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# **REPORTING TO THE COUNCIL**

## **BELT AND ROAD COMMITTEE**

### **TERMS OF REFERENCE**

1. To study and make recommendations to the Council on the strategy on how the Law Society can assist its members to take advantage of the Belt and Road Initiative including the feasibility of developing platform(s) to promote Hong Kong legal services to Mainland and countries involved in the Belt and Road Initiative and also for professional knowledge sharing and networking.
2. To consider all matters relating to the Belt and Road Initiative including invitations, requests and proposals made by external bodies or Law Society committees and recommend to the Council how they should be handled to ensure that they all align with the Law Society's overall strategy.
3. To consider the feasibility of developing an online platform/webpage promoting Hong Kong legal services to Mainland and countries involved in the Belt and Road Initiative and for professional knowledge sharing and networking and where necessary, to monitor the process of engaging a professional website developer including to review proposals received by tenderers and to recommend the selection of the professional website developer for approval by the Council.
4. To implement any decisions made by the Council in relation to the above objectives.

## **COMMITTEE ON REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP AGREEMENT**

### **TERMS OF REFERENCE**

1. To study and provide recommendations to the Council on how the Law Society can assist its members to take advantage of the Regional Comprehensive Economic Partnership Agreement (“RCEP”) in promoting Hong Kong legal services to Mainland and countries involved in the RCEP.
2. To provide recommendations and proposals to the Council on the organisation of or participation in conferences, seminars, meetings and any events regarding the RCEP.
3. To connect and co-ordinate among the Belt and Road Committee, the Greater China Legal Affairs Committee, and the International Legal Affairs Committee in regard to projects and initiatives related to the RCEP.
4. To liaise with overseas and local delegates, as well as other stakeholders regarding the RCEP matters.
5. To implement any decisions made by the Council in relation to the aforementioned objectives.

## **CROSS STRAIT FOUR REGIONS YOUNG LAWYERS FORUM ORGANIZING COMMITTEE**

### **TERMS OF REFERENCE**

1. Provide recommendations to the Greater China Legal Affairs Committee on the project management and promotion strategies of Cross Strait Four Regions Young Lawyers Forum.
2. Steer the project and advice the vendor on the execution of Cross Strait Four Regions Young Lawyers Forum.
3. Represent the Law Society to liaise with overseas and local delegates, venue operators and other stakeholders.
4. Participate in committee meetings and/ or sub-group meetings, and formulate an action plan for Cross Strait Four Regions Young Lawyers Forum.

## **GREATER CHINA LEGAL AFFAIRS COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider and discuss legal affairs related to Mainland China, Taiwan and Macau and lawyers in these regions.
2. To facilitate cross referrals and exchanges of expertise between lawyers in Hong Kong and Mainland China, Taiwan and Macau.
3. To promote the study of the laws applied in Mainland China, Taiwan and Macau and their legal and constitutional developments.
4. To promote activities and understanding among the legal profession lawyers, judges and other parties interested in the laws of Hong Kong, Mainland China, Taiwan and Macau including organizing seminars and discussions.
5. To establish and maintain contacts with local law societies and lawyers associations in Mainland China, Taiwan and Macau.
6. To organize mutual visits between lawyers in Hong Kong, Mainland China, Taiwan and Macau with a view to promoting better social and professional relationship.
7. To recommend to the Standing Committee on Standards and Development to organize training programmes for the benefit of members of the Law Society of Hong Kong, and lawyers from Mainland China, Taiwan and Macau.
8. To work with the HKSAR Government and other organizations in Hong Kong on legal affairs related to Mainland China, Taiwan and Macau; and their lawyers.
9. To advise and make recommendations to the Standing Committee on External Affairs on any of the above matters.

# REPORTING TO STANDING COMMITTEE ON COMPLIANCE

## CONSENTS COMMITTEE

### TERMS OF REFERENCE

1. To deal with all applications for consent, directions, registration and waiver under, and interpretations of, the Legal Practitioners Ordinance, rules and Practice Directions, (except in relation to conveyancing matters or such matters as the Council or the Standing Committee on Compliance may from time to time reserve to itself).
2. To determine applications for registration of foreign law firms and foreign lawyers and associations and ancillary matters.
3. To determine applications for certification of law costs draftsmen.
4. To determine applications for removal of a solicitor's name from the roll of solicitors.
5. To deal with all matters relating to the issue of practising certificates under section 6 of the Legal Practitioners Ordinance, including applications for removal of conditions from practising certificates (other than CPD conditions) and the exercise of the powers under rule 11 of the Solicitors' Accounts Rules to appoint an accountant to investigate compliance with those rules.
6. To refer to the Standing Committee on Compliance:-
  - (i) any matters which it regards as of particular sensitivity, importance or complexity;
  - (ii) any matters of principle; or
  - (iii) any policy matters that are considered to warranting consideration; and
  - (iv) any guidelines that the Consents Committee may propose for the exercise of its functions.
7. In the case of any applications involving registered foreign law firms or registered foreign lawyers (or overseas lawyers) and registration of associations, to consult with the Foreign Lawyers Committee on matters of principle, if necessary.



# **REPORTING TO STANDING COMMITTEE ON EXTERNAL AFFAIRS**

## **COMMUNITY RELATIONS COMMITTEE**

### **TERMS OF REFERENCE**

1. To implement projects as recommended and endorsed by the Standing Committee on External Affairs.
2. To identify suitable platforms for solicitors to provide community services and to promote legal awareness to the community.
3. To assist in conducting research on general public issues to facilitate discussion on the subjects at regular forum/programmes organized by the Standing Committee on External Affairs.
4. To initiate special projects to foster relations and encourage partnership opportunities with local community groups with a view to promoting the Law Society's role as a Caring Organization.

