

The Law Society of Hong Kong Celebrating a Centenary







President's Welcoming Message

The Law Society of Hong Kong celebrates its 100th anniversary with a series of events this week and as President I warmly welcome all who join these events. Many have come from abroad to honour us and I express sincere thanks

The Society was formally incorporated as a company limited by guarantee on 8 April 1907. Today we enjoy a membership of 6,300 solicitors of whom about 5,700 hold Practising Certificates. About 670 have registered training contracts and serve as trainee solicitors. In addition, there are about 1,000 lawyers from overseas or the Mainland practising as registered foreign lawyers. The Law Society is the professional regulatory body of all solicitors, foreign lawyers and law firms in Hong Kong.

Since the Society's incorporation in 1907 the profession has changed beyond all recognition. However it is noteworthy that the core values of the founding members remain unchanged even today. We are entrusted with guarding the interests of the public in matters relating to professional legal services and like our predecessors we strive to uphold high standards of professional practice. The Society also strives to speak out on behalf of all lawyers on policy matters touching on the law and legal practice.

To serve the interests of the public we need to interact with the community regularly and to identify the general needs. Therefore we launch many programmes every year that involve solicitors reaching out. We conduct classes and seminars, we raise funds for charities, we organise events to promote the understanding of the law and the legal system, and we render pro bono legal advice. We hope to convey a better understanding of the role of lawyers in the community, and to inculcate a healthy respect for the law, legal processes and the courts that administer justice.

In addition, many solicitors serve the community in different capacities, often in a voluntary or non-remunerated position. You will therefore find lawyers serving NGOs, charities, governmental advisory committees, think tanks, political parties, sporting clubs and cultural associations, and even in the Legislative Council and the Executive Council. The spirit of service among solicitors has always been strong.

To ensure that solicitors observe required standards of practice, the Law Society will act responsibly when there are complaints. Those whose conduct has fallen below what is properly expected are brought before an independent tribunal where all charges are tried

by a panel of solicitors and laymen. This tribunal operates totally independent of the Law Society Council.

However disciplinary action alone is not sufficient to promote high standards. The Law Society therefore has in place a scheme that requires all solicitors and trainee solicitors to undertake continuing professional development. This mandatory scheme also requires solicitors to undergo risk management education. Even though the scheme is mandatory, there is sufficient flexibility to cater for the learning needs and methods of study of all solicitors and trainees in Hong Kong. Compliance is checked on a random basis with most practitioners meeting the scheme requirements.

Hong Kong is a cosmopolitan city and solicitors regularly reach out to serve all over the world, and especially Mainland China. Today over 50 Hong Kong law firms have representative offices in different parts of China and they serve the needs of businessmen and companies that have investments and dealings in Hong Kong. These solicitors also assist these businesses in raising capital and serve as a gateway for Chinese outward investment.

In the next few days we shall be marking the Centenary milestone with a host of activ-

ities. These include the Lawasia Biennial Conference to be held from 5 to 8 June where over 100 Speakers will deliver papers on a full range of topics. Delegates come from all over Asia, Australia, New Zealand, the Pacific and beyond and include over 30 Chief Justices and bar leaders.

Other activities include the Law Society Centenary Cup at a designated race to be run at the Happy Valley race meeting on 6 June. The highlight Centenary event will be a Dinner and Dance on 7 June in the Grand Hall at the Hong Kong Convention and Exhibition Centre. There will be over 100 tables of guests and demand for tickets is at a premium.

On 7 to 8 June the Law Society of Hong Kong will host a Sports Day for law practitioners from Hong Kong, Beijing, Shanghai, Taipei, Guangzhou, Macau and Shenzhen. Events will include soccer, badminton, volleyball, bowling and many others.

I welcome all delegates and foreign visitors and wish you a rewarding time.



Internationalization unlocks global doors

Hong Kong's success has long rested on an open-door policy aimed at attracting international firms to establish roots in Hong Kong. Such a policy has turned Hong Kong from its humble beginnings as a tiny fishing port into what it is now - an international business and financial centre.

One of our biggest attractions throughout Hong Kong's development has been its legal system, inherited from the British and known world-wide as moderate and fair. Investors consider it a great asset. Hong Kong, as an international financial hub, enjoys a high status in Asia, in particular the Asia Pacific.

