



# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

The Standing Committee is responsible for establishing standards and rules and formulating policies on the education, training and regulation of solicitors, and on their conduct.

The Standing Committee convened 12 meetings to oversee the activities of the Department of Standards and Development, and to consider recommendations of the Committees and Working Parties under its umbrella.

## LEGISLATIVE AMENDMENTS

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

The following legislative amendments were made during the year:

### *LPO, Solicitors’ Practice Rules (“SPR”), Solicitors (Professional Indemnity) Rules (“SPI Rules”), Trainee Solicitors Rules, Solicitors (Group Practice) Rules*

With the coming into operation of the new *Companies Ordinance* on 3 March, incidental amendments were made to references to the new *Companies Ordinance* in the *LPO*, *SPR*, *SPI Rules*, *Trainee Solicitors Rules* and *Solicitors (Group Practice) Rules*.

### *LPO, Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) (“1997 Ordinance”), Barristers (Admission) Rules*

The *Statute Law (Miscellaneous Provisions) Ordinance* came into operation on 5 December and it:

- (a) repealed item 29 of Schedule 1 to the *1997 Ordinance* to retain the definition of “controlled trust” for the purposes of Part IIA of and Schedule 2 to the *LPO*;
- (b) amended Section 8A of the *LPO* to empower the Council of The Law Society to revoke and restore a suspension of a solicitor’s practice or a foreign lawyer’s registration pending a decision of the Solicitors Disciplinary Tribunal. Amendments were also made to the *1997 Ordinance* to provide for similar powers;
- (c) repealed the name of “The Federation for Continuing Education in Tertiary Institutions” in Section 74A(3)(a)(ix) of the *LPO* and substituting it with “the Federation for Self-financing Tertiary Education”; and
- (d) amended Form 2 in Schedule 2 to the *Barristers (Admission) Rules*.

### *Overseas Lawyers (Qualification for Admission) Rules (“OLQE Rules”)*

The amendments to the *OLQE Rules* were passed by the Legislative Council on 28 May and came into operation on 2 January 2015. The major amendments are as follows:

- (a) Rule 7 of the *OLQE Rules* was amended to include “*Hong Kong Constitutional Law*” as an additional written Head of the *Overseas Lawyers Qualification Examination* (“OLQE”);



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- (b) Rule 4(1) of the *OLQE Rules* was amended to clarify that in calculating the five years of experience in the practice of law in an application for exemption under that Rule, the experience in the practice of law in all the common law jurisdictions in which the common law applicants were qualified to practise is counted;
- (c) Rule 5(1) of the *OLQE Rules* was amended to clarify that in calculating the five years of experience in the practice of law in an application for exemption under that Rule, the experience in the practice of law in all the non-common law jurisdictions in which the non-common law applicants were qualified to practise is counted;
- (d) Rule 4(2)(b) of the *OLQE Rules* was amended to state that the practical legal training in lieu of traineeship which satisfies the admission criteria in an applicant's jurisdiction of admission can be recognised as experience in the practice of law for the purpose of the *OLQE*. The period of pupillage however cannot be recognised as post-admission experience to satisfy the eligibility criteria to sit the *OLQE*;
- (e) Rule 5(2) of the *OLQE Rules* was amended to extend recognition to part-time study of Contract, Torts, Property, Criminal Law, Equity, Constitutional and Administrative Law for a non-common law jurisdiction applicant to fulfil the requirements for admission as a Hong Kong solicitor; and
- (f) Rule 8 of the *OLQE Rules* was amended to enable an applicant who has been admitted in more than one jurisdiction to elect any one of those jurisdictions as his jurisdiction of admission for the purpose of the *OLQE Rules*.

### OTHER MATTERS

Apart from reviewing the proposed legislative amendments and making recommendations to the Council as appropriate, the work of the Standing Committee included the following:

- (a) overseeing the administration of the *Continuing Professional Development ("CPD") Scheme*, the *Risk Management Education ("RME") Programme* and the *OLQE*;
- (b) approving the documentation and logistics for the *OLQE*;
- (c) appointment of *OLQE* Examiners and reviewing their fees;
- (d) reviewing the results of the *OLQE*;
- (e) considering applications for review under rule 9 of the *OLQE Rules*;
- (f) considering amendments to the *OLQE Rules*;
- (g) appointing External Examiners of the Postgraduate Certificate in Laws ("PCLL") Programmes of the Chinese University of Hong Kong ("CUHK"), City University of Hong Kong ("CityU") and the University of Hong Kong ("HKU") and considering their term of office;
- (h) considering the appointment of the Chairman and Members of the PCLL Academic Board of CityU;
- (i) considering S8A, S11(3), amendments to S6(6) and S9A(2), and introduction of S25(1)(c) of the *LPO*;
- (j) considering the *Solicitors' Practice Promotion Code*;
- (k) considering rule 11 of the *Trainee Solicitors Rules*;



