



THE
LAW SOCIETY
OF HONG KONG
香港律師會

MANDATORY
CONTINUING PROFESSIONAL DEVELOPMENT
INFORMATION PACKAGE

November 2009

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CONTENTS

	Page
Introduction.....	1
• What is continuing professional development?	1
• Introduction of Honour-Based CPD Scheme.....	1
Mandatory Continuing Professional Development Requirements.....	3
• Practitioners required to undertake CPD	3
• The CPD requirement	3
• The CPD practice year	3
• Commencement of a trainee solicitor contract after the commencement of the CPD practice year	3
• Commencement of practice after the commencement of the CPD practice year	5
• Claiming CPD points before admission.....	6
• Carrying over excess CPD points from one CPD practice year to another.....	6
Ways in which the CPD Requirement may be met	8
Guidelines for compliance with continuing professional development requirements issued under Sections 2 and 5(3) of the Continuing Professional Development Rules	8
• Preamble	8
• Criteria for accreditation of CPD activities.....	8
• Course standards and requirements.....	9
• Courses presented by videotape, motion picture etc.....	10
• Overseas courses	11
• Computer-based courses	11
• Distance learning courses.....	12
• Law courses.....	12
• Writing articles, books	13
• Legal research	14
• Dissertations.....	14
• Preparation, presentation and facilitation of approved training courses	14
• Participation in committees/working parties/associations/Legislative Council.....	15
• Work as an external examiner/assessor and participation as a judge in a moot court competition	15
• Participation in other legal training activities	16
• Priority CPD areas	16
• Double counting.....	16
• Revocation or amendment of CPD accreditation points.....	17
• Coaching	17

The Law Society of Hong Kong

Approved Legal Journals	19
Approved Law Courses	22
Approved Distance Learning Courses	29
Approved Committees/Working Parties/Associations	34
Coaching	38
Examples of Compliance with the CPD requirement.....	40
Suspension of the CPD requirement	42
• What is a suspension of the requirement?.....	42
• Who can suspend the requirement?	42
• What must practitioners do in order to obtain a suspension?	43
• The requirement for practitioners returning to work.....	43
• Determination of a practitioner’s CPD requirement on return to work	43
• Making up a shortfall in the CPD requirement at the date of suspension.....	45
• Carrying over excess CPD points	46
CPD Training Record.....	48
Attendance at Accredited CPD Courses	49
• Attendance policy	49
Segmented Accreditation of CPD Courses	51
Exemptions	52
Monitoring Compliance with Mandatory CPD	53
Failure to Comply with CPD.....	54
• General Audit.....	54
• Practising Certificate Applications	54
• Breaches of the CPD requirements	54
• Form 4 declaration of compliance by trainee solicitors	54

Course and Provider Accreditation.....	56
• Application.....	56
• No Retrospective Accreditation.....	56
• Documents and Information Required on Application for Course Accreditation	56
• Honour-based CPD Scheme	56
• Administrative Matters	57
• Prescribed Fee	58
• Provider Accreditation.....	59
• Monitoring of Accredited Courses by the Law Society’s Representatives.....	59
Demerit Points System.....	60
Continuing Professional Development Rules	62
• Interpretation and definitions	62
• Application.....	62
• Continuing Professional Development Scheme.....	63
• Continuing professional development requirements.....	64
• Obligation to keep record and duty to submit information.....	64
• Continuing professional development undertaken pre-admission.....	65
• Exemption	65
• Suspension	65
• Reporting.....	66
• Review	66
• Transitional	66

INTRODUCTION

What is continuing professional development?

Continuing professional development is the systematic maintenance, improvement and broadening of relevant knowledge and skills to enable a professional to successfully carry out his or her professional duties and responsibilities throughout his or her career.

Whilst the Continuing Professional Development Scheme (“CPD Scheme”) may be seen by some as a burdensome requirement, our profession is self regulatory and the Council is obliged to ensure the establishment and promotion of high standards of work within the profession. This includes the encouragement of the continued study and acquisition of legal knowledge and skills by legal practitioners.

Moreover, in a changing legal environment with the profession subject to many external pressures, CPD provides a convenient framework for the profession to meet the changing demands of clients and society to continuously update knowledge and skills, to improve the efficiency and effectiveness of the profession and to enable some practitioners to redefine their careers by learning new professional skills and areas of practice.

The CPD Scheme has been designed to be as flexible as possible so that the relevant number of CPD points may be acquired in a time conscious and cost effective manner. The Law Society has taken into consideration the need for busy practitioners to have a variety of means by which they can comply with CPD requirements by permitting and encouraging methods of learning other than simply attendance at traditional lecture-based courses. For example, legal research, writing legal articles and books, long distance learning courses and the preparation and presentation of courses are provided as CPD activities.

This Information Package contains the current rules governing the scheme and the policies and guidelines of the Council in relation to the Scheme's practical application.

All trainee solicitors and solicitors covered by the CPD Scheme (hereinafter called “the practitioners”) should acquaint themselves with the information in this Package, in particular, the Continuing Professional Development Rules and the Guidelines for Compliance with CPD Requirements, and ensure that proper attention is given to their participation in CPD activities throughout each CPD practice year.

INTRODUCTION OF HONOUR-BASED CPD SCHEME

From the launch of the Continuing Legal Education Scheme in 1991, the expansion into the Continuing Professional Development Scheme in 1998 until the present, the profession has built up a tradition of professional development training for over 17 years and is ready for advancement to the next stage.

The Law Society of Hong Kong

With effect from 1 November 2008, the Society will introduce an honour-based CPD Scheme.

Practitioners are not required to scan their attendance for accredited CPD courses. After completion of an accredited CPD course, a practitioner shall make a record of the points awarded to the course in his own training record provided that no point should be claimed by him if he is absent (excluding scheduled breaks) for more than 10 minutes for a course of less than 3 hours or for more than 30 minutes for a course of 3 hours or more.

The Society does not keep records of individual practitioners' attendance at courses. All practitioners must keep their own training record for 2 CPD practice years and, where records involved points from previous years, for those previous years. The form of training record can be downloaded from the Society's website at www.hklawsoc.org.hk.

November 2009

MANDATORY CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS

Practitioners required to undertake CPD

From 1 January 2003 the CPD Scheme has applied to all trainee solicitors and to all solicitors with practising certificates.

Exemption from CPD for very senior solicitors may be available upon certain conditions. (Please refer to page 52 of this Package for details.)

The CPD requirement

A solicitor and a trainee solicitor must accumulate 15 CPD accreditation points in each CPD practice year.

However, a trainee solicitor must accumulate 30 CPD accreditation points by the end of his or her period of employment as a trainee solicitor and on a pro-rata basis in accordance with Table A and/or Table A1.

The CPD practice year

A CPD practice year is a period of 12 months ending on 31 October each year in legal practice or in employment as a solicitor or in employment as a trainee solicitor (i.e. 1 November to 31 October).

The CPD requirement for trainee solicitors

A trainee solicitor is required to complete 15 CPD points during each CPD practice year (which commences on 1 November and expires on 31 October the following year).

Commencement of a trainee solicitor contract after the commencement of the CPD practice year

A trainee solicitor is advised to note that when his trainee solicitor contract commences after the commencement of a CPD practice year, he will be required to complete his CPD requirement on a pro-rata basis.

Where a trainee solicitor commences a trainee solicitor contract after the commencement of the CPD practice year, the annual 15 CPD points requirement will be determined on a pro-rata basis in accordance with **Table A** on page 4 of this Package.

Commencement date stated on trainee solicitor contract	Number of CPD points to be accumulated
1 November to 15 November	15
16 November to 15 December	14
16 December to 15 January	12½
16 January to 15 February	11
16 February to 15 March	10
16 March to 15 April	9
16 April to 15 May	7½
16 May to 15 June	6
16 June to 15 July	0
16 July to 15 August	0
16 August to 31 August	0
1 September to 31 October	0

Table A - Pro-rata requirements for trainee solicitors where they commence their trainee solicitor contracts after the commencement of the CPD practice year

There have been cases of misinterpretation of the CPD requirement where trainee solicitors completed 15 CPD points for the 12-month period from the commencement of their contract term, instead of in accordance with the pro-rata requirement on the basis of their contract period during a CPD practice year. Trainee solicitors are strongly advised to review Table A above to ascertain the number of points they are required to accumulate in each CPD practice year.

Other circumstances

In the event of:

- (1) a suspension of the CPD requirements of a trainee solicitor;
- (2) a reduction of the term of a trainee solicitor contract; or
- (3) a time gap in between two trainee solicitor contracts,

the annual 15 CPD points requirement will be determined on a pro-rata basis in accordance with Table A1 on page 5 of this Package.

Actual duration in employment under a trainee solicitor contract in a CPD practice year	Number of CPD points to be accumulated
0 – 15 days	0
16 – 45 days	1
46 – 75 days	2½
76 – 105 days	4
106 – 135 days	5
136 – 165 days	6
166 – 195 days	7½
196 – 225 days	9
226 – 255 days	10
256 – 285 days	11
286 – 315 days	12½
316 – 345 days	14
346 – 365 days	15

Table A1 - Pro-rata requirements for trainee solicitors in situations other than commencement of trainee solicitor contracts after the commencement of the CPD practice year

For trainee solicitors, the CPD obligations take effect from the commencement date of their trainee solicitor contract and not the date the contract is registered with the Society.

CPD activities undertaken prior to the end of the period of employment as a trainee solicitor including the time gap in between two trainee solicitor contracts will be counted for CPD purposes.

Commencement of practice after the commencement of the CPD practice year

Where a solicitor is issued with a practising certificate after the commencement of the CPD practice year, the annual 15 CPD points requirement will be pro-rated in accordance with **Table B** on page 6 of this Package.

For solicitors, the CPD obligations for a CPD practice year take effect from the commencement date, not the issue date, of their practising certificate.

Commencement date stated on practising certificate	Number of CPD points to be accumulated
1 November to 15 November	15
16 November to 15 December	14
16 December to 15 January	12½
16 January to 15 February	11
16 February to 15 March	10
16 March to 15 April	9
16 April to 15 May	7½
16 May to 15 June	6
16 June to 15 July	5
16 July to 15 August	4
16 August to 31 August	2½
1 September to 31 October	0

Table B - Pro-rata Requirements for Solicitors

Example : A trainee solicitor commenced his trainee solicitor contract on 1 April 2007. His 2 year trainee solicitor contract will expire on 31 March 2009. He will need to accumulate **30 CPD points** by 31 March 2009.

CPD Requirement:	1.4.2007 - 31.10.2007	—	9 CPD points (Table A)
	1.11.2007 - 31.10.2008	—	15 CPD points
	1.11.2008 - 31.3.2009	—	<u>6 CPD points</u>
	Total	—	30 CPD points by the end of trainee solicitor contract

Claiming CPD points before admission

Solicitors can receive a credit for the CPD points accumulated between the time of lodging a current application for admission (Form 4 or Form 1C) with the Society and within 3 months after the date of admission provided that the details of the activities undertaken have been entered in the CPD training record. CPD points obtained after the expiry of 3 months after the date of admission and before the commencement date of the first practising certificate of a solicitor will not be counted towards satisfaction of the solicitor's CPD requirement.

Carrying over excess CPD points from one CPD practice year to another

For CPD practice years from 2006/2007 onwards, practitioners will normally be permitted to carry over a maximum of 10 CPD points accumulated in excess of the requirement in one CPD practice year to the next immediately succeeding CPD practice year only. For the avoidance of doubt, practitioners will be entitled to commence carrying over excess CPD points accumulated in the 2006/2007 CPD practice year to the next succeeding practice year

The Law Society of Hong Kong

only in accordance of the above policy.

As an exception to the CPD policy, a practitioner who has undertaken the mandatory RME Programme for principals (conducted pursuant to the Legal Practitioners (Risk Management Education) Rules) will be permitted to carry over a maximum of 15 CPD points accumulated in excess of the requirement in one CPD practice year to the next immediately succeeding CPD practice year.

