

# *Annual Report*



For the period from 1 January 2017  
to 31 December 2017



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:

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

## **COURSES CONDUCTED**

The Academy continued to explore the educational and training needs of the legal and wider community. It conducted 369 Continuing Professional Development (“CPD”) and Risk Management Education (“RME”) courses during the year. Of the 369 courses, 13 courses were conducted in Cantonese, one course was conducted in Putonghua and the remainder in English. 16,795 participants attended the courses.

Those courses not only updated the skills and knowledge of the participants on imminent changes to the law and practice, but helped them to maintain their competitive edge in their legal practice, provided the opportunities to network and exchange experiences with local and foreign professionals, and to promote and explore new business opportunities.

The Academy is grateful to the 111 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. Please click [here](#) for the full list of presenters.

Some of the highlights of the courses are:

### ***Arbitration***

The Academy conducted 3 seminars on arbitration during the year.

A seminar entitled “Arbitration for Partnership Disputes” was held on 28 April. The seminar discussed the problems and issues that often arise in the course of arbitrating partnership disputes and compared alternative means of resolving such disputes by way of mediation and expert determination. Professor Anselmo Reyes, Professor of Legal Practice, Faculty of law, University of Hong Kong and former Judge of the Court of First Instance of the High Court was the speaker. Mr. Huen Wong, Chairman of the Academy and Chairman of the Arbitration Committee, and Past President and Council Member of the Society was the moderator of the seminar.

A seminar on “Third Party Funding for Arbitration” was held on 22 August to apprise practitioners of the *Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Ordinance 2017* and the offers of third party funders in Hong Kong after the Ordinance came into operation on 23 June. The speakers of the seminar were Mr. Tom Glasgow, Investment Manager (Asia) of IMF Bentham and Ms. Ruth Stackpool-Moore, Director of Litigation Funding and Head of Harbour Hong Kong of Harbour Litigation Funding. Mr. Denis Brock, Council Member and Member of the Arbitration Committee of the Society was the moderator.

A seminar entitled “Arbitration: New Challenges and Opportunities” was held on 25 September. The seminar discussed the challenges and opportunities available for practitioners after the passing of the legislation on arbitrability for intellectual property disputes and on arbitration funding. Other practical issues including conflicts of interest in arbitration and the latest developments in the local jurisprudence on arbitration in Hong Kong were also discussed. Ms. Mary Thomson, Barrister-at-law and Mr. Lee Tin Yan, Senior Assistant Solicitor General of the Department of Justice (“DOJ”) were the speakers. Mr. Huen Wong, Chairman of the Academy and Chairman of the Arbitration Committee, and Past President and Council Member of the Society was the moderator of the seminar.

Over 310 participants attended these seminars.



## ***Insolvency Law***

The Academy conducted a conference entitled “Insolvency Law and Practice” on 9 March. The Conference provided an update on the developments in insolvency law. Topics discussed included cross-border insolvency and choice of forum, legislative reforms on corporate rescue, litigation funding and acquisition of non-performing loans.

Mr. Justice Harris, Judge of the Court of the First instance of the High Court, was the Keynote Speaker. Other Speakers of the Conference included (in alphabetical order): Mr. Theron Alldis, Sourcing Asia of SC Lowy; Ms. Christina Cheung, Law Officer (Civil Law) of DOJ; Mr. Paul Fogue, Managing Director of Alvarez & Marsal; Mr. Keith Ho, Chairman of the Insolvency Law Committee of the Society; Mr. Camille Jojo, Member of the Insolvency Law Committee of the Society; Dr. Stefan Lo, Senior Assistant Law Officer (Civil Law)(Commercial) III (Acting) of the Civil Division, Commercial Unit of DOJ; Mr. Ian Mann, Head of Litigation & Insolvency Practice (HK) of Harneys; Ms. Phyllis McKenna, The Official Receiver of Official Receiver’s Office; Mr. Edward Middleton, Head of Restructuring Services, Deal Advisory of KPMG China and Asia Pacific; Ms. Melissa Pang, Vice-President of the Society; and Mr. Rupert Purser, Senior Advisor of Burford Capital. Mr. Ian De Witt, Member of the Insolvency Law Committee of the Society and Mr. Victor Joffe, QC, Temple Chambers were moderators of the seminar. 287 participants attended the seminar.