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- (l) considering the revised *Standing Order 5.2.1*, the terms of reference and membership of the Standing Committee, the terms of reference, chairmanship and membership of its Committees and Working Parties, and appointing Members of the Anti-Money Laundering (“AML”) Committee, the Foreign Lawyers Committee, the Guidance Committee, the Legal Education Committee and the Working Party on Practice in Service Centres, At Home, In Domestic Premises or by Virtual Offices;
- (m) considering the provisions of the *Competition Ordinance* and the minimum wage of trainee solicitors prescribed by The Law Society;
- (n) considering the feasibility of online payment of costs on account and settlement of solicitors’ fees by clients through reputable operators;
- (o) considering a proposal for referral fees to be paid by estate agents to solicitors;
- (p) approving amendments to the Professional Diploma for Legal Executives course conducted by the Hong Kong Institute of Vocational Education (“IVE”) and amendments to the Advanced Diploma in Legal Studies (Professional Stream) course conducted by HKU SPACE;
- (q) considering consequential amendments to the *SPI Rules* arising from the *Solicitor Corporation Rules*;
- (r) approving amendments to the *CPD and RME Information Packages*;
- (s) considering the availability of reciprocal arrangements from other jurisdictions to allow Hong Kong law firms and lawyers to practise overseas;
- (t) considering the draft *Solicitors (Higher Rights of Audience Certificates) Rules*;
- (u) considering the accreditation of RME courses;
- (v) considering the proposal for maintaining a list or a panel of bookkeepers;
- (w) considering CPD points in mediation training;
- (x) reviewing the CPD points awarded under *CPD Guideline 15* of the *CPD Information Package*;
- (y) considering the Books Suggestion Scheme of the Leisure and Cultural Services Department of the HKSAR Government;
- (z) considering amendments to the *Manual on Solicitors’ Accounting*;
- (aa) considering amendments to the Application Forms for Renewal of Registration as a Foreign Lawyer;
- (bb) reviewing the progress on updating the *RME Programme* and development of new RME elective courses;
- (cc) considering the Spokesman Policy of The Law Society;
- (dd) considering amendments to the *CPD/RME Training Record Form*; and
- (ee) considering the subject of nullity of CPD suspension.

## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

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

Amirali B. NASIR ( <i>Chair</i> )	11/12	Ivan C.K. NG	4/12
Bonita B.Y. CHAN	8/12	Peter K.P. SIT	1/12
Heidi H.Y. CHUI ( <i>joined in March</i> )	5/9	Thomas S.T. SO	2/12
Warren P. GANESH	12/12	Simon S.P. TANG	6/12
Stephen W.S. HUNG	7/12	Adamas K.S. WONG	6/12
Doreen Y.F. KONG	8/12	Dieter YIH	3/12
IP Shing Hing	8/12		

Secretary: Director of Standards & Development

## AML COMMITTEE

The AML Committee held three meetings.

In view of the increasing importance of the AML issues, the AML Committee was expanded to include members from a cross section of the legal profession.

The Committee reviewed Section 18(3)(a) of Schedule 2 to the *Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance* allowing practising solicitors as specified intermediaries to carry out customer due diligence measures for the financial institutions. The Committee has no objection and strong view for the HKSAR Government to extend the 3-year expiry date under this Section.

The Committee discussed the implication of the judgment made by the Court of Final Appeal in *HKSAR v Pang Hung Fai* (FACC No. 8 of 2013).

The Committee considered electronic payment of solicitors' fees and clients' costs on account from the AML perspective.

The Committee co-organised a seminar on AML issues with the HKSAR Government in October. Mr. Michael Lintern-Smith, Chairman of the Committee, was a speaker at the seminar. The seminar was well received and was attended by more than 190 participants.

### Members of the Committee:

Michael J. LINTERN-SMITH ( <i>Chair</i> )	Jeffrey H. LANE ( <i>retired in June</i> )
Jason D. CARMICHAEL ( <i>joined in October</i> )	LEE Kher Sheng ( <i>joined in October</i> )
CHAN Wing Leung ( <i>joined in October</i> )	Angela W.Y. LEE
Lily S.M. CHANG ( <i>joined in October</i> )	Danny C.M. LEUNG ( <i>joined in October</i> )
Andrew J. DALE ( <i>retired in June</i> )	Alan H. LINNING ( <i>joined in October</i> )
Simon R. DEANE ( <i>joined in October</i> )	Kareena P.G. TEH ( <i>joined in October</i> )
Serge G. FAFALLEN	

Secretary: Assistant Director, Regulation & Guidance

# STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

## THE CPD SCHEME

The *CPD Scheme* aims at providing a convenient framework for the legal profession to meet the changing demands of clients and society by updating the practitioners on legal knowledge and skills.

The Law Society and Hong Kong Academy of Law Ltd. (“Academy”) conducted a total of 510 CPD and RME courses during the year. Of the 510 courses, nine courses were conducted in Putonghua and/or Cantonese and the remainder in English. The courses attracted the attendance of 18,703 participants.

The Law Society and the Academy are grateful to the 123 presenters who contributed by sharing their valuable experiences and expertise.

