

Committees & 5
Working Parties 1
Reporting Directly 0
to the Council 2



HONG KONG LAWYER EDITORIAL BOARD

Members of the *Hong Kong Lawyer* Editorial Board (“the Editorial Board”) meet regularly to discuss and identify topics of interest to the profession. The Editorial Board works closely with the publisher of *Hong Kong Lawyer* (“the Journal”) to monitor the overall quality and standard of the publication and the official website.

The Journal is distributed to members of The Law Society, members of the Hong Kong Bar Association (“Bar Association”), judges, government departments, relevant public organisations as well as China/overseas law societies/barrister associations. It is also available at major airport lounges to reach out to international readers.

The Editorial Board has been working with the publisher for the revamp of the Journal’s website since October. To engage more readers, the Journal’s PDF version will also be transformed to e-Magazine version with more interactive functionalities. It is expected that the new website and e-Magazine version of the Journal will be launched in the first quarter of 2016.

The softcopy of the Journal is available at the website : www.hk-lawyer.org.

HONOURS COMMITTEE

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

At the 2015 Annual General Meeting of The Law Society held in May, upon recommendation of the Honours Committee, the Council admitted Mr. Anthony Chow to the Roll of Honour of The Law Society.

MEDIATION COMMITTEE

The Mediation Committee discussed, among other things, policies on the development of mediation and standards in Hong Kong. The Committee considered the following matters.

Law Society Mediator Admission Scheme

(a) Admitted General Mediators

The Law Society Mediator Admission Scheme (for General Mediators) was implemented in August. Under the General Scheme, members who complied with the admission requirements of The Law Society could apply for admission as Law Society Admitted General Mediators. When admitted, their names would be placed

on The Law Society's Panel of Admitted General Mediators which is accessible by the general public and legal practitioners through the Law List and The Law Society's website. The Mediator Admission Scheme Information Package (for General Mediators) and other details of the General Scheme can be found at The Law Society's website.

(b) Admitted Family Mediators

The Committee convened a Joint Working Group, comprising the practising family mediators of the Committee and the Mediator Admission Committee, to review the "*Code of Practice for Family Mediators*" under the proposed Law Society Mediator Admission Scheme (for Family Mediators). The Committee would canvass the views of the Joint Working Group on the Code and make appropriate recommendations on matters relating to the Family Scheme to the Council for consideration and approval in due course.

(c) Waiver of All Applicable Fees

To better support the Solicitor-Mediators in their mediation practice, the Committee in August recommended to the Council to waive all the applicable fees under The Law Society Mediator Admission Scheme. The recommendation had been approved by the Council.

Pilot Scheme on Mediation Helpline

The Committee assisted in the launch of the Mediation Helpline in November 2014. The Mediation Helpline, under the umbrella of the Free Legal Helpline, aims to improve public awareness of and understanding on mediation; it also helps to promote mediation and solicitors' mediation practices in Hong Kong. The Helpline was first launched for a trial period of six months. In this trial period, a panel of Solicitor-Mediators together with the Mediation Co-ordinator provided information on mediation and mediation services to the telephone callers.

Panel of Parenting Co-ordinators

The Committee proposed to establish a Panel of Parenting Co-ordinators for The Law Society. The Council approved the proposal in principle. The Committee then liaised with the Family Law Committee to discuss various related issues including the organisation of training course in Parenting Co-ordination for solicitors.

Consultations on various areas relating to practice in mediation

The Committee had considered the following consultations:

(a) Consultation on Enactment of Apology Legislation in Hong Kong

The Secretary for Justice's Steering Committee on Mediation issued a consultation

paper on matters relating to the enactment of Apology Legislation in Hong Kong. The Mediation Committee reviewed the consultation paper jointly with other specialist committees of The Law Society and made a submission in August.

(b) Consultation on HKMAAL's Disciplinary Procedures

In September, the Hong Kong Mediation Accreditation Association Limited ("HKMAAL") issued a consultation paper on the proposal on its new disciplinary procedures. The Committee reviewed the proposal included in the consultation paper and provided its views in response.

Promotion of Solicitor-mediators

To promote solicitors' mediation practices, the Committee had:

- reviewed policies in relation to solicitors' practice in mediation
- organised Continuing Professional Development ("CPD") and Risk Management Education ("RME") activities on mediation and other related subjects
- liaised with stakeholders on matters in relation to mediation
- monitored and updated solicitors on the latest development of mediation in Hong Kong.

