Dear Members,

I am glad to say that the Bar has been receiving relatively less attention from the public in the last quarter of this year. This is something to be welcome because it means that there are fewer controversial public issues going on.

However, internally there were still a lot of things going on within the Bar. The Legal Education Committee had a busy time dealing with issues involving the continuous reform to the PCLL course and also the new 4 year LLB syllabus. What the Bar seeks to achieve is that there should be a certain degree of specialized training given to those students intending to join the Bar.

Apart from the legal education at university level, the Bar had also had a busy time in the secondary school education project. The Bar would send some senior members to visit the secondary schools to give talks or to lead discussions with the secondary school students. We would also distribute to the schools information leaflets, the CDs on the legal topics given by the Bar before and on the Open International Conference held in June this year. Up to the time of writing this letter, we have visited 20 schools under this project during this year. The number of students attending talks and discussions given by our speakers was reported to be 4,740. This could not be achieved by the effort of the Chairman alone. In this respect I am grateful to Ronny Tong SC, Audrey Eu SC, Alan Leong SC, Ambrose Ho SC, Wong Yan Lung SC and also Margaret Ng for their participation in the school visits. Of course I must also thank the efforts of the Committee led by Andrew Mak for arranging and organizing these visits.

It is hoped that by this project the Bar would be able to give our younger generation a sound foundation on the concept of the rule of law, and also at the same time, the Bar would be able to attract talented school leavers to join the legal professions and in particular the Bar. It is anticipated that this project will continue in the future.

The main object of the Bar Scholarship is to attract young and talented law graduates to join the Bar. This year there was an unprecedented award of 4 Bar Scholarships. In order to continue to attract good and talented candidates, the Bar Council decided that notwithstanding deflation and the recommendation of the Bar Scholarship Committee, the amount of the award to each Bar Scholar shall remain to be $200,000.
The Mainland Practice and Relation Committee also had a very busy time. During the last few years, the Bar had been developing a closer relationship with the lawyers' associations in many places in the mainland. The Bar had organized visits and presentations at Fujian Province, Zhejiang Province, Shanghai and would also be sending a delegation of over 20 barristers to Shenzhen in the middle of December to participate in the promotion of the Hong Kong professional services organized by the Trade Development Council. The CEPA arrangement brought about a welcome byproduct viz. the interest of many lawyers' associations in China in the legal services of Hong Kong. In the second half of this year, the Bar Association had received many visitors from China, and by now the Bar Association had entered into memorandum of co-operation with 7 lawyers associations in mainland China. Furthermore in November this year, the Bar Association entered into an agreement with the Foshan Lawyers' Association on the implementation of standardized terms of engagement of barristers in Hong Kong. The effect of the agreement is that unless otherwise agreed, all instructions given by lawyers of the Foshan Lawyers' Association to Hong Kong barristers would be deemed to be on the standardized terms agreed. The Bar Association through the Mainland Practice and Relations Committee would continue to negotiate with other lawyers' associations in China for similar agreement. In this respect I would commend to all members who are interested in having a China practice to read through the standardized terms.

Of course the Bar has also been keeping in touch with other International lawyers' associations. The Bar had sent representatives to attend the Commonwealth Law Conference in Melbourne, the America Bar Association Annual Conference in San Francisco, the International Bar Association Law Conference also in San Francisco, and the Law Asia Conference in Japan. The Bar also participated in the POLA (Presidents of Law Associations) hosted by the Law Society in November. Also in November the Bar had decided to join the International Criminal Bar which is a nascent organization designed to provide a voice and eventually certain trainings and other services for defence lawyers appearing before the international criminal court.

The Legal Aid Reform Committee suffered from the setback of losing 2 of its members. First there is the unfortunate death of John Mullick who had been very active in this Committee and had done a lot in the past years for the Bar in this area. Secondly, another member of this Committee Michael Lunn SC was elevated to the bench. Their places in the Committee were taken over by Michael Poll and Andrew Bruce SC.

