

**立法會**  
**Legislative Council**

LC Paper No. CB(4)213/15-16  
(These minutes have been  
cleared with the Chairman)

Ref : CB4/SS/19/14

**Subcommittee on Trainee Solicitors (Amendment) Rules 2015**

**Minutes of the meeting**  
**held on Tuesday, 27 October 2015, at 2:30 pm**  
**in Conference Room 2B of the Legislative Council Complex**

- Members present** : Hon Dennis KWOK (Chairman)  
Hon Albert HO Chun-yan  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Paul TSE Wai-chun, JP
- Members absent** : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon CHUNG Kwok-pan
- Clerk in attendance** : Miss Polly YEUNG  
Chief Council Secretary (4)4
- Staff in attendance** : Miss Winnie LO  
Assistant Legal Adviser 7
- Mr KWONG Kam-fai  
Senior Council Secretary (4)4
- Ms Sandy HAU  
Legislative Assistant (4)3
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## I. Election of Chairman

Mr Albert HO, the member present who had the highest precedence, presided at the meeting and called for nominations for the chairmanship of the Subcommittee. Mr Abraham SHEK nominated Mr Dennis KWOK and the nomination was seconded by Mr Albert HO. Mr Dennis KWOK accepted the nomination. There being no other nomination, Mr Dennis KWOK was declared Chairman of the Subcommittee.

## II. Any other business

*((Issued by the Law Society of Hong Kong in September 2015) -- Legislative Council Brief*

LC Paper No. CB(4)102/15-16(02) -- Marked-up copy of the Trainee Solicitors (Amendment) Rules 2015

L.N. 174 of 2015 -- Trainee Solicitors (Amendment) Rules 2015

LC Paper No. LS83/14-15 -- Legal Service Division Report)

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Chairman informed members that the Law Society of Hong Kong ("Law Society") had advised the Secretariat that the personnel involved in the Trainee Solicitors (Amendment) Rules 2015 ("Amendment Rules") were unable to attend this meeting due to prior engagement.
4. The Subcommittee completed the scrutiny of the Amendment Rules and would not propose any amendment to the Amendment Rules. The Chairman advised that if members considered that there were issues which the Law Society should further address in writing, they should inform the Secretariat for follow-up action.
5. Members agreed that the Chairman should move a motion at the Council meeting of 4 November 2015 to extend the scrutiny period of the Amendment Rules from 11 November 2015 to 2 December 2015.

*(Post-meeting note: Members were informed of the legislative timetable vide LC Paper No. CB(4)127/15-16 dated 28 October 2015.)*

- Action
6. There being no other business, the meeting ended at 2:45 pm.

Council Business Division 4  
Legislative Council Secretariat  
12 November 2015

**Proceedings of the meeting of the  
Subcommittee on Trainee Solicitors (Amendment) Rules 2015  
on Tuesday, 27 October 2015, at 2:30 pm  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000511 - 000531	Mr Albert HO Mr Abraham SHEK Mr Dennis KWOK	Election of Chairman	
<i>Agenda Item II – Any other business</i>			
000532 - 000632	Chairman	Opening remarks	
000633 - 000939	Chairman Mr Abraham SHEK	<p>Mr SHEK raised his concern about the limited number of Postgraduate Certificate in Laws ("PCLL") places offered by local law schools. He said that many candidates, in particular mature students, experienced difficulty in gaining admission to the PCLL programme. As a result, they might be deprived of the opportunity to enter the legal profession. In his opinion, the proposal of the Law Society of Hong Kong ("Law Society") to introduce a common entrance examination had its merits as it might be an additional means of admitting individuals to practise as solicitors in Hong Kong.</p> <p>The Chairman advised that issues related to legal education would be further considered by the Panel on Administration of Justice and Legal Services in due course.</p>	
000940 - 001120	Mr Albert HO Chairman Assistant Legal Adviser 7 ("ALA7") Mr Abraham SHEK	<p>In response to Mr HO's enquiry, ALA7 advised that there have already been PCLL graduates of The Chinese University of Hong Kong ("CUHK") since 2009. The Trainee Solicitors (Amendment) Rules 2015 ("Amendment Rules") aimed to amend rule 14 of the Trainee Solicitors Rules ("TS Rules") (Cap.159J) to add "The Chinese University of Hong Kong" as one of the recognized institutions by which a certificate or notification issued in respect of the examination results shall be sufficient evidence of a person's satisfactory completion of PCLL.</p> <p>Mr SHEK questioned why rule 14 of the TS Rules had not been amended earlier to include CUHK which produced the first batch of PCLL graduates as early as 2009.</p> <p>The Chairman referred members to the LegCo Brief provided by the Law Society, which explained the background leading to the introduction of the Amendment Rules.</p>	

Time marker	Speaker(s)	Subject(s)	Action required
001121 - 001421	Mr Albert HO Chairman ALA 7	<p>Mr HO sought clarification on the legal basis for the Law Society to register the trainee solicitor contracts of the PCLL graduates of CUHK since 2009 pending the current amendment to rule 14 of the TS Rules.</p> <p>ALA7 indicated that according to the written explanation provided by the Law Society, rule 7(a)(i) of the TS Rules provided that a person might only enter into a trainee solicitor contract if he had passed or received a certificate of completion in PCLL and such other examination or course as the Law Society might require and set or approve. As the definition of PCLL under section 2(1) of the Legal Practitioners Ordinance (Cap. 159) ("LPO") already included CUHK as one of the PCLL course providers, the Law Society was of the view that rule 7(a)(i) of the TS Rules together with the definition of PCLL in section 2(1) of LPO were sufficient to empower the Law Society to register the trainee solicitor contracts of persons who had completed the PCLL course in CUHK. The application of rule 7 of the TS Rules is not conditional upon the production of evidence under rule 14 of the TS Rules.</p>	
001422 - 001533	Chairman Clerk Mr Albert HO Mr Abraham SHEK	<p>The Subcommittee completed scrutiny of the Amendment Rules.</p> <p>The Chairman advised that if members considered that there were issues which the Law Society should further address in writing, they should inform the Secretariat for follow-up action.</p> <p>Noting the legislative timetable, members agreed that the Chairman should move a motion at the Council meeting of 4 November 2015 to extend the scrutiny period of the Amendment Rules from 11 November 2015 to 2 December 2015.</p>	
001534 - 001551	Chairman	Closing remarks	