Organisation of and Participation in Mediation Events

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

- *Effective Dispute Resolution by Mediation - An emphasis on Building Management cases and Personal Injuries cases* (16 April)
- *Dealing with difficult Lawyer - acting for a Party in a mediation* (23 April)
- *How can Solicitors Develop Full-Time Mediation Practice?* (15 May)
- *Extending the Concept of Collaborative Practice to General Civil Litigation* (9 June)
- *Commercial Mediation: Facilitative and Evaluative Mediation Models* (15 June)
- *"Sorry Law" - Is this the best thing after Mediation Ordinance to resolve disputes?* (24 July)
- *Commercial Mediation: Evaluative Mediation Model* (2 September)
- *A mediator must destroy all notes and documents - Why? Why not? What should we do in Hong Kong?* (16 September)
- *Mediation – Thoughts and Observations* (24 September)
- *Risk Management in Mediation Practice* (12 October).

Moreover, the Committee also helped organise or provided sponsorship to the following:

- The 3rd "Mediate First" Pledge Reception on 16 February
- Joint Mediation Helpline Office 5th Anniversary Bulletin.

Mediation Services

The Committee continued to provide support services for mediation to The Law Society's members. This year, 19 requests for nomination of mediators were handled.

NEW WORKING GROUP ON PRO BONO INSURANCE

The Working Group was set up early this year to review the pro bono work organised by The Law Society ("The Law Society's pro bono work") and made recommendations to the Council on the way forward.

During the year, the Working Group oversaw the due diligence exercise conducted on The Law Society's pro bono work, and considered the application of relevant rules and regulations relating to practice, professional conduct and indemnity on pro bono work.

From June to December, the Working Group conducted 17 RME elective courses on Pro Bono Work with Hong Kong Academy of Law Limited ("Academy") to educate members on how to manage the potential risks in taking up pro bono work. The courses were well received.

The Working Group prepared the "Guidelines for Applications for Exemption From the Requirement To Maintain Professional Indemnity Under the Solicitor (Professional Indemnity) Rules in relation to Pro Bono Legal Services".

Members of the Working Group also met with relevant stakeholders to explain The Law Society's position on the proposed Guidelines.

PUBLIC POLICY COMMITTEE

The Public Policy Committee ("PPC") aims to investigate, identify and make recommendations on public policy and socio-legal issues that might be of interest to members of The Law Society by conducting research and facilitating dialogue among members and public policy-makers.

The PPC actively procured opportunities for members to enhance their awareness of and to express their opinions on social and political issues relevant to the legal profession. The PPC also met with leading stakeholders of different sectors to learn their views on major contemporary issues. Highlights of some of these opportunities are set out below.

Visit to the Office of the Commissioner of the Ministry of Foreign Affairs of the People’s Republic of China in the Hong Kong Special Administrative Region (“MFA”)

The PPC arranged a visit to the Office of the Commissioner of MFA for members on 23 May. The event attracted about 90 participants. Commissioner Song Zhe and Deputy Commissioner Hu Jianzhong personally received visiting members on the day.

Presentations focusing on the “Belt and Road” Initiative were given by Commissioner Song, the then-Director-General of the Department of the Treaty and Law Tian Lixiao, Law Society President Stephen Hung and PPC Chairman Nick Chan.

The speakers highlighted the role of Hong Kong lawyers under the development strategy. Lawyers from Hong Kong and Mainland China may cooperate and share their experiences to further raise service standards. Mr. Song also mentioned that Hong Kong should capitalise on its four major assets, namely, its position in the area, its central location, its pool of talents and its level of management, to attract more opportunities arising from the Initiative.

Dr. Tian explained the unique advantages enjoyed by Hong Kong with regard to its bilateral agreements with other countries under the “One Country, Two Systems” mechanism. Dr. Tian and Mr. Nick Chan took questions from the audience who were keen to know more about the Initiative.

In addition to the presentations, the Commission also arranged a photo exhibition on the historical events and international achievements of China in diplomacy as well as some antique gifts from past visiting dignitaries. The participants gave positive feedback on the event for the unique learning opportunity it offered.

