

LAWASIA
Annual Council Meeting 2022

18 November 2022, Sydney

Jurisdictional Report by
The Law Society of Hong Kong



THE
LAW SOCIETY
OF HONG KONG
香港律師會

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1.0 Main Activities, Developments and Challenges in 2021-2022

1.1 Main Activities and Developments

1.1.1 The key events and activities undertaken by the Law Society in 2021-2022 include:

Name / Date of Activity	Details of activity
4th Belt and Road Conference 4 November 2021	As part of the Hong Kong Legal Week 2021, the 4 th Belt and Road Conference was concluded with tremendous success on 4 November 2021 in a hybrid format, attracting over 670 registrations from 24 jurisdictions. Under the theme “Global Recovery and Harmony through the Belt and Road Initiative”, this year’s Conference explored how the Initiative speeds up worldwide collaboration and revival in light of the unprecedented changes happening around the world in recent years.
Law Week 30th Anniversary Opening Ceremony 19 November 2021	Making its 30 th anniversary, Law Week kicked off on 19 November 2021 at an Opening Ceremony themed “Serving the Public Good for Three Decades” (「法善惠民, 三十而立」). Since its inauguration, the Law Week has engaged more than 2,000 Law Society members, serving over 50,000 people through the provision of about 130 community talks, free legal advice programmes and other activities. Since 2016, the Law Week Organising Committee has also produced nearly 60 short videos to promote legal knowledge, which are broadcast on social media with a viewership of over 1.74 million.
Law Week 30th Anniversary Free Legal Community Talks 20 and 23 December 2021	Four sessions of free community talks were held on the evenings of 20 and 23 December 2021 on a number of legal topics of public interest namely personal injury and compensation, family law, wills and probates and building management. The community talks were attended by over 600 people onsite or online via Law Week’s Facebook page. During the question and answer session, the

	<p>volunteer solicitors who hosted the talks interacted with the attending citizens, answering their enquiries.</p>
<p>Opening of Legal Year 2022, Hong Kong</p> <p>24 – 26 January 2022</p>	<p>On the occasion of the Ceremonial Opening of the Legal Year on 24 January 2022, the Law Society hosted an online Presidents’ Roundtable on 25 January 2022, providing a platform for bar leaders and presidents of law societies around the world to exchange views on the latest developments of the international legal industry. 83 delegates from 70 lawyers’ associations and international legal organisations coming from 34 jurisdictions participated in the event.</p> <p>On 26 January 2022, a Leadership Insights Session was organised with the support of five legal organisations, namely (in alphabetical order) Association of China-Appointed Attesting Officers Limited, Department of Justice, eBRAM, Hong Kong Bar Association and Legal Aid Department.</p>
<p>Engaging with lawyers’ associations from various jurisdictions</p>	<p>Exploring new opportunities for members is an important task of the Law Society. Over the years, we have established extensive connections with lawyers’ associations and legal organisations in different jurisdictions, laying a good foundation for collaboration on activities that are beneficial to our members. As of October 2022, the Law Society has signed 38 memoranda of understanding (“MOUs”) with overseas lawyers’ associations; and 52 MOUs with lawyers’ associations or organisations in the Greater China Region.</p> <p>To foster collaboration and strengthen exchanges between members of the Law Society and lawyers’ associations around the world, the Law Society has organised/ co-organised a number of events for/ with lawyers’ associations from various jurisdictions during the period October 2021 to September 2022:</p> <ul style="list-style-type: none"> • Cross Strait Four Regions Young Lawyers Forum – Presidents’ Roundtable Meeting (28 October 2021) • Cross Strait Four Regions Young Lawyers Forum (29 October 2021) • “Seminar Series on Civil Code” (I) – Marriage and Family Law (6 November 2021) • Joint Webinar of the Law Society of Hong Kong and Hyogo-Ken Bar Association: Procedure and

