



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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Urgent by Fax (2845 0387)
18 October 2012

Ms Heidi CHU
Secretary General
The Law Society of Hong Kong
3/F, Wing On House
71 Des Voeux Road Central
Hong Kong

Dear Ms CHU,

Legal Practitioners Ordinance (Cap. 159)
Solicitors' Accounts (Amendment) Rules 2012 (L.N. 151)
Accountant's Report (Amendment) Rules 2012 (L.N. 152)
Solicitors (Professional Indemnity) (Amendment) Rules 2012 (L.N. 153)
Solicitors' Practice (Amendment) Rules 2012 (L.N. 154)
Foreign Lawyers Practice (Amendment) Rules 2012 (L.N. 155)

Thank you for your letter of 16 October 2012 replying to our letter of 15 October 2012.

The information that we have requested is to assist Members in understanding and discerning the need and the effectiveness of the captioned Amendment Rules. As your reply has not provided some of the requested information, we would be grateful for your further reply to the matters set out below.

L.N. 151

Please explain the reasons for the amendments in the following Rules –

- (a) the proposed Rule 1A (Principles);
- (b) the proposed Rule 2 (Definition of "client account");

- 2 -

- (c) the proposed Rule 5(b) (Splitting);
- (d) the proposed Rule 7A (Authority required for drawing money from client account);
- (e) the proposed Rule 9(2) (Exceptions);
- (f) the proposed Rule 9A (Duty to remedy breaches);
- (g) the proposed Rule 10 (Obligation to keep accounts);
- (h) the proposed Rule 11 (Powers of Council); and
- (i) the proposed Rule 15 (Waiver).

Please also explain how these proposed amendments affect the existing provisions.

Please reply to the outstanding request for information as to whether the proposed Rule 1A (Principles) reflect the Practice Directions or current practices of solicitors.

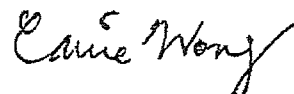
Point 2 of your said letter has confirmed your intention to include a solicitor who is held out or holds himself out as a sole practitioner or partner of a firm in the definition of "principal" under the proposed Rule 2. Please consider whether amendments to the said definition are necessary to reflect your said intention.

L.N. 153

Please explain the reasons for the amendments in the proposed Rule 8(1A) on the production of documents and information and how the proposed amendments affect the existing provisions. Is the proposed Rule a new requirement or based on any existing practice or Practice Directions?

Please let us have your reply in both languages by 24 October 2012.

Yours sincerely,



(Miss Carrie WONG)
Assistant Legal Adviser