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The Law Society of Hong Kong
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Hong Kong

(Attn: Mr Patrick MOSS, Secretary General)

5 January 2004

BY FAX

Fax No. : 2845 0387

Total no. of pages : (2)

Dear Mr Moss,

**Subcommittee on Summary Disposal of Complaints (Solicitors) Rules
under L.N. No. 251 of 2003**

We refer to your letter of 22 December 2003 to Mrs Percy MA, Clerk to the Subcommittee. We have the following points for your clarification.

Paragraph 4 of the letter

You propose to add a new section 4(2)(c) to the effect that if the relevant person does not notify the Council representative in writing within 21 days after receiving the complaint sheet, the matter shall be disposed of by the Solicitors Disciplinary Tribunal, subject to the Council's power to revoke its decision to submit the matter to the Tribunal Convenor. Would the proposed provision cause operational difficulty in determining the point in time as to when the relevant person has received the complaint sheet so as to trigger the 21-day period? In this regard, it is noted that there is a deeming provision for sending documents under section 13 but not for receiving documents.

Paragraph 7 of the letter

You propose to amend section 5(1) by restricting the Council's power to revoke its decision to submit the matter to the Tribunal Convenor to the period before receipt by the Council representative of notification from the relevant person as to whether he wishes to discuss the matter with the Council representative. Would the proposed amendment cause operational difficulty when the Council has sent its notice of revocation to the relevant person whose notice indicating his wish to discuss the matter with the Council representative is on its way being sent to the Council representative? In this regard, section 13 also operates in relation to sending documents only.

We should be grateful for your earliest reply in both languages.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

c.c. DoJ (Attn: Mr Michael SCOTT, SASG) (Fax No. 2180 9928)
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LA
Clerk to the Subcommittee