

Annual Report



For the period from 1 January 2015
to 31 December 2015



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 474 Continuing Professional Development (“CPD”) and Risk Management Education (“RME”) courses during the year. Of the 474 courses, eight courses were conducted in Cantonese and the remainder in English. 17,210 participants attended the courses.

The Academy is grateful to the 115 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 courses in 2015. Please click [here](#) for the full list of presenters.

Some of the highlights of the courses are:

Competition Law

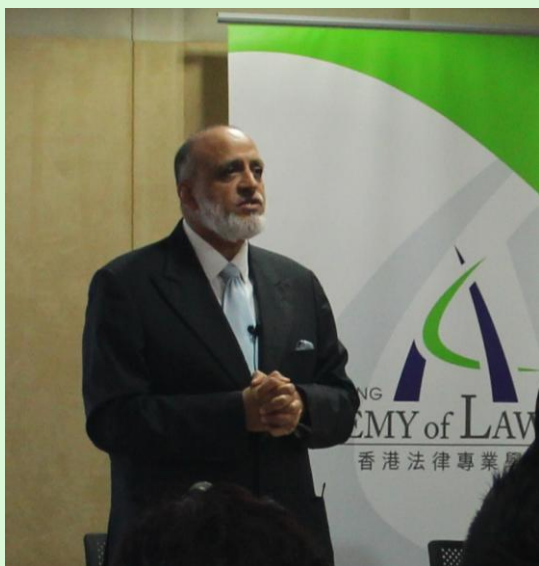
The Competition Ordinance Cap. 619 came into effect on 14 December. The Academy conducted two seminars on competition law in July and October to provide practitioners with an overview of the Ordinance. The speakers from private practice, the university, the Competition Commission, and the Academy examined issues including anti-competitive agreements, concerted practices, vertical restraints, abuse of market power and powers of the Competition Commission of Hong Kong. Over 760 participants attended the seminars.

The Academy also conducted a briefing session on the *Competition Tribunal Rules* on 8 December. The speakers from the Judiciary and the Competition Tribunal introduced practitioners to the operation of the Competition Tribunal, including its powers and jurisdiction, the main types of proceedings to be heard, and its practice and procedure. Over 240 participants attended the briefing session.



Solicitors' Accounts Rules Cap. 159F

The *Solicitors' Accounts Rules* amended by the *Solicitors' Accounts (Amendment) Rules 2012* would come into effect on 1 July 2016. The Academy conducted five courses on the revised *Solicitors' Accounts Rules* to update practitioners on the amendments and demonstrate how the revised Rules would operate in practice. Over 820 participants attended the courses.



Contract Law

The *Contracts (Rights of Third Parties) Ordinance Cap. 623* (“*CRTO*”) would come into effect on 1 January 2016. The Academy conducted two seminars in June and September on the Ordinance to introduce practitioners to the new regime under the *CRTO*. The speakers from the HKSAR Government, the university and from private practice examined key aspects of the *CRTO* from the legal policy’s, academics’ and practitioners’ perspectives and explained the policy considerations behind the reform of the doctrine of privity of contract. Over 420 participants attended the seminar.



Probate Law

A seminar on the *Probate Checklist* was held on 14 October to introduce practitioners to the salient features of the *Checklist* which was launched by the Judiciary on 10 June. The seminar also demonstrated how to prepare an application for grant, and to complete the *Checklist*. Chairman and Members of the Probate Committee of the Society were the moderator and the speakers respectively of the seminar. Over 400 participants attended the seminar.

In addition to the seminar on the *Probate Checklist*, two seminars on intestate succession and testate succession were held on 25 August and 22 September respectively to examine the recent cases on probate.



Family Law

The Academy conducted 11 seminars on family law. Out of 11 seminars, one was a seminar entitled “Private Adjudication of Financial Disputes in Family Cases” which was jointly organised by the Academy with Hong Kong Bar Association on 27 January. The seminar aimed to familiarise practitioners with *Practice Direction SL 9* and examined the salient features of the *Pilot Scheme on Private Financial Adjudication*, which is intended to facilitate the financial disputes in matrimonial and family proceedings. Over 140 participants attended the seminar.



