

LCQ3: Nurturing legal talents

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Following is a question by the Hon Maggie Chan and a reply by the Secretary for Justice, Mr Paul Lam, SC, in the Legislative Council today (December 7):

Question:

The National 14th Five-Year Plan acknowledges the positioning of Hong Kong's development into leading centres in eight key areas, and the centre for international legal and dispute resolution services in the Asia-Pacific region is one of them. However, there are views pointing out that the Government has not placed strong emphasis on nurturing solicitors and practising barristers of local small and medium-sized law firms as well as their on-the-job training, highlighting the inadequate efforts made to foster quality development of local legal talents, and resulting in "more emphasis being placed on competing for talents and less emphasis being placed on retention of talents". In this connection, will the Government inform this Council:

(1) whether the Department of Justice (DoJ) has grasped the current number of local university programmes and on-the-job training courses that are related to arbitration, mediation, international legal and dispute resolution services, and whether it has determined, through precise studies, the target number of local relevant talents to be trained; if so, of the relevant data;

(2) whether DoJ has formulated specific policy initiatives to train solicitors and practising barristers of small and medium-sized law firms in Hong Kong, and to retain local legal professionals and build a talent pool, so as to provide an impetus to build Hong Kong into a centre for international legal and dispute resolution services in the Asia-Pacific region; and

(3) whether, further to the launch of "LawTech Fund" in 2020, it has considered launching "LawTech Fund 2.0" to provide a subsidy of not less than \$50,000 for each small and medium-sized law firm with no more than five partners and barristers' chamber with unlimited number of barristers, so as to assist them in arranging for their staff to attend relevant lawtech training; if so, of the details?

Reply:

Acting President,

The National 14th Five-Year Plan and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) establish Hong Kong's position as an international legal and dispute resolution services centre in the Asia-Pacific region. The soon-to-be established International Organization for Mediation Preparatory Office in Hong Kong further manifests the country's support for consolidating Hong Kong's development advantages in this regard. The Department of Justice (DoJ) has been implementing various initiatives and new policies to foster an environment conducive to the professional development of the legal sector and create opportunities for them. While attracting more international legal and dispute resolution talents to Hong Kong, we will continue to enhance the local legal professionals' competitiveness in the region and beyond, as well as to encourage those interested to join the legal profession.

My reply to the Hon Maggie Chan's question is as follows:

(1) There are three universities in Hong Kong offering law degree programmes and Postgraduate Certificate in Laws (PCLL). According to public information, there are over 35 such programmes being offered, which contain dispute resolution and international law-related courses. The Standing Committee on Legal Education and Training (SCLET) established under section 74A of the Legal Practitioners Ordinance (Cap. 159) is entrusted to keep under review the legal education and training in Hong Kong, monitor vocational training of prospective legal practitioners, collect and disseminate relevant legal education and training materials, and make recommendations on related matters. Representative from the DoJ is also one of its members.

In relation to on-the-job training, both the Law Society of Hong Kong and the Hong Kong Bar Association have established committees responsible for reviewing legal professional development and continuing education. One of the functions of its Standing Committee on Standards and Development of the Law Society of Hong Kong is to formulate professional development courses, whereas the Hong Kong Bar Association examines related matters through its Standing Committee on Legal Education .

The DoJ has always been supportive of the two legal professional bodies and SCLET, with members appointed by the Chief Executive, in continuously reviewing

and improving local legal education and professional training, thereby cultivating more outstanding legal talents for Hong Kong. Meanwhile, as international law and dispute resolution services such as arbitration and mediation are widely applicable and their application is not limited to legal practitioners, it may not be suitable to set a target number for training of talents. In fact, relevant knowledge can be applied to various sectors. For example, the education sector, the medical services sector and frontline law enforcement officers would require knowledge and training on mediation.

(2) The DoJ has all along been attaching great importance to the nurturing of legal talents, including solicitors of small and medium-sized law firms and practicing barristers in Hong Kong. We are aware that according to statistics from the Law Society of Hong Kong, nearly 90 per cent of law firms in Hong Kong are sole proprietorships or consist of no more than five partners. Hence, in formulating and introducing policies, the DoJ has always been taking into account the needs of small and medium-sized law firms.

In fact, over the past 10 years, the number of solicitors with practicing certificates in Hong Kong has increased significantly, from over 7 000 in 2012 to over 11 000 in 2021. The DoJ will continue to implement various initiatives to consolidate and enhance Hong Kong's position as an international legal and dispute resolution services centre in the Asia-Pacific region. Specific examples include the GBA Legal Professional Examination, which enables Hong Kong legal practitioners who passed the examination, and after completing the training and passing the interview, to apply for a lawyer's practice certificate (GBA) to handle specific civil and commercial legal matters to which the Mainland law applies in nine GBA cities. This initiative has opened up the vast opportunities of the GBA market, in particular, for small and medium-sized law firms and practicing barristers.

Moreover, the DoJ has been continuously strengthening the competitiveness of Hong Kong's legal infrastructure, providing a broader platform for the sector (including small and medium-sized law firms) to expand the provision of professional services. Taking the recently enacted Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance as an example, the DoJ will be holding a seminar later today on the new mechanism, with a view to facilitating the sector in better understanding the specifics of the Ordinance and being well-prepared for the implementation of the new mechanism in future.

I must emphasise, the DoJ encourages the legal sector to proactively align with national development to contribute to the consolidation of Hong Kong's status as an international legal and dispute resolution services centre. We understand that legal practitioners of small and medium-sized law firms may have special needs in professional development, and we will continue to listen to the sector's views and provide appropriate assistance, including to continue organising or co-organising with stakeholders various capacity building activities, and to provide barristers and solicitors with less than five years post admission experience to participate in the DoJ's civil law and prosecution work through the Understudy Programme, etc.

(3) The Government established the LawTech Fund under the second round of Anti-epidemic Fund in 2020, providing each law firm/chamber with a sum of up to HK\$50,000 by way of reimbursement, so as to assist some small and medium-sized law firms and barristers' chambers in procuring and upgrading information technology system and arranging for their employees to attend lawtech training in face of the challenges to their practice brought about by the pandemic and the anti-epidemic measures. Having extended the application deadline twice, over 500 applications were received, accounting for more than 70 per cent of the targeted small and medium-sized law firms and barristers' chambers in Hong Kong.

Besides, the DoJ has utilised the remaining funds of about HK\$15.7 million from the LawTech Fund to set up the Hong Kong Legal Cloud Fund (Cloud Fund) for eligible local legal and dispute resolution professionals (including solicitors and barristers) to subscribe to the Hong Kong Legal Cloud free of charge for up to three years. eBRAM International Online Dispute Resolution Centre (eBRAM) was selected to provide the cloud service for the sector. Since the launch of the cloud service in March this year, eBRAM has been providing secure, reliable and affordable data storage services for the local legal and dispute resolution sector.

The DoJ encourages the legal and dispute resolution sector to make use of the Cloud Fund and be proactive in applying lawtech, and will continue to keep in view other lawtech-related needs of the sector and provide assistance as appropriate.

Ends/Wednesday, December 7, 2022