



立法會
LEGISLATIVE COUNCIL

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(By fax: 2845 0387)

21 November 2018

Ms Melissa PANG
President
The Law Society of Hong Kong
3/F, Wing On House
71 Des Voeux Road Central
Hong Kong

Dear Ms PANG, *Melissa*

**Subcommittee on Foreign Lawyers Practice (Amendment)
Rules 2018 (Commencement) Notice,
Solicitors' Practice (Amendment) Rules 2018 (Commencement) Notice
and Summary Disposal of Complaints (Solicitors) (Amendment)
Rules 2018 (Commencement) Notice**

Follow up to the meeting on 16 November 2018

At the meeting of the captioned Subcommittee held on 16 November 2018, members examined the captioned subsidiary legislation and raised no objection to the commencement of the Foreign Lawyers Practice (Amendment) Rules 2018, the Solicitors' Practice (Amendment) Rules 2018 and the Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2018 (hereinafter collectively referred to as "the Amendment Rules") on 4 February 2019.


At the meeting, members also noted your letter dated 9 November 2018. **While the Subcommittee had no objection to the commencement of the Amendment Rules, some members and myself raised concern about the efforts which The Law Society of Hong Kong ("the Law Society") has undertaken to ensure that Registered Foreign Lawyers in Hong Kong do not improperly practise and/or advise on Hong Kong law and/or undertake any work that should be done by Hong Kong qualified solicitors.**

As the Chairman of the Subcommittee, I am aware that the Law Society is considering how to effectively enforce the existing rules in relation to the regulation of foreign lawyers, and I welcome the Law Society in raising awareness on this issue in its most recent consultation on the proposed changes to the rules in relation to Registered Foreign Lawyers. **Members of the Subcommittee and myself believe that there should be strict enforcement of the rules to ensure Registered Foreign Lawyers do not in any way overstep the line and improperly practise Hong Kong law. Which is especially a concern in some practice areas such as capital markets and transactional work. It is of course recognized that registered foreign lawyers have a very important role to play for Hong Kong as an international legal services centre. However, strict enforcement and disciplinary actions against any breach is important to ensure fair play.**

To facilitate members' discussion on the issues in other forum of Legislative Council ("LegCo"), on behalf of the Subcommittee, I would like to invite the Law Society to provide information in response to the questions in the **Appendix** (preferably in both Chinese and English) **by Friday, 30 November 2018**. Besides, the Subcommittee would like to know the views of members of the Law Society regarding the issues raised in the Appendix. In this connection, the Law Society is requested to extend our invitation to its members for their views.

Please note that, any information and submission provided to the Subcommittee will not be covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), and will be distributed to the media and the public, unless you advise otherwise. As the submission will be made available on the LegCo website on the Internet, you are requested to send a soft copy to Ms Emily LIU at esnliu@legco.gov.hk.

Yours sincerely,

A handwritten signature in black ink, consisting of several large, sweeping loops and curves, characteristic of a cursive or stylized signature.

Dennis KWOK Wing-hang
Chairman of the Subcommittee

Encl.

**Subcommittee on Foreign Lawyers Practice (Amendment) Rules 2018
(Commencement) Notice, Solicitors' Practice (Amendment) Rules 2018
(Commencement) Notice and Summary Disposal of Complaints
(Solicitors) (Amendment) Rules 2018 (Commencement) Notice**

The Law Society of Hong Kong ("the Law Society") was requested by members at the meeting on 16 November 2018 to provide the following information:

- (a) the number of cases in the past five years in which registered foreign lawyers were found in breach of the Foreign Lawyers Practice Rules (Cap. 159R) for practising Hong Kong law (if any);
- (b) the number and nature of enforcement actions which were taken against the cases mentioned in (a), and the difficulties encountered by the Law Society in enforcing the rules and prohibitions under Cap. 159R;
- (c) possible challenges that the Law Society envisaged in enforcing Cap. 159R going forward;
- (d) the possible challenges that the Law Society might face in ensuring that Hong Kong law firms and foreign law firms in Hong Kong would strictly comply with Cap. 159R in general, and the enforcement details of the same. Whether the Law Society would consider including these questions into its current consultation; and
- (e) whether the roles and duties for foreign lawyers should be clearly and better set out under the relevant legislation including Cap. 159R so as to distinguish them from Hong Kong qualified solicitors and other unqualified persons, such as paralegals and legal managers.