Other family law seminars focused on child custody, practice and procedure in ancillary relief and financial dispute resolution, parental responsibility and rights, parenting co-ordination, negotiation skills in family law practice and drafting documents for injunctions against domestic violence and child protection.

Information Technology

The Academy conducted 7 courses on information technology. Topics included smart contract, smart phones and smart apps for solicitors, E-discovery and document management, technology tools for dispute resolution, the E-Registry of the Companies Registry, managing data risks in using mobile devices and using *LawSociety Lexis* as legal research platform. Over 780 participants attended the courses.



Mediation

Mediation has become one of the primary means of alternative dispute resolution in Hong Kong with *Practice Direction 31* coming into effect on 1 January 2010.

The Academy and the Mediation Committee of the Society conducted seven free sharing sessions on mediation. Eight speakers were invited to share their experiences with the participants on topics including the ways in dealing with difficult lawyer whilst acting for a party in mediation, the way for solicitors to develop full-time mediation practice, extending the concept of collaborative practice to general civil litigation, “sorry law”, and updates on mediation cases on building management and personal injuries. Over 320 participants attended the sharing sessions.

A course on “Mediation Advocacy” demonstrating how solicitors can effectively represent their clients in mediation was held on 16 and 17 October. 29 participants attended the course.



A panel of experienced solicitor-mediators conducted a seminar entitled "Risk Management in Mediation Practice" on 12 October. Over 160 participants attended the seminar.



Personal Data (Privacy) Ordinance Cap. 486 (“PDPO”)

The Academy conducted three courses on the *PDPO*. The course entitled “A Briefing on the Guidance on Personal Data in Protection in Cross-Border Data Transfer (“Guidance”)” held in April examined the requirement of section 33 of the *PDPO* and highlighted the salient features of the Guidance issued by the Office of the Privacy Commissioner for Personal Data, Hong Kong. Two other courses entitled “Personal Data Privacy” held in September and October provided practitioners with an overview and an update on the data protection principles, the exemptions and the regulatory regime of direct marketing under the *PDPO*.



Civil Justice Reform (“CJR”)

Since the implementation of CJR in April 2009, the Academy has provided regular training to update practitioners on the CJR. The Academy organised two series of free specialised training sessions on CJR in May and September. Each series of specialised training sessions consisted of five modules covering topics such as case management, originating process and pleadings, offers to settle, evidence, trials, appeals and costs. Over 1,600 participants attended the specialised training sessions.



Pathway Guidance

In July, the Academy held a sharing session with law students working as interns in law firms.

