

立法會
Legislative Council

LC Paper No. CB(4)1493/17-18
(These minutes have been
cleared with the Chairman)

Ref: CB4/SS/7/17

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

Minutes of the second meeting held on
Tuesday, 5 June 2018, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Dennis KWOK Wing-hang (Chairman)
Hon Kenneth LEUNG
Hon Alvin YEUNG
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP

Member absent : Hon Paul TSE Wai-chun, JP

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

Ms Emily LIU
Legislative Assistant (4)6

Action

I. Examination of the Practising Certificate (Solicitors) (Amendment) Rules 2018

[LC Paper Nos. CB(4)1206/17-18(01) and (02), CB(4)1190/17-18(01) and (02), L.N. 82 of 2018, Legislative Council Brief, LC Paper Nos. LS58/17-18 and CB(4)1153/17-18(01)]

The Chairman referred to Mr Jimmy NG's letter dated 5 June 2018 and invited members' views on the late application for membership by Mr NG. Members agreed to accept Mr NG's late application for membership.

2. Members noted that The Law Society of Hong Kong ("Law Society") had responded to the Subcommittee's request for supplementary information raised at the last meeting. In its replies (LC Paper Nos. CB(4)1190/17-18(02) and CB(4)1206/17-18(02)), the Law Society indicated that since the major concern of members was on the Common Entrance Examination and Law Society Examination which were not relevant to the Practising Certificate (Solicitors) (Amendment) Rules 2018 ("Amendment Rules") under examination, it would not send representations to attend the present meeting.

3. Mr Kenneth LEUNG, Mr Jimmy NG and Dr Junius HO declared that they were members of the Law Society.

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

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

Law
Society

5. The Chairman directed the Clerk to write to the Law Society requesting it to provide supplementary information on the cost incurred by it in conducting the consultation exercise on the Common Entrance Examination 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). He said that the above information was first requested by the Subcommittee at its meeting on 29 May 2018, on the ground that the consultation exercise should have been funded from the practising certificate fees received by the Law Society so that it was relevant to the subsidiary legislation under examination.

(Post-meeting note: The letter from the Clerk was issued to the Law Society on 6 June 2018.)

The way forward

6. Members noted 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.)

7. Members agreed that subject to the Law Society's response to the above requested information and if no members raised any queries about the Law Society's response, the Subcommittee would deem to have completed scrutiny of the Amendment Rules and no further meeting would be held.

(Post-meeting note: The response from the Law Society (LC Paper No. CB(4)1229/17-18(02)) was issued to members via LC Paper No. CB(4)1229/17-18 on 12 June 2018. No comments from members were received on the above response by the deadline on 14 June 2018. Members were informed via LC Paper No. CB(4)1269/17-18 on 19 June 2018 that the Chairman would report the deliberations of the Subcommittee to the House Committee on 22 June 2018.)

II. Any other business

8. There being no other business, the meeting ended at 4:37 pm.

**Proceedings of the second meeting of
Subcommittee on Practising Certificate (Solicitors) (Amendment) Rules 2018
Tuesday, 5 June 2018, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I—Examination of the Practising Certificate (Solicitors) (Amendment) Rules 2018 ("Amendment Rules")			
000426 – 000524	Chairman	Acceptance of the application for late membership by Mr Jimmy NG	
000525 – 000651	Dr Junius HO	Expression of views that the cost which would be incurred by The Law Society of Hong Kong ("Law Society")'s plan to establish the Law Society Examination ("LSE") was not directly related to the Amendment Rules under examination, and that the reply of the Law Society was satisfactory	
000652 – 000831	Chairman	Recap of the major concerns raised by members regarding the Common Entrance Examination ("CEE") and LSE at the last meeting	
000832 – 000844	Chairman	Legislative timetable	
000845 – 000907	Chairman Mr Jimmy NG Dr Junius HO Mr Kenneth LEUNG	Declaration of interest	
000908 – 000934	Chairman	Request for the Law Society to provide information on the cost incurred by it in conducting the consultation exercise on 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)	Clerk and Law Society (paragraph 5 of the minutes refers)
000935 – 001109	Chairman Dr Junius HO	Members raised no query about the Amendment Rules Legislative timetable	
Agenda item II—Any other business			
001110 – 001116	Chairman	Closing remarks	