Visit to the Legislative Council (“LegCo”) and dialogue with President Hon. Jasper Tsang

The PPC organised a visit to the LegCo on 13 June. Around 45 members participated and had a dialogue with LegCo President the Hon. Jasper Tsang. Mr. Tsang introduced the work of LegCo and shared his experiences. His presentation attracted many questions from the participants including his views on social issues and the future of “One Country, Two Systems”.

The presentation was followed by a guided tour during which the LegCo’s history, design concept of the Complex and the functions of its facilities were explained.

Meeting with luminaries

In 2016, the members of the PPC met with Non-Official Member of the Executive Council Bernard Chan, Privacy Commissioner for Personal Data Stephen Wong and Legislative Council member Regina Ip respectively.

Mr. Chan shared with members how young professionals could participate in public affairs, while Mr. Wong told members his experience while acting as the Secretary of the Law Reform Commission and the Director of the Hong Kong Economic and Trade Office (Overseas).

During the meeting with Ms. Regina Ip, the lawmaker presented her views on current issues, particularly on the development of education policy in Hong Kong.

The members of the PPC actively expressed their views on various topics and what The Law Society should do to respond to the issues. These sessions were good occasions for the PPC to establish relationship with stakeholders and invite them to speak in future Law Society events for all members.

Education seminar co-organised with Member Benefit Committee

The PPC and the Member Benefit Committee co-organised a seminar on education on 16 December. Two distinguished speakers, Emeritus Professor Kai-ming Cheng and Past President of The Law Society Lester Huang shared their views on quality education with around 60 Law Society members. Mr. Fred Kan, former member of the PPC and Chairperson of Member Benefit Committee Bonita Chan hosted a panel discussion with the guest speakers after their presentation.

WORKING PARTY ON LIMITED LIABILITY PARTNERSHIP (“LLP”)

The Working Party convened on one occasion. It also attended two external meetings respectively with the Department of Justice and the Sub-Committee of the Legislative Council on the *Limited Liability Partnerships (Top-up Insurance) Rules, Foreign Lawyers Practice (Amendment) Rules 2015 and the Solicitors’ Practice (Amendment) Rules 2015* (collectively “*Subsidiary Rules*”).

During the first quarter, the Working Party focused on working with the Department of Justice (“DOJ”) to finalise the amendments to Order 81 of both the Rules of the High Court and the Rules of the District Court (“Order 81”) arising from the introduction of LLPs to law firms in Hong Kong. The Working Party attended a meeting with the DOJ in February to discuss certain amendments proposed by the DOJ as a result of some observations by the High Court Rules Committee. In April, the Working Party made a written submission to the DOJ on The Law Society’s views of the proposed amendments.

The Chief Justice gave his final approval of the *Subsidiary Rules* in March and signed the “blues” in May. The *Subsidiary Rules* were gazetted on 29 May.

In June, the amendments to Order 81 were agreed and they were gazetted on 18 September.

On the basis of the time required to go through negative vetting by the LegCo and the

gazettal of the Commencement Notice, the Working Party recommended to the Council to fix 1 March 2016 as the commencement date of the legislation for LLPs. The relevant Commencement Notice was gazetted on 11 December.

Working towards the effective date of 1 March, the Working Party prepared the necessary Information Packages on LLPs for Hong Kong and foreign law firms and a pamphlet introducing LLPs to the public. The Working Party also prepared the materials for seminars on LLPs for the general membership to be held in the beginning of 2016. Taking advantage of the *Law Week* event held by The Law Society annually to promote the understanding of law and the legal profession to the general public, the Working Party also worked on a short TV feature to explain LLPs to the public. The feature was broadcast on TVB in the evening of 25 December.

Further, throughout the year, the Working Party had kept the membership closely informed of the development of LLPs. Updates on LLPs were published in the weekly *President's Letter* on 2 January and 5 June, in the *President's Message* in *Hong Kong Lawyer* in June and in *From the Secretariat* in *Hong Kong Lawyer* in October.

The Working Party had also kept the Business Registration Section of the Inland Revenue Department closely informed of the status of the implementation of LLPs for law firms. Law firms that currently had LLP as part of the name of the firm would be required to remove it to avoid confusion to the public if they decided not to become LLPs pursuant to the new legislation coming into effect on 1 March 2016. Individual reminders of the legal restriction on the use of LLP in the name of a law firm were given to those foreign firms that currently had LLP or language to such effect as part of their names.

The Working Party had been working on the LLP initiative since 2004 and members were all very pleased to see it come to fruition.