



HONG KONG BAR ASSOCIATION

Secretariat: LG2 Floor, High Court, 38 Queensway, Hong Kong
DX-180053 Queensway 1 E-mail: info@hkba.org Website: www.hkba.org
Telephone: 2869 0210 Fax: 2869 0189

Mrs. Percy Ma
Clerk to Subcommittee
Legislative Council
Legislative Council Building
8 Jackson Road,
Central, Hong Kong
Your ref.: CB2/HS/1/07

*By Hand
and
Via Email*
(ftsang@legco.gov.hk)

8 April 2008

Dear Mrs. Ma,

Re: Subcommittee on Draft Subsidiary Legislation relating to the Civil Justice Reform (“CJR”)

Thank you for your letter dated 28 March 2008.

Whilst it is the professional responsibility of every practising barrister to update and familiar himself or herself with any legislative changes including the CJR, the Bar fully appreciates that proper and sufficient training for the legal profession will be important for the successful implementation of the CJR. The Bar supports the Judiciary’s intention to implement CJR in April 2009 and thoughts have been given to the issues concerning preparation and training. The Bar’s plan is as follows:

Schedule of Preparation & Training

1. The primary legislation for implementing the CJR, *viz.*, the Civil Justice (Miscellaneous Amendments) Ordinance 2008, has already been enacted.

香港大律師公會

香港金鐘道三十八號高等法院低層二樓

Chairman 主席：

Mr. Rimsky Yuen, S.C. 袁國強

Vice Chairmen 副主席：

Mr. Robert Whitehead, S.C. 韋浩德

Mr. Paul Shieh, S.C. 石永泰

Hon. Secretary & Treasurer

名譽秘書及財政：

Mr. Keith K.H. Yeung 楊家雄

Deputy Hon. Secretary

副名譽秘書：

Mr. Stewart Wong 黃繼明

Administrator 行政幹事：

Ms. Dora Chan 陳少琼

Council Members 執行委員會委員：

Mr. Gary Plowman, S.C. 包樂文

Mr. Peter Duncan, S.C. 鄧樂勤

Mr. Ashley Burns, S.C. 包毅成

Mr. Leo Remedios 李美度士

Mr. Anthony Ismail 石善明

Mr. Michael Liu 廖建華

Mr. P Y Lo 羅沛然

Mr. Frederick Chan 陳慶輝

Mr. Giles Surman 蘇明哲

Mr. Sanjay Sakhrani 施善政

Mr. Gary Soo 蘇國良

Mr. Norman Hui 許文恩

Ms. Audrey Campbell-Moffat 金貝理

Mr. Edwin Choy 蔡維邦

Mr. Jonathan Chang 張天任

Ms. Elaine Liu 廖玉玲

Ms. Cancy Liu 廖雪心

Mr. Jenkin Suen 孫靖乾

Mr. Robin Egerton 艾家敦

Mr. Dennis Kwok 郭榮經

We understand the Judiciary aims at having the relevant subsidiary legislation passed before the end of the current term of the Legislative Council. The Bar has planned its preparation and training programme with this time frame in mind.

2. On the basis that the subsidiary legislation will be passed by July this year, the Bar will finalize the training materials during the months of August and September 2008 (although preparation has already started). Since August is the summer vacation of the High Court, it is expected that those civil practitioners assisting the Bar will have more time to finalize the training materials.
3. After the materials are finalized, the training programme will be launched during the 6 months from October 2008 to March 2009.

The Bar's Training Programme

4. The training programme to be conducted during the period from October 2008 to March 2009 will comprise seminars and small group sessions:
 - (1) The training programme will start with a seminar on the changes that will be brought about by the implementation of the CJR. To allow sufficient time for a reasonably detailed analysis and discussion, the seminar will be divided into Part I and Part II. Each part will last around 2 to 2½ hours.
 - (2) The plan is to conduct the seminar (including Parts I and II) at least twice during the period from October to December 2008, so that members who miss the first seminar can attend the second one.
 - (3) Following the first seminar, there will be small group sessions. Each session will deal with one or two specific topics of the CJR and will likewise last around 2 to 2½ hours. The purposes of these small group sessions are practical problem-solving as well as to have in-depth discussion on specific topics. Subject to the demand of our members, the current plan is likewise to run each small group session at least twice so that members who miss the first round can attend the second round.

Joint Training with the Law Society

5. The programme stated in paragraph 4 above will be organized by the Bar for its members. In addition, I have discussed with the President of the

Law Society and it has been agreed that the two professional bodies will jointly organize seminar or conference on CJR topics that will be of common interest to both branches of the legal profession.

Co-operation with the Judiciary

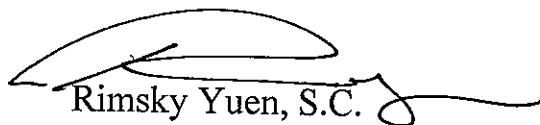
6. In the course of introducing the CJR, the Judiciary has done substantial research and has looked into the various aspects of CJR in great detail. Further, much preparation has also been done by the Judiciary in preparing for the implementation of CJR. In the circumstances, the Bar believes it will be desirable and does intend to co-operate with the Judiciary when preparing for the training programme.
7. Apart from requesting access to the training materials to be used by the Judiciary, the Bar intends to invite members of the Judiciary to participate in the seminars and small group sessions mentioned in paragraph 4 above. As I understand, the Judiciary is agreeable to provide such assistance to the Bar as may be appropriate.

On the assumption that the subsidiary legislation for implementing the CJR will be passed by around July this year, there will be a period of 9 months before the CJR is implemented. Besides, preparation for the training programme has already been commenced. The Bar is confident that there will be sufficient time to provide the requisite training for its members so as to enable practising barristers to be familiar with the changes that will be brought about by the CJR.

I trust the above has sufficiently addressed the concern raised in your letter. Should the members of the Subcommittee have any further queries, I will be obliged to assist.

Best Regards.

Yours sincerely,



Rinsky Yuen, S.C.
Chairman