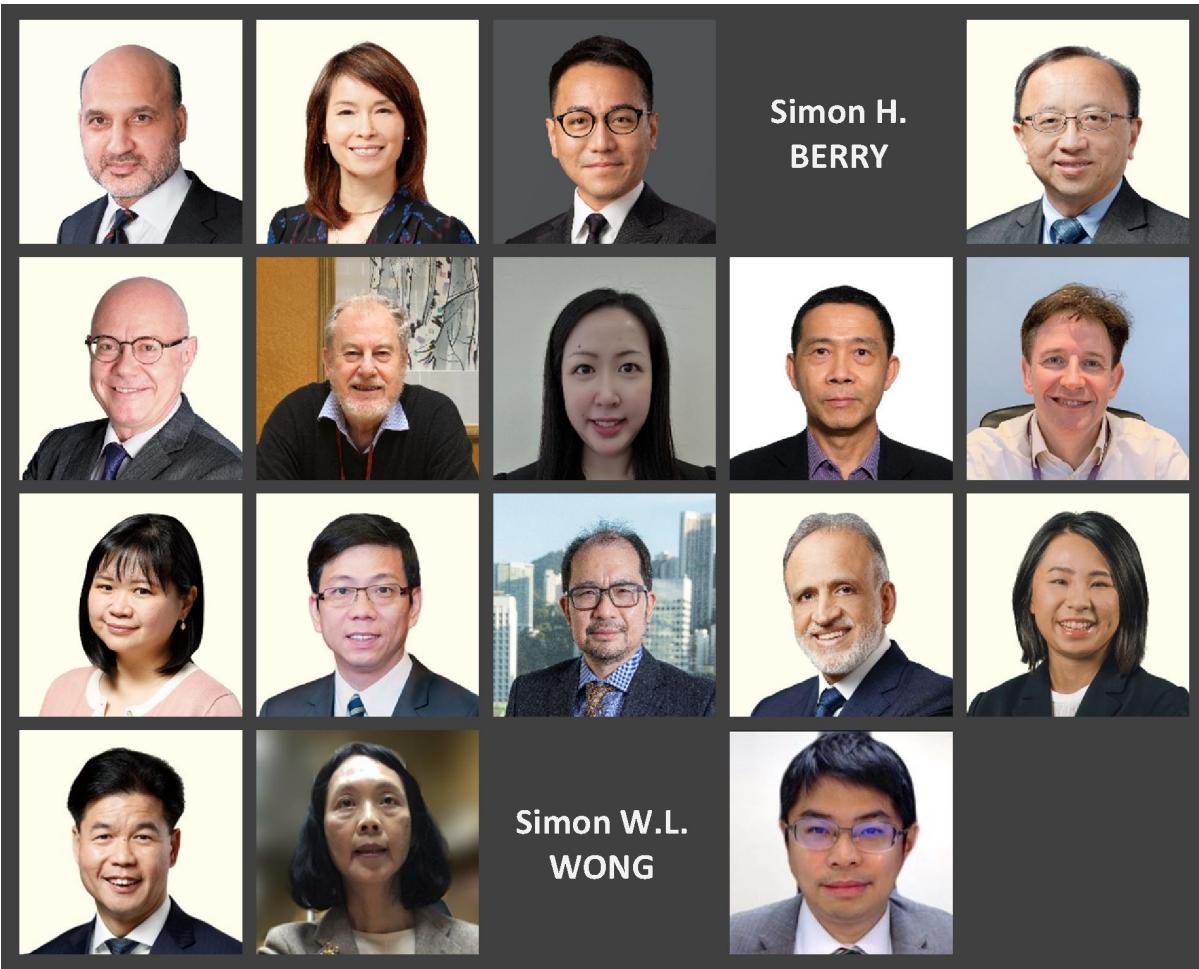




Standing Committee on Practitioners Affairs

2021

STANDING COMMITTEE ON PRACTITIONERS AFFAIRS



The Standing Committee considers and keeps under review matters relating to law reforms, legal practices and legal procedures, and makes relevant determinations. It receives and reviews draft statements and submissions prepared in response to consultations from the Judiciary Administration, Government departments, Law Reform Commission, financial institutes, and other public bodies. It also makes recommendations at policy levels to the Council on matters pertinent to legislative amendments, as well as law-related policies of the Hong Kong SAR Government, such as those included in the Chief Executive's Policy Address and the Government Budget.

The Standing Committee had eight online meetings this year, with deliberations between meetings by email circulation. During the year, the Standing Committee oversaw the work on, among others, 17 submissions prepared by relevant committees in response to public consultations sent to the Law Society. It helped approve the relevant drafts.

Use of court technology

One of the matters which received close attention of the Standing Committee was use of court technology and remote hearings. A Working Party on Use of IT in Judicial Process was set up under the Standing Committee to look into the use of information technology for courts and court users. The membership of the Working Party comprised members from different specialist committees.

On preparation for the implementation of the Judiciary's Information Technology Strategy Plan, the Standing Committee helped and liaised with the Judiciary on their pilot runs for electronic filing. By September, three rounds of pilot run on e-filing for selected types of civil proceedings at the District Court (namely personal injuries actions, tax claims and civil actions) have been completed. The Standing Committee noted the Judiciary intended to roll out the first type of civil proceedings, namely personal injury cases, for e-filing in December. Discussion on remote hearings for certain types of criminal proceedings was continuing.

The Standing Committee also assisted in responding to the various consultations on court technology put out by the Judiciary, such as the draft Practice Directions on e-Bundles and the use of technology in the new court building.

Legislative amendments and reform initiatives

Apart from the above, the Standing Committee also examined an array of important reform initiatives and legislative amendments to ordinances, regulations and statutory codes. Some examples of these reform proposals and initiatives included the following

- Law Reform Commission's consultation on *Outcome Related Fee Structures for Arbitration*
- Listing Regime for Overseas Issuers
- Consultation on Producer Responsibility Scheme on Plastic Beverage Containers
- Consultation on Scheme on Regulation of Disposable Plastic Tableware
- *Crimes (Amendment) Bill 2021* on the offence of "upskirting"
- *Personal Data (Privacy) (Amendment) Bill 2021* on the "doxing" offences, and
- Consultation on Implementation of United Nations Convention on the Rights of the Child.

Submissions and/or responses on these proposals were considered and reviewed by the Standing Committee, with recommendations to the Council of the Law Society for endorsement.

Practitioners Affairs

In addition to policy deliberations, the Standing Committee helped with various initiatives which assisted members' practices. An example was the training organized by the Hong Kong Advocacy Training Council ("HKATC") on Prosecution on Fiat. Through the efforts of the specialist committee, the HKATC agreed to open the training programme to Law Society members. Those members who have successfully completed the training programme can apply to join an assessment to be separately arranged by the Department of Justice, for consideration for inclusion on the Prosecutions Division Magistrates' Courts 'B' Fiat List. The above training was put out in September and was very well-received by members.

Other training activities were brought to the attention of and approved by the Standing Committee. These included trainings and seminars proposed by the Mental Health Law Committee, the Arbitration Committee and the Mediation Committee.

To assist members on their membership renewal for the Panel of Arbitrators of the Law Society, the Standing Committee reviewed and approved the requirement and protocol for renewal of panel membership. Those were sent to and were approved by the Council in August.

Overseeing the specialist committees

The Standing Committee supported the work of 28 Committees and Sub-committees, as well as 10 Working Parties and a number of ad hoc Task Groups. Some of these committees have set up ad hoc task groups to help examine various issues. For example, the Civil Litigation Committee this year has established a Working Party on Paper Admission of Solicitors to review the protocol for admission of trainee solicitors, and to study the feasibility of a proposal for admission as solicitors on paper, as an alternative to oral hearings.

Ad hoc groups were also set up under the Family Law Committee, the Mediation Committee, the Mental Health Committee etc to assist in their reviews of different subjects. Sub-committees were also formed under the Criminal Law and Procedure Committee to help liaise with the Hong Kong Police and the Correctional Services Department on various practice-related issues.

The Standing Committee provided guidance and direction to the above committees, sub-committees, and working parties on their administration, such as co-option, reviews of terms of references and membership, as well as enrolment exercises.

Joint Tribunal

The Standing Committee continued to help the Joint Tribunal in the discharge of its function. The Joint Tribunal is set up to resolve disputes between solicitors and barristers in relation to fees, in accordance with the agreed Terms of Reference and Procedure.

ARBITRATION COMMITTEE

The Arbitration Committee keeps under review developments in arbitration practices in Hong Kong and other jurisdictions. It makes recommendations thereon to Council. To help with the workload, it co-opted two new members and established a working group to review specific matters.

Key Legislative Developments relating to Arbitration

The Committee has discussed and/or provided views on the following.

(a) *Arbitration (Amendment) Ordinance 2021 - Legislative amendment proposal related to the Supplemental Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR*

The Government introduced the *Arbitration (Amendment) Bill 2021* (“Amendment Bill”) to the Legislative Council in February. The Amendment Bill aimed to implement the *Supplemental Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR* (“Supplement Arrangement”) which provided a legal basis to, among others, enable parties to arbitration to make concurrent applications to both the courts of the Mainland and the HKSAR for enforcement of an arbitral award. That was in line with the prevailing international arbitration practice under the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards*. The Committee rendered support to the Amendment Bill. The Amendment Bill was passed and came into effect in May.

(b) *Consultation on Outcome Related Fee Structures for Arbitration*

The Outcome Related Fee Structures (“ORFS”) for Arbitration received attention from the Committee. This was one of the policy initiatives on promotion of dispute resolution for the HKSAR. In December 2020, the Outcome Related Fee Structures for Arbitration Sub-committee of the Law Reform Commission published a consultation paper on ORFS for arbitration and launched a public consultation. Issues under study included (a) whether ORFS should be permitted for Arbitration in (or outside) Hong Kong; (b) if so, which types of ORFS should be permitted; and (c) what changes to Hong Kong law and regulations were required in order to enable any such reform. A submission was prepared and was sent to the Law Reform Commission on 16 March.