Accordingly, if a practitioner has attended other CPD activities in addition to the mandatory RME core programme for principals in one CPD practice year, he is permitted to carry over all his CPD points obtained during the CPD practice year, up to a maximum of 15 CPD points, to the next immediately succeeding CPD practice year.

For RME practice years from 2006/2007 onwards, out of the CPD points permitted to be carried over to satisfy the CPD obligation in the succeeding practice year, a maximum of 3 CPD points obtained from completion of RME electives may be utilised to satisfy the RME elective obligation for that succeeding practice year. For the avoidance of doubt, practitioners will be entitled to commence carrying over excess CPD points obtained from completion of RME elective in the 2006/2007 RME practice year to satisfy the RME elective obligation for the next succeeding practice year only in accordance of the above policy.

However, any excess CPD points accumulated during employment under the trainee solicitor contract cannot be carried over to the CPD practice year in which a trainee solicitor has been admitted as a solicitor.

Example 1: A partner completed the RME Programme in June 2007 and obtained a total of 24 CPD points. In addition, he accumulated 15 CPD points by attendance of a law course (not part of the RME Programme) during the CPD practice year 2006/2007. In total, the partner obtained 39 points for the CPD practice year 2006/2007. Assuming that the partner's CPD requirement for the CPD practice year 2006/2007 is 15 CPD points, after utilising 15 CPD points out of the 39 points to satisfy his CPD requirement for 2006/2007, he can carry forward a maximum of 15 CPD points (out of the balance of 24 CPD points) to the next CPD practice year of 2007/2008.

Example 2: A solicitor was required to accumulate 15 CPD points in the 2006/2007 CPD practice year. During 2006/2007, the solicitor did not undertake the mandatory Risk Management Education Programme, being not within the ambit of Legal Practitioners (Risk Management Education) Rules. He accumulated 32 CPD points (i.e. 17 excess CPD points) and was thus permitted to carry over 10 CPD points to the next CPD practice year, thereby reducing the minimum CPD points to be accumulated in the 2007/2008 CPD practice year ending 31 October 2008 to 5 CPD points.

WAYS IN WHICH THE CPD REQUIREMENT MAY BE MET

Individual training needs vary and the CPD Scheme has been designed to reflect this by offering flexibility in the training activities which qualify for CPD points. To meet the points requirement solicitors are free to choose activities relevant to their individual needs.

There are various methods of satisfying the CPD requirement other than simply attendance at traditional lecture-based courses. The methods and amount of CPD credit available for each type of training activity are set out in the Guidelines below.

Guidelines for compliance with continuing professional development requirements issued under Sections 2 and 5(3) of the Continuing Professional Development Rules

Preamble

Members have a general responsibility to keep up to date with developments in the law and practice relating to their work. Over and above that general professional responsibility there are compulsory requirements for continuing professional development (CPD) which are set out in the Continuing Professional Development Rules. Details of how these requirements may be satisfied are set out below.

The Society recognises certain activities as constituting formal continuing professional development. The Society encourages its members to undertake a wide range of activities and to regard formal acquisition of the prescribed 15 CPD points of formal continuing professional development each CPD practice year as only a minimum requirement.

Criteria for accreditation of CPD activities

1. To obtain the maximum advantage from CPD, activities shall:
 - (a) be relevant to the immediate or long term needs of trainee solicitors and/or solicitors;
 - (b) be of significant intellectual or practical content; and
 - (c) deal with matters or skills related to the practice of law.
2. Approval should be obtained from the Society as to the suitability for accreditation of other activities. In such cases, the Society may request that a specific application for accreditation of such activity be made.

The Law Society of Hong Kong

3. Except for applications made under Guidelines 10, 11, 12, 14, 15 and 16 and in certain cases, Guideline 6, **all applications for CPD accreditation must be made before the date on which the course is held.** It is not possible to accredit CPD points after any course has taken place. (Please refer to page 56 of this Package.)

Course standards and requirements

4. Courses shall meet the following standards and requirements:
 - 4.1 “A course” means an education programme, seminar, workshop, lecture, conference, in-house group discussion, distance learning course, face-to-face training session held as part of a distance learning course (eg. summer schools, revision sessions), computer-based course, and course presented by means of videotape, motion picture, audiotape, simultaneous broadcast or such other system or device;
 - 4.2 course leaders and lecturers must have the necessary practical and/or academic skills to conduct the course effectively. Experienced lawyers or other professionals must contribute to the development and/or teaching of the course;
 - 4.3 the method of presentation used must be appropriate to meet the aims and objectives of the course and, wherever possible and appropriate, should be varied and include participatory elements in order to encourage learning;
 - 4.4 before or at the course, each participant must be provided with written course materials of a quality and quantity which indicate that adequate time has been devoted to the preparation of the course and that it will be of value to the participants in the course of their practice;
 - 4.5 the course must be presented in a suitable setting conducive to a good educational experience. The course must be scheduled at a time and location so as to be free from interruption from telephone calls and other office matters;
 - 4.6 the level of the course, the number of CPD points accredited to the course and whether the course is substantially a repeat of a previous course must be noted in all promotional material;
 - 4.7 all courses must be evaluated by the participants attending the course in a manner which is approved by the Society;
 - 4.8 subject to paragraph 4.9 and except where provided to the contrary in these guidelines, courses should be credited with the number of points corresponding to the number of hours of tuition scheduled, excluding tea, coffee, lunch and other breaks. Only full or half points may be credited to any course. Points should be rounded down to the nearest half point for courses which are not scheduled to last for an exact number of half or whole hours;

The Law Society of Hong Kong

and

- 4.9 for the development of practical skills, courses requiring delegates' active participation, for example through workshops, will be more effective than more traditional lecture based courses.

Where at least 1/3 of the tuition time is spent in such small group work, trainee solicitors and solicitors may add 25% to the actual time of the course. For example, a 4 hour workshop comprising 2 hours of small group work qualifies for 1 additional CPD point giving a total of 5 CPD points.

No specific application to the Society by the trainee solicitor, solicitor or the provider of the course is required.

- 4.10 subject to paragraph 4.11, a course must be of at least one hour in duration. Courses of only one hour must have no more than 10 minutes devoted to questions from the audience.
- 4.11 (a) a course of 30 minutes or more but less than 60 minutes is eligible for ½ CPD point accreditation provided that for any course with a lecture format, at least 80% of the course must be devoted to the lecture presentation.
- (b) a participant at a course referred to in sub-paragraph (a) hereof may claim ½ CPD point provided that he attends the entire course. No lateness is permitted.
- 4.12 Participation in, or attendance at a course, means attendance at the complete course, or a designated segment of the course which is discrete from the rest of the course and has been accredited on a segmented basis.

Courses presented by videotape, motion picture etc.

5. 5.1 Up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking courses presented by means of videotape, motion picture, audiotape, simultaneous broadcast or other such systems and devices.
- 5.2 During courses referred to in paragraph 5.1, there must be an opportunity for participants to ask questions of the course instructor(s) and to engage in discussion. If the course instructor(s) is not available, either in person or via telephone, then a qualified commentator must be available to offer comments, answer questions and lead discussion.

The Law Society of Hong Kong

Overseas courses

6. Overseas courses will be accredited under the following conditions:
- (a) in the normal course, in approved jurisdictions only;
 - (b) the overseas course provider being an academic institution or a professional body or any other body approved by the Continuing Professional Development Committee;
 - (c)
 - (i) upon the overseas course provider submitting an application for accreditation and paying the requisite accreditation fee; or
 - (ii) where it can be demonstrated that the overseas course provider will not, in the normal course, submit an application for accreditation of the course, upon an application for accreditation being made by the Hong Kong practitioner(s) seeking accreditation and upon payment by such Hong Kong practitioner(s) of the requisite accreditation fee;
 - (d)
 - (i) upon production of sufficient documentation by the overseas course provider to enable the Hong Kong practitioner to demonstrate compliance with the CPD Scheme in Hong Kong (i.e. a course attendance list setting out sign in/sign out at the course); or
 - (ii) upon any Hong Kong practitioner who attended the overseas course filing with the Law Society of Hong Kong by the end of the CPD practice year in which he attended the course, written confirmation that he attended the entire course, or, where he attended part of the course, written confirmation setting out which parts/sessions of the course he attended and the full attendance details for each part/session of his attendance; and
 - (e) applications for accreditation under this Guideline should be made before the date of the course. However, where the Society is satisfied that exceptional circumstances exist, it may grant retrospective accreditation of an overseas course upon application being made by a practitioner (but not a course provider), provided that the applicant pays a late accreditation fee and submits the application to the Society not later than 30 days after the overseas course has been conducted. However, practitioners should hold no expectation that the submission of an application for retrospective accreditation will necessarily result in the course being accredited.

Computer-based courses

7. 7.1 Subject to paragraphs 7.2 and 7.3, up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking computer-based learning courses

The Law Society of Hong Kong

accredited by the Society.

- 7.2 The course provider must demonstrate to the satisfaction of the Society that procedures are in place, acceptable to the Society, which verify that the practitioner has completed the computer-based course in full and has done so with a demonstrable and satisfactory degree of comprehension.
- 7.3 In order for a practitioner to obtain CPD points for a course referred to in this guideline, the course provider must, in addition to the usual accreditation requirements, provide the following to the Society:
- (i) a copy of the course material;
 - (ii) access to the course on-line in order that the Society can monitor the course;
 - (iii) evidence of the verification procedures referred to in paragraph 7.2;
 - (iv) access to the provider's on-line record verifying that a participant has satisfied the requirements set out in paragraph 7.2; and
 - (v) details of the technical support services available to participants.
- 7.4 A practitioner claiming CPD points for attendance at a computer-based course must produce to the Society a printed copy of a completion certificate as supporting evidence in the event of a CPD audit.

Distance learning courses

8. 8.1 "Distance learning course" means a course delivered by correspondence, audio cassettes, video cassettes, television broadcasts or inter-active videos.
- 8.2 Up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking distance learning courses approved by the Society where the course involves an examination or a written assignment assessed by the course provider or leads to a qualification recognised by the Society.

Law courses

9. 9.1 "Law course" means a course related to legal practice approved by the Society which leads to a qualification recognized by the Society or a subject related to legal practice approved by the Society which forms part of a course that leads to a qualification recognized by the Society.
- 9.2 Up to 15 CPD points of the annual CPD requirement may be fulfilled by undertaking a law course on a part-time basis. Courses leading to a qualification include, for example, courses leading to a master degree, postgraduate diploma or specialised bachelor degree (e.g. Bachelor in Chinese Law). Subjects forming part of a course that leads to a qualification include,

The Law Society of Hong Kong

for example, a law module forming part of a master course on a discipline other than law.

- 9.3 Trainee solicitors and solicitors must apply to the Society for accreditation of any law course and must provide such materials and information in support of the application as required by the Society.
- 9.4 The Society may publish a list of approved law courses which will be reviewed from time to time. Any course may be removed from the approved list following such review.
- 9.5 CPD points under this paragraph may be counted in each CPD practice year during which the course is undertaken, provided that in each CPD practice year the trainee solicitor or solicitor complies with the course attendance requirements, attends lectures and/or tutorials totalling in duration not less than the number of hours of CPD points being claimed and provides evidence of such attendance as and if required by the Society.

Writing articles, books

10. 10.1 Up to 15 CPD points of the annual CPD requirement may be undertaken by writing law books, or articles in legal journals or legal articles in such other journals as approved by the Society.
- 10.2 Subject to paragraph 10.3, any CPD points claimed under paragraph 10.1 must be claimed in the CPD practice year in which the law book or the article is published.
- 10.3 The Society may in its discretion allow CPD points to be claimed in the CPD practice year in which the article or law book was written, and prior to publication, provided that the Society is satisfied that there is sufficient written evidence that during that CPD practice year the publisher had approved that the article or law book be published in the next succeeding CPD practice year.
- 10.4 The legal or other journal, which may be in an electronic format, must be approved by the Society.
- 10.5 The book or article should be on an area of substantive law or practice and procedure.
- 10.6 Subject to paragraph 10.7, 3 CPD points may be allocated for every 1000 words (English or Chinese) published, or 1½ CPD points for such lesser number of words published as may be approved by the Society.
- 10.7 In the case of substantial revisions or updates of previous publications, the

The Law Society of Hong Kong

number of CPD points to be allocated shall be determined by the Society.

