

Annual Report

*for the period from 1 January 2014
to 31 December 2014*



HONG KONG
ACADEMY of LAW
香港法律專業學會

AIMS

Hong Kong Academy of Law Limited (“Academy”) was incorporated on 2 September 2008 as a company limited by guarantee and its charitable status was confirmed by the Inland Revenue Department shortly after its incorporation.

The Academy is promoted by The Law Society of Hong Kong (“Society”) and is dedicated to reaching out and promoting law through education and training to the Society Members and to the local and international communities.

The main aims of the Academy are:

- (a) to raise public awareness of the rule of law and other core values of the legal profession;
- (b) to enhance public interest in the learning of law and to promote law as a “public profession”;
- (c) to nurture social awareness of the connection between law and other community development; and
- (d) to provide pathway guidance to law students and quality development programmes for the profession.

COURSES CONDUCTED

The Academy conducted 509 Continuing Professional Development (“CPD”) and Risk Management Education (“RME”) courses during the year. Of the 509 courses, nine courses were conducted in Putonghua and/or Cantonese and the remainder in English. The courses attracted the attendance of 18,509 participants.

Some of the highlights of these courses are:

Civil Justice Reform (“CJR”)

To provide practitioners with an update on civil procedure since the implementation of CJR in April 2009, the Academy and the Hong Kong Bar Association (“Bar”) jointly organised a seminar entitled “Civil Justice Reform Training Programme General Session – CJR Update” on 5 July. The speakers at the general session were the Honourable Mr. Justice Mohan Bharwaney, Judge in charge of the Commercial List, High Court, Mr. Denis Brock, Partner of O’Melveny & Myers and Council Member of the Society, Mr. Eugene Fung S.C., Barrister-at-law, Mr. Menachem Hasofer, Partner of Mayer Brown JSM, Mr. Mark Reeves, Partner of Munros and Mr. Dmitri Hubbard, Market Director, Legal Technologies & Consulting, Asia Pacific Division of Control Risks. The General Session attracted a total of 356 solicitors and barristers.

In addition, the Academy organised two series of free specialised training sessions on CJR each consisting of five modules. The topics included case management, originating process and pleadings, offers to settle, evidence, trials, appeals and costs. The speakers at the specialised sessions were Mr. Andrew Sheppard, Barrister-at-law, Mr. William Clarke, solicitor and Mr. Amirali B. Nasir, solicitor, Nasirs. The specialised training sessions attracted about 1,550 participants.



PRC Law

The Academy conducted a seminar entitled “Theory and Practice of Civil Cases Retrial System in the Mainland” (“內地民事再審制度的理論與實踐”) jointly with China Legal Service (H.K.) Ltd. (“CLSHK”) on 15 May. Judge Gong Ming, Chief Judge of the Supervisory Tribunal of the Supreme People’s Court of PRC and Judge Lin Wenxue, Associate Chief Judge of the No. 2 Case-filing Tribunal of the Supreme People’s Court of PRC were the speakers. Mr. Huen Wong, Past President of the Law Society of Hong Kong and Chairman of the Academy and Mr. Guo Qingliang, Chairman of CLSHK delivered the opening speeches.



New Companies Ordinance Cap. 622

The new *Companies Ordinance Cap. 622* came into effect on 3 March. A total of 21 seminars from January to October, were presented separately by Ms. Judith Sihombing, Visiting Scholar of the Chinese University of Hong Kong, and Ms. Elizabeth Mo, Consultant (Legal) of Hong Kong Monetary Authority and former Deputy Principal Solicitor of Hong Kong Companies Registry (Companies Bill Team). Over 2,900 participants attended the seminars.



British Virgin Islands (“BVI”) Companies

The Academy conducted a seminar entitled “Litigation in the BVI Court – Common Themes, Recent Case Law and Future Trends for the HK Practitioners to be Aware of” on 25 June. Mr. Kenneth Baker, Deputy Managing Director, Regulation and Director of the Banking and Fiduciary Services Division, BVI Financial Services Commission and Mr. Ian Mann, Head of Litigation & Insolvency Practice, Hong Kong, Harney Westwood & Riegels updated practitioners on the regulatory regime and provided an overview of litigation and dispute resolution in the BVI.



Third edition of the Hong Kong Solicitors' Guide to Professional Conduct ("Guide")

The third edition of the *Guide* came into effect on 1 January. The Academy organised two seminars in March and May. Mr. Amirali Nasir, Chairman of the Guide Working Party of the Society and Professor Michael Wilkinson, Member of the Guide Working Party of the Society, highlighted the important changes in the *Guide* and explained the rationale behind the amendments to the Principles and Commentaries. About 250 participants attended the seminars.