Participation in the Meetings of the Panel on Administration of Justice and Legal Services

The Committee attended meetings of the Panel on Administration of Justice and Legal Services of the Legislative Council and provided comments in the following:

(a) “Recent developments on Hong Kong’s legal and dispute resolution services in the Greater Bay Area (“GBA”), including the GBA Legal Professional Examination and other initiatives” (in March); and

- (b) “Latest developments in international arbitration for Hong Kong” (in May).

Promotion of Solicitor-Arbitrators

To help promote arbitration practices for members in Hong Kong and in the Mainland, including the Greater Bay Area ("GBA"), the Committee has considered various initiatives, including the following:

(a) Exploring Business Opportunities in the Greater Bay Area

Notwithstanding COVID pandemic, the Committee has been continuing its liaison with reputable legal and dispute resolution institutes in the GBA. The Committee discussed issues of mutual relevancy and explored opportunities. For instance, in October, the President of the Law Society led a delegation to the Shenzhen Court of International Arbitration (Hong Kong) (“SCIA(HK)”) to exchange views and initiatives on the use of and the development of arbitration practices in GBA. The delegation had a fruitful discussion with the SCIA(HK). Both organizations agreed to establish a closer working relationship in the promotion and development of arbitration in Hong Kong and the GBA.

(b) Promotion of Solicitor-Arbitrators

The Committee has been discussing with the Shenzhen Court of International Arbitration (“SCIA”) and SCIA(HK) on collaboration on promotion of arbitration services of Hong Kong. While a large number of Hong Kong solicitors have been included in the recently revised Panel of Arbitrators of SCIA (located in Shenzhen), the Committee successfully procured an agreement for suitably experienced solicitors and solicitor-arbitrators of the Law Society to apply for admission to SCIA(HK)’s panel of arbitrators based in Hong Kong in October. Expressions of interests have been canvassed.

(c) Promotion to the Business Sector

With a view to promoting the use of arbitration in commercial sectors, the Committee has planned and organised meetings and activities with the business community. These activities on one hand helped promote to the business sector the use of arbitration for commercial disputes; and on the other hand they assisted in the branding of solicitor-arbitrators.

Although this year physical meetings and activities with the business community had been postponed due to COVID-19 pandemic, relevant initiatives continued to be regularly reviewed by the Committee throughout this year.

(d) Promotion of Hong Kong Arbitration Service during the COVID Pandemic and in the Post-pandemic Era

The Committee discussed the impacts of the COVID pandemic upon the arbitration profession in Hong Kong. Various initiatives were put forward to strengthen the status

of Hong Kong as an international hub for commercial arbitration during the COVID Pandemic and in the post-pandemic era.

(e) Online Arbitration

The Committee noted the relevancy of online arbitration; that is one of the fast-growing areas in arbitration. Various initiatives in the development and promotion of online arbitration in Hong Kong and the GBA were considered. In June, the Committee met eBRAM International Online Dispute Resolution Centre Limited and discussed practices on online arbitration.

Panel of Arbitrators

(a) Amendment to the Admission Requirements of the Panel of Arbitrators

The Committee considered and endorsed a recommendation of the Arbitrators Admission Sub-committee to update the admission requirement of the Panel of Arbitrators. Council in August approved these updates. The Information Package on Admission was revised accordingly.

(b) Requirement and Procedure for renewal of membership of the Panel of Arbitrators

With a view to assisting solicitor-arbitrators to renew their panel membership on the Panel of Arbitrators, the Arbitrators Admission Sub-committee put forward a set of requirements and procedures for renewal of membership of the Panel of Arbitrators. These requirements and procedures received endorsement of the Committee and approval from Council in August. Under the said requirements and procedures, solicitor-arbitrators were required to submit their applications for renewal of membership to the Secretariat for handling before the expiry of their panel membership. A circular on the above requirement and procedure was issued in September.

Participation in Arbitration-Related Events and Activities

This year, the Committee supported the following events on arbitration

- (a) International Commercial Arbitration and PRC Arbitration Training Programme (on 19, 20, 26 and 27 June)
- (b) FDI Shenzhen Moot 2021 (on 30 July and 24 August)
- (c) International Arbitration and Mediation for Intellectual Property Disputes Training Programme (to be held on 7, 8, 14, 15, 21 and 22 January 2022).

Training Courses in Arbitration

Continual training on arbitration is essential for solicitor-arbitrators and the general membership of the Law Society. It is important for members to be made aware of and be equipped with updates on knowledge and skills for arbitration. This year the Committee

participated a seminar on “*Should Arbitration Clause be used in Solicitor-Client Retainers?*” That seminar was organised by the Hong Kong Academy of Law and was held in May.

The Committee also supported a *Webinar on the Law Reform Commission’s Report on the Consultation on Outcome Related Fee Structure for Arbitration* (to be organised by the Hong Kong Academy of Law).

Arbitrators Admission Sub-Committee

The Arbitrators Admission Sub-Committee (“Sub-committee”) is established under the Committee to assist with matters relating to the establishment and maintenance of the Panel of Arbitrators of The Law Society of Hong Kong (“Panel”) which comprises of solicitors with demonstrably strong experience in resolving disputes of different natures. This year, the Sub-committee made recommendations on (i) the empanelment requirements of the Panel; and (ii) the requirements and procedures for renewal of membership of the Panel. The above recommendations were approved and endorsed respectively by the Committee and the Council in August.

The Sub-committee empanelled two solicitors to the Panel in this year. The Panel had 30 solicitor-arbitrators by end of this year.

CIVIL LITIGATION COMMITTEE

The Committee met on three occasions and conducted the rest of its business by emails.

The Committee has been busily engaged in reviewing, considering and discussing with the Government and the Judiciary and providing comments on various consultations. Those included the following.

Judiciary's Information Technology Strategy Plan

(a) Implementation of the integrated Court Case Management System (“iCMS”)

The Committee had been keeping a close watch on the Judiciary’s plan of implementation of the iCMS to enable e-filing of court documents. It noted the passage of the *Court Proceedings (Electronic Technology) Ordinance* in July 2020 and the enactment of subsidiary legislation and procedural rules in June.

With the recommendations from the Committee, the Judiciary arranged a briefing session for Law Society’s various specialist committees in January and would arrange another briefing session for the Law Society’s general membership, on a date to be scheduled.

The Committee noted the Judiciary targeted to roll out the e-filing for personal injuries cases at the District Court in December.

(b) Pilot Runs

A circular was issued in January to invite interest for law firms to volunteer to participate in the Judiciary's pilot runs on the iCMS. Those firms which responded to the (2nd call) expressions of interest had their names sent to the Judiciary in February for consideration and handling.

The Committee, in September, noted the Judiciary completed the pilot runs with law firms on a few selected types of civil proceedings at the District Court, namely personal injuries, tax claim and civil actions cases.

Consultation Papers

(a) Consultation Paper on Legislative Proposals for Electronic Fees

The Judiciary invited comments on its Consultation Paper on Legislative Proposals for Electronic Fees. The Committee, together with other specialist committees, reviewed the Consultation Paper and made a submission to the Judiciary in February.

(b) Consultation Paper on Provision of Identification Numbers for Civil Cases

The Committee considered a Consultation Paper on Provision of Identification Numbers for Civil Cases released by the Judiciary in April. The Committee, with inputs from other specialist committees, produced a submission to the Judiciary in June.

(c) Consultation Paper on Legislative Proposals to Enable Remote Hearing

The Committee reviewed a Consultation Paper on Legislative Proposals to enable Remote Hearing released by the Judiciary in February. Members of the various specialist committees, including this Committee attended (i) a briefing session with the Judiciary in February and (ii) a demonstration session on how a remote hearing was to be conducted in March. Comments from various specialist committees on the Consultation Paper were consolidated into a written submission, which was sent to the Judiciary in March.

(d) Consultation Paper on Revised Practice Direction 26.1 – The Constitutional and Administrative List

The Committee received from the Judiciary a Consultation Paper on Revised Practice Direction 26.1 in March. The Committee provided written comments to the Judiciary in April.

(e) Consultation Paper on Proposed Construction of a New District Court Building

The Judiciary, in June, wrote and sought views on its mega project to construct a new District Court Building at Caroline Hill Road in Causeway Bay to re-provision and co-locate the District Court, the Family Court and the Lands Tribunal. Comments of the Committee, together with those from other specialist committees, were consolidated and sent to the Judiciary in July.

(f) Consultation Paper on New Practice Direction on the Use of E-Bundles for Cases of the Commercial List of the Court of First Instance of the High Court

The Committee reviewed a draft practice direction on the use of e-Bundles at hearings for cases under the Commercial List released by the Judiciary in September and made a submission to the Judiciary in October.

(g) Consultation Paper on Outcome Related Fee Structures for Arbitration

The Committee reviewed a Consultation Paper on Outcome Related Fee Structures for Arbitration released by the Law Reform Commission Sub-Committee in December 2020. Views of the Committee were sent to the relevant specialist committees for consolidation into a joint submission, which was sent to the Law Reform Commission in March.

(h) Consultation on Draft Code of Practice for Third Party Funding of Mediation

The Committee was invited to render views on a consultation paper on Draft Code of Practice for Third Party Funding of Mediation released by the Department of Justice in August. Views of the Committee were sent to the relevant specialist committees for consolidation into a joint submission, which was sent to the Department of Justice in October.

(i) Consultation on Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters

In December the Department of Justice launched a public consultation on a legislative proposal to implement the *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and HKSAR*. A sub-group was set up to review the consultation paper.

Issues on Civil Litigation Practice

The Committee discussed, commented and raised suggestions on various issues pertinent to civil litigation practices, including the following:

- Enforcement of judgments
- Approval of draft Court Orders
- Consent Summons in Commercial List
- Solicitor's Hourly Rates
- Paper application for admission as solicitors
- The Sale of Goods (United Nations Convention) Ordinance
- The enactment of the Rules of the High Court (Amendment) Rules 2021 and the Rules of the District Court (Amendment) (No.2) in relation to application for summary judgment.