Legal research

11. 11.1 Subject to Society approval, up to 15 CPD points of the annual CPD requirement may be undertaken by conducting legal research which is of use beyond the particular case and results in the production of a precedent, practice note, other form of written guidance, or substantial written submissions on any public consultation document relevant to legal practice, that is generally available to the public or made available to solicitors and trainee solicitors in the researcher's firm.
- 11.2 The number of CPD points to be allocated, if any, in any case shall be determined by the Society having regard to the quality of the results of the research, its availability to the public or to solicitors and trainee solicitors within the researcher's firm or organisation and the contemporaneous records maintained by the trainee solicitor or solicitor engaged in the research.

Dissertations

12. 12.1 Up to 15 CPD points of the annual CPD requirement may be undertaken by production of a dissertation counting towards a qualification recognised by the Society.
- 12.2 1 CPD point may be allocated for every 1000 words (English or Chinese) of such dissertation.

Preparation, presentation and facilitation of approved training courses

13. 13.1 Up to 15 CPD points of the annual CPD requirement may be undertaken by *preparation* of oral or written material forming part of the formal instruction within approved training courses by a trainee solicitor or solicitor whether or not he/she was involved in the presentation of the course. Contemporaneous working papers and the results achieved in relation to the preparation undertaken must be retained by the trainee solicitor or solicitor engaged in such preparation work.
- 13.2 Actual time spent in the preparation work (as rounded up or down to the nearest half hour*) may be counted provided that the number of CPD points claimed by a trainee solicitor or solicitor for preparation for any one course may not exceed three times the actual time involved in presenting that part of the course for which the preparation was undertaken.
- 13.3 Up to 15 CPD points of the annual CPD requirement may be undertaken by *presentation* of, *or assisting in the presentation as a facilitator* in approved training courses. Subject to paragraph 13.4, twice the actual time involved in presenting or facilitating in a course or part of a course, as the case may be,

The Law Society of Hong Kong

may be counted (as rounded up or down to the nearest half hour*) .

- 13.4 Where a trainee solicitor or solicitor remains in attendance for the whole of the course in which he/she is involved in presenting or facilitating a part for which a CPD credit may be allocated under paragraph 13.3, that trainee solicitor or solicitor may be allocated the full number of CPD points available to participants attending that course.
- 13.5 “Approved training course” means a lecture or tutorial forming part of the LLB, PCLL, CPE or CPEC courses at a Hong Kong university, a lecture or tutorial forming part of a law course accredited by the Society, preparatory courses for the Overseas Lawyers Qualification Examination accredited by the Society and an accredited CPD course.

* blocks of 15 to 29 minutes may be rounded up to the nearest half hour

Participation in committees/working parties/associations/Legislative Council

14. 14.1 Up to 5 CPD points of the annual CPD requirement may be fulfilled by –
- (a) participation in the work of the Council of the Society;
 - (b) subject to the approval of the Society, participation in the work of
 - (i) the committees or working parties of the Council of the Society; and
 - (ii) such committees or associations as are approved (from time to time) by the Society,which deal with issues of substantial significance in the practice of law;
 - (c) participation as a member of the Legislative Council in the work of the Bills Committees involving scrutiny and approval of draft legislation; and
 - (d) undertaking work as a member of the Solicitors Disciplinary Tribunal.
- 14.2 Solicitors and trainee solicitors may claim 1 CPD point for each hour engaged in such work.

Work as an external examiner/assessor and participation as a judge in a moot court competition

15. 15.1 Subject to approval by the Society, up to 5 CPD points of the annual CPD requirement may be fulfilled by:

The Law Society of Hong Kong

- (a) undertaking work as an external examiner for the PCLL examination or the International Award Writing Examination of the Chartered Institute of Arbitrators, including work in preparing questions for such examination;
- (b) undertaking work as an examiner for the Overseas Lawyers Qualification Examination, including work in preparing questions for such examination;
- (c) undertaking work as an assessor for the LL.B. (Honours) Programme provided by the City University of Hong Kong;
- (d) undertaking work as an assessor for the PCLL Advocacy Course provided by the University of Hong Kong;
- (e) participation as a judge in a moot court competition organised by a university in Hong Kong;
- (f) undertaking work as an examiner for the PCLL Advocacy Examination provided by the Chinese University of Hong Kong; and
- (g) undertaking work as an assessor for the accreditation of mediator on the Law Society Panel of Mediators.

15.2 1 CPD point may be claimed for each period of 2 hours engaged in such work. Contemporaneous records in relation to the work undertaken must be retained as evidence in support of the number of CPD points claimed.

Participation in other legal training activities

16. 2 CPD points may be claimed for each completed Duty Lawyer Scheme orientation on the basis of a confirmation from the Duty Lawyer Service to the Society that a solicitor has successfully completed the orientation.

Priority CPD areas

17. Trainee solicitors and solicitors should take note of those areas of law and practice which the Society indicates are of particular current importance. Statements will appear in the Society's Circulars from time to time indicating any additional credit which may be given to undertaking CPD in these priority areas.

Double counting

18. There shall be no double counting of CPD points in respect of activities specified in

The Law Society of Hong Kong

these guidelines. For example, a practitioner will not be allowed to claim CPD points for both attendances at a law course and production of a dissertation in the same law course in the same CPD practice year. The practitioner will only be able to claim CPD points under either one of the above CPD activities in respect of the same law course in the same CPD practice year.

For the avoidance of doubt, a practitioner is entitled to claim CPD points for attending or presenting a CPD course irrespective of the number of times he has presented or attended the course. With respect to the preparation of materials, a practitioner is entitled to claim CPD points for the actual time spent in preparing or updating the materials each time the course is held.

Revocation or amendment of CPD accreditation points

19. The Society has a discretion to revoke or amend any determination or approval of accreditation points allocated in respect of an activity under these Guidelines.

Coaching

20. 20.1 “Coaching” means a structured one-to-one training process conducted face-to-face internally in a law firm during which the coach assists an individual practitioner to achieve an enhancement of his legal knowledge and skills. Coaches must have a minimum of 5 years of post-admission experience in the practice of law and have the necessary practical and/or academic skills to assist the practitioners being coached to achieve the objectives set for the coaching sessions.
- 20.2 To qualify for CPD points, a coaching session must be of at least 30 minutes in duration and structured with written objectives and an outline of the session content. The activity should be at an appropriate level. It should be structured with the aim of advancing an individual practitioner’s general professional skills and knowledge and not a particular fee-earning matter.
- 20.3 The outcomes following each session must be properly documented. A written record of the objectives, the content outline and the outcomes of each coaching session and the date, the start time, the finish time and the venue with respect to the coaching session held must be retained by the coach and the practitioner being coached for verification by the Society of the CPD points claimed.
- 20.4 Up to 5 CPD points of the annual CPD requirement may be undertaken by participation in coaching sessions that qualify for CPD points in accordance with the CPD Guidelines. The actual time engaged in each coaching session may be claimed by the coach and the practitioner being coached on the basis of ½ CPD point for each half-hour. Blocks of 15 to 29 minutes in excess of

The Law Society of Hong Kong

the minimum 30 minutes referred to in paragraph 20.2 may be rounded up to the nearest half-hour.

Where the Society's approval is required, applications for CPD points should be made in writing and sent to the Assistant Director, Professional Development at 3/F., Wing On House, 71 Des Voeux Road Central, Hong Kong.

APPROVED LEGAL JOURNALS

(Reference: Guideline 10 on page 13)

The CPD Accreditation Sub-Committee has so far approved the following as legal journals for the purpose of obtaining CPD points pursuant to paragraph 10 of the CPD Guidelines:

1. Air Finance Annual
2. AmChat
3. Asia Insurance Review
4. Asia IP Bulletin
5. Asialaw
6. Asia Pacific Forum News
7. Asia Pacific IP Focus
8. Asia-Pacific Insurance & Reinsurance Bulletin
9. Asia Pacific Law Review
10. Asia Securitisation & Structured Finance Guide
11. Asian Counsel
12. Asian Dispute Review
13. Asian Financial Law Briefing
14. Asian IP
15. Asian Lawyer
16. Asian Legal Business
17. Banking Today
18. BLG Aerospace News
19. Building and Enforcing Intellectual Property Value
20. Britain in Hong Kong
21. Capital Markets
22. CIPIC Journal Japan
23. China Direct Investor
24. China Finance Manual
25. China Law & Practice
26. China Law For Business
27. China Law Reference Service
28. China Legal Watch
29. China Tax Review
30. China Staff
31. Clifford Chance Bi-monthly Email Update
32. Columbia Journal of Asia Law
33. Company Secretary
34. Computer & Telecommunications Law Review
35. Computer Law & Security Report
36. Copyright World
37. Corporate Counsel Asia Pacific
38. Corporate Governance
39. Derivatives Week

The Law Society of Hong Kong

40. E-Commerce
41. Exporters Bulletin
42. Focus: Arbitration
43. Focus: Hong Kong-Commercial Litigation
44. Focus: Regulation and Compliance
45. Global Counsel Handbooks – Dispute Resolution
46. Global IP Rights Management
47. Global Legal Group
48. Global Turnaround
49. Hebei Law Science
50. Hong Kong Economic Journal
51. Hong Kong Law Journal
52. Hong Kong Lawyer
53. Insurance Day
54. Intellectual Asset Management Magazine
55. Intellectual Property Law in Asia
56. Intellectual Property Law Newsletter
57. International Arbitration
58. International Arbitration Law Review
59. International Co & Commercial Law Review
60. International Energy Law & Taxation Review
61. International Financial Law Review
62. International Mergers & Acquisitions Review
63. Internet Gambling Report V
64. Journal of International Arbitration
65. Journal of International Banking Law
66. Journal of the Shenzhen Maritime Shipping Association (2005 海峽兩岸暨香港航運
物流研討會論文集)
67. IP Profiles
68. IPASIA
69. IPBA Journal
70. Intellectual Asset Management Magazine
71. Intellectual Property in Asia
72. International Business Lawyer
73. International Internet Law Review
74. International Maritime Law
75. INSOL World
76. Insolvency & Restructuring
77. Law Science Magazine
78. Legal Bulletin Corporate Finance
79. Legal Week
80. Managing Intellectual Property
81. Mediation
82. Mergers & Acquisitions
83. Modern Law Science
84. Newsletter of Dental Association
85. Official Guide to Telecommunications in HK

The Law Society of Hong Kong

86. PLC Magazine
87. Perspective
88. Preston Gates Guide to Telecommunications in Asia
89. Project Finance
90. Project Finance International
91. Project Finance Models for Greater China
92. Seaview
93. Singapore Law Society Gazette
94. Starting a Hedge Fund – An Asian Perspective
95. Studies in Law & Business
96. Technical Bulletin
97. The Asia-Pacific Restructuring & Insolvency Guide
98. The Asian Leading Arbitrators' Guide to International Arbitration
99. The Chamber of Hong Kong Listed Companies Magazine
100. The China Business Review
101. The Computer Law and Security Report
102. The Euromoney Syndicated Lending Handbook
103. The Expert
104. The Global Counsel Mergers and Acquisition Handbook
105. The Global Counsel Restructuring & Insolvency Handbook
106. The Guide to Capital Markets in Asia
107. The Hong Kong Accountant
108. The in-house Perspective
109. The Metropolitan Corporate Counsel Journal
110. The International Construction Law Review
111. The Journal of Business Law
112. The Patent Journal
113. The Tax Journal
114. Trademark World
115. Urban Planning & Environmental Law Quarterly
116. World Internet Law Report
117. World Leasing Yearbook
118. World Online Gambling Law Report
119. World Securities Law Report
120. World Trademark Law Report
121. World Trademark Review
122. Worldwide Intellectual Property Law

APPROVED LAW COURSES

(Reference: Guideline 9 on pages 12 and 13)

The CPD Accreditation Sub-Committee has approved certain LL.M. and other law courses undertaken on a part-time basis for the purposes of compliance with CPD requirements under the CPD Scheme.