## ***Solicitors’ Accounts Rules Cap. 159F (“SAR”)***

The SAR amended by the Solicitors’ Accounts (Amendment) Rules 2012 (“Rules”) came into effect on 1 July 2016. The Academy conducted nine seminars to update practitioners and demonstrate how the revised Rules would operate in practice. The courses were open to practitioners, law firm support staff and representatives nominated by law firms. Mr. Amirali B. Nasir, Vice-President, and Monitoring Accountants of the Society were the speakers. Over 790 participants attended the seminars.





### ***Professional Indemnity***

Two seminars entitled “Solicitors (Professional Indemnity) Rules and Related Claims Handling” were conducted in March and October to apprise practitioners of the operation of the Professional Indemnity Scheme (“PIS”) of the Society and the relevant claims handling process. In addition, a seminar entitled “Risk Management and Dealing with Claims against Solicitors in Litigation and Commercial Practices” was conducted in October to, inter alia, alert practitioners to pitfalls in handling litigation and commercial matters, and illustrate the various ways in which claims against solicitors are settled. Over 330 participants attended the seminars.



### ***Mediation***

Five free sharing sessions were conducted to enable solicitor-mediators to enhance their mediation skills. Mrs. Cecilia Wong, Council Member and Chairlady of the Mediation Committee of the Society, Ms. Sylvia Siu, JP, Consultant, Sit, Fung, Kwong & Shum and Member of the Board of Governors of the Hong Kong Mediation Centre, Dr. James S.P. Chiu, Specialist in General Surgery, Mr. Lung Gwun Ting, Bryan and Ms. Yip Mei Sze, Clara, Consultant of So, Lung & Associates and Mr. Norris Yang, Partner of Zhong Lun Law Firm were the speakers. They shared their experiences with the participants on topics including risk management in family mediation practice, the facilitative, evaluative and collaborative models of alternative

dispute resolution for medical and personal injuries cases, practical tips for mediators in conducting mediation, representing a client in mediation, child-focused and child-inclusive mediation, and parenting coordination in Hong Kong. Over 400 participants attended the sharing sessions.



### *Family Law*

The Academy conducted 8 courses on family law. Topics included trust and divorce, the concept of “Parental Responsibility and Rights” under the Children Proceedings (Parental Responsibility) Bill, practice and procedure in ancillary relief/financial dispute resolution, drafting documents for injunctions against domestic violence and child protection, the law and practice on dealing with children issues in family courts, splitting the assets, and confidentiality in family law cases, and child focused and child inclusive mediation and parenting coordination in Hong Kong. Over 480 participants attended the courses.



### *Offshore Law*

The Academy conducted 3 seminars entitled “The 5%: Complex BVI & Cayman Issues in Banking Transactions”, “Better Late than Never: How Companies in the Post-Cap. 32 Era are Catching up their BVI and Cayman Counterparts” and “BVI Companies”. Over 330 participants attended the seminars.



### ***Civil and Criminal Advocacy***

Two workshops on trial techniques were conducted on 14 January and 25 February. The workshops assisted practitioners in improving their advocacy skills in conducting examination-in chief and cross examination.

The Academy conducted a 2-day training course on civil practical advocacy on 7 and 8 March to improve and enhance the advocacy skills of practitioners in conducting interlocutory applications and substantive trials. A half-day training course on civil written advocacy was held on 29 March. 10 participants and 12 participants attended the training courses on civil practical advocacy and civil written advocacy respectively.