Like any other professions the Bar is also facing problems over professional indemnity insurance. From what we had been told by our broker, there were great difficulties in arranging professional indemnity on substantially the same terms as those of the present year. Up to the time of writing this letter, we are just able to receive one quote, asking for a premium of some 40% higher than that of the present year. The Professional Indemnity Insurance Committee is still trying hard to negotiate with the brokers with a view of arranging professional indemnity insurance for the Bar on an acceptable coverage and premium terms.

In relation to the reform of the Secretariat, the Bar has commissioned the service of Mr. Niall Morison, the Secretary General of the English Bar to advise on the matter. Meanwhile the Bar has engaged the service of a new Administrator who will report for duty in the coming March.

There were 3 eminent senior counsel elevated to the bench in the 2nd half of this year, viz. Michael Lunn SC, Aarif Barma SC and Anselmo Reyes SC. I wish them all the best in their career with the Judiciary. After losing John Mullick in the middle of the year, the Bar also suffered the loss of its most senior member, Sir Oswald Cheung SC, who died on 10 December 2003. Sir Oswald who was admitted to the Bar in 1951 and was Queen's Counsel since 1965 and a life member of the Bar since 1996, had a distinguished career in the Bar and in Hong Kong. I am sure that he will be long remembered by all.

Dated this 16th day of December 2003.

Edward Chan SC
主席的信

各位會員：

我很高興在最近一學年，公會沒有如以往般受公眾關注，這並不是壞事，因這意味著社會上具爭議性的事件減少。

當然如此，公會內部事務依然繁多。公會的法律教育及專業進修委員會忙於處理有關法律專業證書課程改革及法學士學位四年制課程大綱的事宜。公會希望所有有意於大律師專業的法律學生均接受適當的專業訓練。

除了大學的法律教育外，公會亦致力於中學教育。公會曾委派多位資深會員到不同的中學演講，並與學生進行討論，並訂立與法律相關的接觸刊物及公會會員在過去及在本年六月的公開國際會議（Open International Conference）所發表的法律講座。至撰寫此信為止，今年公會會員已探訪了二十間中學，並參與座談及討論的學生達4,740人。這絕非主席一人之力所能達到的成果。

就此，我也感謝湯家驊資深大律師、余若薇資深大律師、梁家傑資深大律師、何沛議資深大律師及黃仁龍資深大律師及吳菱輝大律師參與這項中學演講計劃。當然，我必須感謝兩名大律師領導的中學法律教育計劃委員會籌劃各接觸活動。

公會希望透過中學演講為青年一輩建立深厚的法治根基並同時鼓勵更多傑出畢業生離校後投身法律專業，特別是大律师專業。此計劃預計會延續下去。

大律師獎學金委員會旨在吸引青年及有才華的法律系畢業生加入大律師專業。今年共有四人獲頒大律師獎學金，人數之多屬無前例。縱使面對經濟通縮及大律師獎學金委員會建議調低獎學金金額，公會執委會仍決定維持每位獲獎者的獎金為200,000港元，以繼續吸引新興的申請人。

公會的內地執業及關係委員會亦是忙個不停。於過去數年，公會一直致力於與內地多個城市的律師協會建立緊密關係。公會代表曾探訪福建、浙江及上海，在十二月中，超過二十八名大律師組成的代表團將參與香港貿易發展局於深圳舉行的香港專業服務博覽。《內地與香港關係》為建立更緊密經貿關係的安排（CEPA）令多個內地律師協會對香港法律服務感興趣，為法律專業帶來正面影響。今年下半年，公會接待了眾多內地訪客，至今公會已與內地七個律師協會簽訂合作協議書。今年十一月，公會更與佛山市律師協會就委託大律師標準合同達成協議。日後，除雙方另達共識外，佛山市律師委聘香港大律師的條款將依據協議的條文。公會將透過內地執業及關係委員會的協助繼續與內地其他律協達成相類的協議。我建議有意在內地市場發展的會員細讀標準合同。