Circulars

The Committee issued the following circulars to assist members with the updated civil court practice procedures:

- Updated Practice Direction 2.1 – Application for Leave to Appeal to the Court of Final Appeal filed in the Court of Appeal in Civil Case
- Gradual Full Resumption of Court Business
- Interest Rate on Judgment Debts in the High Court and the District Court
- Revised Practice Direction 26.1 – The Constitutional and Administrative List
- Fraud Exception Rules.

COMPANY LAW COMMITTEE

The Committee considered a number of proposals relating to improvement to company law practices and company law reform. It reviewed a number of consultation papers from the Government and other stakeholders such as The Stock Exchange of Hong Kong Limited. During the year, submissions were made on the following:

- The Main Board Profit Requirement
- Listing Regime for Overseas Issuers
- Review of Corporate Governance Code and Related Listing Rules
- Special Purpose Acquisition Companies
- Proposed Amendments to Listing Rules relating to Share Schemes of Listed Issuers

COMPETITION LAW COMMITTEE

The Committee met once and conducted the rest of its business by emails.

Consultation Paper on Outcome Related Fee Structures for Arbitration

The Committee provided views on the Consultation Paper on Outcome Related Fee Structures for Arbitration. Views of the Committee and various specialist committees were consolidated into a submission, which was sent to the Law Reform Commission in March.

Judiciary's ITSP - Consultation on Provision of Identification Numbers for Civil Cases

The Committee, in April, considered the Consultation on Provision of Identification Numbers for Civil Cases. Comments of the Committee were sent to the Civil Litigation Committee for consideration and preparation of a consolidated reply.

UK Appeal Cases relating to imposter fraud

The Committee, in May, revisited two UK Court of Appeal judgments, namely *P&P Property Limited v Own White & Catlin LLP and Crownvent Limited and Dreamvar (UK) Limited v Mishcon de Reya (a firm), Mary Monson Solicitors Limited v The Law Society [1018] EWCA Civ. 1082*. Views of the Committee were relayed to the relevant specialist committee for consideration.

Initial Consultation regarding review of the Competition (Block Exemption for Vessel Sharing Agreements) Order 2017

The Committee took note of an initial consultation by the Hong Kong Competition Commission released in August, in respect of a review of the Competition (Block Exemption for Vessel Sharing Agreements) Order 2017.

Competition Commission Advisory Bulletins

The Committee considered the Competition Commission Advisory Bulletins on Trade Associations' Membership Admission Rule issued in July. Discussions were also held on another advisory bulletin published by the Commission in April 2018 on Practices in Employment Marketplace.

Competition Commission - Policy on Section 60 Commitments

The Committee noted the Competition Commission, on 10 November, published a policy on commitments under section 60 of the Competition Ordinance which set out the Commission's practice and procedure in respect of such commitments.

CONSTITUTIONAL AFFAIRS AND HUMAN RIGHTS COMMITTEE

The Committee had four meetings this year and conducted the rest of its business vide email circulation.

The following matters were considered by the Committee:

- *Immigration (Amendment) Bill 2020*
- Judicial independence and the positions of non-permanent judges with the Court of Final Appeal
- Election Reform of the Hong Kong SAR
- Independent Investigation into social events that took place in 2019
- Engagement of Queen's Counsel in the UK in a trial involving the *Public Order Ordinance*
- Revised Practice Direction 26.1 – The Constitutional and Administrative Law List
- Proposed enhancement measures for the Legal Aid System in Hong Kong SAR
- Assignment under the Duty Lawyer Service
- Public Consultation on Implementation of United Nations Convention on the Rights of the Child.

Apart from the above, the Committee also kept under review various cases and judgments of the Basic Law and the National Security Legislation, as well as the following matters:

- Proposed amendments to the *Personal Data (Privacy) Ordinance*, Cap. 486
 - *Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Ordinance 2021*
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- *Sex Discrimination (Amendment) Bill 2020*
- Government's consultation on real-name registration programme for SIM cards
- Remote hearings.

CRIMINAL LAW AND PROCEDURE COMMITTEE

The Committee considers matters relating to criminal law and practices, and holds discussions with stakeholders including the Judiciary Administration, law enforcement agencies, the Legislative Council panels, the Hong Kong Bar Association, the Duty Lawyer Service, the Legal Aid Department etc. This year the Committee had 10 meetings. Its Sub-committee on Liaison with the Correctional Services Department had two meetings with the Department. The Committee co-opted two members to help with the heavy workload.

Consultations

The Committee studied a number of consultation papers and prepared detailed responses thereto. These included

- (a) Sentencing and Related Matters in the Review of Sexual Offences
The Committee prepared a submission to respond to a Law Reform Commission Consultation Paper on the above and sent in the submission in February.
- (b) *Evidence (Amendment) Bill 2018*
The discussion on the Amendment Bill continued, and further news were rendered in January.
- (c) Real-name Registration Programme for SIM Cards
The Committee reviewed a consultation paper on the subject matter from the Commerce and Economic Development Bureau. A reply was rendered thereto in March.
- (d) Control of Genuine Firearm Component Parts
A consultation paper from the Security Bureau was reviewed by the Committee. A response was rendered in March.
- (e) Public Consultation on Implementation on United Nations Convention on the Rights of the Child
The Committee took note of the various views set out in the subject consultation, and a submission was rendered in April.
- (f) *Crimes (Amendment) Bill 2021*
A sub-group was set up to study the amendment bill on voyeurism and related offences. The sub-group met in April (twice). A very detailed submission was prepared and was sent to the Department of Justice in June.
- (g) *Proposed Amendments to the Personal Data (Privacy) Ordinance, Cap. 486*
The Government intended to amend the Personal Data (Privacy) Ordinance to address the problem of doxxing. The Committee had lengthy discussions on the proposed doxxing offences, and in August rendered their comments on the above amendments.

(h) Telephone Scams

The problem of telephone scams involving properties was brought to the attention of the Committee. The Committee had a meeting with the Hong Kong Police Force in June and exchanged ideas on how to combat the problem. After further deliberations by the specialist committees of the Law Society, two members' circulars on the above were issued in September.

(i) Remote Hearings

The Committee noted the proposals of the Judiciary Administration on remote hearings for criminal proceedings. Members attended various briefings held by the Judiciary Administration (in February, March and April). In principle, the Committee welcomed the use of court technology but insofar as criminal proceedings were concerned, there should be more deliberations. The above were raised with the Judiciary Administration.

Construction of a New Court Building

The Committee noted a proposal by the Judiciary Administration to construct a new court building and provided suggestions and comments thereon. Those views were consolidated with comments from other committees and were sent to the Judiciary Administration in July.

Biennial Criminal Legal Aid Review

The Committee had various discussions on biennial review of criminal legal aid rates. The biennial review aimed to update the criminal legal aid fees prescribed under *Rule 21 of the Legal Aid in Criminal Cases Rules* under the *Criminal Procedure Ordinance*, Cap. 221. The Committee was seeking discussions with the Government on the matter.

Proposed Enhancement Measures to the Legal Aid System in Hong Kong

The Committee noted the various enhancement measures proposed to the Legal Aid System. The Chairperson attend a meeting of the Panel on Administration of Justice and Legal Services of the Legislative Council in October and rendered preliminary views thereto. The Committee, together with other related specialist committees and the office bearers of the Law Society, had a meeting with the Director of Legal Aid in November to discuss those proposed measures.

Training for Fiat Counsel

The Committee kept under its review training for Law Society members, and noted a training programme on "Prosecution on Fiat" organized by the Hong Kong Advocacy Training Council for the Hong Kong Bar Association. It considered the programme could be beneficial to members of the Law Society and successfully liaised with the Hong Kong Advocacy Training Council to open that training programme to members of the Law Society. Members who have completed the training programme and perform satisfactorily at the mock trials to be arranged at the conclusion of the training programme could apply to the Department of Justice ("DOJ") to join an assessment. Upon satisfaction on the part of the DOJ that trial preparation, advocacy skills and legal knowledge of the members were up to an acceptable prosecutorial standard, members' names would be considered for inclusion on the Prosecutions Division Magistrates' Courts "B" Fiat List.

The above training took place in September and received overwhelming support from general members.

Other Reviews

Various matters were brought to the attention of the Committee for discussion. Those included

- The doctrine of Joint Enterprise in Public Order offences
- Various cases and judgments under the National Security Legislation
- A proposal to set up a “Sentencing Council” for Hong Kong SAR
- Possible legal assistance to be rendered for the purpose of inquiries and examination under the *Mental Health Ordinance*
- Listing at District Court
- Disclosure of Criminal Records by the Prosecution
- *The Improving Electoral System (Consolidated Amendments) Bill 2021.*

Where relevant, members’ circulars or criminal practices were issued.

Two members of the Committee joined the Law Society’s Working Party on Use of IT in Judicial Process to help review the use of court technology. The Committee has also been in discussion with overseas bar associations and assisted with their researches on criminal topics.

EMPLOYMENT LAW COMMITTEE

The Committee conducted its business by emails.

The Committee considered and reviewed the following employment law related matters:

- (a) **Employment (Amendment) Ordinance 2021** — The *Employment (Amendment) Ordinance 2021* was published in the Gazette in July. The Amendment Ordinance seeks to progressively increase the number of statutory holidays under the Employment Ordinance (Cap. 57), from the existing 12 days to 17 days, so that it would be on a par with the number of general holidays other than Sundays.
- (b) **Employees’ Compensation (Amendment) Ordinance 2021** — The *Employees’ Compensation (Amendment) Ordinance 2021* came into effect in July. The Amendment Ordinance seeks to extend the coverage of the Employees’ Compensation Ordinance (Cap. 282) to the situation where an employee sustains an injury or dies as result of an accident when commuting to or from working during the period of “extreme conditions” arising from a super typhoon or other natural disaster of a substantial scale.
- (c) **Consultation on Review of the Talent List** — In August, the Department of Justice sought views on its review of the Talent List in relation to the legal and dispute resolution services sector.

The Committee continued to keep the following issues under review:

- the relaxation of the conditions on withdrawal of Mandatory Provident Fund (“MPF”); and
- the arrangement for offsetting long service payments and severance payments against MPF contributions.

