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2846 0503

15 October 2002

Mrs Percy Ma
Clerk to Subcommittee
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Ma,

Re : Subcommittee on Solicitors (Group Practice) Rules

Thank you for your letter dated 10 October 2002.

We note the concern of the Subcommittee over the public perception of the new mode of practice. As with the introduction of anything new, the introduction of group practices is bound to raise queries at the initial stage. It will involve a transition period during which the parties involved familiarise themselves with the new style of practice. The Society will assist its members and, if necessary, the public in getting to understand what group practices are and how they operate.

As far as education of the public is concerned, the Society has no objection to issuing information leaflets, prior to the Rules coming into operation, to explain:

- (a) the meaning of group practice
- (b) the reason for introducing the mode of group practice
- (c) the main provisions in the relevant rules governing solicitors of a group practice
- (d) any difference in the way legal services are to be provided by solicitors practising in a group practice and those not practising in a group practice

The information leaflets will be posted on the Society's website with hard copies available at the Secretariat. Further, they may be distributed to the press to widen the scope of circulation.

In respect of giving guidance to solicitors, it has always been the intention of the Society to publish a manual on establishing a group practice for its members. The manual will be advisory in nature and will include:

- (a) practical guidance on matters to consider when establishing a group practice
- (b) advice on the particular obligations of solicitors in a group practice under the relevant rules
- (c) samples of notifications and declaration required to be submitted under the relevant rules

In respect of particular ethical issues that apply to solicitors in a group practice, for example, conflict of interest, confidentiality, professional relationship among solicitors of the same group practice, they will more appropriately be dealt with by way of a formal circular to members, which will eventually be incorporated as part of the next edition of the Solicitors' Guide to Professional Conduct.

On the Chinese translation of "group practice", it is anticipated that any alternative is bound to attract some kind of criticism. Translation has always been a difficult area. The proposed Chinese translation of "事務所" does not and is certainly not intended to carry the meaning of a legal entity. It is intended to convey the idea of practising "in the same address or office". Even if other terms like "辦事處", as suggested by a member at the last meeting, are adopted, for the sake of argument, the same misunderstanding that it represents a single legal entity may result amongst members of the public.

Instead of focusing on how to revise the Chinese translation, it may be more fruitful to focus on the education of the concept of group practice to avoid any misunderstanding and the Society is prepared to assist in every way it can to achieve that end.

Yours sincerely,

PATRICK MOSS
Secretary General