Some of the highlights of these courses are:

### Civil Justice Reform (“CJR”)

CJR has been implemented since April 2009. The Academy and Hong Kong Bar Association (“Bar Association”) jointly organised a session on an update on CJR, as part of the CJR Training Programme, in July. Over 350 practitioners attended the session.

The Academy also organised two series of free specialised training sessions on CJR each consisting of five modules covering topics such as case management, originating process and pleadings, offers to settle, evidence, trials, appeals and costs. About 1,550 participants attended the specialised training sessions.



### Seminars on the New *Companies Ordinance*

The new *Companies Ordinance* came into effect on 3 March. The Academy conducted a total of 21 seminars from January to October, presented separately by Ms. Judith Sihombing, Visiting Scholar of CUHK, and Ms. Elizabeth Mo, Consultant (Legal) of Hong Kong Monetary Authority and former Deputy Principal Solicitor of Hong Kong Companies Registry (Companies Bill Team) on the *Companies Ordinance*. Over 2,900 participants attended the seminars.



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### Mediation

With the introduction of *Practice Direction 31*, mediation has increasingly been used as a means of alternative dispute resolution. The Academy and the Mediation Committee of The Law Society conducted seven free sharing sessions on mediation. Nine speakers were invited to share their experiences with the participants on topics including financial dispute mediation, victim-offender mediation, the way to develop practice as a solicitor-mediator, conversion from general to family mediation and the importance of pre-mediation sessions. The sharing sessions attracted over 300 participants.

In addition, a panel of experienced solicitor-mediators conducted a seminar entitled “Promotion and Risk Management in Mediation Practice” on 30 April. The seminar attracted 169 participants.

### The third edition of the *Conduct Guide*

The third edition of the *Conduct Guide* came into effect on 1 January. The Academy organised two seminars in March and May to brief members on the new provisions of the *Conduct Guide*. Over 250 participants attended the seminars.

### Reverse Mortgage

The Reverse Mortgage Programme was launched by the Hong Kong Mortgage Corporation Limited in 2011 with the aim of providing elderly homeowners with an additional financial planning option to enhance their quality of life. The Academy conducted a course on reverse mortgage in August to provide attendees with an overview of the Programme and an introduction of the life-insurance policy-linked enhancement. Over 250 practitioners attended the course.



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### Training Programme on the Convention Against Torture Claims and Refugee Law (“CAT”)

The Academy organised its 4th CAT training programme on 21–22 and 24–25 February to assist practitioners in handling CAT claims made under Article 3 of the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and update them on the latest developments on CAT including the unified screening mechanism. Over 200 participants attended the programme.



In addition to the 4th CAT Training Programme, a seminar entitled “The Law of Refugee Status — Focus on the Assessment of Credibility” to examine the international and comparative framework for the assessment of the credibility of persons seeking refugee and other internationally protected status was held on 30 September. Professor James C. Hathaway, the James E. and Sarah A. Degan Professor of Law and Director of the Programme in Refugee and Asylum Law at the University of Michigan, was the speaker of the seminar.



### Higher Rights of Audience (“HRA”)

The Academy organised training courses on advocacy in October to facilitate solicitors who wished to take the HRA assessments conducted by the Higher Rights Assessment Board. The Academy conducted two courses on civil written advocacy and four courses on civil practical advocacy. 26 solicitors attended the courses which were conducted by trainers from the University of Law, London.



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### Probate Practice

A seminar on probate practice was conducted on 3 April to facilitate practitioners to understand the procedures and practice on probate applications. Registrar K.W. Lung, Registrar of the High Court together with Master K. Levy and Master J. Wong, Masters of the High Court, were the speakers of the seminar. Mr. Billy Ma, Chairman of the Probate Committee and Council Member of The Law Society, was the moderator. The seminar attracted around 400 participants.



### Seminars on Personal Data Privacy

The Academy organised two seminars, one conducted by Mr. Roderick B. Woo, former Privacy Commissioner for Personal Data (“PCPD”) and Past President of The Law Society, and the other conducted by Ms. Margaret Chiu, former Legal Counsel of PCPD, on data privacy in October. The topics discussed included data protection principles and their applications to data users, exemptions and offences under the *Personal Data (Privacy) Ordinance*, transfer and use of personal data in due diligence exercises in business transactions, use of personal data for promotion of goods and services, changes introduced by the *Personal Data Privacy (Amendment) Ordinance 2012* and points for solicitors to ponder when advising clients. A total of 244 participants attended the seminars.



### Joint Courses with other professions

To facilitate interaction with other professions and government departments, The Law Society and the Academy jointly organised courses of common interest with the Bar Association and the Narcotics Division of the Security Bureau. Two such courses were held over the year and there were over 440 participants in these courses.