當然，公會亦與國際上其他律師協會保持聯繫。公會委派了代表出席在香港舉行的英國法律協會（Commonwealth Law Conference）、於三藩市舉行的美國大律師公會年會（American Bar Association Annual Conference）和國際大律師公會法律會議（International Bar Association Annual Conference）及於日本舉行的Law Asia會議。十一月，公會亦參加了由香港律師會主辦的POLA（Presidents of Law Association）活動。同月，公會亦決定加入國際刑事大律師公會（International Criminal Bar）。國際刑事大律師公會是一個專為出席國際刑事法庭的辯方律師組成的公會，並為他們提供培訓及其他服務的新設組織。

公會的法律援助改革委員會今年接傳失去兩名委員。首先是代表公會與委員會建立及多年來為公會在法律事務貢獻良多的麥寶祺大律師逝世，繼而是一位委員傅明資深大律師亦曾為法官。委員空缺現已由惠倫資深大律師及現任律大律師接任。

大律師與其他專業無異，同樣遇到專業保障的問題。據公會的保險顧問稱，本年度保障條款略有調整顯著不同。至撰寫此信為止，公會只收到一份報名，其保費比本年度的保費大約高出四成，強制性專業疏忽責任保險委員會仍需努力與保險公司磋商，務求為同業爭取合理而可接受的承保及保費條款。

就改革事務方面，公會委託了英國大律師公會常務秘書Nicola Morrison提供建議。同時，公會已聘請了一位新的行政幹事將於三月到職。

今年下半年又有三位資深大律師晉升為法官，包括倫明高資深大律師、Aarif Barmma資深大律師及方志安資深大律師。我在此祝賀他們在司法機構百尺竿頭，更進一步。繼今年麥寶祺大律師逝世，公會於2003年12月10日亦喪失了一位最資深的會員張顯偉資深大律師。張顯偉於1951年在獲傳許為大律師，於1965年獲委任為御用大律師，自1996年成為公會的終身會員，在業界及香港財政界顯顯赫。我肯定眾人將永遠懷念他。

陳景生資深大律師
二〇〇三年十二月十六日
Message From The Chief Editor  主編的話

It is widely accepted that well-functioning legal institutions and a government bound by the rule of law are important to economic and political development. The year 2003 has seen the Bar continuing to maintain a high profile in the community in upholding the rule of law. The Bar’s image has been as good as ever, and to this we all pay tribute to our leaders in the profession. Readers will read in this edition the Bar Scholarship program which has been successful in attracting the best talents to the profession, our closer relationship with the Pearl River Delta while maintaining our position as a referral bar with the introduction of standard terms of engagement by Foshan lawyers, our very energetic Young Bars, and many others. I would like to take this opportunity to extend my personal good wishes to members for a successful and prosperous 2004. I would like to thank the readers for their support and feedback. Last but not least, I would like to thank all the members of the editorial board for their burning so much midnight oil to ensure the publication of this newsletter.

Andrew Mak

News From The Bar Council

The Bar Council has considered and dealt with a number of issues since the last Newsletter:

For the Rule of Law & Administration of Justice

1. The Bar Association had submitted its views to Legco on the Draft Criminal Jurisdiction Ordinance (Amendment of Section 2 (2)) Order 2003.
2. The Bar Association had submitted its views to the Bills Committee regarding the proposed Deposit Protection Scheme Bill.
3. The Bar Association had agreed to join the International Criminal Bar as a member.
4. The Bar Association had submitted a consultation paper on the Proposal to empower the Securities and Futures Commission to initiate a Derivative Action on behalf of a Listed Company.
5. The Bar Association had submitted its comments regarding the proposed Public Officers Pay Adjustments (2004/2005) Bill.
6. The Bar Association had sent a representative to the Article 23 Forum organised by Kwai Chung & Tsing Yi District Council.
7. The Bar Association had appointed a representative to act as Councillor on the International Bar Association.
8. The Bar Association had nominated its representative to sit on the Bilingual Legal System Committee.