A practitioner will receive up to 15 CPD points in the CPD practice year in which the approved law course is undertaken. This means that the practitioner is entitled to claim CPD points even though he or she has not completed the approved law course in that CPD practice year.

Evidence of attendance includes a certificate of attendance issued by the relevant University or a confirmation letter issued by the Department Head of the relevant University confirming the number of hours of the practitioner's attendance at the course.

Applications for accreditation of law courses should be addressed and forwarded to the Assistant Director, Professional Development together with the supporting materials. The supporting materials should include the following:

- 1) **Course title**
- 2) **Duration (detailed schedule)**
- 3) **Course structure**
- 4) **Entry requirements**
- 5) **Means of Assessment**
- 6) **Award**
- 7) **Course brochure (if any)**

Additional information may be requested by the Society.

The law courses which have been approved are:

COURSES ORGANIZED BY UNIVERSITIES IN HONG KONG

1. The Chinese University of Hong Kong

- Certificate Program in Professional Accountancy (by the School of Continuing and Professional Studies)
- Law & Social Work (by the Department of Social Work)
- Master of Laws in Chinese Business Law
- Master of Laws in Common Law
- Master of Laws in International Economic Law
- Perspective on the Basic Law (by the Department of Government & Public Administration)
- Public Health Law

The Law Society of Hong Kong

2. The City University of Hong Kong

- Continuing Education Diploma in Property Management
- Law of Business Organisations, Corporate Insolvency, Meetings & Employment
- Master of Arts in Arbitration and Dispute Resolution
- Master of Arts in Language and Law
- Master of Arts in Language Studies (with specialization in Language & Law)
- Master of Laws in Chinese and Comparative Law (Regular mode)
- Master of Laws (Chinese & Comparative Law) (Fast-track mode)
- Master of Laws (Chinese and Comparative Law)
- Master of Laws (Common Law)
- Master of Laws (International Business Law)
- Master of Laws (International Economic Law)
- Master of Laws (WTO and Law)
- Master of Laws (General)
- Master of Laws (Regular mode)
- Master of Laws (Fast-track mode)
- Postgraduate Diploma (Chinese Law)
- Postgraduate Diploma (International Economic Law)
- Postgraduate Certificate (Chinese Law)
- Postgraduate Certificate (International Economic Law)
- Taxation, one of the core courses of the Master of Arts in Professional Accounting and Information Systems
- The Postgraduate Certificate course in Professional Accounting

The City University of Hong Kong / Renmin University of China

- Master of Laws

The City University of Hong Kong / Taxation Institute of Hong Kong

- Continuing Education Certificate in Hong Kong Taxation
- Continuing Education Certification in Advanced Taxation
- Continuing Education Diploma in Advanced Taxation and Tax Planning

SCOPE, The City University of Hong Kong / University of Wolverhampton

- Master of Laws in International Corporate and Finance Law
- Master of Laws (LLM) (Top-up Degree)

3. The Hong Kong Baptist University

- Master of Science in Corporate Governance and Directorship

The Law Society of Hong Kong

4. The Hong Kong Polytechnic University

- Master of Corporate Governance
- Mergers & Acquisition, a module of the Master of Corporate Finance
- Regulatory Framework & Compliance, a subject in the Master of / Postgraduate Diploma in Corporate Finance
- Revision Course for the PRC Certified Tax Accountant (by the China Business Centre)

5. The Hong Kong University of Science and Technology

- Construction Engineering Management and Law course, part of the degree course of Bachelor of Engineering
- Civil Engineering Disputes (Law & Practice), one of the subjects in MSc/GD in Civil Infrastructural Engineering and Management

6. The University of Hong Kong

- Doctor of Legal Science
- E-Crimes: Prevention, Detection & Legal Sanctions, one of the electives in the Master of Science Degree in Electronic Commerce
- Graduate Diploma in China Business Law (by Poon Kam Kai Institute of Management and Faculty of Business & Economics)
- Internet & E-Commerce Security, one of the elective modules in the programme of MSc in Electronic Commerce and Internet Computing (*up to 7½ CPD points may be claimed by undertaking this course*)
- Legal Aspects of IT & E-Commerce, one of the electives in the Master of Science Degree in Electronic Commerce
- Master of Laws (Arbitration and Dispute Resolution)
- Master of Laws (Chinese Law)
- Master of Laws (Corporate & Financial Law)
- Master of Laws (General Stream)
- Master of Laws (Human Rights)
- Master of Laws (Information Technology and Intellectual Property Law)
- Master of Social Sciences Degree in Criminology
- Postgraduate Diploma in Commercial Law
- Postgraduate Diploma in Information Technology & Intellectual Property Law
- Postgraduate Diploma in Public Law
- Postgraduate Diploma in the Law of the People's Republic of China

The University of Hong Kong / Duke University School of Law

- 2007 Asia-America Institute in Transnational Law
- 2008 Asia-America Institute in Transnational Law
- 2009 Asia-America Institute in Transnational Law

The Law Society of Hong Kong

SPACE, The University of Hong Kong

- 2005 National Judicial Examination Preparatory Course-Enhancing Skills for Answering Examination Papers (*up to 8 CPD points may be claimed by undertaking this course*)
- Diploma in Hong Kong Trade Mark Law and Practice
- Executive Diploma/Certificate in Legal Risk for Enterprise Risk Management
- Executive Diploma in Asset Recovery Law, Receivable and Fraud Control Practice 行政人員文憑 (資產追收法律、商賬及詐騙監控實務) and four modules:
 - Module 1: Asset Recovery Law and Anti-Fraud Investigations
 - Module 2: China Commercial Law: Liability Risk in Receivable Management
 - Module 3: Collection, Documentary Credits and International Trade Law
 - Module 4: Receivable Management and Financial Regulatory Compliance
- Examination Preparatory Course for the Advanced Diploma in International Taxation Programme (ADIT) – Chartered Institute of Taxation, UK (CIOT)
- High Impact Chinese Legal Writing
- Personal Data (Privacy Ordinance under Law) Public Sector Human Resource Management, a subject in the Postgraduate Certificate in Laws for Human Resource Managers (*up to 8 CPD points may be claimed by undertaking this course*)
- Property Laws, a subject in the Master of Housing Management (by Faculty of Social Sciences, the Centre of Urban Planning & Environmental Management)
- Postgraduate Diploma in Construction Law and Arbitration (*7½ CPD points per module*)
- Postgraduate Diploma/Certificate in China Business
- Postgraduate Diploma in Corruption Studies
- Postgraduate Diploma in Family Mediation
- Postgraduate Diploma in Finance and Law

SPACE, The University of Hong Kong / Queen Mary, University of London

- Master of Science in e-Commerce Engineering with Law
- Master of Science in Telecommunication with Law

SPACE, The University of Hong Kong / The Manchester Metropolitan University

- Bachelor of Laws

SPACE, The University of Hong Kong / Tsinghua University

- Second Bachelor Degree in Chinese Law (中國法學專業第二學士學位課程)
- Professional Certificate in Chinese Civil and Commercial Law (中國民商法專業課程進修結業證書)

The Law Society of Hong Kong

SPACE, The University of Hong Kong (Built Environment Section) / The Accord Group, Australia

- Postgraduate Diploma in Construction Law, Mediation & Arbitration

7. The Open University of Hong Kong

- Master of Arts in Legal Translation

The Open University of Hong Kong (Li Ka Shing Institute of Professional and Continuing Education) / Nottingham Law School of The Nottingham Trent University, England

- Bachelor (Hons) of Laws (LLB)

8. Shue Yan College / Peking University

- Bachelor of Chinese Law
- Master of Chinese Civil Law
- Master of Chinese Economic Law
- Master of International Law
- Master of International Economic Law

COURSES ORGANIZED BY UNIVERSITIES OUTSIDE HONG KONG

9. International Islamic University Malaysia / the Centre for Islamic Management Studies Pte. Ltd / Harun Hashim Law Centre / Ahmad Ibrahim Kulliyah of Laws

- Diploma in Shari'ah Law and Practice

10. Monash University

- Master of Laws in Intellectual Property

11. Peking University

- Doctorate of Laws

12. Sun Yat-Sen University

- Special Areas of Interest in Commercial Law in England & Hong Kong, one of the subjects of the Master of Laws

The Law Society of Hong Kong

13. The China University of Politics and Law

- Doctorate of Laws

14. The University of Aberdeen, Scotland

- Ph.D. Degree in Law (part-time)

15. The University of Bristol

- Diploma Course on Intellectual Property Law and Practice
- Master of Laws by Advanced Study (LL.M. in Maritime Law)
- The Two-Week Residential Course in Intellectual Property Law (First part of the Diploma in Intellectual Property Law and Practice)

16. The University of Canberra (Division of Business, Law and Information Science)

- Master of Laws
- Graduate Certificate of Legal Studies

17. The University of Exeter

- LL.M. in International Business Law

18. The University of Melbourne

- Master of Laws

19. The University of Northumbria, Newcastle, United Kingdom

- LL.M. International Commercial Law
- LL.M. International Trade Law

20. The University of Reading

- LL.M. in Construction Law

21. The University of Southampton

- Maritime Law Short Course
- Master of Laws (General Stream)
- Master of Laws (Commercial Law)
- Master of Laws (European Law)
- Master of Laws (International Law)
- Master of Laws (Maritime Law)

The Law Society of Hong Kong

**22. The College of Adult Education of Shenzhen University
(深圳大學成人教育學院)**

- Diploma in China (Commercial) Law (中國法律(商法)文憑)

COURSES ORGANIZED BY PROFESSIONAL BODIES

23. The Chartered Institute of Arbitrators, London

- Diploma in International Commercial Arbitration

24. The Hong Kong Institute of Certified Public Accountants

- Diploma in Insolvency

25. The Society of Trust & Estate Practitioners, MindTheme, The International Trust Companies Association and Central Law Training

- STEP Foundation Certificate in International Trust Management

This list of approved courses will be reviewed from time to time and any course may be removed from the approved list following such review. Members will be advised by Circular of any such decision.

APPROVED DISTANCE LEARNING COURSES

(Reference: Guideline 8 on page 12)

The CPD Accreditation Sub-Committee has approved certain distance learning courses for the purposes of compliance with CPD requirements under the CPD Scheme.

Practitioners undertaking the approved distance learning courses in **items 1 to 23** on pages 29 to 31 may claim:

- (i) 5 CPD points for every subject passed in the examination and up to 15 CPD points of the annual CPD requirement for the CPD practice year in which the examination result is released; **OR**
- (ii) up to 15 CPD points of the annual CPD requirement for the production of a dissertation for the CPD practice year in which the dissertation is submitted to the University (pursuant to Guideline 12.1 on page 14); **OR**
- (iii) up to 15 CPD points of the annual CPD requirement in each CPD practice year for attending lectures / tutorials for the CPD practice year in which the lectures / tutorials are undertaken, provided that in each CPD practice year the practitioner:
 - complies with the course attendance requirement;
 - attends lectures and / or tutorials totalling in duration not less than the number of hours of CPD points being claimed; and
 - provides evidence of such attendance as and if required by the Society.

Evidence of attendance includes a certificate of attendance issued by the relevant University or a confirmation letter issued by the Department Head of the relevant University confirming the number of hours of the practitioner's attendance at the course.

On the basis that there shall be no double counting of CPD points, practitioners will only be allowed to claim CPD points under (i) or (ii) or (iii) above in respect of an approved distance learning course.