## **INTERNATIONAL LEGAL AFFAIRS COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider and discuss legal affairs related to the international markets.
2. To facilitate cross referrals and exchanges of expertise between lawyers in Hong Kong and overseas.
3. To promote the study of international laws.
4. To promote activities and understanding among the legal professions, lawyers, judges and any other parties interested in the laws of Hong Kong including organizing seminars, discussion fora and road shows.
5. To develop and maintain relations with law societies, bar associations and any other organizations in the international communities including organizing mutual visits between lawyers in Hong Kong and their counterparts overseas.
6. To oversee the coordination of all international activities or functions with parties overseas including visits and participation in international events.
7. To develop the organizer training programmes for the benefit of members of the Law Society of Hong Kong and their counterparts in jurisdictions overseas.
8. To work with the HKSAR Government and other organizations in Hong Kong promoting legal affairs related to Hong Kong and the international communities.
9. To maintain the “International Desk” on the Law Society’s Website.
10. To advise and make recommendations to the Council on any of the above matters.

## **LEGAL "FACT CHECK" COMMITTEE**

### **TERMS OF REFERENCE**

1. To identify misinterpreted legal concepts and issues; and formulate, vet and issue statements or other means to explain the legal topics with the aim to clarify common misunderstandings and promote the right legal concepts to the general public.
2. To oversee the publication of articles or other means of statements on the Law Society website and to assist the Standing Committee of External Affairs in delivering its objectives.

# **REPORTING TO STANDING COMMITTEE ON MEMBER SERVICES**

## **DIVERSITY AND INCLUSION COMMITTEE**

### **TERMS OF REFERENCE**

1. To identify the key diversity areas which the Law Society should focus her efforts on ("the Identified Areas").
2. To promote awareness, understanding and acceptance of diversity and inclusion of the Identified Areas in the profession.
3. To publicise the rationale and benefits of diversity and inclusion in the Identified Areas in the profession.
4. To provide a forum to exchange views on current trends and experiences amongst practitioners in relation to diversity and inclusion of the Identified Areas in the legal industry in Hong Kong.
5. To develop initiatives and undertake activities to promote diversity and inclusion of the Identified Areas across the profession.
6. To recommend to the Standing Committee on Member Services on ways to embrace diversity and inclusion of the Identified Areas within the profession.
7. To advise the Standing Committee on Standards and Development on any needs to develop standards and practices and/or training needs to raise awareness about diversity and inclusion of the Identified Areas in the profession.

## **IN-HOUSE LAWYERS COMMITTEE**

### **TERMS OF REFERENCE**

"In House Lawyers" include members of the Law Society of Hong Kong who are qualified lawyers not in private practice.

1. To provide a forum for sharing of experience, exchange of views and ideas, resources and experiences in the role of In House Lawyers ("IHL").
2. To advise the Standing Committee on Standards and Development on any need to amend legislations, and rules or to organize any training relating to the practice of IHL;
3. To provide a channel of communication between IHLs and the Law Society to allow the interest and needs of IHL to be taken care of.
4. To recommend to the Standing Committee on Member Services on ways to facilitate relationships between IHL and private legal practitioners in Hong Kong.
5. To recommend to the Standing Committee on Member Services on ways to provide necessary practice support to IHL.
6. To promote cooperation between in house lawyers organizations and professional bodies in Hong Kong and overseas
7. To recommend to the Standing Committee on External Affairs on ways to promote the image of IHL.
8. To make recommendations to the Standing Committee on Member Services and other Committees where necessary on all matters relating to IHL.

## **INNOTECH COMMITTEE**

### **TERMS OF REFERENCE**

1. To provide a forum for debate and the exchange of views on current trends and experiences amongst practitioners in relation to the use and development of, and innovations in, technology in legal practice in Hong Kong.
2. To promote the use of technology for improvement of the delivery of legal services by lawyers and in the administration of justice.
3. To recommend to the Standing Committee on Standards and Development on any need to develop standards and guidelines on the use of technology within the legal profession.
4. To advise the Standing Committee on Standards and Development on the need to issue codes of practice and responsibilities applicable within the profession for the transmission, receipt and storage of electronic communications and documents.
5. To liaise with the Government and other interested parties on the provision of information and communications technology ("ICT") and other technology systems and services to practitioners.
6. To provide members with assistance and guidance on the selection, operation and maintenance of ICT and other technology systems and devices.

## **LEGAL TALENT RECRUITMENT SCHEME (TRAINEE SOLICITORS) COMMITTEE**

### **TERMS OF REFERENCE**

1. To handle enquiries relating to the administration of and applications for the Fund earmarked for the Scheme;
2. To oversee the processing of the applications in accordance with the MOU;
3. To arrange the disbursement of the reimbursed amount in accordance with the MOU;
4. To ensure the reimbursement has been solely and properly applied to the recognised expenses on successful applications;
5. To report to the Government from time to time the status of the applications and reimbursements;
6. To arrange reasonable inspections or checking before and after approval of the applications as necessary to ensure that the applicants have fully complied with the terms and conditions of their applications;
7. To take such action as is deemed appropriate by the Government, including recovery of the reimbursed amount and return of such recovered amount to the Government, if any non-compliance is detected;
8. To report to the Government by way of a monthly report in relation to the administration of the Fund, starting from 5 July 2021;
9. To appoint an auditor to prepare certified audited accounts of the designated bank account for the Fund for the Government's inspection upon request;
10. To arrange for payment of the auditor's fees;
11. To bear other expenses related to the Fund;
12. The return of any interest accrued on the Fund to the Government; and
13. To make recommendations to the Government on matters relating to the operation and administration of the Fund.

