

STANDING COMMITTEE ON INTERNATIONAL PRACTICE 2020-2021

ANNUAL REPORT

A. Introduction

1. The Standing Committee on International Practice (the “SCIPrac” or the “Standing Committee”) was established in 2012.
2. The SCIPrac exists to assist the Bar and the Hong Kong Bar Association (the “HKBA”) in the international context.¹ This includes, *inter alia*,:
 - (1) conveying views of the Bar and the HKBA to international parties and conveying the views of international parties to them;
 - (2) promoting Hong Kong, the Bar and the HKBA in the international context, including, but not limited to, the legal system and laws of Hong Kong, the services and the strengths of the Bar and the standing and the works of the HKBA;
 - (3) building relationships for the Bar and the HKBA with international parties and identifying and developing opportunities for cooperation with such parties;
 - (4) ensuring the HKBA is kept abreast of (a) international rule of law developments (b) rule of law developments in places other than Hong Kong / the PRC and (c) international (legal) developments, and (legal) developments in such places, insofar as they may have an impact on the Bar and the HKBA;
 - (5) assisting the HKBA with queries and concerns of the Bar regarding the profession in the international context, including, but not limited to, Chapter 13 of the Code of Conduct of the HKBA; and
 - (6) organising, making arrangements regarding, and participating in, events that further the objects above and / or with the objects above in mind.
3. This Report aims to summarise the work of the Standing Committee from 1 January 2020 to 5 January 2021.

¹ SCIPrac, **Terms of Reference of the Standing Committee on International Practice of the Hong Kong Bar Association** (adopted by the Council on 25 March 2020).

B. International Organisations

B1. Conferences

4. As in previous years, part of the work of the Standing Committee is to organise, speak at, and attend, international conferences on behalf of the HKBA. Amongst other benefits, it is important for Hong Kong and the Hong Kong legal profession to be visibly present at large international gatherings of lawyers from all over the world.
5. The World Bar Conference is the biennial meeting of the International Council of Advocates and Barristers, the international organisation for independent referral bars around the world. The 2020 edition was scheduled to take place Hong Kong from 8 to 9 April. (The last time the conference had been held in Hong Kong was in 2006.) The Chairman of SCIPrac is on the HKBA's task force for organising the conference and organisation work continued on at the start of the year.
6. Unfortunately, the conference was then postponed due to COVID-19. It is anticipated that once the situation improves, a new date will be set for the conference here, preparation work will resume and Members of the Standing Committee will contribute actively thereto.
7. The COVID-19 situation also meant that many of the plans for Members of the SCIPrac to attend a variety of international conferences overseas with the objects set out in paragraph 2 in mind had, unfortunately, to be shelved. A Member of the SCIPrac was, however, able to attend the International Bar Association's 2020 Virtually Conference held online from 2 to 27 November 2020 in lieu of its Annual Conference.
8. Again, it is anticipated that once the situation improves, in person international conferences will resume and the SCIPrac will attend these with greater vigour than ever before to make up for the opportunities missed in 2020.

B2. Submissions

9. On 16 September 2020, the International Association of Lawyers / the Union Internationale des Avocats (the "UIA") invited the HKBA to provide news from Hong Kong as to the impact of COVID-19 on various aspects of the Court system and the legal profession in the territory. A detailed report was submitted to UIA by SCIPrac on behalf of the HKBA and this was subsequently shared with UIA Members and across UIA communication channels.²

B3. Representation

10. By convention, the Chairman of the SCIPrac is invited to sit on behalf of HKBA on the Council of The Law Association for Asia and The Pacific (LAWASIA), a regional association advocating the interests of the Asia Pacific legal profession, to reflect the views of the HKBA thereto.

² The UIA shared this report on, for example, its website: <<https://www.uianet.org/fr/actualites/impact-covid-19-pandemic-court-system-and-legal-profession-hong-kong>>.

C. International Law

11. On 4 March 2020, the Department of Justice invited the HKBA to provide views on the Department's Consultation Paper on the Proposed Application of The United Nations Convention on Contracts for the International Sale of Goods to the Hong Kong Special Administrative Region.
12. The SCIPrac was responsible for drafting the HKBA's response to this consultation, which was issued on 3 August 2020 and set out the view that this global and important convention should in principle be applied to Hong Kong.

D. The International Rule of Law

13. In March 2020, news came to the SCIPrac that a prominent constitutional law and human rights lawyer in Zambia, Mr. John Sangwa S.C., had had his rights to practice suspended by the Judiciary of Zambia seemingly in punishment for his expression of political views and without any due process having been afforded. The matter had generated significant concern from the international legal community, with the International Bar Association's Human Rights Institute, the Commonwealth Lawyers Association, the American Bar Association Centre of Human Rights and the UN Special Rapporteur on the Independence of Judges and Lawyers (the "UN Special Rapporteur") amongst others all issuing statements.
14. On 2 April 2020, at the suggestion of the SCIPrac, the HKBA joined the chorus of concerned voices by issuing a letter to the Zambian Judiciary noting the importance of adherence to the United Nations Basic Principles on the Role of Lawyers and urging the institution to reconsider the suspension of Mr. Sangwa S.C.. This letter was drafted by the SCIPrac and the UN Special Rapporteur expressed his gratitude to the HKBA for this defence. It is self evidently important for members of the legal community not to have their professional or other rights interfered with inappropriately.

E. SCIPrac Internal Matters

E1. Terms of Reference of the SCIPrac

15. On 25 March 2020, the Council approved a new set of Terms of Reference for the SCIPrac drafted by the SCIPrac. The Terms of Reference of the Standing Committee had not been updated since its establishment in 2012.
16. The purpose of this new set of Terms of Reference was twofold. Firstly, it was to broaden the scope of the work of the Standing Committee to make better use of it and to ensure it meets changing needs. For example, the monitoring of domestic developments overseas that have a bearing on the Bar and the HKBA were previously not within the purview of the SCIPrac. Secondly, it was to ensure that the Standing Committee's Terms of Reference reflected the work that was regularly being done by it but was technically beyond the scope of the document, such as, for instance, participating in visits to the HKBA by delegations of overseas bar associations.

E2. Composition of the SCIPrac

17. The 13 Members of the SCIPrac this year are as follows. Those whose names are followed by an asterisk were newly admitted to the SCIPrac this year.

Hugh Kam (Chairman)

Hectar Pun S.C.

James McGowan

Wing Kay Po*

Colin Wright

Thomas Lee

David Tang*

Isaac Chan

Benny Lo

Alan Lo

Isabel Tam*

Tara Liao*

Jun Lee*

18. The SCIPrac has this year expressly regarded it as important for its membership to be composed of members of the Bar of different chambers, seniorities, practice areas and ages to ensure a balanced participation and, with this, diverse views and ideas. Other than this, all Members have been (re-)admitted on the basis of (1) merit (the primary criterion and which includes the extent of previous participation in SCIPrac activities and assistance in the organisation thereof) and (2) the needs of the Standing Committee in view of its plans in the year ahead.

F. Conclusions and Gratitude

19. This has not been an easy year for the SCIPrac to operate in and it is hoped that 2021 will provide a healthier environment to do so in every sense. Members of the Bar and pupils with ideas for and comments on the SCIPrac are very much encouraged to convey them in the meantime.

20. Finally, the SCIPrac is grateful to the Chairman of the HKBA, Mr. Philip Dykes S.C., the Council of the HKBA and members of the Bar for their strong and ongoing support both for the SCIPrac and the work of the HKBA with an international dimension. Thank you.

Hugh Kam
Chairman
Standing Committee on International Practice

5 January 2021