

立法會
Legislative Council

LC Paper No. LS26/08-09

**Paper for the House Committee Meeting
on 2 January 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 19 December 2008**

Date of tabling in LegCo : 7 January 2009

Amendment to be made by : 4 February 2009 (or 25 February 2009 if extended by resolution)

Legal Practitioners Ordinance (Cap. 159)

Admission and Registration (Amendment) Rules 2008 (L.N. 277)

Legal Practitioners (Risk Management Education) (Amendment) Rules 2008 (L.N. 278)

Under the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) (the Risk Management Rules), which are made by the Council of The Law Society of Hong Kong under section 73 of the Legal Practitioners Ordinance (Cap. 159) (LPO) with the prior approval of the Chief Justice, solicitors, trainee solicitors and foreign lawyers are required to complete the Risk Management Education Programme. L.N. 278 amends the Risk Management Rules so that certain requirements under the Risk Management Education Programme can be met by completing activities that are conducted, authorized or approved by The Law Society of Hong Kong.

2. L.N. 277, which is made by the Chief Justice under section 72 of the LPO, amends the Admission and Registration Rules (Cap. 159 sub. leg. B) to introduce consequential changes pursuant to the amendments made by L.N. 278 to the Risk Management Rules.

3. Both L.N. 277 and L.N. 278 will come into operation on a day to be appointed by the President of The Law Society of Hong Kong by notice published in the Gazette.

4. The Panel on Administration of Justice and Legal Services has not been consulted on these two Rules.

Employees Retraining Ordinance (Cap. 423)

Employees Retraining Ordinance (Amendment of Schedule 2) (No. 3) Notice 2008 (L.N. 279)

5. L.N. 279 adds Aberdeen Kai-fong Welfare Association Limited to the list of training bodies that may provide or conduct retraining courses for the purposes of the Employees Retraining Ordinance (Cap. 423).

Domicile Ordinance (4 of 2008)

Domicile Ordinance (Commencement) Notice (L.N. 280)

6. By L.N. 280, the Secretary for Justice appoints 1 March 2009 as the day on which the Domicile Ordinance (4 of 2008) comes into operation.

7. The Domicile Bill was passed by the Legislative Council on 20 February 2008. The then Bills Committee on Domicile Bill requested the Administration to step up publicity to facilitate the public to be aware of the new rules for determining domicile before the Ordinance comes into force. The Administration has agreed that the Bill would be brought into force not less than six months from the date of enactment. As domicile is a technical and legal concept and is of particular interest to legal professionals, the Administration would seek the cooperation of the Hong Kong Bar Association and The Law Society of Hong Kong to publicize the changes among their members. Members may refer to the report of the Bills Committee to the House Committee (LC Paper No. CB(2)913/07-08) for further information.

8. The Legal Service Division has asked the Administration to provide information on actions taken to step up publicity and to seek the cooperation of the Hong Kong Bar Association and The Law Society of Hong Kong as mentioned in paragraph 7. The Administration has replied that it had written to a number of organizations (including the two legal professional bodies and the three local law schools) on 29 February 2008, giving a detailed account of the significant changes to be introduced by the Ordinance in the rules for determining domicile. The Administration had further written to the Hong Kong Bar Association and The Law Society of Hong Kong on 30 December 2008 informing them of the commencement date of the Ordinance and requesting them to bring to the notice of their members the contents of the Ordinance and the important changes to the rules for determining domicile. The Administration considers it appropriate to make the request to the two legal professional bodies now as it would be most effective to generate publicity shortly before the Ordinance is due to come into effect.

Concluding Observation

9. No difficulties have been observed in the legal or drafting aspects of the above items of subsidiary legislation.

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