	<p>Enforcement of Debt Recovery (1 December 2021)</p> <ul style="list-style-type: none"> • Joint Webinar of the Law Society of Hong Kong and Malaysian Bar: Structuring Cross Border Green Sukuk (10 December 2021) • Sichuan, Hong Kong and Macau Roundtable Meeting (12 January 2022) • 9th Joint Meeting for Lawyers Associations in the GBA (17 January 2022) • Side programmes on the occasion of OLY 2022: Presidents’ Roundtable and Leadership Insights Session (25 – 26 January 2022) • Joint Webinar of the Law Society of Hong Kong and Madrid Bar Association: Doing Business in Hong Kong and Spain (9 March 2022) • Joint Webinar of the Law Society of Hong Kong and Georgian Bar Association: Doing Business in Hong Kong and Georgia (17 March 2022) • Briefing Session for Volunteer Lecturers of the Law Course Jointly Organised by the Law Society and Peking University Law School (21 March 2022) • Online Course for Peking University Law School (4, 9, 23, 30 April 2022) • Joint Webinar of the Law Society of Hong Kong and the Florida Bar: Hong Kong Gateway to China – Miami Gateway to Latin America (22 April 2022) • Online Course for Peking University Law School (7, 14, 21 and 28 May 2022) • “Laws in the GBA” Seminar Series (III) – Arbitration (7 May 2022) • Sharing Session on the 2022 Greater Bay Area Legal Professional Examination (1 June 2022) • Online Course for Peking University Law School (4 June 2022) • MOU Signing Ceremony with Astana International Financial Centre Authority (16 June 2022) • Joint Webinar of the Law Society of Hong Kong and Milan Bar Association: Ensuring Effective Capital Market Access: Hong Kong and Italy (7 July 2022) • 10th Joint Meeting for Lawyers Associations in the GBA (9 July 2022) • “Seminar Series on Civil Code” (II) – Restructuring and Updates of Guarantee Requirements under the Civil Code (16 July 2022) • Webinar on Cross-border Property Law and Inheritance (6 August 2022)
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	<ul style="list-style-type: none"> • Straits Law Forum (18 August 2022) • Webinar on Mainland’s Legal System (27 August 2022) • “Laws in the GBA” Seminar (IV) – Trust & Wealth Inheritance (23 September 2022)
<p>Law reviews and policy reforms</p>	<p>The Law Society issued 15 submissions on public consultations on issues relevant to the legal profession during October 2021 to October 2022, including:</p> <ul style="list-style-type: none"> • Consultation on Special Purpose Acquisition Companies (23 November 2021) • Consultation on Proposed Amendments to Listing Rules relating to Share Schemes of Listed Issuers (22 December 2021) • Recommendations and Proposals on Review of the Trust Regime in Hong Kong SAR (11 February 2022) • Government Budget 2022 – 2023 (11 February 2022) • Consultation on the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill and the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Rules (16 February 2022) • Public Consultation Paper on Updating Hong Kong’s Copyright Regime (22 February 2022) • Consultation on the Proposed Construction of a District Court Building at Caroline Hill Road (22 March 2022) • Arbitration and Legal Practitioners Legislation (Outcome Related Fee Structures for Arbitration) (Amendment) Bill 2022 (26 April 2022) • Consultation on Draft Family Procedure Bill on Procedural Reforms for the Family Justice System (26 April 2022) • Consultation on proposed changes to the Securities and Futures (Contracts Limits and Reportable Positions) Rules and the Guidance Note on Position Limits and Large Open Position Reporting Requirements (21 June 2022) • Copyright (Amendment) Bill 2022 (10 August 2022) • Consultation Paper on Proposed Amendments to Enforcement-related Provisions of the Securities and Futures Ordinance (17 August 2022) • Remote Hearing: Draft Courts (Remote Hearing) Bill, Practice Directions and Operational Guidelines (13 September 2022)

	<ul style="list-style-type: none"> • Law Reform Commission Consultation: Cyber-Dependent Crimes and Jurisdictional Issues (27 September 2022) • The Chief Executive’s Policy Address 2022 (5 October 2022)
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115th Anniversary

- 1.1.2 The Law Society celebrated its 115th anniversary in April 2022. Over the years, the Law Society has grown into a professional association with jurisdiction over around 13,000 solicitor-members, 1,400 registered foreign lawyers from 34 jurisdictions, 1,000 local and foreign law firms in Hong Kong and 16,000 non-qualified employees engaged within those law firms.

Defender of the Rule of Law

- 1.1.3 The Law Society has firmly established itself as a staunch defender of the rule of law and an important voice in society on matters of public concern regarding the development of the legal profession and the practice of law.
- 1.1.4 Challenges to the rule of law and judicial independence are not uncommon through our century-long journey. The increasing expectation on the Law Society to speak, and the weight attached to its views, on issues of controversy by the public is illustrative of the growing importance of the Law Society’s role in society as a defender of the rule of law.

Greater Bay Area Development

- 1.1.5 On 11 March 2021, the fourth session of the 13th National People’s Congress (“NPC”) approved the “Outline of the 14th Five-year Plan for National Economic and Social Development of the People’s Republic of China and the Long-Range Objectives Through the Year 2035” (“the 14th Five-Year Plan”). The 14th Five-Year Plan maps out the development blueprint and action agenda for our Country in the next five years (2021-2025) and, at the same time, crafts a vision for the long-range objectives through the year 2035.
- 1.1.6 In view of the growing importance of the development of the Guangdong-Hong Kong-Macao Greater Bay Area for Hong Kong under the National 14th Five-Year Plan, legal services market in the Greater China region continues to present huge potential. Hong Kong solicitors are better positioned to tap into the opportunities in terms of language, culture and geographical proximity than our counterparts in foreign jurisdictions. More importantly, as Hong Kong is the only common law jurisdiction in Mainland China, the city’s lawyers are well-versed in the common law system. Hong Kong’s legal and dispute resolution sector can leverage the unique advantage under “one country, two systems and three jurisdictions” in the Greater Bay Area.
- 1.1.7 Practice localisation is the key strategy to integration and expansion of market share. In November 2019, the Central Government announced that eligible Hong Kong legal practitioners, upon passing the GBA Legal Professional Examination (“GBA Exam”), will be qualified to practise in specific areas of Mainland law in the nine Mainland

cities of the GBA. On 31 July 2021, the first GBA Exam took place successfully with Hong Kong being designated as one of the examination locations. With the completion of the assessment process in the first GBA Exam and the second GBA Exam having taken place both in June 2022, there will be many more practitioners entering the market with a GBA practice licence in due course.