FAMILY LAW COMMITTEE

The Committee met eight times during the year. In addition, informal meetings were held with external bodies, namely the Judiciary, the Immigration Department, the Social Welfare Department, various NGOs, the Hong Kong Bar Association, the Hong Kong Family Law Association to discuss a wide range of family law related issues. The Committee also conducted its business by email.

Consultation Papers

The Committee reviewed a number of consultation papers and made submissions in response:

(a) Consultation Paper on Remote Hearings

The Committee considered the Judiciary’s consultation paper on remote hearings. Two committee members in March attended the operational briefing session on the remote court hearings arranged by the Judiciary. Views on remote hearings for matrimonial and family proceedings were consolidated into a joint submission which was sent to the Judiciary in March.

(b) Public Consultation on Implementation of United Nations Convention on the Rights of the Child

The Committee received from the Constitutional and Mainland Affairs Bureau a consultation paper on the implementation of United Nations Convention on Rights of Child. Having reviewed the outline of topics to be covered in the third report of the Hong Kong SAR dated February 2021 and the Concluding Observations on the combined third and fourth periodical reports of China dated 29 October 2013, the Committee made a submission in April.

(c) Consultation on Proposed Amendments to Practice Direction 23.1 on Wards of Court

The Committee reviewed the proposed amendments to Practice Direction 23.1 and provided comments to the Judiciary in April.

(d) Consultation Paper on ITSP – Provision of Identification Numbers for Civil Cases

The Committee considered a Judiciary’s consultation paper on Information Technology Strategy Plan – Provision of Identification Numbers for Civil Cases. Comments of the Committee was relayed to the relevant specialist committee for consideration.

(e) Consultation on the New District Court Building

The Committee reviewed the Judiciary's consultation on the new District Court Building. The views of the Committee, together with those from other specialist committees, were consolidated and were sent to the Judiciary in July.

(f) Consultation on Draft Code of Practice for Third Party Funding of Mediation

The Committee in August reviewed a consultation paper on draft Code of Practice for Third Party Funding of Mediation. Views of the Committee were relayed to the Mediation Committee of the Law Society for consideration.

(g) Consultation on Draft Report of the Special Committee on Evaluative Mediation of the Steering Committee on Mediation

The Committee in August considered a consultation paper on draft report of the Special Committee on Evaluative Mediation of the Steering Committee on Mediation.

Deliberations on matrimonial and family matters

The Committee reviewed an array of matrimonial matters:

(a) Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance

The Committee kept a close watch on the *Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill*. Jointly with other stakeholders, comments on the Bill were sent to the Department of Justice in January and March respectively.

The *Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance* was enacted in May and the relevant court rules and commencement notice related to the Ordinance was published in the Gazette. The Ordinance and the relevant rules would come into operation on 15 February 2022.

(b) Restrictions on Children travelling out of Hong Kong under Court Orders

The Committee, in January and May, met with the representatives of the Immigration Department and exchanged views on the restrictions on children travelling out of Hong Kong under Court Orders. The meetings were useful and constructive. With those views canvassed, the Committee was proposing a standalone court order regarding children's travelling restrictions for further deliberation. The Committee had deliberated the drafting of a template for the Court Order. It would continue its dialogue with the Immigration Department.

(c) Proposed Children Proceedings (Parental Responsibility) Bill

The Committee, in February, had a meeting with 16 NGOs and exchanged views on, among others, the *Children Proceedings (Parental Responsibility) Bill*, the proposed Maintenance Board, the operation of the Specialized Co-parenting Support Centres and domestic violence.

The Committee was having further internal discussions to follow up with the Government and other stakeholders on the above Bill, and in November has written further to the Government to express concerns on lack of legislative progress of the Bill.

(d) Public Statements by the Hong Kong Committee on Children's Rights

The Committee considered two statements issued by the Hong Kong Committee on Children's Rights ("HKCCR") on a tragic death of a five-year-old girl and its appeal for support to end violence against children. The Committee took the view that a joint appeal to the Government to end violence against children should receive support. A reply was made to the HKCCR in May.

(e) Social Investigation Reports

The Committee had a meeting with the Social Welfare Department in July and discussed the practices in the preparation of the Social Investigation Reports. Views canvassed were passed to the Judiciary's Family Proceedings Court Users' Committee. After further deliberation, the Committee issued a circular on Social Investigation Reports in August.

(f) District Court (Fixed Costs in Matrimonial Causes) Rules (Cap.336F)

A paper setting out proposals to adjust the amount of fixed costs and to extend fixed costs arrangement to the First Appointment, Financial Dispute Resolution hearings, Children's Appointment and Children's Dispute Resolution hearings, was considered in July. The Committee noted the progress with the requisite legislative amendments, to be introduced into the Legislative Council in the next legislative session. The Committee would keep this matter under review.

(g) Guide to Good Practice on Family Law

Together with other stakeholders, the Committee discussed the drafting of a Guide to Good Practice on Family Law, which set out good practice on a constructive and conciliatory approach to be adopted in family law work. The Guide in draft was to be finalized.

(h) Form E – Financial Statement

The Form E (Financial Statement) has been in use since 2003 and has not been reviewed for 18 years. In light of the implementation of a new *PDSL 10.4 Guidance Note on Case Management and Time Tabling in Children and Ancillary Relief Proceedings* (effective on 1 September), the Committee considered that it was prudent to review the content of the Form E and to propose updates, if necessary. A task group was set up to conduct the review. The task group held three meetings in August, September and November; supplemented with back and forth discussions by email.

Other issues

The Committee took note of and/or considered the following:

- Procedure and Practice of the Family Court – waiting time of hearings, docket system etc.
- Issues that practitioners and mediators might encounter during mediator-assisted CDR/FDR hearing
- *PDSL10.4 - Guidance Note on Case Management and Time Tabling in Children and Ancillary Relief Proceedings*
- The judgment of *Wong v Choi* FCMC 7705/2019, 29 January 2021, [2021] HKFC25
- The Court of Appeal decision in *Fabio Arlyn Timogan* CACV 183/2020
- LegCo Paper on Support for Victims of Domestic Violence and Sexual Violence by the Social Welfare Department dated March 2021
- The relevant development of coercive control in Australia
- News article on child protection and section 27 of the Offences Against The Person Ordinance (Cap.212)
- Law Reform Commission's Report on Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult
- Government's proposed mandatory reporting requirement for suspected child abuse cases
- Stakeholder and Children Survey on the Performance of Commission on Children by the Hong Kong Committee on Children's Rights.

Circulars

The Committee approved and issued circulars to members on the following subject matters:

- Matrimonial/Family Proceedings – Social Investigation Reports
- Practice Direction 23.1 – Wards of Court
- Practice Direction SL10.4 – Guidance Note on Case Management and Time Tabling in Children and Ancillary Relief Proceedings.

Training Courses/CPD Webinars

- **Training Courses for the Social Welfare Department**

In September, two Committee members were invited to present training courses for the Social Welfare Department on the “Basic Understanding of Related Ordinances and Court Proceedings on Child Custody and Guardianship” and “The Domestic and Cohabitation Relationship Violence Ordinance and Application for Injunction Order”.

- **CPD Webinar on Mainland Judgements in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill 2021**

In July, a Committee member presented a webinar on Mainland Judgements in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill 2021, organized by the Academy of Law.

- CPD Webinar on New Family Court Procedure Since 1 September 2021 under Practice Direction SL10.4

In October, the Chairperson of the Committee, together with His Honour Judge CK Chan, presented a webinar on new Family Court Procedure under Practice Direction SL 10.4, organized by the Academy of Law.

INSOLVENCY LAW COMMITTEE

The Committee conducted its business by emails.

Draft Companies (Corporate Rescue) Bill

The Committee kept a close watch on the progress of the draft *Companies (Corporate Rescue) Bill*. A letter to the Financial Services and Treasury Bureau ("FSTB") seeking progress was sent in February. The Committee received an interim reply from the FSTB in March. On this matter, the Chairperson of the Committee had been liaising with the Panel on Administration of Justice and Legal Services on various occasions, making enquires on scheduling panel meetings to consider the Bill.

Proposed framework for cooperation with the Mainland in insolvency matters

The Committee considered a proposed framework for cooperation with the Mainland on mutual recognition of and assistance to corporate insolvency and debt restructuring matters. The proposal was relayed by the Department of Justice. In response, the Committee made a detailed submission in May.

The Committee took note that the Supreme People's Court of People's Republic of China and the HKSAR Government signed the *Record of Meeting of the Supreme People's Court and the Government of the Hong Kong Special Administrative Region on Mutual Recognition of and Assistance to Bankruptcy (Insolvency) Proceedings between the Courts of the Mainland and of the Hong Kong Special Administrative Region*. The Record of Meeting establishes a framework for cooperation between the High Court of the HKSAR and the relevant People's Courts in corporate insolvency and debt restructuring matters.

In September, a Committee member spoke at a webinar on Mutual Recognition of Insolvency Proceedings between the Courts of the Mainland and the HKSAR, organized by the Academy of Law.

Proposed security requirements for appointment of liquidators or trustees in bankruptcy

The Official Receiver's Office invited comments on its proposed security requirements for appointment of liquidators or trustees in bankruptcy. The Committee reviewed the draft proposed questionnaire and in September made a submission to reply.

The Financial Institutions (Resolution) (Contractual Recognition of Suspension of Termination Rights - Banking Sector) Rules

The Committee took note that the *Financial Institutions (Resolution) (Contractual Recognition of Suspension of Termination Rights - Banking Sector) Rules* were published in the Gazette in June. The Rules came into operation on 27 August.

Circulars

The Committee issued circulars to members on the following matters:

- ORO Circular No.1/2021 – Multiple Winding-Up Petitioners Presented Against the Same Company
- ORO Circular No.2/2021 – Use of Electronic Communication in Insolvency Case Matters
- Bailiff's Office - Practice and Procedure (Revised October 2021).

Attending outside meetings

Two members of the Committee, as representatives of the Law Society, attended regular meetings of the Official Receiver's Office Services Advisory Committee throughout the year.