Probate Practice

A seminar on probate practice was conducted on 3 April to facilitate practitioners to understand the procedures and practice on probate applications. Registrar K. W. Lung, Registrar of the High Court, Master K. Levy and Master J. Wong, Masters of the High Court, were the speakers of the seminar, and Mr. Billy Ma, Chairman of the Probate Committee and Council Member of the Society, was the moderator. The seminar attracted around 400 participants.



Reverse Mortgage

The Reverse Mortgage Programme (“Programme”) was launched by the Hong Kong Mortgage Corporation Limited (“HKMC”) in 2011 with the aim of providing elderly homeowners with an additional financial planning option to enhance their quality of life. Mr. Raymond Li, J.P., Chief Executive Officer, HKMC, Ms. Susie Cheung, General Counsel and Company Secretary, HKMC and Mr. Billy Ma, Chairman of the Committee on Reverse Mortgage conducted a course on reverse mortgage in August to provide attendees with an overview of the Programme and an introduction to the life-insurance policy-linked enhancement. Over 250 practitioners attended the course.



Mediation

Practice Direction 31, which came into effect on 1 January 2010, states that the Court has the duty to encourage the parties to use an alternative dispute resolution procedure. Mediation has been increasingly used as a means of alternative dispute resolution to settle disputes.

The Academy and the Mediation Committee of the Society conducted seven free sharing sessions on mediation. Nine speakers were invited to share their experiences with the participants on topics including financial dispute mediation, victim-offender mediation, the way to develop practice as a solicitor-mediator, conversion from general to family mediation and the importance of pre-mediation sessions. The sharing sessions attracted over 300 participants.

In addition, a panel of experienced solicitor-mediators conducted a seminar entitled “Promotion and Risk Management in Mediation Practice” on 30 April. The seminar attracted 169 participants.



Higher Rights of Audience (“HRA”)

The Academy provided two courses on civil written advocacy and four courses on civil practical advocacy in October to facilitate solicitors who wished to take the HRA assessments organised by the Higher Rights Assessment Board. 26 solicitors attended those courses which were conducted by Mr. Richard Ladmore, Senior Lecturer, The University of Law, London and Mr. Edmund Williams, Barrister-at-law, Cloisters Chambers, London.



Convention Against Torture Claims and Refugee Law (“CAT”)

The Academy organised its 4th CAT training programme on 21-22 and 24-25 February to assist practitioners in handling CAT claims made under Article 3 of the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and update them on the latest developments on CAT including the unified screening mechanism. The speakers at the training programme were Mr. Rodger Haines Q.C., Chairperson of the New Zealand, Human Rights Review Tribunal, Mr. Reinhold Jawhari, Deputy Head of Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Austrian Red Cross, Mr. Mark Daly, Principal of Daly & Associates, Hong Kong, Mr. Peter Barnes, Barrister-at-law, Hong Kong, Dr. Philip Beh, Associate Professor, Department of Pathology of The University of Hong Kong, Mr. Francis Ngan, Barrister-at-law, Hong Kong, Ms. Patricia Ho, Associate of Daly & Associates, Hong Kong, Mr. Anthony Ma, Chief Court Liaison Officer (Administration) of Duty Lawyer Service, Hong Kong, Mr. Kenneth Chan, Acting Chief Court Liaison Officer (CAT Scheme) of Duty Lawyer Service, Hong Kong and Ms. Sally Cheung, Head of the Torture Claim Assessment Division of the Immigration Department, HKSAR Government. Over 200 participants attended the training.

In addition, the Academy organised a seminar entitled “The Law of Refugee Status – Focus on the Assessment of Credibility” on 30 September. Professor James C. Hathaway, James E. and Sarah A. Degan Professor of Law and Director of Programme in Refugee and Asylum Law of the University of Michigan was the speaker at the seminar. The seminar attracted 90 participants.



Family Law

The Academy conducted six seminars and three full-day workshops on family law in 2014. The topics covered by these seminars and workshops included alienation in child custody cases, practice and procedure in ancillary relief/financial dispute resolution, parental responsibility and rights on child custody and access, jurisdictional and financial implications in international divorce cases, negotiation skills in family law practice, drafting documents for injunctions against domestic violence and child protection, and drafting letters of advice for family law practice. About 220 participants attended the seminars and workshops.



Discrimination Law

The Academy conducted a seminar entitled “Discrimination Law and Cases” on 13 October. Mr. Peter Reading, Legal Counsel, Legal Services Division, Equal Opportunities Commission (“EOC”) provided an overview of Hong Kong’s discrimination legislation and how it operates in practice. He discussed relevant case law, provided various case studies and information on the roles of EOC and its complaint handling process.