### ***Information Technology***

DOJ launched a new electronic legislation database known as Hong Kong e-Legislation (“HKeL”), which will replace the existing “Bilingual Law Information System” with effect from 1 July 2018. The Academy conducted 8 briefing sessions (4 in Cantonese and 4 in English) on *HKeL* from April to December. The speaker, Ms. Karmen Kwok, Senior Government Counsel from the Law Drafting Division of DOJ, demonstrated to the participants the various enhanced functions of *HKeL*. Over 1,200 participants attended the seminars.

In addition, the Academy conducted 4 seminars with topics on e-Bundle, digital forensics and using *LawSociety Lexis* as an offsite legal research platform. Over 570 participants attended the seminars.



### ***Risk Management***

In addition to the regular Risk Management Education (“RME”) electives provided by the Academy under the *RME Programme*, the Academy invited 12 accredited law firm course providers to conduct courses on risk management on behalf of the Academy to the general membership of the Society. Topics included risk management and the Competition Law, conflicts of interest and confidentiality, legal professional privilege, bilingual legal practice risks, understanding risk management and compliance, dispute resolution clauses in cross-border contracts, market misconduct and related risk management issues, risk management of law firms, and anti-money laundering and counter terrorist financing compliance. 1,190 participants attended the courses.



### ***Pathway Guidance***

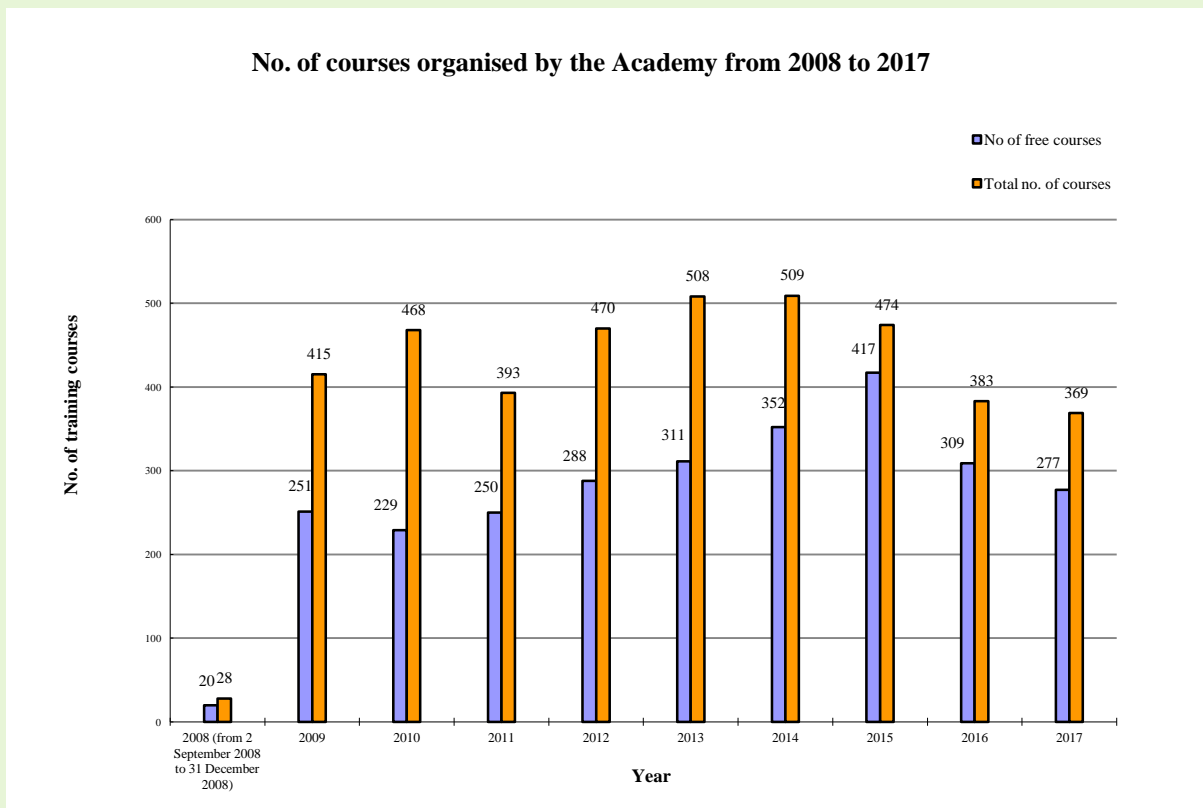
In July, the Academy held a sharing session with law students working as interns in law firms. Speakers from private practice, the Judiciary, DOJ and the commercial sector shared their insights in the many career options open to law students. 85 interns and trainee solicitors participated in the sharing session.



