



THE
LAW SOCIETY
OF HONG KONG
香港律師會

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From the President

Our Ref. : PRES/FA/4064867

27 July 2018

The Hon Dennis Kwok Wing-hang,
Legislative Council,
Room 813, Legislative Council Complex,
1 Legislative Council Road, Central,
Hong Kong.

Dear Mr Kwok,

I refer to your letter dated 19 July 2018 which has been considered by our Council.

We reiterate that the Report of the Sub-committee on Practising Certificate (Solicitors) (Amendment) Rules 2018 dated 21 June 2018 ("Report") is misleading. The details of how the Law Society had been deprived of the opportunity to review major amendments made to the Report before publication and in what way the amendments made subsequently without the prior knowledge of the Law Society were misleading were set out in the Law Society's letter dated 16 July 2018 ([Appendix 1](#)).

We strongly disagree to your assertion that the Sub-committee's Report is objective.

The misleading Report has been posted on the LegCo website, accessible to the public.

We request that our letter dated 16 July 2018 ([Appendix 1](#)) and this letter be posted on the same webpage of the Report accessible to the public so that the public is made aware of the Law Society's position on the Report.

...../2

From the President

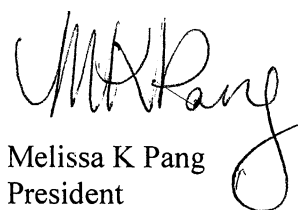
27 July 2018

The Hon Dennis Kwok Wing-hang
Legislative Council

- 2 -

We look forward to receiving your confirmation on our request as soon as possible and in any event, not later than 3 August 2018.

Yours sincerely,



Melissa K Pang
President

c.c. The Hon Starry Lee Wai-king, SBS, JP
Mr Lemuel Woo, Clerk to Panel, Legislative Council



THE

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Appendix 1

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16 July 2018

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Mr Lemuel Woo,
Clerk to Panel,
Legislative Council,
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong.

Dear Mr Woo,

Re : Sub-committee on Practising Certificate (Solicitors)(Amendment) Rules 2018

We refer to the Report of the Sub-committee on Practising Certificate (Solicitors) (Amendment) Rules 2018 dated 21 June 2018 (Sub-committee Report”), which was a paper for the House Committee meeting on 22 June 2018 and which was uploaded onto the LegCo website accessible to the public.

The Law Society wishes to put on record that the Sub-committee Report did not accurately reflect the Law Society’s position.

Not given opportunity to review the revised draft

1. The Law Society had been asked to comment on a draft of the Sub-committee Report on 19 June 2018 and the Law Society had provided its comments.
2. However, upon a review of the Sub-committee Report subsequently posted on the LegCo website, we note that one of its paragraphs, namely, paragraph 15, was substantially different from the draft provided to the Law Society for comment (the corresponding paragraph was paragraph 14 in the draft).

...../2

16 July 2018

Mr Lemuel Woo,
Clerk to Panel,
Legislative Council,

- 2 -

3. Paragraph 14 of the draft is extracted below:

“In its written reply to the Subcommittee, the Law Society advises that the proposed CEE and LSE are intended to be conducted on a self-funding basis. The candidates taking CEE or LSE will be charged for the full cost in relation to the conduct of the examinations, the Law Society has no intention to subsidize non-member candidates in their attempt to gain admission as a Hong Kong solicitor. Hence the financing in relation to LSE and CEE is not relevant to the proposed increment to the practising certificate fees under consideration by the Subcommittee. Furthermore, the Law Society considers that it will be more appropriate to discuss the matter at the meeting of the Panel on Administration of Justice and Legal Services on 25 June 2018 when the Panel discusses legal education and training in Hong Kong.”

4. Paragraph 15 of the Sub-committee Report is extracted below:

“In its written reply to the Subcommittee, the Law Society admits that it has not released findings of the CEE Consultation to the public or its members, and has declined SCLET’s request for sharing the findings with them. The Law Society does not disclose the costs incurred for the CEE Consultation and advises that the proposed CEE and LSE are intended to be conducted on a self-funding basis, hence the financing in relation to LSE and CEE is not relevant to the proposed increment to the practising certificate fees under consideration by the Subcommittee. Furthermore, the Law Society refuses to send representatives to attend the meeting of the Subcommittee on 5 June 2018, claiming that it will be more appropriate to discuss the matter with the Panel on Administration of Justice and Legal Services which will discuss legal education and training in Hong Kong at its meeting on 25 June 2018.”

