chief Justice directed The Law Society to seek advice from the DOJ. The Law Society is liaising with the DOJ on the proposed amendments.

WORKING GROUP ON REGISTERED FOREIGN LAWYERS

The Working Group convened one meeting to analyse in detail the responses of the general membership to the consultation on the proposed amendments to the *FLRR*, the *SPR* and the *Foreign Lawyers Registration (Fees) Rules*. The Working Party submitted its findings and recommendations in June and its recommendations were adopted by the Council.

A THANK YOU

The members of the Standing Committee, and the supporting members of the secretariat, are thanked for their service in 2019, yet another busy year.