AALCO

- 1.1.8 The Asian-African Legal Consultative Organization (AALCO) is an inter-governmental legal consultative organisation comprising almost all the major states from Asia and Africa. One of the major initiatives of AALCO is to promote effective dispute resolution for international commercial disputes in the Asian-African region. In addition to five AALCO Regional Arbitration Centres located in Cairo, Kuala Lumpur, Lagos, Tehran and Nairobi, the AALCO Hong Kong Regional Arbitration Centre was opened on 25 May 2022 as the sixth Centre to provide facilities for alternative dispute resolution services and assist in the enforcement of arbitral awards, and promote the growth and effective functioning of arbitration and other dispute resolution services, including online dispute resolution services in the Asian-African region.
- 1.1.9 The establishment of an AALCO Regional Arbitration Centre in Hong Kong is an important milestone in Hong Kong's development as an international legal and dispute resolution centre.

Integrated Court Case Management System (“iCMS”)

- 1.1.10 The Hong Kong Judiciary has been embarking on an integrated court case management (“iCMS”) system to, among other things, enable and encourage electronic services for various types of transactions. The pandemic necessitating the temporary closure of court registries has accentuated the demand of an electronic channel as an alternative to minimize disruptions. The iCMS is a web-based e-system which enables registered users to send and receive case-specific court documents to and from the e-Courts, to inspect or search filed documents and other case-related information held by the e-Courts, to search cause books, and to make electronic payments. Electronic filing is now ready to be launched in phases, starting with the application to personal injuries action and tax claims in the District Court and related electronic payments on 6 May 2022.

1.2 Challenges and Plans

The major challenges faced by the Law Society include:

- 1.2.1 Protect the reputation of Hong Kong

The rule of law and judicial independence are the pillars of success of Hong Kong. The hard earned global reputation of the strength of Hong Kong to uphold the rule of law and judicial independence and integrity must not be allowed to be tarnished by misinformation.

The Law Society has been working hard on this front, organizing community and

school talks and issuing public statements to promote a proper understanding of the rule of law, the administration of justice and the duties and responsibilities of judges. Whenever a need arises, we will not hesitate to correct any misunderstanding.

1.2.2 Expedite law reforms

The world is rapidly changing. To align with the needs of the community to which the laws apply and to maintain their effectiveness, the applicable laws must be under constant review.

A key role of the Law Society is to uphold the rule of law and to ensure the sustainable development of the practice environment so the legal profession can remain strong and independent. This important role is closely linked to the effectiveness of the legal system, the legislative framework and the laws enacted under it, which must evolve with the development of society to ensure that they address the needs of the people and afford them proper protection of their rights.

As always, the Law Society stands ready to provide comments and reflect views of our members on legally related issues and matters of concern to the legal profession to the Government for necessary reforms.

1.2.3 Modernise the legal and judicial infrastructure

Technology is evolving rapidly. To remain competitive in the global market, the smart use of technology can be a decisive factor. The pandemic has acted as a catalyst in expediting the implementation of technological advancement in legal practices and judicial operations. The draft Courts (Remote Hearing) Bill is under consultation. All stakeholders must commit to contributing to the modernisation process through necessary legislative amendment exercise and training of relevant skills.

2.0 The Impact of COVID-19 on the Law Society and related activities

2.1 With the relaxation of the COVID measures, the Law Society has resumed its active participation in international events to maintain close working relationship with its overseas counterparts.

2.2 The numbers of COVID infected cases have multiplied exponentially since the 5th wave started towards the end of January 2022.

2.2.1 The management issues that may arise in the public health crisis vary from firm to firm depending on many factors such as the client base, type of work handled, money held in clients' accounts, management of cheque books and accounts, number of clerks, time limits due, etc. Firms are reminded that should practitioners wish to work remotely, depending on whether the physical offices of their law firms can still fulfil the supervision requirements under the relevant provisions in the Solicitors' Practice Rules, they will need to consider closing the offices to the public if the statutory minimum supervision standards are not met.

2.2.2 In the event that law firms have decided to temporarily close their offices, the Law Society provides a facility via the members' zone of our website to inform all members

of any special arrangement regarding the opening hours and dates of law firms.

2.2.3 The Law Society has also previously distributed an aide memoire to assist members to formulate a Disaster Recovery Plan to meet individual needs.

2.2.4 To facilitate the recruitment of trainee solicitors in order to retain talent within the legal sector and to ensure that we have the required manpower resources when the market picks up in due course, the Law Society entered into an MOU with the Department of Justice on the Legal Talent Recruitment Scheme (Trainee Solicitors) in April 2022. Under the Scheme, a salary subsidy for 12 months will be granted to a law firm for one new opening of a trainee solicitor position in the firm.

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The Law Society of Hong Kong