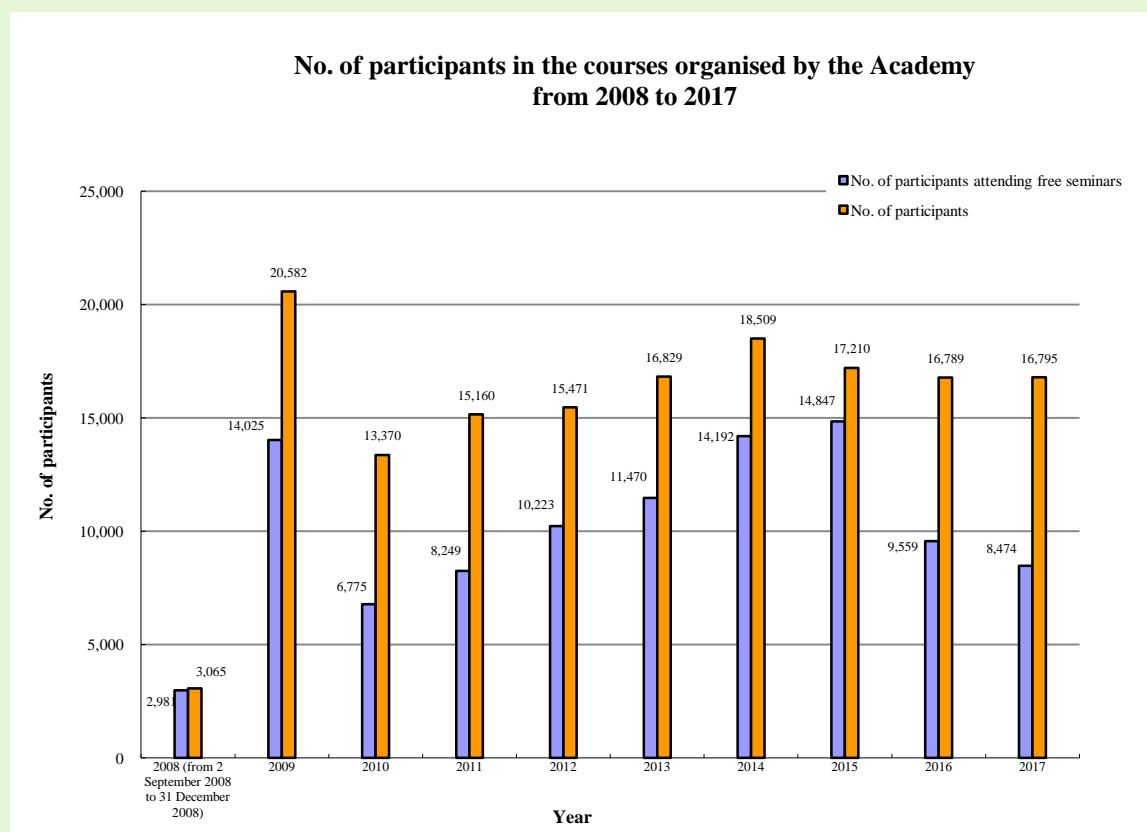


RME electives have since 1 November 2008 been offered free of charge to those participants who have to fulfil their RME obligations in the relevant RME practice year and who have not attended any other RME electives during that year. Free core courses have also been offered by the Academy to all trainee 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 10 years from 2008 to 2017 are as follows:



The total number of participants and the number of participants attending free courses organized by the Academy in each of the 10 years from 2008 to 2017 are as follow:



## SPONSORSHIPS, SCHOLARSHIPS AND DONATIONS

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

The Academy approved one application for the continual study of a Juris Doctor degree at a University in Hong Kong and two applications for bursary to study a legal executive course.

## UPDATED DEVELOPMENTS

The following courses are being offered regularly under the RME Programme of the Academy:

- (i) Core Courses for Principals
- (ii) Core Courses for Non-Principal Solicitors
- (iii) Core Courses for Trainee Solicitors
- (iv) Compulsory First Elective for Trainee Solicitors

- (v) Core Courses for Registered Foreign Lawyers
- (vi) Anti-Money Laundering
- (vii) Advanced Risk Identification and Analysis
- (viii) Commercial Drafting – Mergers and Acquisitions
- (ix) Commercial Drafting – Debentures
- (x) Conflicts of Interest and Confidentiality
- (xi) Crisis Management and Business Continuity
- (xii) Financial Planning and Risk Assessment
- (xiii) Fraud Risk and the Modern Law Firm
- (xiv) Legal Professional Privilege
- (xv) Liability and Legal Development
- (xvi) Litigation Risk
- (xvii) Managing Human Capital
- (xviii) Project Management and Risk Assessment
- (xix) Pro Bono Work: Legal and Risk Perspectives
- (xx) Reputation Risk Management
- (xxi) Risk Management and Cloud Computing
- (xxii) Risk Management in Commercial Practice

To enhance the RME Programme, the Academy took the following initiatives:

- (i) The Academy developed the following courses which will be introduced into the RME Programme in due course:
  - (a) Conveyancing: Protecting Irregular Interests
  - (b) Elective on Practice Management
- (ii) It conducted a tender for the purpose of appointing consultants to update the course materials, to review the structure, method of delivery and operation, to advise on the means for the Programme to gain international recognition, including but not limited to the feasibility of incorporating and developing bespoke standards of best practice and competencies.
- (iii) It invited experienced practitioners specializing in different areas of practice to conduct train the trainer courses to the RME Course Tutor and part-time tutors.
- (iv) 12 law firms accredited as RME course providers under the Provider Accreditation Scheme of the Society conducted 12 elective courses to the general membership of the Society to increase the variety of courses offered.
- (v) The Academy is recruiting additional part-time tutors, especially those with law firm management experience, to enable the course participants to appreciate the contents of the courses from different perspectives.

- (vi) Introductory sessions on the RME Programme were conducted in Chengdu, Chongqing, Guangdong, Shanghai of Mainland China, Cambodia, Myanmar and Indonesia in an effort to promote the Programme in the ASEAN countries.

The Academy continues to explore ways to facilitate the conduct of courses. The QR Code was adopted to speed up registration of attendance. Following the closure of the Joint Professional Centre for renovation, the Academy endeavoured to source alternative venues, taking into account the budget, seating capacity, availability and proximity to Central to ensure convenience to course participants. The HKSAR Government (“Government”) invited and the Academy submitted a supplementary application for use of space in the West Wing of the former Central Government Offices and the former French Mission Building for conducting courses and other activities of the Academy. Unfortunately, the supplementary application was unsuccessful. The Academy subsequently made representations to the Secretary for Justice and would in due course make another application for use of space to the Government.

In the interim, the Academy is pleased that it has been able to use the Society premises, following its renovation, to conduct most of its courses and the location offers both proximity and convenience to participants whilst containing the costs of operation, thereby enabling the Academy to continue to offer the regular courses free of charge to participants.