Applications for accreditation of distance learning courses should be addressed and forwarded to the Assistant Director, Professional Development together with the supporting materials. The supporting materials should include the following:

- 1) **Course title**
- 2) **Duration (detailed schedule)**
- 3) **Course structure**
- 4) **Entry requirements**
- 5) **Means of Assessment**
- 6) **Award**
- 7) **Course brochure (if any)**

The Law Society of Hong Kong

Additional information may be requested by the Society.

The distance learning courses which have been approved are:

COURSES ORGANIZED BY UNIVERSITIES

1. Australian National University

- A compulsory subject “Legal Practice Experience” of a programme entitled “Graduate Diploma in Legal Practice (GDLP)”
- Master of Laws (Legal Practice)

2. Curtin University of Technology, Perth, Australia

- Taxation Law, one of the units in the Bachelor of Commerce (Commercial Law)

3. Hong Kong Cyber U / The Hong Kong Polytechnic University / University of International Business and Economics, China

- Professional Certificate in China Commercial Law (中國商業法律專業證書課程)

4. London Metropolitan University & Lloyd’s Maritime Academy

- Postgraduate Diploma in Maritime Law

5. Manchester Business School & International Compliance Association

- International Diploma in Compliance

6. Massey University, New Zealand

- Law of Business Organisation, one of the compulsory papers in the Bachelor of Accountancy

7. Michigan State University (Institute for Food Laws & Regulations and the College of Agricultural and Natural Resources)

- The International Food Law Certificate Program

8. Open Polytechnic of New Zealand

- Law of Business Organisation, one of the units in the Bachelor of Business

9. The Deakin University

- Master of Business Administration (MBA)
- Master of Business Administration with CPA Australia Programme (CPA MBA)

The Law Society of Hong Kong

10. The Nottingham Law School

- LLM in Intellectual Property Litigation

11. The Open University of Hong Kong

- Master of Laws in Chinese Business Law (Business Applications)
- 中國商法法律(商業應用)碩士課程
- Master of Laws in PRC Law
- Postgraduate Certificate in Commercial Law (PRC Law)
- Postgraduate Certificate in Legal Studies (PRC Law)

12. The University of Cambridge (The Institute of Continuing Education)

- Postgraduate Diploma in Notarial Practice

13. The University of Leicester

- LLM in Law & Employment Relations

14. The University of London

- LLM (External Programme)
- Preparatory courses for the University of London External LLM provided by SPACE, the University of Hong Kong

The University of London (Queen Mary)

- LLM and Postgraduate Diploma in Computer and Communications Law (by Distance Learning)

15. The University of London (the Centre of European Law, School of Law, King's College London) & Informa Professional Academy

- Master in EC Competition Law
- Postgraduate Diploma in EC Competition Law

16. The University of Northumbria, Newcastle, United Kingdom

- LLM Advanced Commercial Property Law
- LLM Advanced Legal Practice
- LLM Claims and Risk Management in Health Care
- LLM in Commercial Law
- LLM in European Union Law
- LLM International Commercial Law
- LLM International Trade Law
- LLM Medical Law

The Law Society of Hong Kong

- 17. The University of Reading (The College of Estate Management), United Kingdom**
 - Postgraduate Diploma in Arbitration
- 18. The University of Strathclyde, Scotland**
 - LLM in IT and Telecommunications Law
- 19. The University of the South Pacific, Emalus Campus (The School of Law)**
 - Master of Laws
- 20. The University of Wolverhampton**
 - LLM (External Programme)
- 21. The University of Wolverhampton / School of Continuing and Professional Education (SCOPE) of City University of Hong Kong**
 - Master of Laws

COURSES ORGANIZED BY PROFESSIONAL BODIES

- 22. The Chartered Alternative Investments Analyst Association, USA**
 - The Chartered Alternative Investments Analyst (CAIA) Programme
 - Level II Examination of the Chartered Alternative Investments Analyst (CAIA) Programme
- 23. International Bar Association & The College of Law of England and Wales**
 - International Practice Diploma

PREPARATORY COURSES FOR THE MAINLAND STATE JUDICIAL EXAMINATION (國家司法考試)

(I) Approved Preparatory Courses:

- 24. SPACE, the University of Hong Kong / Tsinghua University**
 - Preparatory courses for Mainland State Judicial Examination (國家司法考試) (subsequently known as “Training Course for Practising Law in China”)

The Law Society of Hong Kong

25. The City University of Hong Kong

- Advanced Training Programme for the Chinese National Judicial Examination (國家司法考試)

Up to 15 points of the annual CPD requirement may be counted in each CPD practice year during which the Approved Preparatory Courses for the Mainland State Judicial Examination are undertaken provided that the practitioner:

- complies with the course attendance requirement;
- attends lectures and / or tutorials totalling in duration not less than the number of hours of CPD points being claimed; and
- provides evidence of such attendance as and if required by the Society.

(II) Practitioners undertaking the Mainland State Judicial Examination may claim 15 CPD points for passing the examination for the CPD practice year in which the examination result is released.

There shall be no double counting of CPD points. Practitioners will only be allowed to claim under either (I) or (II) above in respect of the same Examination.

This list of approved courses will be reviewed from time to time and any course may be removed from the approved list following such review. Members will be advised by Circular of any such decision.

APPROVED COMMITTEES/WORKING PARTIES/ASSOCIATIONS

(Reference: Guideline 14 on page 15)

1. **Law Society Committees/Working Parties**

Council

Practitioners Affairs

Standing Committee on Practitioners Affairs

ADR Committee

Bilingualism Committee

Civil Litigation Committee

Company & Financial Law Committee

Constitutional Affairs Committee

Criminal Law & Procedure Committee

Family Law Committee

Hong Kong Lawyer Editorial Board Committee

Hong Kong Solicitors Indemnity Fund Limited

Insolvency Law Committee

Insurance Law Committee

Intellectual Property Committee

Joint Standing Committee on Probate Practice

Joint Working Party on Review of Probate Forms

Land Registry Customer Liaison Group

Land Use Planning Committee

Law Society Convention Committee

Legco Liaison Group Committee

Management & Technology Committee

Mediation Committee

Personal Injuries Committee

PIS Claims Committee

PIS Panel Solicitors Selection Board

PIS Review Working Party

Probate Committee

Professional Indemnity Advisory Committee

Property Committee

Retirement Schemes Committee

Revenue Law Committee

Securities Law Committee

Sub-Committee on New Territories Conveyancing Practice

Sub-Committee on Review of Conveyancing Practice

Sub-Committee to Appoint Solicitors to the Law Society's Panel of Mediators

Task Force on Securities

Title Ordinance Reviewing Sub-committee

Title Registration Education Action Taskforce

Title Registration Implementation Committee

Working Party on Building Management (Amendment) Bill 2005

The Law Society of Hong Kong

Working Party on Cessation of Practice
Working Party on Conditional Fees
Working Party on Higher Rights of Audience
Working Party on LACO's Revised Guidelines for DMC
Working Party on Land Titles Ordinance
Working Party on PIS Accountant's Certificates & Contributions
Working Party on Qualifying Insurers Scheme
Working Party on Recovery Agents
Working Party on Reform of the Civil Process in Hong Kong
Working Party on Review of the Consent Scheme
Working Party on Review of the Trustee Ordinance
Working Party on Special Advocates
Working Party on Standard Conveyancing Forms
Working Party on the Personal Data (Privacy) Ordinance
Working Party on Voluntary Conveyancing Fee Guidelines
Young Solicitors' Group Committee

Standards & Development

Standing Committee on Standards and Development
CPD Accreditation Sub-Committee
Continuing Professional Development Committee
Employed Solicitors' Code Working Party
Foreign Lawyers Committee
Guidance Committee
Guide Working Party
Legal Education Committee
Mediator Accreditation Committee
Overseas Lawyers Qualification Examination Committee
Overseas Lawyers Examination Panel
RME Accreditation Sub-Committee
Risk Management Education Committee
Sub-Committee of the Guidance Committee on Code of Conduct for Solicitors Acting as Registrar of Marriages
Sub-Committee on Guidance to review rule 5AA of the Solicitors' Practice Rules
Working Party on Legal Advice by Unqualified Persons
Working Party on Limitation of Solicitors' Liability
Working Party on Limited Liability Partnership
Working Party on Money Laundering
Working Party on Multi-Jurisdictional Partnerships
Working Party on Practice by Bankrupt Solicitors
Working Party to Review Subsidiary Legislation
Working Party on Review of CPD Scheme
Working Party on Solicitors' Accounts Rules

Compliance

Standing Committee on Compliance
Consents Committee

The Law Society of Hong Kong

Investigation Committees

External Affairs

Standing Committee on External Affairs

Community Relations Committee

Law Week Organising Committee

Mainland Legal Affairs Committee

Policy & Resources

Employment Law Committee

Standing Committee on Policy and Resources

Legal Aid Committee

The Steering Committee on Review of Professional Indemnity Scheme

Website Committee

Working Party on Incorporation of Solicitors' Practices

Working Party on Pro Bono Work

Working Party on WTO

Member Services

Practice Management Committee

Standing Committee on Member Services

2. Other Approved Committees/Working Parties/Associations

Asian Patent Attorneys Association (HK Group)

- Anti-Counterfeiting Committee
- Copyright Committee
- Designs Committee
- Patents Committee
- Trade Marks Committee

Chief Justice's Working Party on Mediation

Council of the Licensing Executives Society of China Hong Kong Chapter

Government's Standing Committee on Company Law Reform

Hong Kong Admiralty Court Users' Committee

Hong Kong Corporate Counsel Association

- Executive Committee

Hong Kong International Arbitration Centre

- Mediator Accreditation Committee

Hong Kong Maritime Law Association

- Executive Committee
- Working Party on Civil Justice Review

The Law Society of Hong Kong

- ADR & Arbitration Sub-Committee

Hong Kong Society of Notaries

- Council
- Examination Committee
- External Affairs Committee
- Management Committee
- Standards and Development Committee

Law Reform Commission Sub-Committees

Legal and Complaints Committee of the Equal Opportunities Commission

Secretary for Justice's Working Group on Mediation

- Public Education and Publicity Sub-Group
- Accreditation and Training Sub-Group
- Regulatory Framework Sub-Group

The Association of China–Appointed Attesting Officer Limited

- Council
- Subcommittee on External Affairs
- Subcommittee on Administrative Affairs
- Subcommittee on Disciplinary Affairs
- Subcommittee on Policy Affairs
- Subcommittee on Attestation Affairs

The Hong Kong Federation of Women Lawyers

- Securities and Finance Committee

The Hong Kong Institute of Trade Mark Practitioners Limited

- Council

The Interest Group of Legal Aid Services Council on Scope of Legal Aid

COACHING

(Reference: Guideline 20 on page 17)

“Coaching” means a structured one-to-one training process conducted face-to-face internally in a law firm during which the coach assists an individual practitioner to achieve an enhancement of his general legal knowledge and skills (not to achieve an advancement of a fee-earning matter).

Criteria/Content

Like any other CPD activities, the content of a coaching session must meet the criteria for accreditation of CPD activities.

Further, a coaching session must last for at least 30 minutes to qualify for CPD points.

To qualify to act as a coach, a practitioner must have a minimum of 5 years of post-admission experience in the practice of law and the necessary practical and/or academic skills to assist the practitioner being coached to achieve the objectives set for the coaching sessions.

Objectives

A coaching session usually involves a more experienced practitioner of a law firm providing structured guidance and support to a junior practitioner of the same firm.

The coach and the practitioner being coached should first establish the objectives of the coaching session by identifying the training and development needs of the practitioner and determining which of those needs and how they will be addressed during the coaching session.

A coaching session may form part of a coaching programme which contains a series of coaching sessions, but each session should have its own objectives and should be clearly documented.

Outcome

During each coaching session, the coach is expected to provide structured guidance and feedback with a view to assist the practitioner being coached to achieve the objectives of the session. The practitioner being coached should record in writing the development outcome following each session for review by the coach.