## **MEMBER BENEFIT COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider the range of services and products to be offered as member benefit.
2. To establish a member benefit programme on such services and products and to negotiate for the provision of the same to members of the Law Society.
3. To consider, advise and make recommendations on the manner of promotion of the member benefit programme.
4. To consider, advise and make recommendations on promotion items received by the Law Society from time to time.
5. To advise and make recommendations to the Standing Committee on Member Services on any of the above matters.



## **PRACTICE MANAGEMENT COMMITTEE**

### **TERMS OF REFERENCE**

1. To advise the Standing Committee on Member Services on the opportunities and risks arising from the latest developments in the business of law practice, including but not limited to:
  - a. Business structure of law practice
  - b. Client development and care
  - c. Law firm management
  - d. Challenges in the market
2. To provide a forum for members to exchange their views on practice management
3. To recommend to the Standing Committee on Member Services any additional support and guidance which members may consider desirable for law firm practice management, including but not limited to:
  - a. Publication of practice manuals
  - b. Training of support staff
  - c. Seminars for practitioners

## **PRO BONO COMMITTEE**

### **TERMS OF REFERENCE**

1. To define the scope of pro bono work.
2. To review pro bono work undertaken by the profession.
3. To promote public awareness of the pro bono services undertaken by the profession.
4. To encourage participation by the profession in pro bono work.
5. To make recommendations to the Standing Committee on Member Services from time to time on any aspects of pro bono work undertaken by the profession.

## **PRO BONO AND COMMUNITY WORK RECOGNITION COMMITTEE**

### **TERMS OF REFERENCE**

1. To introduce a recognition programme to recognize and honour individual solicitors and firms who/which have made contribution to pro bono and community work.
2. To liaise and work with the Government and other bodies on the recognition of pro bono and community work by members.

## **RECREATION AND SPORTS COMMITTEE**

### **TERMS OF REFERENCE**

1. To establish, encourage, promote and carry on various recreational and sporting activities for members;
2. To promote and enhance the wellness and health of members through various recreational and sporting activities;
3. To co-ordinate participation in recreational and sporting matches and competitions against other professional bodies and organisations in Hong Kong and overseas;
4. To oversee and regulate the proper management of various recreational and sporting teams and activities;
5. To oversee and approve applications on various matters relating to the day to day running and operation of the recreational and sporting teams from time to time.

## **YOUNG SOLICITORS' GROUP**

### **TERMS OF REFERENCE**

1. To provide a platform to members admitted for 5 years or less and trainee members ("young members") for sharing of experience and exchange of views and ideas.
2. To assist and enhance the professional development of young members.
3. To assist and enhance the personal development of young members.
4. To enhance communications among young members, law students and more senior members of the Law Society.
5. To encourage and instill in our young members the idea of "service to others".
6. To work with and make recommendations to the Standing Committee on Member Services on the enhancement of relationships between young lawyers and other young professionals within Hong Kong.
7. To work with and make recommendations to the Standing Committee on External Affairs on the enhancement of relationships between young lawyers and other young professionals outside Hong Kong.
8. To work with and make recommendations to the Standing Committee on Standards and Development on any need to organise any training relating to the practice of young solicitors.
9. To refer issues concerning young members to the Standing Committee on Member Services for consideration and recommend ways to raise general membership's awareness of these issues.

## **ISLAMIC FINANCE WORKING PARTY**

### **TERMS OF REFERENCE**

1. To consider, keep under review and to comment on amendments to legislation for introduction of Islamic financial products, Takaful and related products and services in Hong Kong.
2. To make recommendations to the Council of the Law Society, and relevant Government Departments and non- Government organizations, on aspects of Islamic Banking, Islamic Finance , Islamic Audits, Shariah compliance, Takaful, Zakat, Islamic Accounting Standards, promulgations by International Islamic Institutions on Islamic Financial products, Fiqh and related matters affecting Hong Kong SAR.
3. To provide recommendations to members and other Law Society committees on matters relating to Islamic financial products and matters of practice relevant to Islamic financial products and related services.
4. To provide recommendations to the Council of the Law Society and its sub -committee on continuing education and risk management courses relating to Islamic Finance.
5. To make recommendations to Council on the appointment of members on Government Committee and Non-Government Organisation committee relating to Islamic Finance.
6. To consider and recommend on how Hong Kong firms may expand their legal services to client's seeking advice on Islamic Finance and related products.
7. Others issues related to # 1 to 6 above.

## **WORKING PARTY FOR SME FIRMS**

### **TERMS OF REFERENCE**

1. To collaborate with the Academy of Law and relevant committees and to make recommendations to the Practice Management Committee on any support and guidance which the Working Party may consider desirable for SME law firm practice management, including but not limited to:
  - a. Publication of practice manuals
  - b. Training of support staff
  - c. Seminar for practitioners
2. To provide a forum for networking, sharing of experience, exchange of views and discussion of common problems of sole practitioners and small partnership firms (SMEFs) on practice management.
3. To provide a channel of communication between SMEFs and the Law Society.
4. To make such recommendations as the Working Party may see fit for the attainment of its objects.

## **WORKING PARTY ON HISTORIAL ARCHIVE**

### **TERMS OF REFERENCE**

1. To consider and recommend a policy to the Standing Committee on Member Services for the establishment and maintenance of an archive for the Law Society of materials and information of historical value;
2. To facilitate and render appropriate assistance to the establishment and maintenance of the archive;
3. After the archive has been established, to monitor the implementation and compliance of such policy as approved by the Law Society;
4. To review such policy from time to time and make such recommendation to the Standing Committee as the Working Party considers appropriate.