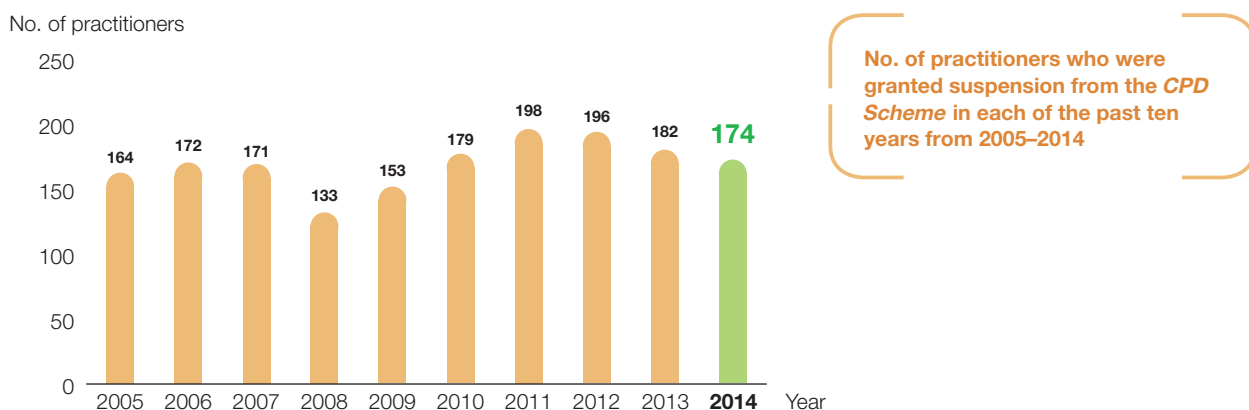
## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

The attendance rates of the participants in the CPD and RME courses organised by The Law Society and the Academy in each of the 10 years from 2005–2014 are as follows:



Pursuant to rule 9 of the *CPD Rules*, 174 practitioners were granted suspension from the *CPD Scheme* during the year.

The number of practitioners who were granted suspension from the *CPD Scheme* in each of the past 10 years from 2005–2014 are as follows:



668 Statements of Compliance with CPD/RME requirements were reviewed and CPD audit was conducted on 489 trainee solicitors and solicitors. Arising from general enquiries and reports made by practitioners on their own initiatives, 16 solicitors and 18 trainee solicitors were found to have failed to comply with the *CPD Rules*. All cases of default were referred to the Compliance Department to be dealt with in accordance with the Council's sanction policy.



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### CPD COMMITTEE

The Committee met on one occasion. The issues considered by the CPD Committee in the meeting and by paper circulation included:

- (a) amendments to the 2013/14 *CPD Information Package* and the *CPD/RME Training Record Form*;
- (b) a retrospective application for CPD accreditation of an overseas course;
- (c) membership of *CPD Alliance*;
- (d) review of the annual CPD requirement for practitioners;
- (e) review of the CPD points awarded under *CPD Guideline 15* of the *CPD Information package*;
- (f) CPD points awarded to courses in mediation training;
- (g) amendments to the *CPD Information Package* to alert practitioners to the circumstances which may lead to nullity of the CPD suspension granted;
- (h) applications for exemption from CPD requirements;
- (i) an application for CPD accreditation of legal research;
- (j) guidelines for accreditation of skills courses; and
- (k) proposal to introduce a cap on the maximum number of CPD points for attending skills courses.

The Committee granted three full exemption from participation in the *CPD Scheme* to practitioners on the ground of age and three partial exemption from participation in the *CPD Scheme* to practitioners on fair and reasonable ground. The Committee also granted a partial exemption from participation in the *CPD Scheme* to a trainee solicitor whose term of trainee solicitor contract had been reduced from the standard two-year period.

### Members of the Committee:

Sylvia W.Y. SIU (*Chair*)

Douglas ARNER

Ram D. BIALA

Iris CHEUNG

Gerard W.H. CHUNG (*retired in June*)

Alex K.L. LAU

Alexandra D.W. LO

Michael A. OLESNICKY

Adamas K.S. WONG

Victor C.K. YAU (*retired in June*)

Secretary: Director of Standards & Development



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### CPD ACCREDITATION SUB-COMMITTEE

There were a total of 4,766 accredited courses this year, compared with 4,712 courses in 2013. In terms of applications, 1,168 of the 4,766 courses were accredited on a course-by-course basis and 3,088 were accredited under the Provider Accreditation Scheme. The remaining 510 courses were conducted by The Law Society and the Academy. In terms of course providers, 23 of the 4,766 courses were provided by The Law Society, 509 were provided by the Academy, of which 388 were provided under the *RME Programme*, 469 were provided by commercial providers, and the remaining 3,765 were provided by in-house providers such as universities, professional bodies and law firms.

Apart from dealing with the applications for accreditation of the courses by paper circulation, the Sub-Committee met on one occasion to consider, inter alia, the irregularities of course providers, applications for renewal of accredited provider status and accreditation of skills courses.

The Sub-Committee accredited three new providers under the Provider Accreditation Scheme during the year. The total number of accredited providers was 58 as at the end of the year. The Sub-Committee approved nine postgraduate or other law courses and 13 legal journals and books, 88 legal researches, and accredited six committees and working parties for the purpose of compliance with the CPD requirements during the year.

