

Our Ref. : PRES/FA/1381

29th May 2002

The Hon. Ms. Margaret Ng,
Room 116, New Henry House,
10 Ice House Street,
Hong Kong.

Dear

Re: Clause 105 Statue Law (Miscellaneous Provisions) Bill

Thank you for your letter dated 24th May, the contents of which I have noted.

The proposed new rules are specifically to meet the situation where a solicitor has been censured, fined or suspended or his practice has been intervened because it is generally accepted that these are practitioners against whom the public should have greater protection from mismanagement of their practices. The rules must first be approved by the Chief Justice who in this instance represents the public's interests and must be vetted by the Legislative Council which also represents the public's interests. If a solicitor is deemed by his peers and a well respected lay member to have breached the rules of professional conduct as set out in the proposed regulations, the Council may decide to impose conditions upon his Practising Certificate. They also have the power to refuse to issue him with a Practising Certificate in a serious case. In the event of refusal of a Practising Certificate or the imposition of conditions an aggrieved solicitor has a right of appeal to the Chief Judge who could protect a solicitor in the unlikely event of a cavalier attitude taken by the Council.

I may add that the imposition of a condition does not prevent a solicitor from practising but in the majority of instances prevents such solicitors from practising on their own or in partnership following an event or events which have demonstrated their unsuitability to act as a sole proprietor or as a partner.

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I hope that this clarifies the position and that the proposed amendments will take effect without delay as we consider that they are a very important tool for the proper management of the profession.

Yours sincerely,

Ip Shing Hing
President