## **WORKING PARTY FOR IN-HOUSE LAWYERS**

### **TERMS OF REFERENCE**

1. To review and advise the Standing Committee on Member Services on a policy level, long term strategies aimed at • strengthening in-house lawyers interest in joining and contributing to the Law Society; and connecting and facilitating enhanced exchange between in-house lawyers (including inter alia lawyers employed by the Department of Justice), private practitioner members and the Law Society.
2. Gather and review statistics, big data relating to IHLs, and if needed, carry out surveys and researches on the trend (push and pull factors) for moving in-house, benefits and difficulties, lawyers moving back to private practice, so as to help the Law Society to have a better understanding of the population and needs of in-house lawyers.
3. To address broadly current issues and challenges of IHLs.
4. To consider and make recommendations on the deployment of Law Society resources to attain its objects e.g. possible set up of a secretariat department dedicated to serving IHLs or appointment of dedicated staff on IHL affairs.
5. To make recommendations to the Standing Committee on Member Services as the Working Party may see fit for the attainment of its objects.

## **WORKING PARTY ON CLIENT ENGAGEMENT LETTERS**

### **TERMS OF REFERENCE**

1. To identify practice areas where a signed client engagement letter would be considered an essential tool for managing the risks of a law firm.
2. To consider the scope and provisions of proforma client engagement letters for different practice areas identified by the Working Party.
3. To engage external consultants to draft proforma client engagement letters and to develop explanatory and/or guidance notes for the use of the same.
4. To make recommendations to the Standing Committee on Member Services as the Working Party may see fit for the attainment of its objectives.

## **WORKING PARTY ON LAW SOCIETY APP**

### **TERMS OF REFERENCE**

1. To oversee and monitor the performance of the App and ensure the contents are updated;
2. To make recommendations on features updates and enhancement (including the feasibility of developing a new App if the existing App has limitations on further enhancement) to the InnoTech Committee;
3. To liaise with the App service provider for the existing features improvement/ enhancement/ new features development as shall be decided by the Standing Committee on Member Services/ InnoTech Committee/ this Working Party;
4. To gather and consider members' views /suggestions /comments from the use of the App;
5. To promote the widest use of the App amongst Law Society users; and
6. To encourage Law Society committees to make use of the App for promoting Law Society's events, improving the efficiency, simplicity and accuracy of event planning and execution, and effective communication with members.

## **REPORTING TO STANDING COMMITTEE ON POLICY AND RESOURCES**

### **HONG KONG LAWYER EDITORIAL BOARD**

#### **TERMS OF REFERENCE**

1. To develop an editorial policy for the *Hong Kong Lawyer* and monitor its effectiveness.
2. To report to the Law Society of Hong Kong Publications Limited on any matters relating to the contract with its publisher.
3. The Board shall have overall responsibility to the Council. The Board shall report periodically to the Council on the performance of the publication, including the content and appearance of the publication, in meeting the needs of solicitors and other members of the legal profession.
4. In general, to examine any problem arising in connection with the *Hong Kong Lawyer* and its contents and to advise the Council and / or the Law Society of Hong Kong Publications Limited thereon.

## **WORKING PARTY ON THE LAW SOCIETY IT SYSTEMS**

### **TERMS OF REFERENCE**

1. To review and approve the terms of the Request for Proposal for the system analysis & design, system implementation & integration and system maintenance & support services of the Law Society membership database system and website system;
2. To review and approve the selection of the list of vendors for RPF;
3. To review proposal received by the vendors and to recommend the selection of vendor or vendors for approval by the Standing Committee on Policy & Resources;
4. To consider other related matters incidental to the Law Society IT System and to make recommendation to the Standing Committee on Policy & Resources.

# **REPORTING TO STANDING COMMITTEE ON PRACTITIONERS AFFAIRS**

## **ARBITRATION COMMITTEE**

### **TERMS OF REFERENCE**

1. To promote arbitration as a form of dispute resolution to the business community;
2. To promote arbitration to members of the solicitors' branch of the profession;
3. To consider setting up a panel of arbitrators among solicitors;
4. To assist Council to review and to formulate policies on matters relating to arbitration;
5. To assist members in the development of their arbitration practices;
6. To liaise with and gather information from organisations involved with arbitration; and
7. To promote Hong Kong internationally as a centre for arbitration.

## **CIVIL LITIGATION COMMITTEE**

### **TERMS OF REFERENCE**

With a view to maintaining and improving the standard and efficiency of all kinds of civil litigation in Hong Kong, this Committee shall:

1. Consider and keep under view all matters relating to the law, procedure and practice of civil litigation, including costs and their taxation;
2. Consider what modifications, if any, should be made to the existing and proposed legislation, procedure and practice;
3. Initiate discussions and communications with, and respond to communications from the Judiciary Administration, the Registrar of the High Court or any other judicial authority on any matter within its TERMS OF REFERENCE, and communicate with members of the Law Society, as it sees fit;
4. Make such recommendations and solicit such opinions as it may see fit for the attainment of its objects.

## **COMPANY LAW COMMITTEE**

### **TERMS OF REFERENCE**

To consider and keep under review and to comment on proposals for legislative reform and new legislation and/or regulations relating to:

1. Matters falling under the Companies Ordinance including.
  - incorporation
  - governance/directors
  - restructuring
  - dissolution
2. Capital raisings for listed or to be listed securities:
  - shares
  - debentures
3. Listing Rules compliance
4. Takeovers Code
5. Other issues relevant to #1 to #4 above



## **COMPETITION LAW COMMITTEE**

### **TERMS OF REFERENCE**

To review, monitor and report on current and proposed legislation regulating competition law in Hong Kong including:

1. reviewing and commenting on draft legislation and related regulations in general;
2. advising the Law Society of the application of the (proposed) legislation and related regulations on the Law Society;
3. if requested by the Law Society, drafting applications or submissions to be made by the Law Society in relation to the application of the (proposed) legislation on the Law Society;
4. (if requested by the Law Society), drafting circulars to members informing them of the impact of the (proposed) legislation on the profession.