Members of the Sub-Committee continued to monitor the standard of accredited CPD courses by reviewing course evaluation records and attending selected accredited courses. 39 courses were monitored during the year.

#### Members of the Sub-Committee:

Sylvia W.Y. SIU (*Chair*)  
Douglas ARNER  
Ram D. BIALA  
Simon M.Y. CHAN  
Francis K.W. CHEN  
Johnny C.M. FEE  
John D.S. HO

Stephen W.K. LAU  
Albert K.M. LEUNG  
Clara G.Y. LI (*resigned in January*)  
Christie K.S. MOK  
Christopher H.W. SO  
WAN Charn Wing  
Sandy H.Y. WONG

Secretary: Acting Assistant Director, Professional Development

### FOREIGN LAWYERS COMMITTEE

There were 216 candidates sitting the 2014 *OLQE*.

The Committee convened nine meetings. The Law Society dealt with 149 applications for exemption from sitting all or part of the 2014 *OLQE* in accordance with the guidelines issued by The Law Society, 113 applications for eligibility to sit or re-sit the *OLQE* and one application for admission as a solicitor.

Members of the Committee attended a meeting of a Sub-committee established by the House Committee of the Legislative Council on the *Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014* ("Amendment Rules") in November to explain the *Amendment Rules* and to answer questions of the Subcommittee.

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The *OLQE Rules* as amended by the *Amendment Rules* came into effect on 2 January 2015. The Committee will review and issue a new Information Package including the exemption guidelines for sitting the 2015 *OLQE*.

### Members of the Committee:

Angela W.Y. LEE (*Chair until September*)

Denis G. BROCK (*Chair from September*)

John C.K. CHAN

Philip M.J. CULHANE (*resigned in September*)

Alexander R. DE NERÉE TOT BABBERICH  
(*joined in October*)

Hannah C.L. HA (*resigned in June*)

LI Huanting

Carmel A. NYE (*joined in October*)

SIN Ping Kwan (*joined in October*)

Rupert C. SKRINE

William August WILSON III (*joined in October*)

Secretary: Assistant Director, Regulation & Guidance

## GUIDANCE COMMITTEE

The Committee met twice and dealt with nine enquiries from members and eight referrals from other Committees or Departments within the Secretariat on matters relating to professional conduct including the following in the meetings and by paper circulation:

- (a) grounds for withdrawal by solicitors during criminal proceedings;
- (b) setting up of a Hong Kong firm by a foreign firm which is not a branch of an overseas firm;
- (c) conflict of interest between different clients in separate divorce proceedings;
- (d) duty of confidentiality and legal professional privilege owed by a solicitor who is subject to a Securities and Futures Commission Notice;
- (e) conflict of interest between clients of three Associated law firms;
- (f) conflict of interest between clients of two Associated firms;
- (g) duty of confidentiality and factoring arrangement in an insurance policy;
- (h) referral fees paid by estate agents to solicitors;
- (i) matters arising out of pro bono legal services rendered by solicitors;
- (j) payment of fees for services rendered by overseas lawyers;
- (k) on-line payment of legal fees and clients' costs on account;
- (l) use of the title of "Accredited Mediator" by solicitors who have been removed from The Law Society's Panels of Mediators;
- (m) duty of confidentiality and conflict of interests between existing and former clients in divorce proceedings;
- (n) Toolkit on Directors' Ethics prepared by the Independent Commission Against Corruption;



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

- (o) suitability of a person who had criminal conviction for employment as a trainee solicitor;
- (p) setting up of an expert sourcing company by solicitors; and
- (q) informed consent by the relevant parties to waive breach of confidentiality.

### Members of the Committee:

Amirali B. NASIR ( <i>Chair until June</i> )	Patrick R. MOSS
Stephanie S.Y. CHEUNG ( <i>Chair from October</i> )	Amirali B. NASIR ( <i>joined in October</i> )
James J. BERTRAM	Kenneth S.Y. NG
Victor K.S. CHIU	Gregory D. PAYNE ( <i>joined in April</i> )
Richard CULLEN ( <i>resigned in February</i> )	SHUM Ka Ming ( <i>joined in October</i> )
Alex K.L. LAU	Johnson M.H. TSANG
Joseph C.W. LI ( <i>resigned in January</i> )	Benny Y.B. YEUNG

Secretary: Assistant Director, Regulation & Guidance

## LEGAL EDUCATION COMMITTEE

The Committee convened three meetings including one joint meeting with the Working Party on Common Entrance Examination. It considered the following:

- (a) consultation document on the Common Entrance Examination (“CEE”);
- (b) appointment of External Examiners of CityU, CUHK and HKU;
- (c) term of office of External Examiners;
- (d) complaints against PCLL;
- (e) amendments to the Professional Diploma for Legal Executives course proposed by IVE and amendments to the Advanced Diploma in Legal Studies (Professional Stream) course proposed by HKU SPACE;
- (f) chairmanship and membership of the PCLL Academic Board of CityU;
- (g) terms of reference and membership of the Committee;
- (h) responses to the consultation, comments of the consultants on the responses and draft report of the consultants; and
- (i) comprehensive study on legal education and training proposed by the Standing Committee on Legal Education and Training (“SCLET”).