5. The Law Society did not raise any comment on paragraph 14 of the draft report when it was given the opportunity to comment on it as we agreed that it was a fair and objective presentation of what had taken place.

...../3

16 July 2018

Mr Lemuel Woo,
Clerk to Panel,
Legislative Council,

- 3 -

6. However, without notifying the Law Society or allowing us an opportunity to comment, paragraph 14 in the draft was subsequently revised to what is now paragraph 15 of the Sub-committee Report which is posted on the LegCo website.

Paragraph 15 of the Sub-committee Report does not accurately reflect the position

7. The first sentence of paragraph 15 was not in the original draft of paragraph 14. It was subsequently inserted without the Law Society's knowledge. The use of the word "admits" is misleading.
8. The Sub-committee sent a list of questions to the Law Society together with its letter dated 30 May 2018. The questions all related to the subjects of Common Entrance Examination ("CEE") and Law Society Examination ("LSE"). In its written replies dated 4 and 12 June 2018, the Law Society had used its best endeavours to respond to the questions raised to the extent that they were relevant to the legislative amendments to the Practising Certificate (Solicitors) Rules.
9. One of the questions asked of the Law Society is extracted as follows:

"(a)(ii) the reasons for not releasing the findings of the CEE Consultation to the public..."

The Law Society did not consider the question relevant to the legislative amendments under consideration. The Law Society replied:

"The reasons for not releasing the findings of the CEE Consultation have no bearing on the Proposals. The Law Society therefore does not consider the question relevant to the Proposals."

The Law Society was repeating the question as highlighted. It was not an admission on the part of the Law Society.

16 July 2018

Mr Lemuel Woo,
Clerk to Panel,
Legislative Council,

- 4 -

10. Similarly, one question asked of the Law Society was:

“(a)(iii) the reasons for declining SCLET’s request for sharing the findings of the CEE Consultation with them;”

The Law Society did not consider the question relevant to the legislative amendments under consideration. The Law Society replied:

“The reasons for declining SCLET’s request for sharing the findings of the CEE Consultation with them have no bearing on the Proposals. The Law Society therefore does not consider the question relevant to the Proposals.”

Again, the Law Society was repeating the question as highlighted. It was not an admission on the part of the Law Society.

11. Part of the last sentence of paragraph 15, namely *“the Law Society refuses to send representatives to attend the meeting of the Subcommittee on 5 June 2018”* was not in the original draft of paragraph 14. It was subsequently inserted without the Law Society’s knowledge. The use of the word “refuses” without providing the full background is misleading.
12. In its letter dated 4 June 2018, the Law Society, having explained its views on the irrelevance of CEE and LSE to the review of the legislative amendments on practising certificate fees, stated that
- “In the circumstances, if the second meeting of the Sub-Committee on 5 June 2018 is to discuss CEE and LSE, the Law Society will not attend as the more appropriate forum to discuss these issues should be the AJLS Panel meeting on 25 June 2018.”*
13. Further, in its letter dated 5 June 2018, the Law Society explained the reason why it would not send representatives to attend the meeting as follows:

16 July 2018

Mr Lemuel Woo,
Clerk to Panel,
Legislative Council,

- 5 -

“Mindful of the matters set out in the Law Society’s Comprehensive Submissions, the scope of work of the Sub-committee and the acknowledgement in your letter, dated 5 June 2018, that such Subcommittee “will discuss matters directly relevant to the amendments proposed”(emphasis supplied), it is clear that the Law Society has fully responded on all issues that have been raised which are directly relevant.”

The Law Society objects to the misleading content of the Sub-committee Report and would like to know :

- (a) Who amended the draft Sub-committee Report to the version that is currently posted on the LegCo website?
- (b) Why was the Law Society not given an opportunity to have sight of the revised draft Sub-committee Report before publication?

We look forward to hearing from you as soon as possible.

We reserve our rights to make further comments.

Yours sincerely,



Heidi Chu
Secretary General