

立法會
Legislative Council

LC Paper No. CB(4)1492/17-18
(These minutes have been seen
by The Law Society of Hong
Kong)

Ref: CB4/SS/7/17

**Subcommittee on Practising Certificate (Solicitors) (Amendment)
Rules 2018**

**Minutes of the first meeting held on
Tuesday, 29 May 2018, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Dennis KWOK Wing-hang (Chairman)
Hon Paul TSE Wai-chun, JP
Hon Kenneth LEUNG
Hon Alvin YEUNG

Member absent : Dr Hon Junius HO Kwan-yiu, JP

Attendance by invitation : **Agenda item II**

Ms Melissa PANG
Vice President
The Law Society of Hong Kong

Ms Heidi CHU
Secretary General
The Law Society of Hong Kong

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

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

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

Mr Paul TSE, the member who had the highest precedence among those present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Kenneth LEUNG nominated Mr Dennis KWOK, and the nomination was seconded by Mr Alvin YEUNG. Mr Dennis KWOK accepted the nomination. There being no other nominations, Mr Dennis KWOK was declared the Chairman of the Subcommittee.

II. Meeting with The Law Society of Hong Kong

[L.N. 82 of 2018, Legislative Council Brief, LC Paper Nos. LS58/17-18 and CB(4)1153/17-18(01)]

3. Mr Paul TSE and Mr Kenneth LEUNG declared that they were members of The Law Society of Hong Kong ("Law Society").

4. Law Society briefed members on the Practising Certificate (Solicitors) (Amendment) Rules 2018 ("the Amendment Rules").

5. The Subcommittee deliberated (index of proceedings in **Annex**).

Follow-up actions to be taken by The Law Society of Hong Kong

6. Law Society was requested to provide supplementary information on the followings:

- (a) In relation to the comments made by the Standing Committee on Legal Education and Training ("SCLET") on the Law Society's consultation exercise on the Common Entrance Examination ("CEE") undertaken by a research team appointed by the Law Society comprising academics from Nottingham Law School (UK), the Australian National University and the Institute of Advanced Legal Studies (University of London, UK) ("the CEE Consultation")¹:
- (i) the cost incurred for the CEE Consultation;
 - (ii) the reasons for not releasing the findings of the CEE Consultation to the public, relevant stakeholders and, in particular, members of the Law Society whose fees for the practising certificates had been used for funding the CEE Consultation;
 - (iii) the reasons for declining SCLET's request for sharing the findings of the CEE Consultation with them;
 - (iv) whether and when the Law Society had consulted its members on CEE, and the factors for deciding whether to consult members; and
 - (v) the projected administrative costs for conducting CEE, in view of its possible impact on the financial vigor of the Law Society and hence the fees for practising certificates to be collected.
- (b) In respect of the Law Society's plan to establish the Law Society Examination ("LSE")²,
- (i) whether the decision to establish LSE had been made;

¹ SCLET's Comprehensive Review of Legal Education and Training in Hong Kong — Final Report of the Consultants (April 2018) (<http://www.sclet.gov.hk/eng/pdf/final2018.pdf>) s.6.2.2 [Accessed August 2018].

² The Law Society's paper entitled "Response to Standing Committee on Legal Education and Training Consultants regarding unified law school and the Common Entrance Examination and other recommendations" (http://www.sclet.gov.hk/eng/pdf/lawsociety_20180508.pdf) paragraphs 29 and 32 [Accessed August 2018].

Action

- (ii) the relationship between CEE and LSE;
 - (iii) the detailed examination arrangements for LSE;
 - (iv) projected number of candidates who would sit for LSE;
 - (v) estimated passing rates of candidates who sat for LSE;
 - (vi) whether and when a consultation exercise on LSE would be conducted; and
 - (vii) the projected administrative costs for conducting LSE, in view of its possible impact on the financial vigor of the Law Society and hence the fees for practising certificates to be collected.
- (c) Information on the projection of the demand of solicitors in Hong Kong in the future, and the details of such projection (if any).

(Post-meeting note: The response from the Law Society on the above request (LC Paper No. CB(4)1190/17-18(02)) was circulated to members via LC Paper No. CB(4)1190/17-18 on 4 June 2018.)