Hong Kong's legal profession plays a special role in making sure our economy is stable and meets international standards.

The Law Society of Hong Kong's Vice President, Huen Wong, sees things with an open mind and international perspective. He agrees entirely that Hong Kong's legal sector should be open to outsiders.

An expert in the field, and having worked for many years for international law firms, as well as handling China legal affairs, Huen strongly believes in the importance of international firms in Hong Kong.

"It makes fundamental sense to bring in new knowledge and training to broaden the horizons of our practitioners, especially our young legal talent, to meet international standards that can better serve the financial sector," he said.

In some cases, international investment banks and institutions ask their law firms to establish branches in Hong Kong to serve their Asia markets.

Law Society statistics show that last year alone, 14 new foreign firms were registered, notably those from the United States and mainland China.

"Since China has been opening up its doors for almost a decade, we see a big change in its economy," Huen said. "It is now

able to deal with foreign investors, so the role of Hong Kong as a bridge that brings foreigners into the China market is diminishing."

He added: "Such a situation is not detrimental, as Hong Kong is still important to China when it comes to acting as a stepping stone for mainland investors who are eager to reach the world."

Recent mega deals in the stock market in Hong Kong are mainly related to mainland China. So China's growing status in the financial world is inevitable, but it needs legal advice and support from Hong Kong as we have built up a reputation in understanding international legal terms.

"The global financial world is evolving everyday. It is necessary for legal practitioners to keep up to date with the latest trends in international law in order to cope with different derivative products such as senior loans and junk bonds," he warned.

Huen assured legal practitioners that

allowing international firms to come to Hong Kong will only benefit the industry and the society.

"The position of local law firms can never be replaced. But by allowing international firms to set up in Hong Kong, we are able to learn international practice and that helps our young talent to keep up with the trends."

He added: "Seeing the rapid growth of Chinese legal firms establishing in Hong Kong, we accept the fact that we need to internationalize our legal market in order to survive."



Consciously exploring new opportunities

The rapid development of mainland China in recent years has undeniably drawn world attention. Its open door policy benefits its economic growth and, at the same time, provides enormous opportunities for Hong Kong.

As a professional body, The Law Society of Hong Kong prides itself in having strong vision and foresight. It has long been exploring the China legal market to identify opportunities for its members so that they can extend their professional knowledge to serve areas out of Hong Kong.

The newly re-elected Vice President of The Law Society of Hong Kong, Junius Ho, actively participated as a council member since 1995, and his expertise in exploring China's legal sector and dealing with China legal affairs have proved to be an invaluable asset in helping the profession spread its wings into the mainland market.

"Long before the granting of CEPA by the China government, in fact since 1997, The Law Society of Hong Kong had already been collecting and discussing concerns of our colleagues in regard to establishing business in mainland China with the mainland authorities." Ho stressed.

CEPA is considered one of the best deals the mainland government has offered Hong Kong to help it overcome difficulties like the SARS outbreak, the backlash over proposals for a national security law, and the Asian financial crisis.

A lot of industries, including the legal sector, have benefited from CEPA.

Ho explained: "Our major concern is to provide a high quality environment for our colleagues to work in, whether in Hong Kong or the mainland. We have to figure out ways to lead the members of our profession to get established in the mainland. Opportunities there are countless. But the small and medium sized law firms do not have clients to take advantage of the China market. So it is the

role of the Society to help them reach out."

The Society is currently working closely with lawyers associations across China and has established cooperative arrangements with our counterparts in 23 provinces and five municipalities.

"Through our insistence on exploring opportunities in China, we've seen a 50 percent increase in practices established there by Hong Kong law firms. As at year 2007, 60 such firms opened in Beijing, Shanghai and Guangzhou, but there were only about 30 firms in 2000," he noted.

"To start a law firm in the mainland, Hong Kong practitioners must satisfy certain requirements. One role of the Society is to assist by issuing a Certificate of Standing to any member who has no disciplinary record," Ho said.

The Pearl River Delta is the major area that the Society recommends to small and medium sized law firms that lack resources for more ambitious plans.