Joint Course with the Bar

The Academy and the Bar co-hosted a course entitled “Adverse Possession – Landlord v Tenant” on 16 July. Mr. Edward Chan, S.C., discussed the current state of law on adverse possession and shared his views on issues such as the paper title of the land encroached by a tenant, the applicable limitation period and the doctrine of encroachment. About 250 solicitors and barristers attended the course.



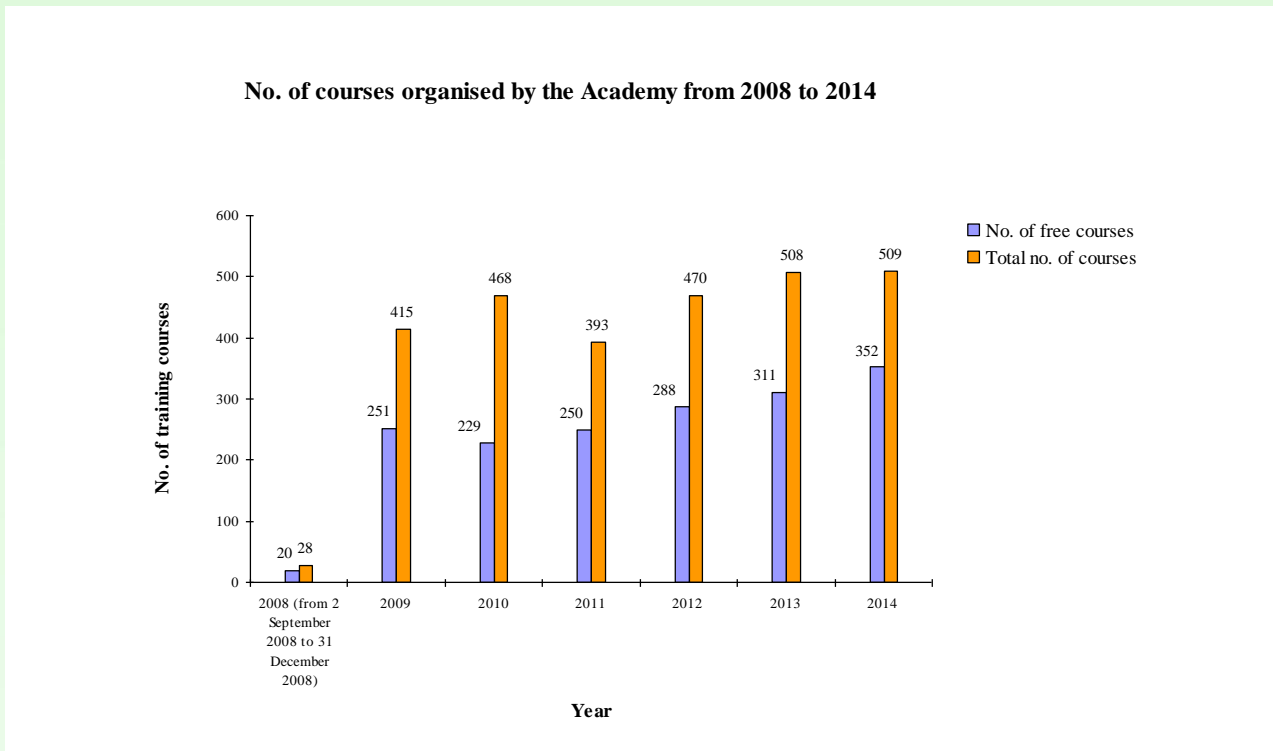
Pathway Guidance

In July, the Academy held a sharing session with law students working as interns in law firms in Hong Kong. Mr. Ambrose Lam, Immediate Past President of the Society; Ms. Ada Chung, Registrar of Companies of the Companies Registry; Mr. Dennis Ha Yiu Fai, Senior Vice President and Head of Compliance of Fubon Bank; and His Honour Judge Tam, Judge of the District Court shared their insights in the many career options open to law students.