A sharing session with the interns of law firms was organised in July. Senior legal practitioners in different fields were invited to share their valuable experiences with new entrants to the profession. About 117 participants took part in the sharing session.

Past Presidents of The Law Society served as representatives of The Law Society on SCLET, which met on four occasions. The Secretary of the Committee continued to serve as Secretary of SCLET and as Secretary of the Sub-Committee of the Standing Committee on English Language Proficiency.

## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### Members of the Committee:

Stephen W.S. HUNG (*Chair*)

Bonita B.Y. CHAN

Michael P.K. CHAN (*joined in December*)

Nick CHAN

Charles C.C. CHAU (*resigned in October*)

John J. CLANCEY

HA Yiu Fai

Nancy B.Y. LEUNG

Isaac S.L. TAM (*resigned in March*)

Michelle W.T. TSOI (*joined in December*)

Adrian K.M. WONG

Kenny K.S. WONG (*joined in December*)

Felix K.Y. YAU

Secretary: Director of Standards & Development

### MEDIATOR ADMISSION COMMITTEE

The Committee convened five meetings.

The Committee considered the following in the meetings:

- (a) draft mediator admission scheme;
- (b) retention of the title of “Accredited Mediator” and “Admitted Mediator” by solicitors who have been removed from the Panels of Mediators and Family Mediation Supervisors;
- (c) applications for renewal of membership on the Panels of General and Family Mediators and Family Mediation Supervisors;
- (d) accreditation requirements of family mediators in other jurisdictions; and
- (e) CPD points in mediation training and amendments to the *CPD Information Package*.

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

The Law Society is considering a mediator admission scheme to enable those mediators accredited by HKMAAL since September 2013 to apply for admission to The Law Society’s Panels.

As of the end of the year, there were 225 solicitors on the Panel of General Mediators, 46 solicitors on the Panel of Family Mediators and 11 solicitors on the Panel of Family Mediation Supervisors.

55 applications for renewal of membership on the Panel of General Mediators, 11 applications for renewal of membership on the Panel of Family Mediators and one application for renewal of membership on the Panel of Family Mediation Supervisors were processed. Audit on 13 cases was conducted. 57 applications for renewal were approved.



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### Members of the Committee:

Cecilia K.W. WONG (*Chair*)  
Michael H. BECKETT  
CHAN Bing Woon

Junius K.Y. HO  
Maureen E. MUELLER  
Jody K.Y. SIN

Secretary: Director of Standards & Development

### OLQE COMMITTEE

The Committee met on two occasions including a joint meeting with the Chief Examiner and Examination Panel Convenors and Examiners.

The issues considered by the Committee in the meetings and by paper circulation included:

- (a) results of the 2013 *OLQE*;
- (b) feedback of the candidates on the 2013 *OLQE*;
- (c) the format and the logistical arrangements for the 2014 *OLQE*;
- (d) the 2014 *OLQE Information Package* and related documentation;
- (e) appointment of the Chief Examiner, Examiners and Panel Convenors and their fees;
- (f) the syllabus and reading list of each head of the *OLQE*;
- (g) applications for special arrangements to sit the *OLQE*;
- (h) the procedures for handling applications for review of the examination results;
- (i) the structure of the Head IV examination paper; and
- (j) establishment of a Head VI Panel, appointment of its Convenors and Examiners for the 2015 *OLQE*.

### Members of the Committee:

John R. BUDGE (*Chair*)  
Eugene C. GREGOR  
Mark LIN

Arthur McINNIS  
Sylvia W.Y. SIU  
Donna L. WACKER

Secretary: Director of Standards & Development

### Convenors and Members of the *OLQE* Panels:

#### *HEAD I : Conveyancing*

Myrette J. FOK (*Convenor*)  
Wilson W.S. CHOW (*joined in February*)  
Alisa W.C. KWAN  
Alexander H.S. LEUNG  
Michael LOWER  
George S.K. NGAI  
Simon J. REID-KAY

## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### *HEAD II : Civil and Criminal Procedure*

James E. JAMISON (*Convenor*)  
Amanda WHITFORT (*Convenor*)  
Melville T.C. BOASE  
William S. CLARKE  
Christopher ELLIS  
Louis K.L. FUNG  
Julienne JEN  
Nancy B.Y. LEUNG  
Martin D. ROGERS  
Bernard K.F. SIU

### *HEAD III : Commercial and Company Law*

Mark J. STEVENS (*Convenor*)  
Mary W.Y. AU-YUENG  
Felix W.H. CHAN  
Peter C.H. CHAN (*joined in June*)  
Shirley S.L. CHUA  
Dennis H.F. HIE  
Michelle P.Y. LIU (*joined in August*)  
Alexandra D.W. LO  
Daphne F.Y. LO (*joined in August*)  
Thelma TONG (*resigned in July*)  
Adrian K.M. WONG