INSURANCE LAW COMMITTEE

The Committee met on two occasions and conducted the rest of its business by emails.

The Committee considered and reviewed the following:

Stakeholder Consultation on the Draft Guideline on Group Supervision

The Committee considered a Stakeholder Consultation on the Draft Guideline on Group Supervision. Written submissions on Module A to G and Module H to L and Appendix of the Draft Guideline were made and sent to the Insurance Authority in February and March.

Consultation Paper on Proposed Amendments to the Code on Pooled Retirement Fund

The Committee considered a consultation paper on Proposed Amendments to the Code on Pooled Retirement Fund. A joint submission with the Retirement Schemes Committee was made and sent to the Securities and Futures Commission (“SFC”) in March. The SFC released the Consultation Conclusion in October.

Consultation Paper on Outcome Related Fee Structures for Arbitration

The Committee considered a consultation paper on Outcome Related Fee Structures for Arbitration and provided views on ATE insurance. Views of the Committee and various specialist committees were consolidated into a submission, which was sent to the Law Reform Commission in March.

Proposed Law Reform on Insurance Law in Hong Kong

The Committee continued its effort on pushing for progress on the proposed law reform on insurance law in Hong Kong. A letter was sent to the Law Reform Commission in May and in November seeking a timeline for the law reform.

Consultation with the Insurance Authority

The Committee, in November, sent a letter to the Insurance Authority on the policy arrangement for the consultation process of its policy documents.

INTELLECTUAL PROPERTY COMMITTEE

Discussions and Reviews

The Committee has been busily engaged in the discussion of a number of issues on the development on intellectual property law and practices in Hong Kong. It conducted four internal virtual meetings. In March, April and June, members met with the Intellectual Property Department ("IPD") of the HKSAR Government and had extensive discussions on various IP matters. Members of the Committee had also attended meetings of various working groups and practice groups, as well as with other stakeholders to exchange views on various specialized areas. In May and June, the Committee together with other stakeholders attended meetings with IPD regarding technical issues on its Public Online Search system. Those issues were resolved in June.

(a) 14th Five-Year Plan

Under the "*Outline of the 14th Five-Year Plan for National Economic and Social Development of the People's Republic of China and the Long-Range Objectives Through the Year 2035*", as approved by the 13th National People's Congress in March, Hong Kong SAR received the national support to develop itself as a regional intellectual property ("IP") trading centre, and attention was drawn to the following policy initiatives, i.e., (i) enhancing the IP protection regime, (ii) supporting IP creation & exploitation, (iii) fostering IP intermediary services & manpower capacity and, (iv) pursuing promotion, education and external collaboration efforts. The Committee together with other stakeholders were engaged to discuss the above initiatives and to work on how to build, support and promote Hong Kong as a regional IP trading centre. There had been various discussions internally, and meetings with the Government bureaus and departments.

(b) Implementation of Madrid Protocol

To prepare for the implementation of Madrid Protocol, the Committee and other stakeholders had been diligently involved in discussing with IPD on various practical issues, such as the enhancement of the examination practice, the enhancement of the IT system to prepare international trade mark registrations and the training sessions for IP legal practitioners.

(c) Updating Hong Kong's Copyright Regime

The Committee had been advocating and urging for an update of Hong Kong's copyright regime. The Government of the HKSAR launched a public consultation in November to gauge views on updating the copyright law. The consultation was to continue the discussion of the *Copyright (Amendment) Bill 2014* ("2014 Bill") which lapsed upon the expiry of the then Legislative Council term in July 2016. This latest consultation set out key legislative proposals and addressed four issues (i.e. exhaustive approach to exceptions, contract override, illicit streaming device and judicial site blocking) which generated much interests from stakeholders during the previous amendment attempt. The Chairperson and IPD were working with the Academy of Law to organise a seminar on the consultation paper. The seminar was scheduled to be held next year. The Committee on the other hand prepared a submission in response to the consultation. The submission was endorsed by Council and was submitted to the Government before the end of the consultation period.

(d) Consultation on Draft Final Report of the Special Committee on Evaluative Mediation of the Steering Committee on Mediation

Evaluative Mediation continued to receive attention from the Committee. This year, it held virtual committee meetings and had follow-up correspondences with the Administration to discuss the matter. The Committee also relayed its views to the Mediation Committee on IP evaluative mediation.

(e) Consultation on the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill and the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Rules

The Committee considered the Bill and had joined other committees to prepare the submission in response to the consultation.

(g) Policy Address 2021

The Committee expressed views on IP trading services and related matters for the Policy Address 2021 and prepared a short submission to urge for the Government's determined efforts and concrete action to enhance Hong Kong's IP capabilities to establish herself as a regional IP trading centre.

Promotion of IP

(a) Business of Intellectual Property ("BIP") Asia

The Law Society continued to be a supporting organization to BIP Asia Forum 2021. This Forum was jointly organized by the HKSAR Government, the Hong Kong Trade Development Council and the Hong Kong Design Centre. It brought together IP professionals from Hong Kong and other jurisdictions to discuss the latest developments in the IP world, and also to explore business opportunities. The Chairperson of the Committee was a member of the Steering Committee of the Forum.

The Forum took place online on 2 and 3 December at the Hong Kong Convention and Exhibition Centre.

The Committee continued to render support to the Forum. Two committee members, including the Chairperson of the Committee, spoke at various break-out sessions. As usual, the sessions were well-attended.

(b) Guangdong/Hong Kong Seminar on Intellectual Property and Development of Small and Medium Enterprises

For nearly 20 years, the Committee has continued to support IPD and its Guangdong counterparts to participate in an annual symposium for local small and medium enterprises (“SMEs”) in different cities of Guangdong Province to advocate the importance of IP. Notwithstanding Covid-19, the 2021 event was held in September in an online format. At the symposium, the Chairperson gave a presentation on "IP Issues Relating to Collaborative Innovation".

(c) IP Manager Scheme PLUS

The Committee continued to support and assist the IPD in giving lectures for their IP Manager Scheme. The IP Manager Scheme was first launched by the IPD in 2015 to assist, especially, SMEs in Hong Kong to build up their IP manpower capacity. The scheme had been enhanced to become IP Manager Scheme PLUS for providing greater breadth and depth to the contents of the training programme to cater for the specific career needs of IP managers. The Committee had provided their thoughts and suggestions to the enhancement.

(d) IP Consultation Sessions

The Committee continued to support the IPD in giving free preliminary advice at the IPD's IP consultation sessions in order to assist SMEs to raise their awareness of IP. Discussion had been made with IPD on how the free advice service could be enhanced.

Meetings

(a) Annual Meeting with IPD

The Committee met the IPD in June to discuss various IP laws, practices and related matters. The matters discussed at the meeting included:

- Implementation of an “original grant” patent system in Hong Kong
- Proposed application of Madrid Protocol to HKSAR
- Amendments to the Rules of the High Court for proceedings before the Court of First Instance of the High Court of Hong Kong under several IP legislation
- Plans for improvement of various aspects of copyright in Hong Kong
- Blueprint for equipping Hong Kong as an IP trading centre
- Time taken by IPD to record and remove registrable transactions.

(b) Joint Annual Meeting with IPD, Asian Patent Attorneys Association Hong Kong and Hong Kong Institute of Trade Mark Practitioners

This was held annually with the IPD and other stakeholders to exchange views on IP practices and updates. The meeting this year was held in February. IPD provided a summary of the legislative and practice updates and their work plan for the year.

The matters discussed at the meeting included:

- Latest update and major work plans in 2022
- Revamp of websites
- Use of technology in IP registration process.

(c) Other IP related matters

The Committee has been having discussions on other IP-related matters and where appropriate has, from time to time, issued circulars to the general membership. These included the following:

- the “IP Service Provider Directory Invitation for Registration”
- the "Public Online Search System"
- the "Patent Examination Guidelines and Application For Standard Patent By Original Grant"
- the “2021 Guangdong/ Hong Kong Seminar on Intellectual Property and Development of Small and Medium Enterprises (Online)”
- Invitation of the Guangdong-Hong Kong-Macao Greater Bay Area High-value Patent Portfolio Layout Competition 2021
- Invitation to “Mainland and Hong Kong SAR, Macao SAR Intellectual Property Symposium 2021”.

External Representation

The Committee continued to be represented on the BIP Asia Steering Committee. The Committee had also representatives on the Focus Group on Review of the Patent System in Hong Kong of the IPD, the Working Group to enhance Hong Kong as IP Trading Hub Working Group and the Trade Mark Practice Group, and attended the Group meetings.

INVESTMENT PRODUCTS AND FINANCIAL SERVICES COMMITTEE

The Committee considered a number of consultations from the Government and the Securities and Futures Commission. During the year, submissions were made on the following:

- Proposed Enhancements to the Competency Framework for Intermediaries and Individual Practitioners
- Proposed Amendments to the Code on Pooled Retirement Funds
- Proposed Code of Conduct on Bookbuilding and Placing Activities in Equity Capital Market and Debt Capital Market Transactions and the “Sponsor Coupling” Proposal.

LAND USE PLANNING & ENVIRONMENTAL LAW COMMITTEE

The Committee has reviewed and expanded its terms of reference to enable the Committee to review legislation and policy proposals affecting land use and planning in Hong Kong, as well as environmental protection, and also to advise Council of the Law Society accordingly. It has co-opted four more members to the Committee to help with the deliberations.

The Committee held four meetings this year, and had email exchanges to consider various matters, e.g. on the consultations on "Control of Single-Use Plastics" and the "Report and the Brief Summary of the Northern Metropolis Development Strategy by the HKSAR". Submissions were on the other hand made to the Government by the Committee on the following consultations:

- Producer Responsibility Scheme on Plastic Beverage Containers
- Regulation of Disposal Plastic Tableware.

LEGAL AID COMMITTEE

The Committee met formally on two occasions and conducted its business by emails. In addition, the Committee had two meetings with the Legal Aid Department ("LAD").