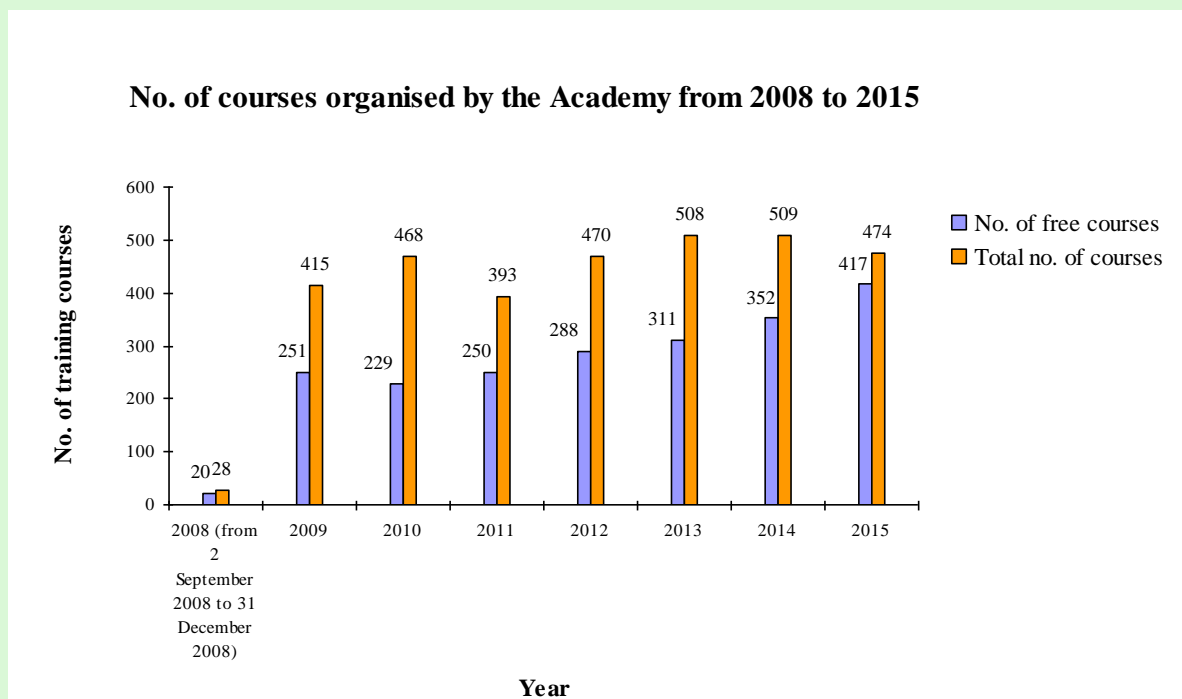
Speakers from private practice, the Judiciary, the Legislative Council and the commercial sector shared their insights in the many career options open to law students.

About 103 interns and trainee solicitors from 17 law firms participated in the sharing session.