### *HEAD IV : Accounts and Professional Conduct*

Colin B. COHEN (*Convenor*)  
Michael WILKINSON (*Convenor*)  
Adrian J. HALKES  
Ludwig S.W. NG  
Peter K.P. SIT

### *HEAD V : Principles of Common Law*

Michael C. JENKINS (*Convenor*)  
Adrian K.M. WONG (*Convenor*)  
Shirley S.L. CHUA  
Julianne P. DOE  
Alex K.L. LAU  
Anthony F. NEOH, S.C.  
Peter F. RHODES

## OLQE

The 20th OLQE was held from 28 October to 11 November. A total of 216 candidates sat one or more written heads of the Examination. 207 candidates were from 19 overseas jurisdictions, six of which were non-common law jurisdictions. Nine candidates were Hong Kong barristers.

Of the 216 candidates, 127 candidates (59%) passed the Examination, having passed each of the heads that they were required to sit. 89 candidates (41%) failed the Examination, having failed one or more of the heads that they were required to sit. Seven candidates registered to sit the Head V Examination but none of them passed all the written heads they were required to sit to qualify for taking the Head V examination paper.



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

Figure 1: Examination results with respect to each head of the Examination

	Head I		Head II		Head III		Head IV		Head V		The Exam	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Pass	134	73	46	75	46	77	49	52	0	0	127	59
Fail	50	27	15	25	14	23	45	48	0	0	89	41
<b>Total</b>	<b>184</b>		<b>61</b>		<b>60</b>		<b>94</b>		<b>0</b>		<b>216</b>	

Written Heads

Head I	Conveyancing
Head II	Civil and Criminal Procedure
Head III	Commercial and Company Law
Head IV	Accounts and Professional Conduct

Oral Head: Head V Principles of Common Law

Figure 2: Jurisdictions of the candidates

Jurisdictions	Number of Candidates	Percentage*
1 Australia	40	18.5
2 Belgium <sup>1</sup>	1	0.5
3 Canada	2	0.9
4 England and Wales	58	26.9
5 Hong Kong <sup>2</sup>	9	4.2
6 India	3	1.4
7 Israel	1	0.5
8 Italy <sup>1</sup>	2	0.9
9 Japan <sup>1</sup>	2	0.9
10 Mainland China <sup>1</sup>	20	9.3
11 Malaysia	1	0.5
12 New Zealand	7	3.2
13 Pakistan	1	0.5
14 Quebec <sup>1</sup>	1	0.5
15 Scotland	1	0.5
16 Singapore	13	6.0
17 Republic of South Africa	1	0.5
18 Sri Lanka	1	0.5
19 Sweden <sup>1</sup>	1	0.5
20 U.S.A.	51	23.6
<b>Total</b>	<b>216</b>	

<sup>1</sup> Non-common law jurisdiction

<sup>2</sup> Barrister

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



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### RME COMMITTEE

The Committee oversees the administration of the *RME Programme* which aims at raising the awareness of risk issues and promoting good risk management of legal practice.

Since its implementation in November 2004, the *RME Programme* has been in operation for over 10 years extending its application gradually to all Hong Kong solicitors practising as sole practitioners, partners, associates, consultants, trainee solicitors, and registered foreign lawyers working in Hong Kong law firms.

With the establishment of the Academy, the RME courses are all offered through the Academy.

Eight Module 1A, eight Module 1B, six Module 2A and six Module 2B of principals' core courses, five Module 1 and five Module 2 of non-principals' core courses, 13 Module 1 and 13 Module 2 of registered foreign lawyers' core courses, 23 Module 1 and 23 Module 2 of trainee solicitors' core courses, 23 compulsory first elective courses for trainee solicitors, and 234 elective courses were held during the year. The Committee monitored closely the evaluation of these courses by the course participants.

RME electives have since 1 November 2008 been offered free of charge to those participants who have to fulfil their RME obligations in the relevant RME practice year and who have not attended any other RME electives during that year. Free core courses have also been offered by the Academy to all trainee solicitors since 1 November 2009. With effect from 1 November, to mark the 10th Anniversary of the *RME Programme*, the principals' core courses, non-principals' core courses, registered foreign lawyers' core courses and the compulsory first elective courses for trainee solicitors are also offered free of charge. Accordingly, with effect from 1 November, all courses within the *RME Programme* are offered free to participants.

RME courses are generally conducted in English. However, since 2010 the Academy has offered RME core courses in Putonghua to registered foreign lawyers.

The RME Committee convened one meeting during the year. Matters considered by the Committee in the meeting and by paper circulation included:

- (a) the appointment of part-time RME course tutors;
- (b) review of the progress in updating the *RME Programme* and developing new electives;
- (c) amendments to the Application Forms for Renewal of Registration as a Foreign Lawyer;
- (d) amendments to the *RME Information Package*;
- (e) applications for exemption from complying with the RME requirements; and
- (f) topics for new RME elective courses.