The Committee has been keeping close watches on the development of and matters pertinent to the legal aid practice, including:

The Government's Proposed Enhancement Measures to the Legal Aid System in Hong Kong

On 22 October, the Government issued a discussion paper for the Panel on Administration of Justice and Legal Services of the Legislative Council, proposing a number of enhancement measures to the administration of legal aid. The Committee and other relevant specialist committees considered the enhancement measures in detail.

The President, the Vice-Presidents and Chairpersons of the Committee, the Criminal Law and Procedure Committee, the Personal Injuries Committee and the Constitutional Affairs and Human Rights Committee, with a member of the Committee, had a meeting with the Director of Legal Aid and his deputies in November. They exchanged views on various issues which included nomination of lawyers by aided persons and assignment of judicial review-related cases, civil cases and criminal cases.

Legal Aid Practices – Civil Legal Aid

The Committee, in May, issued a Law Society's circular No.21-264(PA) to assist members to understand the latest legal aid practices on civil legal aid, and relayed to members suggestions from the LAD on expediting payment of bills of costs.

Consultation Papers

The Committee reviewed and/or made submissions on the following consultation papers:

- Law Reform Commission's Consultation Paper on Outcome Related Fee Structures for Arbitration
- Department of Justice's Consultation Paper on the draft Code of Practice for the Third Party Funding of Mediation
- Judiciary's Consultation Paper on Revised PD26.1 - Constitutional and Administration Law List.

Public Interpretation Services in Hong Kong

The Committee noted the Ombudsman on 22 July released its investigation findings and made a list of recommendations for the Government to consider. The major recommendation was that the Constitutional and Mainland Affairs Bureau was to co-ordinate with the relevant policy bureaux/departments to develop a central database of outside foreign language interpreters.

Annual Reviews of the Financial Eligibility Limits and Director of Legal Aid's First Charge

The Committee noted the Government completed the annual reviews of the financial eligibility limits of legal aid applicants and the Director's First Charge with reference to the CPI(C), which registered a decrease by 0.1% in the reference period. The Government reserved the 0.1% decrease and would consider it together with the outcome of the next annual review.

District Court (Fixed Costs in Matrimonial Causes) Rules, Cap.336F (“Rules”)

The Committee had been liaising with the Judiciary Administration on the proposed legislative amendments to the Rules to update the scale of the fixed costs. The Committee had various discussions on several logistics issues on the updating exercise.

MEDIATION COMMITTEE

The Committee reviews and makes recommendations on mediation-related matters for general members of the Law Society, solicitor-mediators, solicitor-mediation advocates and solicitor-parenting coordinators. It puts forward initiatives to, for instance, advocate for a wider application of Hong Kong law and the facilitative mediation model in mediation for international or cross-border commercial disputes. That helps the promotion of mediation practice, and the expansion of work opportunities for solicitor-mediators and solicitor-mediation advocates.

The Committee assists Council to discuss and formulate policies on mediation-related matters and studies, and responds to various consultations. Members of the Committee attend external meetings (for example Legislative Council meetings) to help with discussions.

This year the Committee met twice and conducted the rest of its business by emails. Two ad hoc working groups were set up to review specific matters.

Consultations relating to mediation

The Committee has considered and/or provided views on the following matters.

Consultation on Draft Code of Practice for Third Party Funders of Mediation

In August, the Department of Justice issued a set of draft Code of Practice for Third Party Funding of Mediation (“Draft Code”) and invited comments. The Committee reviewed the Draft Code and, with other relevant specialist committees, sent a submission on the Draft Code to the Department of Justice in October.

Consultation on Outcome Related Fee Structures for Arbitration

In December 2020, the Outcome Related Fee Structures for Arbitration Sub-committee of the Law Reform Commission published a consultation paper on Outcome Related Fee Structures for Arbitration for a public consultation. The Committee reviewed the consultation paper, and contributed views. A submission jointly prepared with other specialist committees was prepared; it was sent to the Law Reform Commission in March.

Invitation for views on the Proposed Construction of a new District Court Building

In June, the Judiciary Administration invited the Law Society to provide views and suggestions on the proposed construction of a new District Court Building. The proposal was reviewed by the Committee.

Government Budget 2021

The Committee was consulted on the Government Budget 2021. Members considered that support in development and promotion of mediation in Hong Kong were important. The above views were submitted to the Government.

Participation in the Meetings of the Panel on Administration of Justice and Legal Services

Members of the Committee attended meetings of the Panel on Administration of Justice and Legal Services of the Legislative Council and provided views on the following matters:

- “Recent developments on Hong Kong’s legal and dispute resolution services in the Greater Bay Area (“GBA”), including the GBA Legal Professional Examination and other initiatives” (in March); and
- “Mediation initiatives of the Department of Justice” (in May).

Participation in Mediation-Related Events and Activities

The Committee proposed mediation-related CPD activities for the general membership as part of its continual efforts to promote mediation services. With the efforts of the Committee, the following CPD activities were carried out this year:

- (a) Webinar on Hong Kong Legal Cloud (on 1 April)
- (b) “Mediate First” Pledge Event (on 28 May)
- (c) Webinar "Conflict to Resolution Inside Tips from Experienced Mediators" (on 8 June)
- (d) Facilitative and Evaluative Mediation for International and PRC Disputes Training Programme (on 17, 18, 24 and 25 July).

Assistance to Solicitor-Mediators

To assist solicitor-mediators and also members generally, the Committee recommended to Council to provide a sponsorship for solicitor-mediators who participated in a mediator mentorship scheme for those mediation cases conducted in the West Kowloon Mediation Centre. The mentorship scheme provides opportunities to the less experienced solicitor-mediators to work with more experienced mediators and to co-mediate real-life cases. Members who meet the eligibility requirements could apply for sponsorship for the above mentorship scheme.

Pilot Scheme on Mediation Helpline

The Law Society’s Mediation Helpline (“Helpline”) was launched in November 2014. The Helpline, under the supervision of the Committee, arouses public awareness of and understanding on mediation. It also helps promote mediation in general, as well as solicitors’ mediation practices in Hong Kong. The Helpline was initially launched for a trial period of six months. During the trial period, a panel of Solicitor-Mediators, with the assistance of the Secretariat, provided information on mediation and mediation services to the public. The Helpline received encouraging feedbacks and the trial period of the Helpline was repeatedly extended.

Online Mediation for Disputes Arising from the Intervention into the Practice of a Conveyancing Firm (“Intervention”)

In December 2020, the Law Society intervened into the practice of a conveyancing firm. The intervention affected some former clients of that conveyancing firm in completing their property transactions within the original dates, and led to some disputes. To facilitate parties who were ready to resolve their disputes by mediation, the Law Society approached eBRAM International Online Dispute Resolution Centre Limited (“eBRAM”). A group of solicitor-mediators who have agreed to help on a pro bono basis was solicited. The list was made available to eBRAM.

Development of Mediation in the Greater Bay Area

Notwithstanding the COVID pandemic, the Committee continued deliberation in promotion for solicitor-mediators and solicitor-mediation advocates in Hong Kong and in the Mainland, including the Greater Bay Area (“GBA”), and to explore opportunities for solicitor-mediators and solicitor-mediation advocates. Various initiatives were under study.

Other Promotion for the Solicitor-mediators

To promote solicitors’ mediation practices, the Committee has:

- reviewed the policies on solicitors’ practice in Mediation and Parenting Co-ordination (“PC”);
- organised Continuing Professional Development (“CPD”) activities on Mediation, PC and related subjects;
- liaised with stakeholders on matters relating to Mediation; and
- monitored and updated solicitors on the latest development of Mediation, PC and Early Neutral Evaluation in Hong Kong.

Mediation Services

The Committee continues to provide support services for mediation to The Law Society’s members. This year, eight requests for nomination of mediators were processed.

MENTAL HEALTH LAW COMMITTEE

The Mental Health Law met seven times this year, in addition to task group meetings and email communication.

Review of the Mental Health Ordinance

Discussions on the updating of the *Mental Health Ordinance*, Cap. 136, (“MHO”) continued. Different task groups were set up under the Committee to review specific parts of the MHO. Each task group met on various occasions and deliberated on the updates required of the MHO. They reported their observations to the Committee.

Practice Direction 30.1

Apart from the abovementioned review of the MHO, with the assistance of the Official Solicitor’s Office, the Committee reviewed the current Practice Directions 30.1 and considered possible amendments thereto. These amendments aimed to improve the relevant practices for the benefit of the Court (in hearing MHO applications), the legal profession and the general public. The Committee received helpful comments from the stakeholders. It was liaising with the Judiciary to propose amendments to Practice Directions 30.1.

Courses and Seminars

One of the task groups set up under the Committee was engaged in the review of and the making of recommendations for training to general members on mental health law. After various discussions, the task group recommended a training course to the Academy of Law. The recommendation was accepted. A CPD course on *Mental Capacity Seminar Series I – Guiding Practitioners to Part II of MHO Application* was held in July 2021. The Chairperson and members of the Committee spoke for the CPD course. The course was very well-received.

Circulars on mental health law matters

To keep general members up to date on the developments in mental health law and practices, the Committee had updated and released circulars and a Memorandum on Conditional Discharge and Mental Health Review Tribunal.

Policy Address 2021

The issue of mental stress to the society has become more imminent especially during the COVID pandemic. People could be suffering from different degrees of mental disturbances due to for example quarantine imposed as a result of the COVID pandemic. The Committee in the Law Society's policy address 2021 drew the attention of the Government to the need of the community mental health services arising from the above.

Other collaborations and reviews

On top of the above, the Committee also worked with other specialist committees of the Law Society to review different matters related to mental health and court proceedings thereof. Among other things, the Committee had considered the registration of an Enduring Power of Attorney; the interests of a person detained under section 31 of the MHO; and the consultation on provision of identification numbers for civil litigation cases. The Committee also took note of the effectiveness of remote court hearing with respect to people with cognitive impairment or with mental health condition. Views on the above were shared with other specialist committees of the Law Society.

PERSONAL INJURIES COMMITTEE

The Personal Injuries Committee met on four occasions this year and conducted the rest of its business vide email circulation.

