

立法會
Legislative Council

LC Paper No. CB(4)982/18-19
(These minutes have been
seen by The Law Society of
Hong Kong)

Ref : CB4/SS/8/18

Subcommittee on
Solicitors (Professional Indemnity) (Amendment) Rules 2019 and
Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019

Minutes of the meeting
held on Thursday, 25 April 2019 at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Alvin YEUNG
Hon Holden CHOW Ho-ding
Hon YUNG Hoi-yan
Hon LUK Chung-hung, JP

Member attending : Hon Kenneth LEUNG

Members absent : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Dennis KWOK Wing-hang

Attendance by invitation : **Agenda item II**

Mr Amirali NASIR
Vice President of the Law Society of Hong Kong and
Chairman of Hong Kong Solicitors Indemnity Fund
Limited

Mr Patrick MOSS
Director of Hong Kong Solicitors Indemnity Fund Limited

Ms Fiona STEWART
Regional Director of ESSAR Insurance Services Limited

Ms Ming CHUNG
Account Director of ESSAR Insurance Services Limited

Ms Gigi LIU
Assistant Director, Professional Indemnity Scheme of the
Law Society of Hong Kong

Clerk in attendance : Ms Angel WONG
Chief Council Secretary (4)4

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 4

Miss Mandy NG
Senior Council Secretary (4)4

Miss Rachel WONG
Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

Action

I. Election of Chairman

Dr Priscilla LEUNG was elected Chairman of the Subcommittee. Members agreed that there was no need to elect a deputy chairman.

II. Meeting with The Law Society of Hong Kong

[Legislative Council Brief issued by The Law Society of Hong Kong on 29 March 2019, L.N. 51 and 52 of 2019, LC Paper Nos. LS64/18-19 and CB(4)792/18-19(02) and (03)]

Declaration of interest

2. The Chairman and Ms YUNG Hoi-yan declared interest as practising barristers. Mr Holden CHOW declared interest as a practising solicitor.

Discussion

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).
4. The Chairman informed members that the Chairman of the House Committee gave notice to move a motion at the Council meeting of 17 April 2019 to extend the scrutiny period of the Solicitors (Professional Indemnity) (Amendment) Rules 2019 and Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019 ("the two Amendment Rules") to the Council meeting of 22 May 2019. However, the motion was not dealt before the adjournment of the Council meeting of 17 April 2019. As such, the scrutiny period for the two Amendment Rules expired at the Council meeting of 17 April 2019.
5. The Chairman proposed and members agreed to post a notice on the website of the Legislative Council ("LegCo") to invite written submissions on the two Amendment Rules from the public.
6. The Subcommittee completed scrutiny of the two Amendment Rules. The Subcommittee will report on its deliberations to the House Committee, pending written submissions from the public.

(Post-meeting note: The invitation notice was posted on the LegCo website on 25 April 2019. No submission had been received by the deadline on 9 May 2019.)

III. Any other business

7. There being no other business, the meeting ended at 12:15 pm.

Council Business Division 4
Legislative Council Secretariat
11 June 2019

**Proceedings of the meeting of the Subcommittee on
Solicitors (Professional Indemnity) (Amendment) Rules 2019 and
Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019
on Thursday, 25 April 2019 at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
Agenda Item I – Election of Chairman			
000500-000648	Dr Priscilla LEUNG Mr YIU Si-wing Mr LUK Chung-hung	Election of Chairman	
Agenda Item II – Meeting with The Law Society of Hong Kong			
000649-000759	Chairman	Opening remarks	
000800-001550	Chairman The Law Society of Hong Kong ("Law Society")	Briefing by The Law Society of Hong Kong ("Law Society") on the Solicitors (Professional Indemnity) (Amendment) Rules 2019 (L.N. 51) and Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019 (L.N. 52)	
001551-002007	Mr WU Chi-wai Law Society	Operation of the Professional Indemnity Scheme ("PIS") including claims statistics, claims settling procedures and assistance offered to unrepresented claimants	
002008-002842	Chairman Mr WU Chi-wai Law Society	The need for the Law Society to step up publicity work concerning PIS	
002843-003043	Chairman Mr Holden CHOW Law Society	Calculation of PIS contributions payable by law firms	
003044-003341	Chairman Law Society	Coverage of PIS for lawyers who are employed by Hong Kong law firms and provide legal services in the Mainland and overseas jurisdictions	
003342-004648	Chairman Ms YUNG Hoi-yan Law Society	Coverage of PIS for solicitors performing pro bono legal work outside the course of their employment	
004649-005102	Mr WU Chi-wai Law Society	Mechanism for determining claims quantum under PIS	
005103-005843	Chairman Mr Holden CHOW Law Society	Measures to encourage solicitors' participation in pro bono work	
005844-010104	Chairman Mr WU Chi-wai Law Society	Arrangements for settling claims exceeding PIS indemnity limit	

010105-010245	Chairman	Invitation of written submissions from the public Legislative timetable	
010246-011003	Chairman Law Society Assistant Legal Adviser 4 ("ALA4")	Examination of the provisions of L.N. 51 Commencement date of L.N. 51 Suggestion made to the drafting of rule 3(2) of L.N. 51	
011004-011505	Chairman Mr Holden CHOW Law Society	Examination of the provisions of L.N. 51 Definition of indemnity Arrangements for a law firm to report changes in its headcount to the Law Society	
011506-012306	Chairman Law Society ALA4	Examination of the provisions of L.N. 51 Suggestion made to the drafting of paragraph 3(2)(c) of Schedule 3 to Cap. 159M	
012307-012550	Chairman Law Society ALA4	Examination of the provisions of L.N. 52 Suggestion made to the drafting of paragraph 2(1)(a) and (b) of Schedule 3 to Cap. 159M	
012551-012725	Mr Holden CHOW Law Society	Examination of the provisions of L.N. 52 PIS indemnity limit for claims in respect of which the alleged negligence occurred before the increased indemnity limit under L.N. 52 comes into operation on 1 October 2019	
012726-013200	Chairman Law Society	Examination of the provisions of L.N. 52 Arrangements for claims exceeding PIS indemnity limit	
Agenda Item III – Any other business			
013201-013415	Chairman	Closing remarks	