The Committee considered 85 applications for exemption from complying with the RME requirements pursuant to rule 8A of the *Legal Practitioners (RME) Rules*.



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### Members of the Committee:

Cecilia K.W. WONG (*Chair*)  
CHUNG Lai Ming  
Warren P. GANESH

Alex K.L. LAU  
Joseph C.W. LI

Secretary: Director of Standards & Development

### RME ACCREDITATION SUB-COMMITTEE

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

The Sub-Committee considered 83 applications for accreditation and accredited 50 elective courses offered by law firms and other institutions and 18 elective courses offered by commercial providers.

Course provider accreditation for RME elective courses was introduced in 2007. The Sub-Committee considered 10 applications for renewal of accredited providers status, and one new application for accreditation as a provider. 11 law firms accredited as RME elective course providers offered a total of 123 in-house elective courses during the year.

The Sub-Committee also considered one application for writing article and two applications for conducting legal research for accreditation as RME elective activities.

### Members of the Sub-Committee:

Joseph C.W. LI (*Chair*)  
CHUNG Lai Ming  
Heather DOUGLAS

Christopher KNIGHT  
Alan M.B. LAM

Secretary: Director of Standards & Development

### WORKING PARTY ON SOLICITOR CORPORATION RULES

The Working Party convened two meetings to consider:

- (a) consequential amendments to the *SPI Rules*;
- (b) questions raised by the Department of Justice (“DOJ”) on the *Practising Certificate (Special Conditions) Rules*;
- (c) Part 5 of the *Statute Law (Miscellaneous Provisions) Bill 2014*; and
- (d) top-up professional indemnity insurance and identification of the overall supervising partner in a solicitor corporation.



## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

Members of the Working Party attended a meeting of the Panel on Administration of Justice and Legal Services of the Legislative Council in May to discuss the progress of the implementation of the *Solicitor Corporation Rules*, the consequential amendments to *LPO* and its subsidiary legislation, consumer protection, whether it was necessary for top-up profession indemnity insurance and notification to clients of the identity of the overall supervising partner in a solicitor corporation.

### Members of the Working Party:

Junius K.Y. HO (*Chair*)  
Anthony W.K. CHOW  
IP Shing Hing  
Frederick K.C. KAN  
Christopher E. LAMBERT

Joseph C.W. LI  
Ivan C.K. NG  
Peter K.P. SIT  
Cecilia K.W. WONG

Secretary: Director of Standards & Development

## WORKING PARTY ON COMMON ENTRANCE EXAMINATION (“CEE”)

The Working Party conducted two fora, one in January for members of The Law Society and the other in February for students, to explain the purpose of the consultation on CEE, to answer questions raised on the consultation, and to solicit views of the members and students. A total of 180 participants attended the two fora.

The Working Party conducted one joint meeting with the Legal Education Committee to consider the responses to the consultation on the CEE, and the comments of the consultants on the responses.

### Members of the Working Party:

Stephen W.S. HUNG (*Chair*)  
Bonita B.Y. CHAN  
Charles C.C. CHAU (*resigned in October*)  
Anthony W.K. CHOW  
CHUI Pak Ming

HA Yiu Fai  
Lester G. HUANG  
Nadine LAI  
Felix K.Y. YAU  
Dieter YIH

Secretary: Director of Standards & Development

## WORKING PARTY ON PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES (“SPECIAL CONDITIONS RULES”)

The Working Party held one meeting to discuss the proposed amendments to the *Special Conditions Rules* and the incidental amendments to the *SPR* prepared by the DOJ. Upon conclusion of the legislative drafting exercise in consultation with DOJ, The Law Society will apply to the Chief Justice for his final approval of the proposed amendments.

## STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT

### Members of the Working Party:

Joseph C.W. LI (*Chair*)  
IP Shing Hing  
Thomas S.T. SO

Dieter YIH  
Margot TUNG

Secretary: Assistant Director, Regulation and Guidance

### WORKING PARTY TO VET THE CHINESE TRANSLATION OF THE GUIDE

The newly formed Working Party is tasked with vetting the Chinese translation of the *Conduct Guide* and it held one meeting.

The Working Party took note and agreed that the Chinese translation of the *Conduct Guide* was for reference only. In the event of any discrepancy between the English and Chinese versions of the *Conduct Guide*, the English version shall prevail.

The Working Party has so far reviewed the Chinese translations of the Foreword, Chapters 3, 5, 6, 7, 8, 9 and 10 of the *Conduct Guide*. Upon completion of the review, the Chinese translation of the *Conduct Guide* will be submitted to the Standing Committee and the Council for approval.

### Members of the Working Party:

Huen WONG (*Chair*)  
Joseph C.W. LI

Amirali B. NASIR  
Tony Y.H. YEN

Secretary: Assistant Director, Regulation & Guidance



Standards and Development Department