The Law Society of Hong Kong

Accreditation

For a law firm which is an accredited provider of CPD courses, no prior application for accreditation of a coaching session held internally within the firm is required.

Where a law firm is not an accredited provider of CPD courses, prior application for accreditation of its coaching programme (at an application fee) is required. It has to submit a detailed outline or plan for the coaching programme setting out:

- (a) the name of the coach
- (b) the professional qualifications and experience of the coach
- (c) the name of the practitioner being coached
- (d) the venue where the programme is to be held
- (e) the overall objectives of the programme
- (f) an outline of the programme
- (g) the proposed duration of the programme and the duration and frequency of individual sessions within the programme.

Any subsequent changes to any approved coaching plan should be notified to the Society.

Record

A practitioner wishing to claim CPD points for participation in a coaching session (which can either be self-accredited where the law firm is an accredited provider or be accredited by prior application to the Society where the law firm is not an accredited provider) is responsible for keeping his own record of the details of each session of the coaching programme for verification by the Society during audit. The details include:

- (a) the name of the coach
- (b) the professional qualifications and experience of the coach
- (c) the name of the practitioner being coached
- (d) the venue where the session is held
- (e) the duration of the session with the date, the start time and the finish time
- (f) the number of CPD points claimed for the session
- (g) the objectives of the session
- (h) an outline of the content of the session
- (i) the development outcome of the session.

The record must be signed by the coach and the practitioner being coached.

EXAMPLES OF COMPLIANCE WITH THE CPD REQUIREMENT

The examples below give an indication of the types of training activities which qualify and the amount of credit that may be gained from each type.

Example 1:

- 15 CPD points by attendance at accredited courses

Example 2:

- 10 CPD points by writing legal articles PLUS
- 5 CPD points by preparation of accredited course materials

Example 3:

- 8 CPD points by preparing course materials PLUS
- 7 CPD points by presentation of accredited training courses

Example 4:

- 15 CPD points by undertaking a distance learning course (which involves an examination) leading to an LL.M.

Preparation and presentation of approved training courses

Example 5:

Presenter A presents a lecture of 50 minutes at a 4 hour CPD course accredited with 4 CPD points. Her actual preparation time was 4 hours supported by contemporaneous working papers and results achieved.

CPD points may be awarded to Presenter A as follows:

Presentation time : 50 minutes = 1 hour (rounded up) = 2 CPD points
PLUS

Preparation time : 4 hours = 4 CPD points but subject to a maximum of 3
CPD points = 3 CPD points

TOTAL : 5 CPD points

The Law Society of Hong Kong

Example 6:

Presenter B presents a lecture of 1 hour 15 minutes at a 3 hour CPD course accredited with 3 CPD points. His actual preparation time was 5½ hours supported by contemporaneous working papers and results achieved.

CPD points may be awarded to Presenter B as follows:

Presentation time : 1¼ hours = 1½ hours (rounded up) = 3 CPD points
PLUS
Preparation time : 5½ hours = 5½ CPD points but subject to a maximum of
4½ CPD points = 4½ CPD points
TOTAL : 7½ CPD points

Example 7:

- (a) Presenter C presents a lecture of 2 hours at a 3 hour CPD course accredited with 3 CPD points. His actual preparation time was 10 hours supported by contemporaneous working papers and results achieved.

CPD points may be awarded to Presenter C as follows:

Presentation time : 2 hours = 4 CPD points
PLUS
Preparation time : 10 hours = 10 CPD points but subject to a maximum of
6 CPD points = 6 CPD points
TOTAL : 10 CPD points

- (b) Presenter C remains in attendance for the entire 3 hours of the course (that is, one hour in addition to his actual presentation time). He is able to claim an additional 1 CPD point for his attendance bringing the number of CPD points which he may claim to 11 CPD points.

Example 8:

A trainee solicitor assisted Presenter C in the preparation for the course by spending 7 hours of actual preparation supported by contemporaneous working papers and results achieved. She will be able to claim up to 6 CPD points for such preparation (that is, 3 x the actual presentation time (2 hours) of Presenter C).

SUSPENSION OF THE CPD REQUIREMENT

What is a suspension of the requirement?

Solicitors who are not in practice as a solicitor and trainee solicitors who are employed as trainee solicitors outside Hong Kong for any period **not shorter than 70 days** may apply to suspend the CPD requirement for such period. During that period they are not required to undertake any CPD activities. Any CPD activity undertaken during the suspension period will not be counted for CPD purposes.

In order to apply for a suspension of the CPD requirement, the period of absence from practice in Hong Kong must relate to any one period running continuously for 70 days or more. An aggregate of various periods of absences during the year each lasting for less than 70 days but totaling 70 days or more will not entitle a solicitor or a trainee solicitor to a suspension.

Who can suspend the requirement?

Solicitors must make an application to the Society to suspend the requirement if they are:

1. **Not in practice as a solicitor.** This would apply, where, despite holding a current practising certificate, a solicitor:
 - (i) is unemployed
 - (ii) is on maternity leave, or
 - (iii) is not required to act as a solicitor.
2. **In practice outside Hong Kong.** This would apply where a solicitor is out of practice due to working abroad.
3. **Absent from work as a result of illness.** This would apply where the solicitor is absent from practice due to long term illness.

Trainee solicitors must make an application to the Society to suspend the requirement if they are:

1. **Employed as a trainee solicitor outside Hong Kong.** This would apply only if it is for a period permitted by the Law Society of Hong Kong.
2. **Absent from work as a result of illness.** This would apply where a trainee solicitor is absent from work due to long term illness.

What must practitioners do in order to obtain a suspension?

Practitioners must make an application to the Society for a suspension of their CPD requirement. Applications should be directed to the Assistant Director, Professional Development. The Society may require the practitioner to submit a statutory declaration in support of the application. When any suspension is granted, the Society will confirm the number of CPD points outstanding for that CPD practice year at the date of suspension.

It should be noted that if a practitioner:

- (a) Applies for and is granted a suspension, any training undertaken during the suspension **will not** be counted towards the CPD requirement on return to practice or employment.
- (b) Does **not** apply for a suspension, he or she **may be required** to meet the CPD requirement in full for that period.

Practitioners should enter in their CPD training record the date that any suspension was granted by the Society, the dates the suspension commenced and concluded and the reason for the suspension.

The requirement for practitioners returning to work

A practitioner's CPD requirement on return to work will depend on how many CPD points he or she has accrued before the suspension began, how many CPD points will be required after the resumption of work and whether any excess points may be carried over.

Determination of a practitioner's CPD requirement on return to work

The practitioner's CPD requirement will be determined by adding together a pro-rata of the annual CPD points that were required to be undertaken up to the date of suspension (in accordance with **Table C or Table D** on page 44 as the case may be), with a pro-rata of the annual CPD points that will be required from the date of return to practice or employment to the end of the CPD practice year (in accordance with **Table E** on page 45), taking into account any excess points permissible.

Table C applies where a practitioner's CPD obligations arise from 1 November in the CPD practice year. However, where a practitioner comes within the ambit of the Scheme after the commencement of the CPD practice year and is granted a suspension later in the same year, **Table D** applies.

The Law Society of Hong Kong

Any enquiries should be directed to the Assistant Director, Professional Development on 2846-0521 or e-mail to adpd@hklawsoc.org.hk

Date of suspension	Number of CPD points to be accumulated
1 November to 15 November	0
16 November to 15 December	1
16 December to 15 January	2½
16 January to 15 February	4
16 February to 15 March	5
16 March to 15 April	6
16 April to 15 May	7½
16 May to 15 June	9
16 June to 15 July	10
16 July to 15 August	11
16 August to 15 September	12½
16 September to 15 October	14
16 October to 31 October	15

Table C

Actual duration in practice or employment under a trainee solicitor contract prior to suspension	Number of CPD points to be accumulated
0 – 15 days	0
16 – 45 days	1
46 – 75 days	2½
76 – 105 days	4
106 – 135 days	5
136 – 165 days	6
166 – 195 days	7½
196 – 225 days	9
226 – 255 days	10
256 – 285 days	11
286 – 315 days	12½
316 – 345 days	14
346 – 365 days	15

Table D

Date of return to practice / resumption of training in Hong Kong under trainee solicitor contract	Number of CPD points to be accumulated
1 November to 15 November	15
16 November to 15 December	14
16 December to 15 January	12½
16 January to 15 February	11
16 February to 15 March	10
16 March to 15 April	9
16 April to 15 May	7½
16 May to 15 June	6
16 June to 15 July	5
16 July to 15 August	4
16 August to 15 September	2½
16 September to 15 October	1
16 October to 31 October	0

Table E

Example 1:

Example 1:	CPD requirement
Date suspension began: 10 November 2007	0 CPD point
	+
Date returned to work: 20 April 2008	7½ CPD points
CPD REQUIREMENT – 20.4.2008 to 31.10.2008	= 7½ CPD POINTS

Making up a shortfall in the CPD requirement at the date of suspension

A practitioner who has not undertaken all of his or her CPD requirement in the CPD practice year in which the suspension began must make up any shortfall on return to work.

The Law Society of Hong Kong

Example 2:

	CPD requirement	Actual CPD accrued
Date suspension began: 18 December 2007	2½ CPD points	1 CPD point
Date returned to work: 6 March 2008	10 CPD points	
Shortfall in CPD points at 18 December 2007:	1½ CPD points	
CPD REQUIREMENT - 6.3.2008 to 31.10.2008	= 12½ points less 1 accrued points	
	= 11½ CPD points	

Carrying over excess CPD points

1. A practitioner who ceases practice/employment in one CPD practice year and resumes practice/employment in the same CPD practice year, on return to practice or employment, will be allowed to carry over any excess CPD points accumulated at the date of suspension.

Example 3:

	CPD requirement	Actual CPD accrued
Date of suspension: 10 December 2007	1 CPD point	4 CPD points
Date returned to work: 15 July 2008	5 CPD points	
CPD REQUIREMENT - 1.11.2007 to 31.10.2008	= 6 points	
Balance of CPD points required before 31.10.2008	= 2 CPD points	

2. A practitioner who ceases practice/employment in one CPD practice year and resumes practice/employment in another CPD practice year, on return to practice/employment, will be allowed to carry over excess CPD points to a maximum of 10 CPD points from the CPD practice year in which suspension commenced (Year X) to the CPD practice year in which work resumed (Year Y) **only if Year Y is the next CPD practice year following Year X.**

Example 4:

	CPD requirement	Actual CPD accrued
Date of suspension: 16 May 2006	9 CPD points	15 CPD points
Excess CPD points at 16 May 2006:	6 CPD points	
Date returned to work: 10 May 2008 (Not permitted to carry over the excess 6 CPD points)	7½ CPD points	
CPD REQUIREMENT - 10.05.2008 to 31.10.2008	= 7½ CPD points	

The Law Society of Hong Kong

Example 5:

requirement

CPD

Date of commencement of first practising certificate:	1 January 2008	
Date of suspension:	1 July 2008	7½ CPD points
Date returned to work:	12 September 2008	2½ CPD points

CPD REQUIREMENT for the CPD practice year ending 31 October 2008: 10 CPD points

CPD TRAINING RECORD

The Society does not keep records of individual practitioners' attendance at courses. All practitioners subject to the CPD Scheme are required to maintain their own record of their training activities with sufficient details for verification purposes. A recommended form of CPD training record can be downloaded from the Society's website at www.hklawsoc.org.hk.

The Society can request production of the training record at any time.

Many firms keep duplicate training records. However, solicitors are reminded that the onus is on the individual to maintain the training record. Practitioners who are unable to produce the training record may be required to undertake the training again.

Practitioners should ensure that all the relevant details of all CPD courses or activities undertaken are entered onto the CPD training record.

NOTE: CPD training records should be retained for at least two (2) CPD practice years after the period to which it relates. In any event, the CPD training record for the CPD practice year in which a practitioner last engaged in practice must also be retained as supporting evidence for his statement of CPD compliance should he later resume his practice and apply for renewal of his practising certificate. If any of the CPD points recorded in the training record involve CPD points carried over from the preceding CPD practice years, the CPD training records for all relevant years should also be retained as supporting evidence for audit purposes.