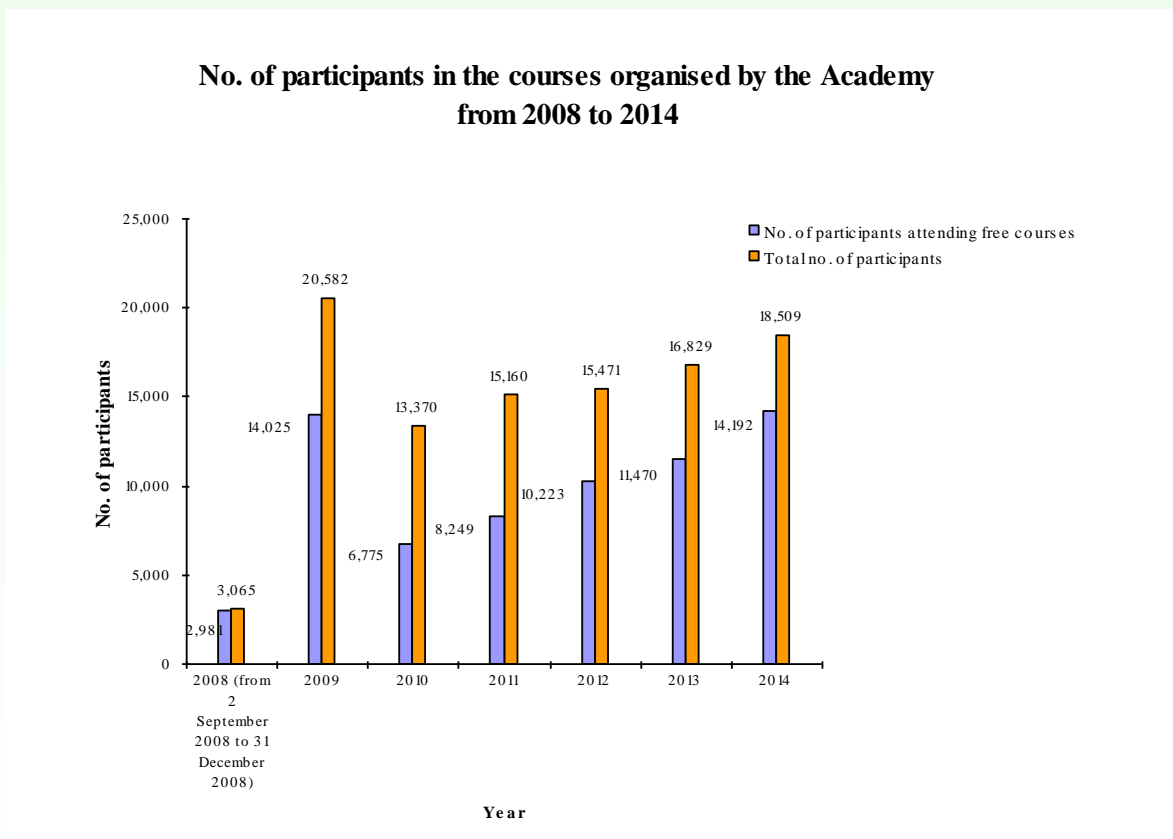
About 117 interns and trainee solicitors from 24 law firms participated in the sharing session.



The total number of courses and free courses in each of the seven years from 2008 to 2014 are as follows:



The total number of participants and the number of participants attending free courses organized by the Academy in each of the seven years from 2008 to 2014 are as follow:



The Academy is grateful to the 125 presenters who are experienced solicitors, barristers, foreign lawyers, judges and prominent members of society for sharing their valuable knowledge and expertise at the Academy's training programmes in 2014. For a full list of the presenters, please click [here](#).

SPONSORSHIPS, SCHOLARSHIPS AND DONATIONS

The Academy considered various applications for the Peter Alan Lee Vine Memorial Scholarship and applications for bursary.

The Academy approved seven applications for bursary to enable students to study legal executive courses and one application for the Peter Alan Lee Vine Memorial Scholarship.

The Academy made a monetary donation to a registered charity to support its legal educational project.

REVIEW OF THE RME PROGRAMME

The Academy has commissioned Nottingham Law School, England to review and update the core courses and electives in the RME Programme and to develop new electives. So far, nine elective courses have been updated and they include "Crisis Management & Business Continuity", "Reputation Risk Management", "Litigation Risk", "Liability and Legal Development", "Conflicts of Interest and Confidentiality", "Legal Professional Privilege", "Anti-Money Laundering", "Managing Human Capital" and "Fraud Risk and the Modern Law Firm". In addition, the following new electives have been developed: "Risk Management & Cloud Computing", "Financial Planning & Risk Assessment", "Risk Management in Commercial Practice", "Project Management & Risk Assessment", "Advanced Risk Identification & Analysis". Train the trainer courses were conducted on the updated courses before they were introduced into the Programme. The Academy commenced another round of recruitment of part-time tutors towards the end of the year and it is expected the new part-time tutors will be able to join the rest of the teaching team in the near future. The increased manpower will provide different perspectives and dimensions to the courses taught.