Mainland Practice & Relations

9. The Bar Association had organized a joint seminar with the Dongguan & Zhongshan Lawyers’ Associations.
in October 2003 under the PSDAS program sponsored by the Hong Kong SAR Government, during which the Bar Association had signed co-operative agreements with Dongguan & Zhongshan Lawyers' Associations, in addition to those signed with Qingdao, Nanjing, Chongqing and Fujian.

10. The Bar Association has arranged for the signing of a Memorandum of Understanding for co-operation with the Lawyers Association of Zhejiang Province during the Zhejiang/Hong Kong week in November 2003.

11. The Bar Association in November 2003 signed a Memorandum of Understanding with the Foshan City Lawyers Association regarding a standardised Contract for engagement of Hong Kong Barristers by Foshan lawyers.

Hong Kong Community Service

12. The Bar Association hosted a lunch for delegates of the 2003 POLA Conference that was held in Hong Kong in November.

13. The Bar Association had sent a representative to attend and speak at the Rollout Forum for Phase II of the Standardisation of Mortgage Origination Documents in Hong Kong.

14. The Bar Association sent a representative to attend the Dean's Forum 2003 held by the HKUSU.

15. The Bar Association would be sending its representative to attend the First Annual Careers Seminar held at City University of Hong Kong.

16. The Bar Association sent a representative to attend the High Table dinner at Hong Kong University.

3. 大律師公會同意加入國際刑事大律師公會(International Criminal Bar)為其會員。

4. 大律師公會會就建議錢證監會代表上市公司提出衍生証券的諮詢文件提交意見。

5. 大律師公會會就《公職人員薪酬調整(2004/2005年)條例草案》提交意見。

6. 大律師公會委派代表出席由香港及青衣區議會舉辦的《基本法》二十三條論壇。

7. 大律師公會指派代表出席香港大律師公會的委員。

8. 大律師公會推舉代表出任雙語立制度委員會的委員。

內地執業及關係

9. 二零零三年十月，大律師公會透過香港特別行政區政府的專業服務發展資助計劃與東莞市律師協會及中山市律師協會合辦了一個研討會，研究香港、深圳、東莞和福建後，本會於研討會上亦與東莞市律師協會及中山市律師協會簽署了合作協議書。

10. 於二零零三年十一月舉行的浙江、香港週，大律師公會與浙江省律師協會簽署了合作協議書。

11. 二零零三年十一月，大律師公會與佛山市律師協會就《租賃合同法》與大律師標準委託合約》簽署了合作推行協議書。

香港社區服務

12. 大律師公會於十一月在香港舉行2003年度POLA會議的代表舉辦了午宴。

13. 大律師公會委派代表出席香港按揭文件標準化計劃(第二期)論壇，並作爲該論壇的講者。

14. 大律師公會委派代表出席香港大學學生會舉辦的2003年度院長論壇。

15. 大律師公會委派代表出席香港城市大學舉辦的第一屆社會責任研討會。

16. 大律師公會委派代表出席香港大學的高桌晚宴。

大律師公會執行委員會通訊

自上期會刊出版後，公會執委會會當考慮及處理以下事宜：

法治精神和執行情形

1. 大律師公會會就《2003年刑事司法管轄權條例(修正第2(2)條)命令》草案向立法會提交意見。

2. 大律師公會會就《存款保障計劃條例草案》向法案委員會提交意見。
On 15 November 2003, the Hong Kong Bar Association and the Foshan Lawyers Association reached an agreement to launch the standard form of engagement contract for Hong Kong barristers. The launching ceremony was attended by the Secretary for Justice, Mr. Edward Chan SC, Chairman of the Hong Kong Bar, and Mr. Zhang Guo, President of the Foshan Lawyers Association. Both shared the view that the standard form not only provided a ready-to-use mechanism for Mainland lawyers to engage the services of Hong Kong barristers in the opening of PRC legal markets but also promoted understanding of scope and nature of services available from Hong Kong barristers. Mr. Alan Leong SC, Chairman of the Mainland Practice and Resolution Committee of the Hong Kong Bar, said at the ceremony that Hong Kong professionals could contribute by bringing the services standard to international levels so as to suit the emerging needs of the market in Mainland China.