ATTENDANCE AT ACCREDITED CPD COURSES

Attendance policy

With effect from 1 November 2008, a practitioner should not claim any CPD points if he is absent (excluding scheduled breaks) for more than 10 minutes for a course of less than 3 hours or for more than 30 minutes for a course of 3 hours or more in duration.

The following attendance policy continues to apply until 31 October 2008:

- (a) For a course of less than 60 minutes in duration, any course participant who is absent for any period during the course, including late arrivals or early departures, will not receive any CPD points for that course.
- (b) For a course of 60 minutes or more in duration, a grace period of 10 minutes for either late arrival or early departure (but not both in the same course) will be permitted without deduction of any CPD points. Any course participant who is otherwise absent during the course apart from scheduled breaks will not receive any CPD points for that course.
- (c) For a course of 3 hours or more but less than 6 hours in duration,
 - (i) 1 CPD point will be deducted for any late arrival or early departure beyond the 10 minutes' grace period of up to 30 minutes from the commencement of the course;
 - (ii) any course participant who arrives late or leaves early for more than 30 minutes or who is otherwise absent during the course apart from scheduled breaks will not receive any CPD points for that course.
- (d) For a course of 6 hours or more in duration,
 - (i) 1 CPD point will be deducted for any late arrival or early departure beyond the 10 minutes' grace period of up to 30 minutes from the commencement or before the end of the course;
 - (ii) 2 CPD points will be deducted for any late arrival or early departure beyond the 10 minutes' grace period of more than 30 minutes and up to 60 minutes from the commencement or before the end of the course;
 - (iii) any course participant who arrives late or leaves early for more than 60 minutes or who is otherwise absent during the course apart from scheduled breaks will not receive any CPD points for that course.

The Law Society of Hong Kong

Where a course participant both arrives late and leaves early in the same course, the grace period or partial award of CPD points will not apply. In such cases, no CPD points will be awarded for attendance at that course.

Where courses last for more than one day and have been accredited as a whole (i.e. not on a segmented basis), the attendance policy will apply on a day-to-day basis.

When attending courses, practitioners should notify the provider that they will claim CPD points and should make sure that their attendance at the entire course is noted (e.g. by scanning membership cards where there is a computerised scanning system, or by signing in **and** signing out of the course where such a system is not implemented.)

SEGMENTED ACCREDITATION OF CPD COURSES

Attendance at all segments and days (as the case may be) of a CPD course of one or more days duration is necessary in order to obtain CPD points. No CPD points will be awarded for partial attendance, except in the circumstances outlined in the attendance policy and in this section .

Where the course provider has applied successfully to the CPD Accreditation Sub-Committee for accreditation of individual segments or days of a course of one or more days duration, solicitors and trainee solicitors attending an accredited segment(s) or day(s) of the course in full will be entitled to claim the CPD points accredited to that segment(s) or day(s).

Accreditation of a programme on a segmented basis will be granted by the CPD Accreditation Sub-Committee only where it is appropriate to do so, that is, where the various sessions/segments of the course are discrete, and where segmented accreditation will not detract from the educational value of the course.

Where courses last for more than one day and have been accredited as a whole (i.e. not on a segmented basis), the attendance policy will apply on a day-to-day basis.

Members are reminded to check with the course provider about the number of CPD points that have been granted by the CPD Accreditation Sub-Committee to a course of one or more days duration.

Any enquiries should be directed to the Assistant Director, Professional Development on 2846-0521 or e-mail to adpd@hklawsoc.org.hk

EXEMPTIONS

As the CPD Scheme is an ongoing requirement for those practitioners coming within it, the system of exemptions that applied under the CLE Scheme (which had application to a limited category of practitioners and for only a limited period) has no relevance under the CPD Scheme.

The granting of exemptions from the operation of the CPD Scheme will be considered on a case-by-case basis only where exceptional circumstances exist. An exemption may be granted where it is fair and reasonable to do so.

From 1 January 2003, the following exemption policy has been in force:

Upon an application being made to the Law Society, an exemption from compliance with the annual CPD requirement may be provided to a solicitor who meets all of the following criteria:

- (a) he has been in practice as a solicitor for a period of 40 years or more, or he is over 70 years old;
- (b) he gives an undertaking to the Law Society that he is not in active practice; and
- (c) he undertakes to notify the Law Society immediately if circumstances in relation to (b) change.

For the purposes of this policy only, a solicitor will not be regarded as being in 'active practice' if the only activities that he engages in as a solicitor are:

- (1) administering oaths;
- (2) taking affidavits or declarations; and
- (3) certifying documents.

Applications should be directed to the Assistant Director, Professional Development.

MONITORING COMPLIANCE WITH MANDATORY CPD

1. A **solicitor** will be required, at the time of applying for renewal of his or her practising certificate (usually in November), to make a statement of compliance that he or she has complied with the CPD requirement for the preceding CPD practice year.

A **trainee solicitor** will be required to make a declaration in his or her Form 4 Application for a Certificate of Eligibility for Admission that he or she has complied with the requirements of the Continuing Professional Development Scheme.

A false or incorrect statement may constitute professional misconduct and may lead to disciplinary actions.

2. The Society may conduct random checks to ensure compliance with mandatory CPD.

The Society may:

- request sight of the practitioner's CPD training record at any time;
- require from a practitioner the production of such information relating to his or her participation in the CPD Scheme as may be specified; and
- require a practitioner to attend the Society in person and furnish such additional evidence as to participation in the CPD Scheme as may be required.

All practitioners must keep their CPD training record for 2 CPD practice years after the period to which it relates for auditing purposes. If the points recorded involve points carried over from previous years, the CPD training record for the relevant years must also be retained as supporting evidence for audit purposes.

FAILURE TO COMPLY WITH CPD

The Council has the power under section 6 of the Legal Practitioners Ordinance to refuse to issue a practising certificate to an applicant who has not complied with the CPD Rules, or to suspend or cancel the practising certificate of a solicitor who has not done so.

The Council policy in the event of failure to comply with the CPD requirement ascertained during:

General Audit:

In the absence of acceptable mitigating factors, solicitors who did not acquire the necessary CPD points for the preceding CPD practice year shall, unless the outstanding points were subsequently acquired, be subject to suspension or cancellation of their current practising certificates.

Practising Certificate Applications:

1. In the absence of acceptable mitigating factors, the Council shall refuse to issue a practising certificate to a solicitor who fails to acquire the necessary CPD points by 15 December pursuant to its powers under section 6 (5)(d) of the Legal Practitioners Ordinance.
2. Applications for renewal of practising certificates by solicitors who had not acquired the necessary CPD points by 31 October, but did acquire the necessary CPD points by 15 December, will be processed in the usual way.
3. Failure by a solicitor to acquire the necessary CPD points by the end of the CPD practice year will be referred to the Conduct Section for investigation.

Breaches of the CPD requirements

Breaches of the CPD requirements are regarded by the Council as professional misconduct. Mitigating factors will be taken into account in assessing individual cases. Serious cases will be referred to a Disciplinary Tribunal. Sanctions by the Tribunal may involve the imposition of a fine, censure, suspension or striking off of solicitors, and cancellation or suspension of a trainee solicitor contract.

Form 4 declaration of compliance by trainee solicitors

In addition to complying with the requirement to acquire 15 CPD points (or a pro-rata as applicable) during the CPD practice year, a trainee solicitor is required to have accumulated 30 CPD accreditation points by the end of his or her period of employment as a trainee solicitor. Trainee solicitors must declare in the Form 4 Application for a Certificate of Eligibility for Admission that they have accumulated the number of CPD accreditation points that is required by section 5 of the Continuing Professional Development Rules (Cap. 159 sub. leg.) to be accumulated by the end of their period of employment as a trainee solicitor.

The Law Society of Hong Kong

Any failure to comply with section 5 of the CPD Rules by trainee solicitors (including failure to comply with the pro-rata acquisition of points during each year of the trainee solicitor contract) will be referred to the Conduct Section of the Compliance Department for investigation.

COURSE AND PROVIDER ACCREDITATION

1. Application

In order for a course to be awarded with CPD points, a separate application for accreditation of each course must be made by the provider of the course to the Accreditation Sub-Committee. The application must be made on the Society's standard form and sent to the Assistant Director, Professional Development at least **4 weeks** before the scheduled date of the course. If the application is incomplete, accreditation may take 4 weeks from the date of submission of the complete application.

All changes to the information submitted to the Society in relation to an application for CPD course accreditation shall be notified to the Society as soon as the changes are made and in any event prior to the commencement of the course.

2. No Retrospective Accreditation

It is not possible to accredit CPD points after any course has taken place. However, in exceptional circumstances, the Society may accredit an overseas course on a retrospective basis, subject to certain conditions. (Please refer to Guideline 6 on page 11 of this Package for details.)

3. Documents and Information Required on Application for Course Accreditation

- (a) a **detailed outline** of what will be covered in the course and by whom
- (b) a **programme** showing the sequence of speakers, the method of teaching, eg. lecture, participatory case study, role-play, discussion, question and answer, and the amount of time which each person will spend on each area
- (c) an outline of the **course materials** which will be provided to participants
- (d) a brief up-to-date **resume** of each speaker's professional qualifications, legal background and any teaching experience which they each have.

4. Honour-based CPD Scheme

- (a) All providers should note the Society's introduction of an honour-based CPD Scheme with effect from 1 November 2008 as set out on pages 1 to 2 of this Information Package.
- (b) Under the honour-based CPD Scheme, the scanning system becomes optional. Unless the Society has made a specific request, course providers are no longer required to submit the attendance records of each accredited course to the Society within 7 days of the course.

The Law Society of Hong Kong

- (c) Course providers are required to keep the attendance record **of an accredited CPD course for 4 CPD practice years from the end of the CPD practice year during which the course is held.**
- (d) The attendance record kept by a course provider may be in any form as decided by the provider on condition that it is sufficiently clear to support the entitlement to the number of CPD points claimed by a participant for his attendance.
- (e) A participant shall not be entitled to claim any CPD point if he is absent (excluding scheduled breaks) for more than 10 minutes for a course of less than 3 hours or for more than 30 minutes for a course of 3 hours or more.
- (f) By way of reference, the Society as a course provider will no longer record attendance by scanning. Instead, attendees will be required to register their attendance upon arrival at the venue by production of their Law Society membership card or Hong Kong identity card.

5. Administrative Matters

- (a) All providers should note the attendance policy and policy on segmented accreditation of CPD courses contained in pages 49 to 51 of this Information Package.

The requirement on all providers to submit all computerised attendance records generated from a computerised scanning system in respect of an accredited course to the Assistant Director, Professional Development within **7 days** of the course in order for the participants to gain their points applies until 31 October 2008. Upon the implementation of the honour-based CPD Scheme on 1 November 2008, the scanning system becomes optional. Unless the Society has made a specific request, course providers are no longer required to submit the attendance records of each accredited course to the Society within 7 days of the course.

- (b) All accredited courses must be evaluated by the participants attending the course in a manner approved by the Society.
- (c) All providers shall promptly submit a full set of the course materials to the Law Society upon request by the Law Society at any time after the application for accreditation has been submitted or within a reasonable period after the course is held.

A summary of the evaluation forms must be forwarded to the Assistant Director, Professional Development within 7 days of the course.

- (d) All providers must carefully monitor the delivery of the course. If the course finishes more than 30 minutes before its scheduled finish time, $\frac{1}{2}$ CPD point will be deducted for every half hour. By way of example, take the case of a course which started at 9:30 a.m., was scheduled to finish at 12:45 p.m. and

The Law Society of Hong Kong

was accredited with 3 CPD points.