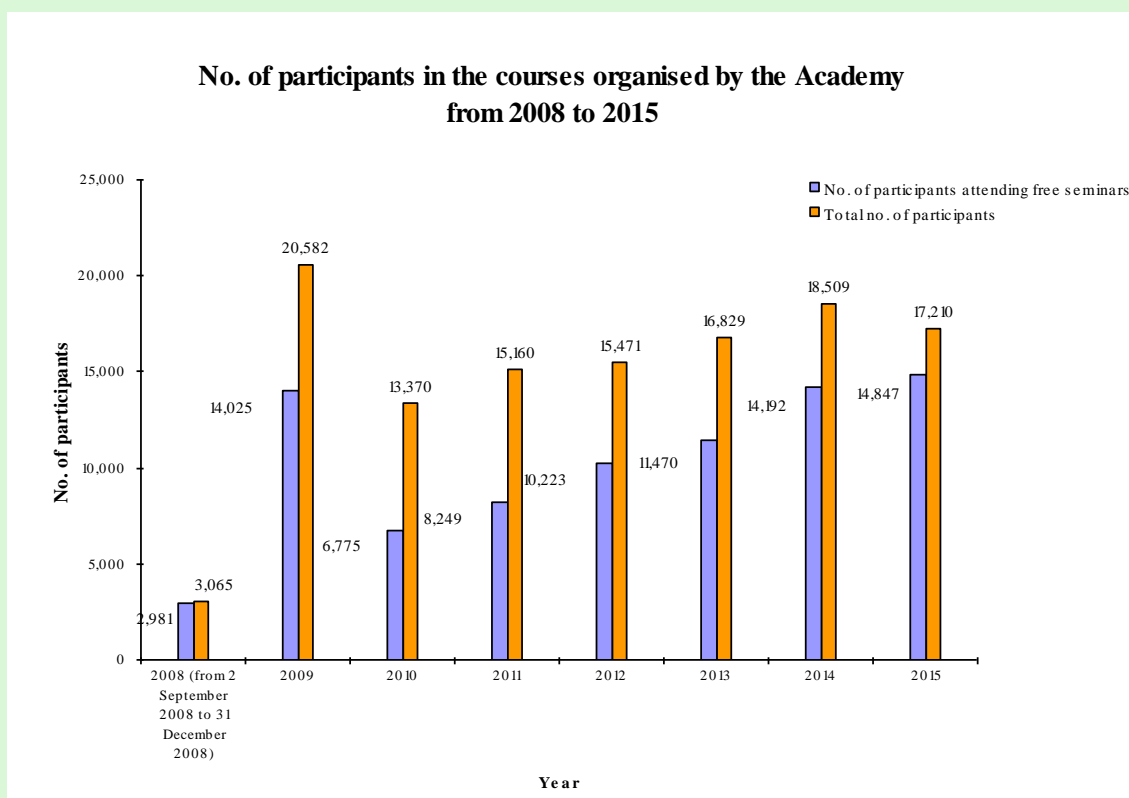


RME electives have since 1 November 2008 been offered free of charge to those participants who have to fulfil their RME obligations in the relevant RME practice year and who have not attended any other RME electives during that year. Free core courses have also been offered by the Academy to all trainee solicitors since 1 November 2009. With effect from 1 November 2014, to mark the 10th Anniversary of the *RME Programme*, the Principals' Core Courses, Non-Principals' Core Courses, Registered Foreign Lawyers' Core Courses and the Compulsory First Elective Courses for Trainee Solicitors are also offered free of charge. Accordingly, all courses within the *RME Programme* are free.

The total number of courses and free courses in each of the eight years from 2008 to 2015 are as follows:



The total number of participants and the number of participants attending free courses organized by the Academy in each of the eight years from 2008 to 2015 are as follow:



SPONSORSHIPS, SCHOLARSHIPS AND DONATIONS

The Academy considered various applications for the Peter Alan Lee Vine Memorial Scholarship, applications for bursary and applications to attend international conferences.

The Academy provided 53 registrants with sponsorships to attend the Inter-Pacific Bar Association 25th Annual Meeting and Conference, and 65 registrants with sponsorships to attend the LawAsia Risk Management and Professional Indemnity Insurance Conference.

The Academy approved one application for bursary to enable the applicant to study a legal executive course and one application for the Peter Alan Lee Vine Memorial Scholarship.

REVIEW OF THE RME PROGRAMME AND INTRODUCTION OF A PRACTICE MANAGEMENT COURSE

The Academy in conjunction with Nottingham Law School England has completed the review of the RME Programme. The review encompassed updating all Core Courses for Principals, Non-Principals, Trainee Solicitors, and Registered Foreign Lawyers, and the following electives:

- (i) Conflicts of Interest and Confidentiality
- (ii) Crisis Management and Business Continuity
- (iii) Liability and Legal Development
- (iv) Legal Professional Privilege
- (v) Litigation Risk
- (vi) Reputation Risk (renamed as “Reputation Risk Management”)
- (vii) Fraud Risk & the Modern Law Firm
- (viii) Human Resources Management (renamed as “Managing Human Capital”)
- (ix) Anti-Money Laundering

In addition 6 new electives were developed:

- (i) Risk Management and Cloud Computing
- (ii) Financial Planning and Risk Assessment
- (iii) Risk Management in Commercial Practice
- (iv) Project Management and Risk Assessment
- (v) Advanced Risk Identification and Analysis
- (vi) Pro Bono Work: Legal and Risk Perspectives

The Academy continues to explore the educational and training needs of the legal and wider communities. 2 new courses on risk management in Commercial Drafting, one relating to debentures, and another on mergers and acquisitions are being developed.

Under the *Legal Practitioners Ordinance Cap. 159* (“LPO”), a solicitor cannot practise on his own account or in partnership until he has satisfied the Council of the Society that he has been bona fide employed in the practice of a solicitor in Hong Kong for at least 2 years. To ensure that a solicitor is properly equipped with the necessary practice management skills before he is allowed to operate his own firm as a sole proprietor or as a partner in a partnership or limited liability partnership, the *LPO* has been amended to include a requirement on the completion of an approved practice management course prior to an application for an unconditional practising certificate. This legislative amendment has not come into operation and no commencement date has been fixed yet. The Academy is developing the practice management course in conjunction with the College of Law, Australia and New Zealand.