## **CONSTITUTIONAL AFFAIRS AND HUMAN RIGHTS COMMITTEE**

### **TERMS OF REFERENCE**

1. To advise the Council on issues affecting the administration of the Government of Hong Kong, its laws and people, the mode in which the Government of the territory is organised and the principles under which it is governed.
2. To canvass the views of members of the Society relating to constitutional and human rights matters and to advocate such views whenever appropriate to the Council.
3. To formulate and make representations on such matters as it thinks fit.
4. To participate in public discussions, provide material for publication and by other means disseminate the views of the Society on whatever constitutional and human rights issues are considered to be of relevance to the profession or its position in the community or upon which the opinion of the profession is sought.
5. To review and make representations to the Administration on draft reports to be submitted to the United Nations in respect of the International Conventions which are applicable to Hong Kong.

## **CRIMINAL LAW & PROCEDURE COMMITTEE**

### **TERMS OF REFERENCE**

1. To maintain and improve the standard of criminal law litigation.
2. To consider and keep under review all matters relating to the law, procedure and practice of criminal law litigation.
3. To deal with enquiries relating to the practice of criminal law and procedure from solicitors and members of the public.

## **EMPLOYMENT LAW COMMITTEE**

### **TERMS OF REFERENCE**

1. To review and make recommendations to Council on the legislation and practice relating to employment in Hong Kong including proposals for amendment of the same.
2. To make submissions to the Government on any proposed legislation touching upon employment in Hong Kong.
3. To make such recommendations relating to employment law and practice as are considered appropriate for the benefit of members of the Law Society.
4. To liaise with other appropriate organizations to consider relevant employment issues.

## **FAMILY LAW COMMITTEE**

### **TERMS OF REFERENCE**

1. To examine, consider and make proposals for the improvement of and amendment to family law.
2. To examine, consider and comment on any proposed legislation, orders and practice directions relating to family law.
3. To liaise and gather information from various sources which include but not limited to the following authorities, organisations and institutions:
  - (a) Social Welfare Department
  - (b) The Hong Kong Federation of Women Lawyers
  - (c) Housing Authority
  - (d) Different social service agencies
  - (e) The Bar Association
  - (f) Family Law Association
  - (g) Family Division of the Legal Aid Department
4. To make the public aware of their rights and duties under the existing family law.
5. To make proposals with regard to matters generally of family law practice and procedure.

## **HIGHER RIGHTS OF AUDIENCE COMMITTEE**

### **TERMS OF REFERENCE**

1. To monitor and report to Council on the implementation of the Legal Practitioners (Amendment) Ordinance 2010 including.
  - (a) making recommendations to the President of the potential candidates for appointment to the Higher Rights Assessment Board;
  - (b) to provide support and training to solicitors seeking HRA;
  - (c) to monitor the application and approval process of applications by solicitors for higher rights of audience; and
  - (d) to review and monitor the Code of Conduct of solicitor-advocates.
2. To consider and make recommendations upon further reforms in this area of practice.

## **INSOLVENCY LAW COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider and report on developments relating to, and possible reforms of, the law and practice of insolvency of both individuals and bodies corporate in Hong Kong.
2. On an "ad hoc" basis, to consider and report on, and to suggest possible reform of, the law and practice in Hong Kong relating to receiverships, secured creditors, and the liquidation of companies and bankruptcy.

## **INSURANCE LAW COMMITTEE**

### **TERMS OF REFERENCE**

1. To advise the Council on insurance-related matters.
2. To prepare submissions on any Consultation Paper or draft Legislation involving insurance law.



## **INTELLECTUAL PROPERTY COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider and keep under review all matters relating to the law, procedure and practice of intellectual property (including, without limitation, trade mark, patent, copyright, passing off, unfair competition, confidentiality, computer and technology law).
2. To consider modifications, if any, that should be made to existing and proposed legislation, procedure and practice.
3. To liaise with the Intellectual Property Department, other relevant government department and interested bodies and with the Registrar of the High Court or any other judicial authority on any matter within its TERMS OF REFERENCE and communicate with members of the Law Society as it see fit.
4. To consider and recommend amendments as required to the Solicitors (Trade Marks and Patents) Costs Rules, as amended from time to time and other questions concerning costs.
5. To make representations concerning the practice of trade mark and patent agents in Hong Kong.
6. To make recommendations and solicit such opinions as it may see fit for the attainment of its objects.

## **INVESTMENT PRODUCTS AND FINANCIAL SERVICES**

### **COMMITTEE TERMS OF REFERENCE**

To consider and keep under review and to comment on proposals for legislative reform and new legislation and/or regulations relating to:

1. Investments products:
  - public/private
  - equity/debt/CIS/derivatives/structured products
2. Financial services:
  - licensing of intermediaries
  - compliance and conduct by intermediaries and other market participants
3. Other issues relevant to #1 or #2 above

## **LAND USE PLANNING AND ENVIRONMENTAL LAW COMMITTEE**

### **TERMS OF REFERENCE**

1. To keep under review legislation and policy proposals affecting land use, planning and the environment in Hong Kong.
2. To advise the Council, through the Standing Committee on Practitioners Affairs, on appropriate measures which might be taken to improve the legislative framework for land use and planning in Hong Kong, as well as for protection and for sustaining the environment.

## **LEGAL AID COMMITTEE**

### **TERMS OF REFERENCE**

Representation of the Society's views on legal aid issues, co-ordination and referral of complaints, and preparation and submission of proposals relating to legal aid to ensure the views of legal aid practitioners are made known to those charged with administration of the legal aid schemes in Hong Kong.