Legislative timetable

7. Members agreed that the Chairman would move a motion at the Council meeting of 6 or 13 June 2018 to extend the scrutiny period of the Amendment Rules.

(Post-meeting note: When the Council meeting of 6 June 2018 was adjourned, the agenda on the proposed resolution to extend the scrutiny period for the Amendment Rules to the Council meeting of 4 July 2018 was not reached and was carried forward to the Council meeting of 13 June 2018. However, when the Council meeting of 13 June 2018 was adjourned, the agenda on the above proposed resolution was still not reached and the scrutiny period for the Amendment Rules expired at that Council meeting.)

Date of next meeting

8. Members agreed to hold a further meeting on 5 June 2018 to examine the Amendment Rules.

III. Any other business

9. There being no other business, the meeting ended at 11:30 am.

Council Business Division 4
Legislative Council Secretariat
20 August 2018

**Proceedings of the first meeting of
Subcommittee on Practising Certificate (Solicitors) (Amendment) Rules 2018
Tuesday, 29 May 2018, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Election of Chairman			
000528 – 000617	Mr Paul TSE Mr Kenneth LEUNG Mr Alvin YEUNG Mr Dennis KWOK	Election of Chairman Mr Dennis KWOK was elected as the Chairman of the Subcommittee	
000618 – 000656	Chairman Mr Paul TSE Mr Kenneth LEUNG Mr Alvin YEUNG	Declaration of interest	
Agenda item II – Meeting with The Law Society of Hong Kong ("Law Society")			
000657 – 001101	Chairman Law Society	Briefing of the Practising Certificate (Solicitors) (Amendment) Rules 2018 ("Amendment Rules")	
001102 – 001311	Chairman Mr Kenneth LEUNG Law Society	Discussion on when the current level of practising certificate fees ("PC fee") was last adjusted; and the Law Society's reserve and financial profiles	
001312 – 001711	Chairman Mr Alvin YEUNG Law Society	Discussion on details of "other operating expenses" by the Law Society in past years; justifications for the urgency of increasing the PC fee; and reasons for an increase in income by the Law Society in 2017	
001712 – 002029	Chairman Mr Paul TSE Law Society	Discussion on the financial arrangement for intervention in the practice of law firms; and consultation on the Amendment Rules	
002030 – 003150	Chairman Law Society	Discussion on issues relating to the Common Entrance Examination ("CEE") to be implemented by the Law Society and the Law Society's plan to establish the Law Society Examination ("LSE") ¹ The Chairman's request for the Law Society to provide supplementary information in relation to the comments made by the Standing Committee on Legal Education and Training on the Law Society's consultation exercise on CEE undertaken by a research team appointed by the Law Society comprising academics from Nottingham Law School (UK), the Australian	Law Society (paragraph 6 of the minutes refers)

¹ The Law Society's paper entitled "Response to Standing Committee on Legal Education and Training Consultants regarding unified law school and the Common Entrance Examination and other recommendations" (http://www.sclet.gov.hk/eng/pdf/lawsociety_20180508.pdf) paragraphs 29 and 32 [Accessed August 2018].

Time marker	Speaker	Subject(s)	Action required
		National University and the Institute of Advanced Legal Studies (University of London, UK) ² .	
003151 – 003427	Chairman Mr Kenneth LEUNG Law Society	Discussion on issues relating to LSE and details of the non-current assets of the Law Society	
003428 – 004702	Chairman Mr Alvin YEUNG Law Society	The Chairman's request for the Law Society to provide supplementary information in respect of the Law Society's plan to establish LSE, and information on the projection of the demand of solicitors in Hong Kong in the future, and the details of such projection (if any).	Law Society (paragraph 6 of the minutes refers)
004703 – 004803	Chairman	Extension of scrutiny period and date of next meeting	
Agenda item III – Any other business			
004804 – 004810	Chairman	Closing remarks	

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² Standing Committee on Legal Education and Training's Comprehensive Review of Legal Education and Training in Hong Kong — Final Report of the Consultants (April 2018)
<http://www.scler.gov.hk/eng/pdf/final2018.pdf> s.6.2.2 [Accessed August 2018].