

立法會

Legislative Council

LC Paper No. CB(4)267/17-18
(These minutes have been seen
by The Law Society of Hong
Kong)

Ref: CB4/SS/1/17

Subcommittee on Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice

**Minutes of the first meeting held on
Wednesday, 25 October 2017, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang
Dr Hon Junius HO Kwan-yiu, JP
Hon CHEUNG Kwok-kwan, JP

Attendance by invitation : Ms Serina CHAN Kit-sum
Council Member;
Vice-chairperson, Standing Committee on Standards
and Development; and
Chairperson of the Trainee Solicitors Committee
The Law Society of Hong Kong

Mr Albert Thomas DA ROSA Jr
Member of the Standing Committee on Standards
and Development
The Law Society of Hong Kong

Ms Daphne LO Fung-yee
Member of the Trainee Solicitors Committee
The Law Society of Hong Kong

Ms Heidi CHU Kit-peng
Secretary General
The Law Society of Hong Kong

Ms Vivien LEE
Director of Standards and Development
The Law Society of Hong Kong

Ms Angela LI
Assistant Director, Regulation and Guidance
The Law Society of Hong Kong

Clerk in attendance : Mr Lemuel WOO
Chief Council Secretary (4)6

Staff in attendance : Miss Rachel DAI
Assistant Legal Adviser 2

Ms Macy NG
Senior Council Secretary (4)6

Miss Katherine CHAN
Council Secretary (4)6

Ms Emily LIU
Legislative Assistant (4)6

Action

I. Election of Chairman

Dr Priscilla LEUNG, the member who had the highest precedence among members of the Subcommittee present at the meeting, presided over the election of the Chairman of the Subcommittee.

2. Dr Priscilla LEUNG invited nominations for the chairmanship of the Subcommittee. Dr LEUNG was nominated by Mr Dennis KWOK and the nomination was seconded by Mr CHEUNG Kwok-kwan. Dr LEUNG accepted the nomination.

3. There being no other nominations, Dr Priscilla LEUNG was elected Chairman of the Subcommittee.

Action

II. Meeting with The Law Society of Hong Kong

[L.N. 164 of 2017, Legislative Council Brief issued by The Law Society of Hong Kong on 6 October 2017, LC Paper No. LS1/17-18, and LC Paper Nos. CB(4)83/17-18(01) and (02)]

Discussion

4. The Law Society of Hong Kong briefed members on the Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice ("Commencement Notice"). The Subcommittee deliberated (index of proceedings in **Annex**).

5. The Subcommittee completed the scrutiny of the Commencement Notice, and did not propose any amendment to it. Members generally supported the subsidiary legislation.

Legislative timetable

6. Members agreed that, to allow sufficient time for the Subcommittee to compile a report for consideration by the House Committee, the Chairman would move a motion to extend the scrutiny period of the subsidiary legislation to the Council meeting of 29 November 2017. The Subcommittee would provide a written report to the House Committee at its meeting on 17 November 2017.

III. Any other business

7. There being no other business, the meeting ended at 9:23 am.

Council Business Division 4
Legislative Council Secretariat
22 November 2017

**Proceedings of the first meeting of
Subcommittee on Trainee Solicitors (Amendment) Rules 2017
(Commencement) Notice
on Wednesday, 25 October 2017, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

| Time marker | Speaker | Subject(s) | Action required |
|---|--|--|-----------------|
| <i>Agenda item I — Election of Chairman</i> | | | |
| 001205 – 001305 | Dr Priscilla LEUNG Mr Dennis KWOK Mr CHEUNG Kwok-kwan | Election of Chairman. Dr Priscilla LEUNG was elected as Chairman of the Subcommittee. | |
| <i>Agenda item II — Meeting with The Law Society of Hong Kong</i> | | | |
| 001306 – 001510 | Chairman | Opening remarks. | |
| 001511 – 001827 | Chairman The Law Society of Hong Kong ("Law Society") | Briefing by the Law Society on the Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice ("Commencement Notice"). | |
| 001828 – 001912 | Chairman Mr Dennis KWOK Law Society | Mr KWOK expressed support to the Commencement Notice. | |
| 001913 – 002342 | Chairman Mr CHEUNG Kwok-kwan Law Society | Mr CHEUNG expressed that he and the Democratic Alliance for the Betterment and Progress of Hong Kong supported the Commencement Notice. In respect of rule 20(1)(b) of the Trainee Solicitors Rules (Cap. 159J), he sought clarification on whether there was any restriction on the overseas jurisdiction in which an applicant had been engaged in the practice of a barrister or advocate. In reply, the Law Society advised that any person who had been engaged in the practice of a barrister or advocate in a common law jurisdiction, upon complying with rule 20(1) of Cap. 159J as was applicable to him or her and upon passing examination(s) (e.g. Overseas Lawyers Qualification Examination) determined by the Law Society should be qualified for admission in accordance with the provisions of section 4(1)(a) of the Legal Practitioners Ordinance (Cap. 159). | |

| Time marker | Speaker | Subject(s) | Action required |
|---|-------------------------|--|------------------------|
| 002343 – 002611 | Chairman Law Society | The Chairman indicated support to the Commencement Notice. In response to her enquiry, the Law Society explained that a solicitor advocate in other common law jurisdictions wishing to be admitted as a solicitor in Hong Kong might apply for an exemption from employment as a trainee solicitor. Prior to that, he or she should satisfy the requirements stipulated under rule 20(1) of Cap. 159J, and take the Examination on Accounts and Professional Conduct. | |
| 002612 – 002730 | Chairman | The Subcommittee completed scrutiny of the Commencement Notice, and did not propose any amendment to it. Legislative timetable. | |
| <i>Agenda item III — Any other business</i> | | | |
| 002731 – 002738 | Chairman | Concluding remarks. | |