Review of Employees' Compensation Proceedings

The Committee had itself embarked upon a review of the Employees' Compensation proceedings, with a view to expediting the proceedings. Various suggestions and comments were put forward and deliberation was continuing.

Consultation

The Committee received from the Law Reform Commission a consultation paper on Outcome Related Fee Structures for Arbitration. The Committee studied the above consultation paper, in particular those recommendations that could possibly be abused by unethical touts for personal injuries claims. Comments in these regards were sent to the other specialist committees for a joint submission to be made to the Law Reform Commission.

Bereavement Awards

Discussion with the Department of Justice on the updating of bereavement awards continued. The Committee has been advocating increases in the award that should better reflect the nature of this award, and also that there should be a better methodology of assessing bereavement awards. The Committee has in July provided views on the above to the Department of Justice.

Employees Compensation Assistance Ordinance

Another matter the Committee was looking closely into was the review of the levels of compensation / payment made under the *Employees Compensation Assistance Ordinance* (Cap. 365). The Committee noted the updates from the LegCo Paper LC Paper No. CB(2)492/20-21(04).

Third Party Funding of Mediation

The Committee in August received from the Department of Justice their draft Code of Practice for Third Party Funding of Mediation. The Committee had lengthy discussions on the draft. Its views, together with those from the related specialist committees, were sent to the Department of Justice in reply in October.

Pilot Run for E-filing

The Committee noted a consultation by the Judiciary Administration on Remote Hearing. In response, the Committee submitted views, which were consolidated with those from other committees, and a joint submission was sent to the Judiciary in March. In respect of the implementation of the Judiciary's Integrated Court Case Management System (i.e. e-filing), the Committee noted the *Court Proceedings (Electronic Technology) Ordinance* (Cap. 638) was enacted in July 2020. This Ordinance enables the use of an electronic mode for handling court documents in general. The relevant subsidiary legislation, including the procedural rules, were also enacted. To further prepare for the e-filing system, the Judiciary Administration arranged pilot runs for the system between Q2 and Q3. The Committee sent members to participate in the pilot runs.

Other Reviews

Apart from the above reviews and studies, the Committee has also considered amendments proposed to the *Employees' Compensation (Rules of Court) Rules* (Cap. 282B), and to *Practice Directions 18.1 / Practice Directions 18.2*. There were also deliberations on various issues relating to Personal Injuries practices. Discussions on the above were on-going.

PROBATE COMMITTEE

The Committee met four times this year and conducted the rest of its business via emails.

The Committee considered various matters on probate law and practices and offered views on the following:

- Supplement No. 3 of the Guide to Non-Contentious Probate Practice
- Issues relating to enduring powers of attorney
- Service of Judicial Documents in Mainland
- Fixing of Ex Parte Originating Summons for Revocation of Grant and Removal/Substitution of Grantee
- Digital Assets in probate practice.

Members' circulars where appropriate were issued on the above.

The Committee attended to member enquiries on probate practices and procedures. It had assisted in processing applications for publication in the weekly Enquiries from Solicitors on Wills, Codicils and other Testamentary Dispositions. A total of about 531 will search enquiries were received and processed this year.

The Committee reviewed and made suggestions to the Academy of Law for training on law and practices on probate. On the other hand, a Committee member helped the Academy of Law with training and delivered presentations on Intestate and Testate Succession, respectively in August and September.

PROPERTY COMMITTEE

The Committee had a challenging year. It had engaged with different Government departments and organizations to discuss property-related issues, some of them required urgent attention and consideration. This is in addition to the meeting held on a monthly basis to consider issues and legislative proposes on conveyancing practices, issue members' circulars on various subject matters and the routine consideration and determination of applications submitted from time to time by general members for waivers of Deed of Mutual Covenant Guidelines and applications for exemptions/deviations from forms of Agreement for Sale and Purchase as approved under Rule 5C of the *Solicitors' Practice Rules* (Cap. 159H).

Some of the matters considered by the Committee this year are summarized below.

Payment Arrangements for Property Transactions

One of the matters which should merit in-depth discussions among conveyancing practitioners was a proposal from the Hong Kong Association of Banks ("HKAB") on payment arrangements for property transactions for disbursement of mortgage loan funds on the completion of property transactions for residential properties in Hong Kong. The proposal represented a significant change from the current arrangement for payments in conveyancing transactions.

The Committee had been busily engaged in discussions with the HKAB and had provided comments on various issues, involving the logistics for the payment arrangement, actions to be taken by solicitors to meet with the change to adopt the proposal in property transactions and the need to amend the conveyancing documents for completion, etc. To ensure that the interests of the public and the stakeholders were sufficiently protected, the Committee had been seeking various clarifications on the proposal, such as the respective rights and responsibilities of parties in a conveyancing transaction under the proposal. Circulars notifying members of the proposals had been issued to members.

Land Titles Ordinance

The Committee continued to be engaged in discussion and meetings both internally and with the Land Registry for the implementation of the *Land Titles Ordinance*, Cap. 585 for its "New Land First Proposal". Technical and conceptual issues were under discussion. The Committee was seeking further deliberations with the Land Registry.

With further details from the Land Registry, the Committee thoroughly considered various legal, technical and procedural aspects involved in the implementation and had provided various submissions to the Land Registry.

Property Frauds

The Committee continued the discussion on imposter frauds in conveyancing transactions. Those issues raised in the UK Court of Appeal judgments in *P&P Property Limited v Owen White & Catlin LLP, Crownvent Limited and Dreamvar (UK) Limited v Mishcon De Reya (a firm), Mary Monson Solicitors Limited* ([2018] EWCA Civ. 1082) were reviewed. Preliminary comments were also brought to other stakeholders for consideration.

Telephone Scams Involving Properties

Another issue which was relevant to the above and which received attention of the Committee was the upsurge in telephone scams. According to the Anti-Deception Coordination Centre (Commercial Crime Bureau) of the Hong Kong Police Force, victims of telephone scams were deceived to dispose of, or to re-mortgage their properties and to transfer the sale proceeds (or mortgage loans) to scammers.

Jointly with another specialist committee, the Committee issued members' circulars on Police's suggestions against suspicious property transactions. Members were also reminded of the various commentaries in The Hong Kong Solicitors' Guide to Professional Conduct, when their clients were suspected to be placed under duress or threat in a telephone scam.

Arrangements for Search of Land Records and Owners' Corporation Records

The Committee noted the latest arrangement for search of land records and owners' corporation records that was implemented by the Land Registry on 1 November. The Committee had a discussion on the arrangements.

Deeds of Mutual Covenant under Land Grant

The Legal Advisory and Conveyancing Office of the Lands Department ("LACO") drew up a set of standard clauses and revised several guidelines for the Deeds of Mutual Covenant ("DMC") under conditions of the land grant. In parallel with and in consequence to the above promulgation, the Committee had reviewed the Law Society's own DMC Guidelines and, where relevant, would update and revise the DMC Guidelines for legal practitioners in due course.

Use of Information Technology

The Committee kept itself advised of the development of the information technology in conveyancing practices. Among other things, the Committee had been reviewing proposals on e-lodgement by the Land Registry.

Other property-related issues

On top of the abovementioned circulars, the Committee considered various practice-related matters and where appropriate issued circulars to general members on, *inter alia*, the latest practice notes issued by the Buildings Department, the Lands Department, the Planning Department, and the Land Registry. These included:

- the Lands Department Practice Notes
- LACO Circular Memorandum
- Land Registry Circular Memorandum
- Land Registry – Expiry of the 2009 Version of E-Memorial Form
- Sale and Purchase of Property – Payment of Rates and Government Rent
- Supply of Title Deeds
- Hong Kong Housing Society – Invitation to the Hong Kong Housing Society Property Development and Conveyance Solicitors List
- Hong Kong Housing Authority – Change of Delivery Address for Application and Collection of Letter of Nomination
- Hong Kong Housing Society – Invitation to the Hong Kong Housing Society Corporate Matters Solicitors List
- Revised Version of the “Notes to Purchasers of First-hand Residential Properties”
- Revised Guidelines for drafting of DMC
- Stamp Duty on Distribution of Immovable Properties under Estates
- Hong Kong Housing Society – Building Construction Solicitors List
- Hong Kong Housing Society – Solicitors List for Property Management Division
- Land Registry – “Meet the Clients” Sessions on “Common Reasons for Withholding Instruments from Registration”
- Redevelopment or Use of Industrial Lots and Sale and Letting of Premises in Industrial Buildings.

Non-Consent Scheme

The Committee worked closely with the Working Party on Review of Non-Consent Scheme Forms to continue attending queries from the Land Advisory and Conveyancing Office of the Lands Department on the following:

- amendments to two agreements for sale and purchase of first-hand residential properties in uncompleted and completed developments; and
- amendments to the two sub-sale and purchase agreements.

External Work

(a) Land Registry

The Chairperson of the Committee sat on the Land Titles Ordinance Steering Committee. The Steering Committee oversaw a LTO Review Committee and a Title Registration Education Committee. The Law Society was also represented on the above two committees.

(b) Land Registry Joint Standing Committee

Two Committee members sat on the Land Registry Joint Standing Committee to liaise with the Land Registry on the day-to-day issues relating to land registration matters and the Land Registry's services.

(c) Land Registry Customer Liaison Group

A Committee member sat on the Land Registry Customer Liaison Group to exchange views on operational and service delivery issues with the Land Registry.

(d) Taskforce on Alternative Payment Solutions for Property Transactions

Members of the Committee were invited by the Hong Kong Association of Banks to sit on the Taskforce on Alternative Payment Solutions for Property Transactions ("APSTF") to discuss and propose payment methods for property transactions. In response to the invitation, the Chairperson and five members of the Committee joined APSTF.

Urban Renewal Authority

The Urban Renewal Authority arranged to set up a Registration Panel and an Appeal Panel of Building Rehabilitation Company Registration Scheme of Hong Kong Building Rehabilitation Facilitation Services Limited. The Registration Panel is to consider and endorse the registration of the service providers and the Appeal Panel is to make decision and conduct final resolution judgement in complaints, appeal/dispute relating to application. Two Council members and a member of the Committee were nominated to sit on the two panels.