- (i) If it finished at 12:30 p.m., no CPD points will be deducted. Participants who had not been late for more than 10 minutes and who stayed until the course ended at 12:30 p.m. would be awarded 3 CPD points.
 - (ii) If it finished at 12 noon, 45 minutes before the scheduled finish time, then based on the shortened duration of the course, ½ CPD point will be deducted.
- (e) (i) All providers are required to state clearly in their CPD course promotional materials:
- the course objectives;
 - the course coverage;
 - the intended learning outcomes;
 - the target audience and the level of prior knowledge / experience assumed; and
 - a description of the presenters' areas of practice.
- (ii) All providers are required to ensure that presenters of the same course do communicate with each other to discuss how the course is to be conducted and that steps be taken to ensure that the course information on the promotional materials are accurate and reflect truly how the course is to be conducted.
- (f) A demerit points system is in place to promote quality control and efficient administration of CPD courses by accredited course providers. (Please refer to pages 60 to 61 of this Package for details.) The performance of the providers including any irregularities in the conduct of the accredited courses will be taken into account when their accredited provider status is reviewed annually.
- (g) A course number will be generated and given to a course provider once a course has been accredited with CPD points. All providers should not assume that a course will be accredited with CPD points unless and until they receive, from the Society, the respective course number and/or a confirmation of the number of CPD points accredited to the course.

6. Prescribed Fee

A fee will be charged on course-by-course accreditation of CPD courses. The rates vary for commercial and non-commercial providers. Providers may be requested to produce a copy of their constitutional document to confirm the applicable rate of prescribed fee.

The Law Society of Hong Kong

7. Provider Accreditation

The Society is also implementing an accreditation scheme for organisations. In order to be considered for Provider Accreditation, it will be necessary for the organisation to:

- (a) have established a suitable track record of
 - (i) obtaining individual course accreditation for CPD courses
 - (ii) providing a reasonable number of accredited courses over a reasonable period (usually at least 10 hours of courses over 12 months)
 - (iii) compliance with course-by-course accreditation criteria and conditions
- (b) have a suitable training infrastructure
- (c) have a general favourable assessment of the accredited courses by the participants.

The number of courses held by an accredited provider is a factor which will be taken into account when considering an application for renewal of its accredited provider status. The general guideline is that an accredited provider should hold at least 10 hours of courses in a CPD practice year.

8. Monitoring of Accredited Courses by the Law Society's Representatives

All providers shall permit any person nominated by the Society to attend any CPD course free of charge, for the purposes of monitoring the CPD course to ensure the Provider's compliance with the Guidelines and Rules as set out in this Information Package.

Any queries on course accreditation should be directed to the Assistant Director, Professional Development on 2846-0521 or e-mail to adpd@hklawsoc.org.hk.

DEMERIT POINTS SYSTEM

(Reference: Course and Provider Accreditation paragraph 5(f) on page 58)

1. The Demerit Points System is aimed at promoting quality control and efficient administration of CPD courses by accredited course providers.
2. Failure to comply with the terms and conditions of CPD course provider accreditation will attract Demerit Points. A list of items together with the Demerit Points that they attract are set out on page 61. The Society may include more items in the list from time to time.
3. Upon discovery of any alleged non-compliance, the Society will inform the course provider the number of Demerit Points incurred by the provider for that item together with the number of Demerit Points the course provider has incurred within the 12 months preceding the date of notification. If the total number of Demerit Points reaches 5 or more, the accredited course provider status may be suspended for a period to be determined by the CPD Accreditation Sub-Committee. Any suspension shall not take effect until at least 3 months after written notification has been sent to the course provider. A suspension of the accredited course provider status has the effect that all applications for accreditation of courses during the period of suspension will have to be submitted on a course-by-course basis at least 4 weeks in advance of the scheduled date of the course together with all supporting documents and the prescribed fee.
4. All Demerit Points which result in a suspension of the accredited course provider status will be spent.
5. The Demerit Points System shall operate without prejudice to the general power of the Accreditation Sub-Committee to take into account all irregularities when it reviews the accredited provider status of an accredited course provider.
6. A course provider aggrieved by a decision of the CPD Accreditation Sub-Committee may apply in writing to the Standing Committee on Standards and Development for a review of the decision within one month of the date of notification of the decision.

List of Irregularities

(Reference: Demerit Points System on page 60)

Irregularities	Demerit Points
Late submission of notification form, return form or evaluation summary to the Society - late for 14 days or less - late for more than 14 days	½ 1
Change of course particulars (including course title, date, time, venue and language stated on the application or notification form) without notifying the Society before the course	1
Change of course particulars which would have an impact on accreditation (including speakers, course duration and contents stated on the application or notification form) without notifying the Society before the course	1
Failure to submit any return form or evaluation summary to the Society	1
Course duration shortened by over 20% of the scheduled duration	1
Failure to provide any written course materials to participants	2

CONTINUING PROFESSIONAL DEVELOPMENT RULES

[Made by the Council of the Law Society of Hong Kong under section 73 of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice]

1. Omitted

2. Interpretation and definitions

In these Rules, unless the context otherwise requires -

"continuing professional development" means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of solicitors, enhances professional competence and complies with guidance issued from time to time by the Society pursuant to section 5(3);

"CPD accreditation points" means the points credited to such a course, lecture, seminar or other programme or method of study under the Scheme;

"practice year" means a period of 12 months ending on 31 October each year in legal practice or in employment as a solicitor or in employment as a trainee solicitor;

"practising certificate" means a certificate issued by the Society under section 6 of the Ordinance;

"Scheme" means the Continuing Professional Development Scheme referred to in section 4;

"trainee solicitor" has the meaning assigned to it by rule 2 of the Trainee Solicitors Rules (Cap. 159 sub. leg.).

3. Application

(1) These Rules shall apply to all trainee solicitors and -

- (a) from 1 January 1998, to all solicitors holding a current practising certificate who were admitted after 31 December 1993;
- (b) from 1 January 1999, to all solicitors holding a current practising certificate who were admitted after 31 December 1991;
- (c) from 1 January 2000, to all solicitors holding a current practising certificate who were admitted after 31 December 1988;

The Law Society of Hong Kong

- (d) from 1 January 2001, to all solicitors holding a current practising certificate who were admitted after 31 December 1984;
- (e) from 1 January 2002, to all solicitors holding a current practising certificate who were admitted after 31 December 1979;
- (f) from 1 January 2003, to all solicitors holding a current practising certificate.

(2) Where a solicitor to whom these Rules apply has been admitted to practise law in any other jurisdiction prior to his admission in Hong Kong, his admission date for the purposes of the application of these Rules under subsection (1) shall be the date of his admission to practise law in the jurisdiction immediately preceding his admission as a solicitor in Hong Kong.

4. Continuing Professional Development Scheme

The Society shall institute and organise, in accordance with these Rules, a system of continuing professional development for trainee solicitors and solicitors to be known as the Continuing Professional Development Scheme, and, without limiting the generality of the foregoing, may -

- (a) provide courses, lectures, seminars or other programmes of instruction;
- (b) subject to any conditions -
 - (i) authorise other persons or organisations to provide courses, lectures, seminars or other programmes of instruction;
 - (ii) approve courses, lectures, seminars or other programmes of instruction provided by other persons or organisations;
 - (iii) determine or approve the number of CPD accreditation points to be credited to each course, lecture, seminar, other programme or other method of study provided for under the Scheme;
 - (iv) authorise other persons or organisations to accredit the number of CPD accreditation points for a course, lecture, seminar or other programme or method of study provided for under the Scheme in accordance with the criteria and guidelines issued from time to time by the Society;

The Law Society of Hong Kong

- (c) remove any authorisation or approval referred to in paragraph (b) (i), (ii) and (iv);
- (d) revoke or amend any CPD accreditation points accredited under paragraph (b) (iii); and
- (e) revoke any determination or approval referred to in paragraph (b) (iii).

5. Continuing professional development requirements

(1) Subject to subsection (2), a trainee solicitor and a solicitor to whom these Rules apply must accumulate 15 CPD accreditation points each practice year.

Provided that a trainee solicitor to whom these Rules apply must accumulate 30 CPD accreditation points by the end of his period of employment as a trainee solicitor.

- (2) Where -
- (a) a trainee solicitor commences or resumes employment as a trainee solicitor; or
 - (b) a solicitor commences or resumes legal practice or employment as a solicitor,
- at any time after the commencement of a practice year, he must accumulate such CPD accreditation points as determined by the Society in accordance with guidance issued from time to time, but in any case, not more than 15 CPD accreditation points in relation to any practice year.
- (3) The Society shall provide guidance from time to time as to -
- (a) the continuing professional development activities which may be undertaken by trainee solicitors and solicitors in order to comply with the continuing professional development requirements under subsections (1) and (2); and
 - (b) the method of calculation of CPD accreditation points in relation to such activities.

6. Obligation to keep record and duty to submit information

(1) A trainee solicitor and a solicitor to whom these Rules apply must keep a record in a form approved by the Society of such continuing professional development undertaken to comply with these Rules and produce the record to the Society on demand.

(2) Subject to section 8, a trainee solicitor or a solicitor to whom these Rules apply shall submit to the Council such information relating to his participation in the Scheme

The Law Society of Hong Kong

within such period and in the manner as may be specified by the Council.

(3) The Council may, if it thinks fit, require a trainee solicitor or a solicitor to whom these Rules apply to attend before it and to furnish such additional evidence as to his participation in the Scheme as the Council may consider necessary.

7. Continuing professional development undertaken pre-admission

A solicitor who has undertaken continuing professional development prior to his admission shall be credited with the relevant number of CPD accreditation points for the purpose of section 5(1) or (2):

Provided that at the time of undertaking the continuing professional development an application for admission in accordance with the Admission and Registration Rules (Cap. 159 sub. leg.) current at that time had been lodged with the Society and a record kept in accordance with section 6.

8. Exemption

(1) The Society may, on the application in writing of a trainee solicitor or a solicitor, exempt the applicant from any or all of the requirements of the Scheme if the Society is satisfied that it is fair and reasonable to grant the exemption.

(2) Where exemption is granted under subsection (1), the Society may impose such conditions as it may consider necessary on the exemption.

9. Suspension

(1) The Society shall, on the application in writing of a trainee solicitor, suspend for the period described in subsection (3) the application of these Rules in relation to the applicant, if he is, for any period not shorter than 70 days -

- (a) employed as a trainee solicitor outside Hong Kong for a period permitted by the Society; or
- (b) absent from employment as a trainee solicitor as a result of illness.

(2) The Society shall, on the application in writing of a solicitor to whom these Rules apply, suspend for the period described in subsection (3) the application of these Rules in relation to the applicant, if he is, for any period not shorter than 70 days -

- (a) not in practice as a solicitor; or
- (b) in practice as a solicitor outside Hong Kong; or
- (c) absent from work as a result of illness.

The Law Society of Hong Kong

(3) The period of suspension referred to in subsections (1) and (2) shall be the period in respect of which the Society is satisfied under subsection (1) (a) or (b) or (2) (a), (b) or (c).

(4) The Society may require the applicant to make a statutory declaration of the facts upon which his application under subsection (1) or (2) is based.

10. Reporting

(1) Any person or organisation providing courses under the Scheme must keep an attendance record for each accredited course of persons who have completed the course.

(2) Such record shall be kept in accordance with the guidelines issued by the Society as amended from time to time.

(3) The Society may require any person or organisation referred to in subsection (1) to produce the record to the Society within 7 days of the completion of the course.

11. Review

(1) A person aggrieved by a decision made by or on behalf of the Society in respect of the operation of the Scheme may apply in writing to the Council for a review of the decision within 1 month after being informed of the decision.

(2) The Council may consider the application and may confirm or vary the decision made by or on behalf of the Society.

12. Omitted

13. Omitted

14. Transitional

(1) Notwithstanding the definition of “practice year” in section 2, the practice year for the period ending 31 October 2001 shall be the period between 1 January 2001 and 31 October 2001.

(2) Section 5 shall have effect in relation to the practice year in subsection (1) as if the reference in that section to 15 CPD accreditation points were a reference to 12½ CPD accreditation points.