## **MEDIATION COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider, review and formulate policies including educational and training programmes and regulatory aspects on matters relating to mediation, parenting co-ordination and early neutral evaluation;
2. To co-ordinate the Society's policies by liaising and collating information on mediation, parenting co-ordination and early neutral evaluation from other Law Society Committees;
3. To report to Council on policy issues in relation to mediation, parenting co-ordination and early neutral evaluation;
4. To consider, review and initiate law reform proposals relating thereto;
5. To assist and encourage practitioners in the development of their practices in relation thereto;
6. To promote the profession as a provider of mediation, parenting co-ordination and early neutral evaluation including collaborative law and generally;
7. To liaise with and gather information from external organisations involved with mediation, parenting co-ordination and early neutral evaluation;
8. To deal with matters arising from the development of mediation, parenting co-ordination and early neutral evaluation;
9. To consider review and monitor policy relating to accreditation of mediators, parenting co-ordinators and early neutral evaluators;
10. To review and monitor judicial decisions practice directions and practices relating to mediation, parenting co-ordination and early neutral evaluation in relation to civil disputes.

## **PERSONAL INJURIES COMMITTEE**

### **TERMS OF REFERENCE**

1. Consider and keep under review all matters relating to the law, procedure and practice of personal injuries litigation;
2. Consider what modifications, if any, should be made to the existing and proposed legislation including reviewing Law Reform Commission Reports, draft legislation and Judicial practice directions on personal injuries litigation;
3. Discussions and communications with relevant authorities, public bodies and stakeholders on matters within its TERMS OF REFERENCE;
4. Communicate with members of the Law Society, make such recommendations and solicit such opinions as it may see fit for the attainment of its objects;
5. To promote public and professional education in the field of personal injuries.

## **PROBATE COMMITTEE**

### **TERMS OF REFERENCE**

1. To gather, receive and investigate into the complaints and grievances expressed by practitioners relating to probate practice in Hong Kong.
2. To identify and look into the problems encountered by practitioners.
3. To make suggestions and proposals for improvement.
4. To deal with enquiries relating to probate practice and procedure from solicitors.
5. To maintain contact with the Probate Registry with a view to exchanging views on probate practice and procedure.

## **PROPERTY COMMITTEE**

### **TERMS OF REFERENCE**

1. To promote and advise the profession on good conveyancing practice.
2. To advise the Standing Committee on Standards and Development on means of improving the competence of and supervision of unqualified persons in conveyancing transactions.
3. To determine applications for waiver or modification of the standard forms of Sale and Purchase Agreement.
4. To determine applications for waiver of the Guidelines for Deeds of Mutual Covenant.
5. To respond to enquiries and make determination on the interpretation and application of Rule 5C of the Solicitors' Practice Rules.
6. To review, consider and comment on bills and legislation affecting or relevant to the conveyancing practice, including the Land Titles Ordinance (Cap. 585), its rules and regulations and proposed amendments thereto.



## **RETIREMENT SCHEMES COMMITTEE**

### **TERMS OF REFERENCE**

1. To make submissions and proposals on behalf of the Law Society to Government and/or the Mandatory Provident Fund Authority requesting clarification or amendments to the legislation or guidelines concerning the Mandatory Provident Fund Schemes Ordinance.
2. To review and make recommendations to the Law Society upon:
  - legislation concerning retirement schemes generally (including the Occupational Retirement Schemes Ordinance, the Insurance Companies Ordinance, the Trustee Ordinance), and
  - any legislation, codes and guidelines concerning the investment of assets of retirement schemes including schemes established under the MPF legislation.
3. To advise the Law Society on the role of the solicitor in the implementation of the MPF and its interface with the existing retirement scheme regulatory structure.
4. To promote the role of the solicitor in respect of the establishment and regulation of occupational retirement schemes.

## **REVENUE LAW COMMITTEE**

### **TERMS OF REFERENCE**

1. To review and comment on proposals for legislative reform and on new legislation relating to revenue law.
2. To propose changes in existing legislation on individual topics relating to revenue law.

## **REVERSE MORTGAGE COMMITTEE**

### **TERMS OF REFERENCE**

To review the proposed Counselling Scheme under the Reverse Mortgage ("RM") Pilot Scheme to be launched by the Hong Kong Mortgage Corporation; oversee the RM Counselling project; liaise with the HKMC on the RM Counselling scheme; review in details the drafts documentation and make recommendations to Council.

## **TRANSPORTATION AND LOGISTICS COMMITTEE**

### **TERMS OF REFERENCE**

1. To review, examine and comment on any issues relating to the transportation and logistics industries in Hong Kong (including, marine, shipping, aviation, road, rail and air transport and cargo industries) by making proposals and recommendations to Council;
2. As and when requested by Council and the Standing Committee on Practitioners Affairs, to liaise with and to make representations and submissions to the Government and relevant external bodies (e.g. Legislative Council and trade associations);
3. To help promote the profession's contribution to transportation and logistics generally and as part of Hong Kong's role as an international dispute resolution centre and transportation and logistics hub.

## **WORKING PARTY ON CHARITIES AND TRUST**

### **TERMS OF REFERENCE**

1. To consider, review and report on the current and proposed legislation on and relating to law and practice on charities and trust and to make recommendations, where appropriate in these areas.
2. To provide submissions on the above for Council's consideration.

## **WORKING PARTY ON ENDURING POWERS OF ATTORNEY**

### **TERMS OF REFERENCE**

1. To consider making recommendations to the Council on legal issues arising from EPA and its extensions and variations, the latter shall include but are not limited to Continuing Powers of Attorney;
2. To promote the awareness of the legal practitioners on the EPA and its extensions and variations;
3. To consider and devise ways to educate the legal practitioners on the EPA (and its extension and variations), by, e.g. organizing seminars; and
4. To co-ordinate publicity in respect of the legal advice and services relating to EPA (and its extension and variations) being provided by members of the Law Society.

## **WORKING PARTY ON ENFORCEMENT IN CIVIL PROCEEDINGS**

### **TERMS OF REFERENCE**

To consider and to review the procedures on enforcement in civil proceedings, and to make recommendations to the Council on proposals to improve those enforcement procedures.