"This year the Society launched a two-year Hybrid Legal Services Promotion programme that covers nine cities in the PRD. We provide seminars, courses and talks on cross-boundary legal services and "products"for the legal practitioners of the two places, and also for the enterprises in the mainland with a view of facilitating them to use the platform of Hong Kong for business expansions locally and for diversifications offshore. It is hoped that through such a programme, lawyers of the two places will understand their respective law practices and this will further enhance cooperation in the future." he said.





Mediation will enhance harmony

Legal issues are often complicated and most people rarely have the opportunity to understand them at a deeper level. This sometimes causes misunderstandings from clients who misjudge legal advice from solicitors as misconduct.



As a self-regulatory body, The Law of Society of Hong Kong has commissioned a Standing Committee on Compliance that scrutinizes the conduct of its members.

The committee is considering mediation as a solution to resolve misunderstandings

between the public and solicitors. "We want to promote harmony and understanding in our community. Support from the public and our membership are the biggest influence to enhance the work of the Committee and help the legal industry to grow," said council member of the society and partner at Johnson Stokes & Master, Thomas So Shiu-tsung.

So believes that misapprehension is the major cause of disputes between clients and solicitors. "From my experience, many of the complaints from the public are out of misunderstanding. Those complaints are often a channel for venting their anger. It is at times difficult for the Committee to strike a balance."

Once a complaint is lodged, it will be passed to an Investigation Committee for consideration and decision. The parties have a right to review the decision and the review will go to the Committee for consideration.

Although the Committee's role is sensitive, its work has earned the respect of the Society's members through its impartiality. The Committee meets every month over lunch time.

"The Committee enjoys strong support from its members. Every time when the Committee has a vacancy as soon as we inform the members of the vacancy we would receive lots of response from members who are willing to serve on the Committee." So said.

"The biggest challenge to us is the changes happening in the society. The Com-

mittee's work need to keep up with the pace of such changes, but as a professional body, many issues of principle also need to be upheld and cannot be changed so easily," said So.

People say that the Committee is the most important group in the Society, So explained, "The fundamental duty of a solicitor is to provide quality legal services to the public and the Committee's job is to oversee that such is the case."

The conduct of solicitors is governed by the Legal Practitioners Ordinance as well as the Society's Guide to Professional Conduct.



Society's external arm reaches local community groups

You don't have to be a professional lawyer nowadays to read law books or analyze legal cases. Far more people have a better understanding of law today. The Standing Committee on External

The Standing Committee on External Affairs has an overall responsibility on public affairs and media relationship between the Law Society, the government, other professional organizations and the public.

"One of our missions is to promote the understanding of law through community activities and campaigns," said Billy Ma, the Standing Committee's chairman.

He explained: "As time goes by, more and more people have closer contacts with the law. The more a person learns about law, the better he understands his legal rights," Ma added.

The Committee runs a whole range of activities, including the Community Law courses for the general public, to promote public legal knowledge. In 2006 alone, members gave 66 talks to schools, government departments and non-profit making organizations on legal topics ranging from juvenile crimes to building management, wills and divorce.

In addition, members offered free legal addition to the general public in the Law Week, an annual event that has been organized by the Law Society for many years. The public responded enthusiastically with 1,022 appointments for consultation in the 2006 Law Week. The website www.choosehk-lawyer.org lists the solicitors' firms that offer 45-minute free initial legal consultation round the year.

One of the most successful activities in recent years was the TV series 'Justice for all'. Ma said: "The TV series stimulated public interest on law through cases of common occurrence in daily life that were dramatized in the series."

At the Annual Cocktail and the Spring Reception organised by the Law Society, members of the profession usually have opportunities to meet in a casual environment with the Government officials, members of the Judiciary and members of the Legislative Council.

The Standing Committee oversees the work of the Community Relations Committee, the Mainland Legal Affairs Committee, and the Recreation and Sports Committee. It

receives overseas delegations and guests from mainland China. It organ izes events that promote professional networking amongst members and their counterparts in the region. The recreation and sports activities are particularly popular amongst young lawyers. The Sports Meet this summe

will be another highlight of the Law Society Centenary.

When asked about his major concern while chairing the Committee, Ma said that public interest always came first. He added that it was important for the Law Society to express the views of the profession on matters of public importance. He would also like to see more members contribute their time and knowledge for the public good of the society.





