

LC: Speech by SJ in moving a motion to amend the Solicitors' Accounts (Amendment) Rules 2012 and the Accountant's Report (Amendment) Rules 2012

Following is the translation of the speech by the Secretary for Justice, Mr Rimsky Yuen, SC, in moving a motion made under the Interpretation and General Clauses Ordinance to amend the Solicitors' Accounts (Amendment) Rules 2012 and the Accountant's Report (Amendment) Rules 2012 in the Legislative Council today (December 5):

President,

I move that the motion as set out in the paper delivered to Members be passed. The motion is to propose amendments to the Solicitors' Accounts (Amendment) Rules 2012 and the Accountant's Report (Amendment) Rules 2012.

These Rules were made by the Council of the Law Society of Hong Kong pursuant to section 73 of the Legal Practitioners Ordinance (Cap 159) with the prior approval of the Chief Justice, Court of Final Appeal. The major objectives of the Solicitors' Accounts (Amendment) Rules 2012 are to set out the principles that must be observed by solicitors in handling client's money, and to extend the application of the Solicitors' Accounts Rules as amended to solicitor corporations, foreign lawyers and foreign firms. The Accountant's Report (Amendment) Rules 2012 mainly amend the existing definition of "client account" and introduce a new definition of "solicitor".

These two sets of Rules were tabled at the Legislative Council on October 17, 2012, together with three other related pieces of subsidiary legislation made under Cap 159. A subcommittee was subsequently formed by the House Committee to scrutinise the five sets of subsidiary legislation.

At the meeting of the Subcommittee held on November 13, 2012, the Law Society agreed that certain amendments proposed by the Legal Adviser to the Subcommittee should be made to the Solicitors' Accounts (Amendment) Rules 2012 and the Accountant's Report (Amendment) Rules 2012. These amendments have the support of the Subcommittee.

Most of the proposed amendments relate to the drafting aspects of both the English and Chinese texts of the Rules and have no impact on the substance of the provisions in question. The Administration has no objection to these proposed amendments. In the circumstances, I agree to move this motion to propose the amendments agreed between the Law Society and the Subcommittee.

I would like to take this opportunity to express my appreciation of the efforts made by Honourable Dennis Kwok, the Chairman of the Subcommittee, and other Members of the Subcommittee.

President, I move that the motion be passed. Thank you.

Ends/Wednesday, December 5, 2012