The Law Society was also represented on the Service Providers Committee and the Promotion Committee under the Urban Renewal Authority.

RETIREMENT SCHEMES COMMITTEE

The Committee conducted its business by emails.

During this year, the Committee considered the following:

(a) Consultation on Proposed Amendments to the Code on Pooled Retirement Funds (“the Code”)

The Committee worked with other specialist committees on a consultation paper issued by the Securities and Futures Commission (“SFC”) on the Code. A joint submission was sent to the SFC in March.

(b) Schedule 2 to the MPF (Exemption) Regulation (Cap. 485B) (“the Regulation”)

The Committee on its own initiative considered the Regulation. After a careful review, it proposed comments to the Mandatory Provident Fund Schemes Authority on the Regulation in October.

In addition, the Committee considered the following updates and amendments with respect to the Mandatory Provident Fund (“MPF”) schemes, and issued circulars to general members, which included, inter alia:

- Guidelines on Election for Transfer of Accrued Benefits (**Guidelines IV.3**)
- Guidelines on Annual Statements of Registered Schemes (**Guidelines II.4**)
- Guidelines on Annual Statements of Approved Pooled Investment Funds (**Guidelines II.5**)
- Guidelines on MPF Exempted ORSO Schemes – Filing of Annual Report (**Guidelines V.10**)
- Revised Code on Disclosure for MPF Investment Funds.

External Representation

The Committee continued to be represented on the MPFA Guidelines Committee.

REVENUE LAW COMMITTEE

The Committee conducted its business by emails.

During the year, the Committee took note of the following:

- *Inland Revenue (Amendment) (Miscellaneous Provisions) Bill 2021* was passed in June. The Bill seeks to implement four areas of amendments to the *Inland Revenue Ordinance* (Cap. 112), namely the tax treatment for amalgamation of companies under the court-free procedures, as provided for under the *Companies Ordinance* (Cap. 622); the tax treatment for transfer or succession of specified assets under certain circumstances; refining the

- statutory framework for the furnishing of tax returns; and enhancing the foreign tax deduction regime. It came into operation on 11 June.
- The Government's initiative to proposed amendments to tax law and implement regulations to help the EU combat tax evasion.

Joint Liaison Committee on Taxation

Two committee members, as representatives of the Law Society, attended regular meetings of the Joint Liaison Committee on Taxation throughout the year.

REVERSE MORTGAGE COMMITTEE

The Committee met twice this year, and had various discussions by emails on matters relating to the Reverse Mortgage Programme ("Programme"). There were also frequent exchanges of views with the Hong Kong Mortgage Corporation Limited ("HKMC") on the Programme.

In July, the Committee was advised by the HKMC of an enhancement of the Programme. The enhancement expanded the purposes for lump-sum payouts under the Programme. A members' circular on the above, which also included updated versions of the Counselling Protocol, Counselling Questionnaire and Counselling Certificate, was issued in July.

TRANSPORTATION AND LOGISTICS COMMITTEE

The Committee conducted the rest of its business by emails.

Granting and execution of warrant of arrests against vessels arriving in the HKSAR during COVID-19

In January, Committee members attended a meeting with the Judge in charge of the Admiralty List, the Registrar of the High Court, the Chief Bailiff, and other stakeholders and exchanged views on various topical issues on execution of warrants of arrest after quarantine period and undertakings for warrant of arrest.

Law Reform Commission's Consultation Paper on Outcome Related Fee Structures for Arbitration

The Committee reviewed the Law Reform Commission's Consultation Paper on Outcome Related Fee Structures for Arbitration. The views of the Committee, together with those from other specialist committees, were consolidated into a submission which was sent to the Law Reform Commission in March.

The Small Unmanned Aircraft Order

The Committee took note of the *Small Unmanned Aircraft Order* ("SUA Order") which was published in the Gazette in July. Under the new regulatory regime, small unmanned aircraft

operations (“SUA”) would be regulated under a risk-based approach. The SUA Order would commence on 1 June 2022.

Sale of Goods (United Nations Convention) Ordinance

The Committee took note that the *Sale of Goods (United Nations Convention) Bill*, which sought to implement the *United Nations Convention on Contracts for the International Sale of Goods* in HKSAR, was introduced into the Legislative Council in July. The Bill was passed in September and the Ordinance would come into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.

WORKING PARTY ON CHARITIES AND TRUST

The Committee met twice this year and conducted the rest of its business by emails.

The Working Party had a comprehensive review of (1) the trust law regimen and (2) the charities law in the Hong Kong SAR. It is in the course of finalizing papers setting out views and comments on the charities and trust law, with recommendations on how to address the salient issues for consideration of the Council.

The Working Party also provided input to the Law Society’s Submission on Policy Address 2021 on, among others, promoting asset management industry for Hong Kong SAR and on the need to revisit the charities regime.

WORKING PARTY ON INTERPRETERS

The Working Party on Interpreters was tasked with reviewing and making recommendations to the Council on improvements to the current system of public service interpretation for (i) civil and criminal proceedings before courts and tribunals, including disciplinary or regulatory proceedings; (ii) proceedings before any person who is acting in a judicial or quasi-judicial capacity; (iii) investigation by law enforcement agencies; and (iv) taking instructions from clients of law firms relating to and incidental to the above, with a view to the Law Society proposing and promoting the implementation of an improved system.

The Working Party produced a submission in November 2020 to the Ombudsman’s direct investigation into the Government’s arrangements for engaging outside interpretation services. Various recommendations were made. The submission had also been sent to various Government Bureaux for their consideration.

The Ombudsman published its direct investigation report in July setting out its observations and recommendations. The Working Party took note of the responses of the Constitutional and Mainland Affairs Bureau. The Bureau indicated that in general it accepted the recommendations and would co-ordinate with the relevant policy bureaux/departments to study the recommendations of the Ombudsman to develop a central database of outside foreign language interpreters.

With the completion of the review, the Working Party was dissolved in August.

WORKING PARTY ON PAPER ADMISSION OF SOLICITORS

To among other things seek to address the relatively long period of time which a trainee solicitor has to wait for his or her formal Court hearing for admission as solicitor, a Working Party on Paper Admission of Solicitors was set up in November under the Civil Litigation Committee. The work of the Committee was to consider, prepare and implement proposal(s) to give applicants for admission as solicitors an option to have their applications to be dealt with by the Court on paper, in alternative to the usual oral hearing. The Working Party had one meeting in December. Members reviewed the existing admission protocols and identified issues for further deliberation.

WORKING PARTY ON REVIEW OF NON-CONSENT SCHEME FORMS

The Working Party keeps in view, among others, developments and updates on law and practices in conveyancing as well as agreement forms and amendments issued by the Legal Advisory and Conveyancing Office of the Lands Department ("LACO") on agreements for sale and purchase of residential and non-residential properties under the Consent Scheme. It was also tasked to review agreement forms for the use of the Non-Consent Scheme with reference to the amendment by LACO on the forms under the Consent Scheme. This year, the Working Party continued the review of the following draft agreement forms for use of the Non-Consent scheme forms:

- (a) the agreements for sale and purchase of residential property for uncompleted and completed developments; and
- (b) the sub-sale and purchase agreements of residential property for uncompleted and completed developments.

Amendments to the above forms were proposed and considered by the Property Committee and Council. Upon deliberations, those were submitted to the Chief Justice for approval.

The Working Party had also been working on the review of the draft agreement for non-residential properties for uncompleted developments under the Non-Consent scheme.

WORKING PARTY ON REVISED DMC GUIDELINES

The Working Party was set up to review the proposed revision by the Legal Advisory and Conveyancing Office of the Lands Department ("LACO") to the guidelines for the drafting of the DMC under the Consent Scheme.

This year, the Working Party assisted the Property Committee to consider amendments proposed to the Law Society's DMC Guidelines, in consideration of the set of standard clauses

and revised Guidelines drawn up by LACO for the preparation of the DMC for approval of LACO under conditions of the land grant.

WORKING PARTY ON USE OF IT IN JUDICIAL PROCESS

A Working Party on Use of IT in Judicial Process was set up in May, with the following terms of reference:

- (i) To consider and to discuss the use of information technology (“IT”) for courts and the court users, including remote hearings, electronic filing and other IT matters for court process.
- (ii) To respond to any surveys, pilot runs, demonstrations and consultations from or proposed by the Judiciary, Government Departments and relevant stakeholders on IT plans and strategies, such as remote hearings; where necessary, to liaise with other committees or the Standing Committees of the Law Society, Government departments and other interested parties on and for the purpose of the above.
- (iii) To report, advise and make recommendations to the Standing Committee on Practitioners Affairs on the use of court technology and to prepare submissions in relation to the matters set out in the above.

The Working Party composed of members from the Civil Litigation Committee, the Criminal Law and Procedure Committee, the Family Law Committee and the InnoTech Committee. It conducted its business via emails.

The Working Party noted that nine sets of subsidiary legislation related to the Information Technology Strategy Plan (“ITSP”) to provide the legal framework which would allow court users to transact court business by electronic means in the District Court (“DC”) and the Summons Courts of the Magistrates’ Courts (“MC”), were gazetted on 4 June. These nine sets of subsidiary legislation were tabled at the Legislative Council on June 9 for negative vetting. These subsidiary legislation regulated or facilitated the use of electronic technology in e-Courts (the DC and the Summons Courts of the MCs). Examples of matters provided for in the subsidiary legislation included documents that can be sent electronically through the integrated Court Case Management System, the conditions and requirements for using electronic signature, and the electronic payment of fees and fines.

The Working Party considered the following consultation papers released by the Judiciary and provided input to the relevant specialist committees for discussion and/or consolidation into submissions:

- ITSP: Provision of Identification Numbers for Civil Cases
- Proposed construction of a new District Court Building
- Judiciary's Information Technology Strategy Plan - Implementation of pilot runs
- New PD on the Use of E-Bundles for Cases of the Commercial List of the Court of First Instance of the High Court.