Managing the Largest Standing Committee

Among the five Standing Committees of the Law Society, the Standing Committee on Practitioners' Affairs is the largest with 22 committees ranging from civil litigation to constitutional affairs, four sub-committees and 11 working parties. Each committee specialises in reviewing legal issues or legislative

proposals in a specific area of law or practice. Alex Lai Ting-hong moved to chair the

Committee this year after serving in the Practitioners' Affairs Committee as Vice Chairman for two years. Prior to joining the PAC, his work in the Society's compliance section over six years gave him an intimate understanding

of the procedures and structures of the Law Society.

Lai said the Chairman's role in the PAC was like a catch-all, handling all the affairs related to legal prac-tices and legal practitioners. One of his main duties was to oversee all the working groups under PAC, requiring him to communicate with the chairmen of the various sub-committees regularly to ensure adequate resources are given to them, as well as to monitor the progress of work.

"Throughout the communication process, respecting expert opinions is my first priority. No one could know all the laws, especially when legal services are moving towards more specialization nowadays," said Lai.

Apart from coordinating among various groups, he has to give the final say in whether the Standing Committee endorses reports or proposals to the Council where the decision is made on whether the Law Society accepts the advice or takes other course of action.

The submissions by the working party on higher rights of audience are examples of proposals that acquired approval from both the Standing Committee and the Council where the Law Society then organized lobbying campaigns seeking support from legal firms, solicitors, and commercial organizations in response to the Chief Justice's consultation.

Since Practitioners' Affairs is comprised of so many sub-committees, Lai's first job as Chairman is to streamline the structure. "I will try to streamline the structure of the committees and see whether we should group

them in a better way. Perhaps some of the sub-committees should be moved to other Standing Committees for greater efficiency," he said.

However, such a conclusion would not be reached before consulting all sub-committees. He hopes to finish streamlining the Committee within two to three months.

Beyond these duties, he said, he was simply, "Here to serve the members, instead of being served."

According to Lai, the best way to put ideas forward is to email directly. That is why he always carries a blackberry PDA.





Maintenance of high standards is crucial

In this rapidly changing market, it is imperative for Hong Kong to actively maintain its status as a leading regional hub. This cannot be achieved without the support of our professionals

The availability of excellent quality legal services by Hong Kong's legal profession has, and continues to play, a crucial role in our ability to remain as one of the major commercial and financial centres of the region. Mr Dieter Yih, Chairman of the Standing Committee on Standards and Development of the Society, believes that continuing professional development provides a necessary framework for the profession to continuously update knowledge and skills thereby ensuring the maintenance of high standards of work within the profession.

"The Society has introduced the Mandatory Continuing Professional Development (CPD) Scheme since 1998. The Scheme requires practising solicitors and trainee solicitors to obtain at least 15 CPD points each year by undertaking different kinds of accredited CPD activities related to the practice of law. These activities include attending or presenting courses, writing articles and doing research," he explained.

The CPD Scheme has been designed to be as flexible as possible so that the relevant number of CPD points may be obtained in different ways. Apart from providing CPD cours-

es itself, the Society also approves external courses organised by law firms and other providers in accordance with the accreditation criteria. "Apart from the establishment and promotion of high professional standards, the Standing Committee on Standards and Development also keeps under constant review the Legal Practitioners' Ordinance and its subsidiary legislation and makes recommendations to the Council on any necessary legislative amendments." he said.

The Standing Committee has always maintained a close working relationship with the three local universities to ensure that the institutional training they provide to future practitioners meets the expectation of the profession and is relevant to what the market needs.

"The PCLL course must be a skills-based practical course. The profession expects PCLL students to be trained rigorously on general transferrable skills such as analytical and problem solving skills," he said. Risk Management Education (RME) is another aspect of legal education that the Standing Committee focuses on. In 2004, the Society launched the Mandatory RME Programme to raise the awareness of risk issues and to promote good risk management within law firms.



"Unity amongst the profession is what the Society wants to promote. I believe sharing experiences through CPD and RME activities among fellow practitioners can raise their sense of belonging to the profession. Equipping oneself to be competitive in the market is the responsibility of every professional, and active participation by our members in the CPD and RME programmes has been most encouraging," he concluded.