## **WORKING PARTY ON REVIEW OF NON-CONSENT SCHEME FORMS**

### **TERMS OF REFERENCE :**

1. To review the changes made by the Legal Advisory and Conveyancing Office to the Consent Scheme Forms.
2. To consider and make recommendations to the Property Committee on the appropriate revisions to update the Non-Consent Scheme Forms.



## **WORKING PARTY ON REVISED DMC GUIDELINES**

### **TERMS OF REFERENCE**

To review the proposed revision by the Legal Advisory and Conveyancing Office to the guidelines for the drafting of the DMC under the Consent Scheme.

## **WORKING PARTY ON TAXATION IN CIVIL PROCEEDINGS**

### **TERMS OF REFERENCE**

1. In consultation with the relevant specialist committees of the Law Society, to review the taxation practices in Civil Proceedings at different levels of courts, with a view to identifying issues, concerns and/or difficulties civil practitioners could face in their daily practices.
2. To liaise with different stakeholders, including the Judiciary, the Legal Aid Department, the Department of Justice and the relevant professional bodies (both locally and in other jurisdiction), in the course of the above review.
3. To advise and to provide submissions to Council in consequence of the above review.
4. To have reference to taxation procedures in overseas common law jurisdictions, including concept such as standard basis of costs, and alternative methods of costs assessment (e.g. privatization of taxation and mediation).
5. To consider and to review guidelines (if available) for taxation of costs in different categories of civil cases.

## **WORKING PARTY ON JUDICIARY'S IT PLAN**

### **TERMS OF REFERENCE**

1. To consider and to discuss matters arising from the plans and strategies of the Judiciary on the use of information technology (IT) for the courts and the court users.
2. To respond to any surveys, demonstrations and consultations from or proposed by the Judiciary in relation to its IT plans and strategies; where necessary, to liaise with other committees or the Standing Committees of the Law Society, the general membership, Government departments and other interested parties on and for the purpose of the above.
3. To report, advise and make recommendations to the Standing Committee on Practitioners Affairs on the above matters and to prepare submissions in relation thereto.

## **WORKING PARTY ON DATA PRIVACY AND RECORDS MANAGEMENT**

### **TERMS OF REFERENCE**

1. To respond to the Consultation Papers by the Law Reform Commission on
  - (i) archives law and
  - (ii) access to information, both released in December 2018.
  
2. To review the implementation of and compliance with the Personal Data (Privacy) Ordinance (Cap. 486).
  
3. To prepare submissions in consequence of the above.

## **WORKING PARTY ON USE OF IT IN JUDICIAL PROCESS**

### **TERMS OF REFERENCE**

1. To consider and to discuss the use of information technology (IT) for courts and the court users, including remote hearings, electronic filing and other IT matters for court process.
2. To respond to any surveys, pilot runs, demonstrations and consultations from or proposed by the Judiciary, Government Departments and relevant stakeholders on IT plans and strategies, such as remote hearings; where necessary, to liaise with other committees or the Standing Committees of the Law Society, Government departments and other interested parties on and for the purpose of the above.
3. To report, advise and make recommendations to the Standing Committee on Practitioners Affairs on the use of court technology and to prepare submissions in relation to the matters set out in the above.

## WORKING PARTY ON PAPER ADMISSION OF SOLICITORS

### TERMS OF REFERENCE:

1. For the purpose of considering, preparing and implementing a proposal to give applicants for admission as solicitors an option to have their applications to be dealt with by the Court on paper, in alternative to oral hearing (the “**Proposal**”).
2. To consider and prepare a plan for the Proposal.
3. To consider feasible alternative(s) to legislative amendments enabling paper admission as the Working Party considers appropriate.
4. If required, to consider and prepare (or comment on its drafts) an invitation for tender for external legal advisors for the drafting of the proposed amendments to the Admission and Registration Rules, Cap.159B and any other relevant legislations and other works and advice related and incidental to preparation and implementation of the Proposal.
5. To consider and recommend to the Standing Committee on Policy and Resources the choice(s) of the external legal advisors.
6. To draft the requisite instructions to the selected external legal advisors and communicate and work with them in relation to the Proposal.
7. In conjunction with the selected external legal advisors, to propose (and for this purpose to seek the agreement of the Chief Justice to introduce<sup>1</sup>) amendments to the Admission and Registration Rules and any other relevant legislations and to proceed with any works which are necessary for the implementation of the Proposal.
8. To communicate, consult and discuss with the Judiciary on any matters in relation to the Proposal from time to time and in manner as the Working Party considers appropriate.
9. If required or as the Working Party considers appropriate, to liaise with relevant Government departments (Department of Justice in particular) and relevant external bodies in connection with the Proposal.
10. To communicate with general members of the Law Society in connection with the Proposal, if and when the Working Party considers appropriate.
11. To consider other matters related or incidental to the Proposal or any of the above and, if and when the Working Party considers appropriate, make recommendation(s) thereon to the Civil Litigation Committee, the Standing Committee on Practitioners Affairs, the Standing Committee on Policy and Resources and/or the Council.

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<sup>1</sup>Under section 72 of the Legal Practitioners Ordinance, Cap.159

# **REPORTING TO STANDING COMMITTEE ON STANDARDS AND DEVELOPMENT**

## **ANTI-MONEY LAUNDERING COMMITTEE**

### **TERMS OF REFERENCE**

1. To review the Revised Forty Recommendations and the Methodology for Assessing Compliance with the Recommendations, and to consider the feasibility for the solicitors to comply with the requirements.
2. To liaise with the relevant parties including the Narcotics Division of the Security Bureau and the Department of Justice on practical issues relating to the compliance requirements.
3. To review the current guidelines on money laundering and to revise procedural guidelines to solicitors.
4. To consider the applicability of the Legal Practitioners Ordinance and subsidiary legislation to the compliance with the Revised Forty Recommendations, and to advise whether law amendments are required.
5. To consider the feasibility of the Society acting as a self-regulatory organisation.