In drafting the standard form, it was intended that it should be used as a blueprint for the mode of engagement of barristers by Mainland lawyers in Foshan and other places. Members are however at liberty to modify the terms in the standard form to tailor for the individual cases as they see fit. It is worth pointing out that, according to the standard form, Hong Kong law applies as the proper law of the contract of engagement, and payment of Mainland tax, where relevant, is handled by the instructing Mainland lawyers. For full details, please refer to Bar Circular No.108/03.
Bar Scholarship 大律师奖学金

Established in 1998 and in the memory of the late Leslie Wright, the purpose of the Bar Scholarship is to attract promising young talents to join the Bar. Six years have now passed since its inception and the community of scholars now comprises 13 very unique practising barristers and pupils.

Successful applicants are awarded HK$200,000 during the course of their pupillage, which provides a financial incentive for intending pupils, and allow awardees a certain degree of security during their pupillage. It is also a centerpiece of the package to make joining the Bar an increasingly attractive proposition for young talent, in light of the keen competition posed by law firms in recruiting top talent.

A record number of scholarships were awarded in 2003, reflecting the high calibre of the individuals joining the junior end of our profession. There is no fixed quota on the number of awardees each year, and in any given year, if there are thought to be a sufficient number of suitable candidates, the Bar Scholarship Committee, which is presently chaired by the Hon. Chief Justice Andrew Li, will endeavour to see that supply meets demand. The Bar Scholarship Committee invites applications from students in the later stages of their legal education, and on one occasion has also awarded the Scholarship to a former solicitor who has switched professions. Applications for the Bar Scholarship (and other funding offered by the Bar) are available from the Bar website at www.hkba.org.

On a personal note, having been awarded the Bar Scholarship in 2001, I believe that it was a great honour to have received this award, and I believe I speak on behalf of my fellow Scholars in expressing our continued indebtedness to the generosity of Members who continue to support this, and other, measures to promote the interests of the junior Bar.

Jin Pao

大律师奖学金於1998年为纪念已故大律师Leslie Wright设立，目的是吸引更多杰出的年青才俊加入大律师专业。自奖学金设立至今共6年以來，已有13位傑出的學術及實習大律师獲發獎學金。

成功獲得奬學金的大律师申请人在实习期问獲發港幣200,000元。此筆奬學金的宗旨成大律师的人仕提供财政上的支持，並给予获奬者在实习期间相當程度的安全感。在众多律师行招揽人才的强烈競爭下，奬學金亦成大律师专业吸引人才的重要項目。

2003年度獲發大律师奬學金的人數創新高，反映新加入大律师专业的青年人仕具有高素质。每年获發奬學金的人數不設上限，若某年度符合申請人遙相當人数。大律师奬學金委员会（現由終審法院首席法官李國能當委員會主席）即會盡力使供應足夠。奬學金在學生即將修毕法律課程前接受申請。委員會亦會頒發奬學金予一位前為執業律师的申請人。有關大律师奬學金（及公會所设的其他基金）的申請详情見公會網頁www.hkba.org。

就筆者個人而言，作爲2001年度的奬學金獲奬者，本人深感獲發此奬學金實為一大榮譽，本人謹代表奬學金的其他獲奬者向一直支持奬學金及為促進年青大律师的权利和努力的慷慨會員致以万分謝意。

鮑進龍大律师

For Address label