Dieter Yih
Chairman
The Standing Committee
on Standards &
Development

Having the heart to help the young

Since 2000 the Young Solicitors' Group (YSG) has been facilitating communications between senior solicitors and those with less than five years standing.

YSG founder Cecilia Wong has chaired the

group for six years. She said YSG was founded because "it will be good to both junior and senior lawyers if there are stronger communications. With more chats and talks, newcomers can better adapt to their careers."



Wong is delighted with the successful activities organized by YSG and is happy to describe them in detail. A recent one was the Star Pisces Seminar and Cruise, held in March. The cruise included not only games and acrobatic performances, but also a course which gave members insight into fraud and the latest technological crimes, such as improper use of mobile phone cameras and thefts in Internet games.

" The Star Pisces cruise was a short trip that everyone could join," said Wong, who added that the relatively brief activity was a refreshing break for members with packed schedules.

YSG also organizes regular lunch gatherings so members have the opportunity to meet in informal settings.
YSG also gives back to the community

YSG also gives back to the community with activities such as the "English Learning Program." For the past three years, together with the Tung Wah Group of Hospitals, YSG has co-sponsored an English program for underprivileged primary schools.

The positive feedbacks from the solicitors or trainees are the rewards that satisfy the YSG committee members most. More than 200 members are currently participating.

Wong added:" All we have is a heart to serve our members."

When asked about the future direction of YSG, Wong said she hoped to see its services extend to enable more people to benefit from YSG activities. In addition, she also welcomes opinions from members and encourages them to send her e-mails with their views and suggestions.







The Law Society of Hong Kong: Celebrating 100 years THE ORIGINAL SEVEN...

If one cast significance in omens such as weather, April 8, 1907 was not a particularly auspicious day in Hong Kong. It was a cool 20-degrees and heavily overcast when seven of the Colony's most distinguished solicitors met with Governor Matthew Nathan to incorporate the Law Society of Hong Kong. They included two, Godfrey Cornewall Chester Master and Charles Wilkinson, whose surnames still grace Hong Kong law firms (Johnson, Stokes & Master; Wilkinson & Grist) one hundred years later. In addition to being a lauded and colourful solicitor, Master, who in 1908 resigned his interest in the firm and retired to England, was also an enthusiastic sportsman and a significant, if occasionally controversial, force as a rider, owner and steward in the formative years of the Hong Kong Jockey Club.

Other signatories included Crown Solicitor Francis Bulmer Lyon Bowely, who was the nephew of Alfred Bulmer Johnson, the "Johnson" in Johnson, Stokes & Master. Bowley's legacy to Hong Kong is arguably the most significant of all assembled that day as it was his influence and concern that led to the creation of the Colony's first significant child labour and protection provisions.

Also present on that dark and dreary day was Herbert William Looker of Deacon, Looker, Deacon & Harston, now known simply as Deacons. Looker practiced in Hong Kong until 1921 when he returned to England and became a member of Parliament. His Hong Kong legacy included donating the first women's golf club house in the Colony in memory of his golf-loving first wife.

Another name from what would become Deacons, John Scott Harston, also graced the incorporation document. Harston was described by contemporaries as a "very likable" man whose extra-legal interests were said to be cricket and, as a native of Yorkshire, the Yorkshire Society. The final Deacons connection on the pact was John Hastings, who had joined Victor Hobart Deacon in 1886 when the firm became Deacon & Hastings. Walter J. Daniel was the seventh signer.

Though formally incorporated in 1907, the budding Law Society had slim roots stretching back to October 28, 1854 when solicitor William Gaskell addressed the Supreme Court and asked for "the countenance and sanction of the acting Chief Justice [Paul Sterling] for the formation of a law society."

When Great Britain declared its sovereignty over Hong Kong on January 26, 1841, equality under the law was not a reality for the native Chinese. Severed queues on dis-



play outside the Magistrate and frequent public floggings were among the most dramatic and savage displays of colonial authority and justice.

Most ninetheenth century Hong Kong Chinese came from the lowest levels of society with no notion of Western legal standards, customs or procedures. When the British flag was raised on Possession Point, Hong Kong had a population of about 5,000 Chinese, most of whom were Hakka charcoal burners, subsistence farmers or fishermen. The populace also contained a variety of transient pirates, thieves, smugglers and other criminals drifting between Hong Kong and mainland China.

