
5. Continuing Professional Development Rules

ARRANGEMENT OF RULES

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Schedule Continuing Professional Development Rules
(*Omitted as spent*)

1. (Omitted as spent)

2. Interpretation and definitions

In these Rules, unless the context otherwise requires -

"continuing professional development" means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of solicitors, enhances professional competence and complies with guidance issued from time to time by the Society pursuant to section 5(3);

"CPD accreditation points" means the points credited to such a course, lecture, seminar or other programme or method of study under the Scheme;

"practice year" means a period of 12 months ending on 31 October each year in legal practice or in employment as a solicitor or in employment as a trainee solicitor;

"practising certificate" means a certificate issued by the Society under section 6 of the Ordinance;

"Scheme" means the Continuing Professional Development Scheme referred to in section 4;

"trainee solicitor" has the meaning assigned to it by rule 2 of the Trainee Solicitors Rules (Cap. 159 sub. leg.).

3. Application

- (1) These Rules shall apply to all trainee solicitors and -
- (a) from 1 January 1998, to all solicitors holding a current practising certificate who were admitted after 31 December 1993;
 - (b) from 1 January 1999, to all solicitors holding a current practising certificate who were admitted after 31 December 1991;
 - (c) from 1 January 2000, to all solicitors holding a current practising certificate who were admitted after 31 December 1988;
 - (d) from 1 January 2001, to all solicitors holding a current practising certificate who were admitted after 31 December 1984;
 - (e) from 1 January 2002, to all solicitors holding a current practising certificate who were admitted after 31 December 1979;
 - (f) from 1 January 2003, to all solicitors holding a current practising certificate.

- (2) Where a solicitor to whom these Rules apply has been admitted to practise law in any other jurisdiction prior to his admission in Hong Kong, his admission date for the purposes of the application of these Rules under subsection (1) shall be the date of his admission to practise law in the jurisdiction immediately preceding his admission as a solicitor in Hong Kong.

4. Continuing Professional Development Scheme

The Society shall institute and organize, in accordance with these Rules, a system of continuing professional development for trainee solicitors and solicitors to be known as the Continuing Professional Development Scheme, and, without limiting the generality of the foregoing, may -

- (a) provide courses, lectures, seminars or other programmes of instruction;
- (b) subject to any conditions -
 - (i) authorize other persons or organizations to provide courses, lectures, seminars or other programmes of instruction;
 - (ii) approve courses, lectures, seminars or other programmes of instruction provided by other persons or organizations;
 - (iii) determine or approve the number of CPD accreditation points to be credited to each course, lecture, seminar, other programme or other method of study

- (iv) provided for under the Scheme;
authorize other persons or organizations to accredit the number of CPD accreditation points for a course, lecture, seminar or other programme or method of study provided for under the Scheme in accordance with the criteria and guidelines issued from time to time by the Society;
- (c) remove any authorization or approval referred to in paragraph (b) (i), (ii) and (iv);
- (d) revoke or amend any CPD accreditation points accredited under paragraph (b) (iii);
and
- (e) revoke any determination or approval referred to in paragraph (b) (iii).

5. Continuing professional development requirements

- (1) Subject to subsection (2), a trainee solicitor and a solicitor to whom these Rules apply must accumulate 15 CPD accreditation points each practice year.

Provided that a trainee solicitor to whom these Rules apply must accumulate 30 CPD accreditation points by the end of his period of employment as a trainee solicitor.

- (2) Where -
- (a) a trainee solicitor commences or resumes employment as a trainee solicitor;
or
 - (b) a solicitor commences or resumes legal practice or employment as a solicitor,

at any time after the commencement of a practice year, he must accumulate such CPD accreditation points as determined by the Society in accordance with guidance issued from time to time, but in any case, not more than 15 CPD accreditation points in relation to any practice year.

- (3) The Society shall provide guidance from time to time as to -
- (a) the continuing professional development activities which may be undertaken by trainee solicitors and solicitors in order to comply with the continuing professional development requirements under subsections (1) and (2); and
 - (b) the method of calculation of CPD accreditation points in relation to such activities.

6. Obligation to keep record and duty to submit information

- (1) A trainee solicitor and a solicitor to whom these Rules apply must keep a record in a form approved by the Society of such continuing professional development undertaken to comply with these Rules and produce the record to the Society on demand.
- (2) Subject to section 8, a trainee solicitor or a solicitor to whom these Rules apply shall submit to the Council such information relating to his participation in the Scheme within such period and in the manner as may be specified by the Council.
- (3) The Council may, if it thinks fit, require a trainee solicitor or a solicitor to whom these Rules apply to attend before it and to furnish such additional evidence as to his participation in the Scheme as the Council may consider necessary.

7. Continuing professional development undertaken pre-admission

A solicitor who has undertaken continuing professional development prior to his admission shall be credited with the relevant number of CPD accreditation points for the purpose of section 5(1) or (2):

Provided that at the time of undertaking the continuing professional development an application for admission in accordance with the Admission and Registration Rules (Cap. 159 sub. leg.) current at that time had been lodged with the Society and a record kept in accordance with section 6.

8. Exemption

- (1) The Society may, on the application in writing of a trainee solicitor or a solicitor, exempt the applicant from any or all of the requirements of the Scheme if the Society is satisfied that it is fair and reasonable to grant the exemption.
- (2) Where exemption is granted under subsection (1), the Society may impose such conditions as it may consider necessary on the exemption.

9. Suspension

- (1) The Society shall, on the application in writing of a trainee solicitor, suspend for the period described in subsection (3) the application of these Rules in relation to the applicant, if he is, for any period not shorter than 70 days -
 - (a) employed as a trainee solicitor outside Hong Kong for a period permitted by the Society; or
 - (b) absent from employment as a trainee solicitor as a result of illness.
- (2) The Society shall, on the application in writing of a solicitor to whom these Rules apply, suspend for the period described in subsection (3) the application of these Rules in relation to the applicant, if he is, for any period not shorter than 70 days -
 - (a) not in practice as a solicitor; or
 - (b) in practice as a solicitor outside Hong Kong; or
 - (c) absent from work as a result of illness.
- (3) The period of suspension referred to in subsections (1) and (2) shall be the period in respect of which the Society is satisfied under subsection (1) (a) or (b) or (2) (a), (b) or (c).
- (4) The Society may require the applicant to make a statutory declaration of the facts upon which his application under subsection (1) or (2) is based.

10. Reporting

- (1) Any person or organization providing courses under the Scheme must keep an attendance record for each accredited course of persons who have completed the course.
- (2) Such record shall be kept in accordance with the guidelines issued by the Society as amended from time to time.
- (3) The Society may require any person or organization referred to in subsection (1) to produce the record to the Society within 7 days of the completion of the course.

11. Review

- (1) A person aggrieved by a decision made by or on behalf of the Society in respect of the operation of the Scheme may apply in writing to the Council for a review of the decision within 1 month after being informed of the decision.
- (2) The Council may consider the application and may confirm or vary the decision made by or on behalf of the Society.

12. (Omitted as spent)

13. (Omitted as spent)

14. Transitional

- (1) Notwithstanding the definition of "practice year" in section 2, the practice year for the period ending 31 October 2001 shall be the period between 1 January 2001 and 31 October 2001.
- (2) Section 5 shall have effect in relation to the practice year in subsection (1) as if the reference in that section to 15 CPD accreditation points were a reference to 12 ½ CPD accreditation points.

Schedule
(Omitted as spent)