## **CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE**

### **TERMS OF REFERENCE**

1. To formulate policies, procedures and guidelines in connection with the implementation and administration of the Continuing Professional Development Scheme.
2. To monitor the implementation and administration of the Continuing Professional Development Scheme.
3. To keep under review the policies, procedures and guidelines in connection with the Continuing Professional Development Scheme and make recommendations to the Standing Committee on Standards and Development for any revision or reform of the Scheme.
4. To determine applications for exemption from the CPD Scheme.
5. To keep under review the Mandatory Practice Management Course for solicitors seeking an unconditional practising certificate and the Risk Management Course for solicitors, and make recommendations to the Standing Committee on Standards and Development for any revision of the courses.



## **GUIDANCE COMMITTEE**

### **TERMS OF REFERENCE**

1. To provide guidance and advice to members of the profession and others relating to professional conduct and ethics, including the Solicitors' Practice Promotion Code.
2. Subject to paragraph 3, the advice given and information obtained by the Committee shall be confidential except where, in the opinion of the Committee, the information given indicates a likelihood of serious professional misconduct, in which event the matter shall be reported to the Standing Committee on Compliance or one of its subcommittees for investigation.
3. The Committee may, if it is of the opinion that a matter of particular importance or interest is involved, recommend to the Standing Committee on Standards & Development that the substance of the advice given by it be published to all members of the Society by circular, Practice Direction or otherwise without disclosing the identity of the person involved.

## **MEDIATOR AND PARENTING COORDINATOR ADMISSION COMMITTEE**

### **TERMS OF REFERENCE**

1. To establish and maintain panels of mediators who have met the requirements established by the Committee, from time to time, for admission and inclusion thereon.
2. To establish, keep under review and safeguard the professional standards of training and experience required by persons in order for them to be admitted and included on the panels of mediators established and maintained by the Committee.
3. To liaise with other relevant organisations on issues pertaining to the development and training of mediators.
4. To assess the suitability of mediation training courses in light of the standards established from time to time by the Committee for persons to be admitted and included on the panels of mediators established and maintained by the Committee.
5. To facilitate the exchange of information and ideas in relation to the accreditation of mediators and the standards in connection therewith.

## **OLQE ELIGIBILITY AND EXEMPTION COMMITTEE**

### **TERMS OF REFERENCE**

1. To determine applications for exemption from sitting all or parts of the Overseas Lawyers Qualification Examination, and applications for review therefrom.
2. To determine applications for approval of post-admission experience in the practice of law gained in Hong Kong for the purpose of rule 4(2)(b) of the Overseas Lawyers (Qualification for Admission) Rules.
3. To make recommendations to the Standing Committee on Standards and Development regarding guidelines and amendments thereto in relation to items 1. and 2. above.
4. To make recommendations to the Standing Committee on Standards and Development for amendment to the Overseas Lawyers (Qualification for Admission) Rules, the Foreign Lawyers Registration Rules and the Foreign Lawyers Practice Rules.
5. To provide advice and input to the Standing Committee on Standards and Development and other Committees where necessary on matters of principle relating to foreign or overseas lawyers, foreign or overseas firms and Association.

## **RISK MANAGEMENT EDUCATION COMMITTEE**

### **TERMS OF REFERENCE**

1. To formulate policies, procedures and guidelines in connection with the implementation and administration of the Risk Management Education Programme;
2. To monitor the implementation and administration of the Risk Management Education Programme;
3. To keep under review the policies, procedures and guidelines in connection with the Risk Management Education Programme and make recommendations to the Standing Committee on Standards and Development for any revision or reform of the Programme.

## **TRAINEE SOLICITORS COMMITTEE**

### **TERMS OF REFERENCE**

1. To consider all policy matters relating to the trainee solicitor contract system and the training of trainee solicitors and to make recommendations on any changes to the policy;
2. To make recommendations on any amendments to the relevant legislation and regulations necessitated by any policy changes;
3. To monitor the efficient and effective operation of the trainee solicitor contract system including the quality of training provided to trainee solicitors by law firms and training principals and to make recommendations on possible ways to assist law firms and training principals in providing quality training to trainee solicitors.
4. To review the terms and conditions of trainee solicitors' contract and to monitor the training of trainee solicitors.
5. To consider the need for a trainee placement service and, if thought fit, to implement such a service.

## **SOLICITORS' ACCOUNTS RULES COMMITTEE**

### **TERMS OF REFERENCE**

1. To oversee the handling of enquiries arising from the Solicitors' Accounts Rules.
2. To formulate a set of answers to frequently asked questions.

## **GUIDE WORKING PARTY**

### **TERMS OF REFERENCE**

1. To review and update The Hong Kong Solicitors' Guide to Professional Conduct Volume 1 ("Guide"); and
2. To make recommendations to the Standing Committee on Standards and Development on the publication of an updated edition upon completion of its review.

## **WORKING PARTY ON SOLICITOR CORPORATION RULES**

### **TERMS OF REFERENCE**

1. To prepare the application forms to enable member firms to incorporate;
2. To prepare the information package on how to incorporate;
3. To consider and approve the consequential amendments to the subsidiary legislation to the Legal Practitioners Ordinance Cap.159.
4. To deal with all matters incidental and pertinent to the implementation of the Solicitor Corporation Rules.



## **WORKING PARTY ON SOLICITORS' PRACTICE RULES**

### **TERMS OF REFERENCE**

To consider and propose amendments to the Solicitors' Practice Rules Cap. 159H, the subsidiary legislation to the Legal Practitioners Ordinance Cap. 159 and to liaise with the Department of Justice on the drafting of any amendments.