The concept of a solicitor and barrister was not part of any of their worlds, much less the financial means to hire one if the need arose. The legal caseload was not easy for the short-handed colonial masters, either. Even by the mid-1890s, two barristers were handling a crushing caseload of more than 18,000 defendants a year.

And as noted in Steve Tsang's "A Modern History of Hong Kong", the fact that early magistrates had "no legal qualifications and little formal education" meant that the Chinese defendants suffered prejudicial and poor justice. Complicating matters were the language barriers that separated all concerned. The Chinese were not represented by their countrymen for at least the first 50 years of the colony's existence. Today, more than 75 percent of

solicitors practising in Hong Kong are ethnic Chinese.

The original seven founders of the Law Society, together with others in the legal community, were all on hand when the new Supreme Court building (which now houses the Legislative Council) was formally opened in January 1912. The courthouse was a welcome change from the old, creaking, poorly ventilated and crowded Exchange Building on Queen's Road. Its foundation stone was laid in 1903 on reclaimed land known then as Praya Central.

However, one unique member of the Hong Kong legal fraternity was sadly absent. Wei Wah-on, who died suddenly of appendicitis in 1907, the same year the current Law Society was founded. Aside from being the first Chinese solicitor for Johnson Stokes & Master, Wei was also the owner of one of two first automobiles in Hong Kong, according to Katherine Madock's Partners in Law, a history of Johnson Stokes and Master. In paying tribute to Wei at the opening ceremony of the Supreme Court, the Chief Justice said: "I think I am right in saying that everybody knew that the high traditions of his profession were safe in his hands."

World War I had little impact on Hong Kong, though the Colony gave the British government \$5 million to aid the huge costs of the war. But a number of Hong Kong's younger lawyers also put their bodies on the line for the "War to End All Wars."

While the western world was mourning the more than 10 million military and civilian lives lost in "The Great War", Hong Kong found itself having to deal with a tragedy of its own - the February 1918 fire at the Happy Valley race track which left 600 dead.

The Great Depression which had begun in 1929 in the United States and Europe, was beginning to take hold in Hong Kong by 1933. In a reply to an English woman seeking employment in Hong Kong, the senior partner in one law firm wrote: "In view of the acute depression which Hong Kong is at present suffering, we doubt very much whether there is any opening for you here as firms are more inclined at the present moment to reduce their staffs rather than increase them."

Highlight of history

The law firm Wilkinson & Grist has its roots in the Caldwell family. Solicitor Daniel Edmund Caldwell's father was Daniel Richard Francis Caldwell who left Singapore in 1835 at the age of nineteen for China where he operated an opium smuggling vessel for an English merchant.

He was said by some to have been the illegitimate son of Napoleon during the emperor's exile in St Helena. He himself married a Chinese woman who bore him twelve children, the eldest being his solicitor son Daniel Edmund whose father-in-law refused to attend his wedding because he was a half-breed.

In 1857, Deacons founder, William Thomas Bridges, had the dubious honour of representing Cheong Ahlum, compradore of a bakery, in one of the earliest high-profile criminal cases in the Colony.

Cheong and nine others were accused of mixing ten pounds of arsenic into bread destined for foreign residents. Many fell ill, including the governor's wife, Lady Bowring, but no one died. The jury failed to reach a verdict from the evidence before them, and Bridges was able to win the release of the accused.

Victor Deacon, whose name lives on as the Deacons law firm, was admitted to practice in HK in 1880. His Saturday night poker games at his Arbuthnot Road home became legendary, lasting into the small hours of the night, often attended by the governor, Sir William Robinson.

On June 24 1858, the press was allowed for the first time to attend a session of the Legislative Council. It was during a debate on the Ordinance for Practitioners in Law which dealt with the amalgamation of the two branches of the legal profession.

The Commemorative Book

The Law Society of Hong Kong, which plays a crucial role in the legal development of the territory, will mark its 100th year anniversary with a commemorative book, to be researched and published by the Standard newspaper.

The centenary book traces the history of the Society, from its humble beginnings in 1907, through the turmoil of world wars and political upheavals on the mainland, to its current status as a key organization dedicated to justice and the stability of Hong Kong.

The book's Editor-in-Chief is Ivan Tong and the Managing Editor is Michael Chugani.



