

Report of the Standing Committee on Continuing Education 2021

1. This has been an eventful year for the Standing Committee on Continuing Education. With support and direction from the Bar Council, active steps have now been taken to implement a mandatory CPD program which is intended to take effect in 2023. In our view, this is long overdue. The primary objective of the CPD program is to ensure that the Hong Kong Bar remains modern, strong and independent, and to bring home the message that professional learning is a matter for everyone in our profession.
2. We currently have a voluntary CPD program which was introduced on 1 July 2020. This scheme was launched with a view to encouraging members to establish the habit of self-initiated continuing education and professional development catering for their own professional needs. We are grateful to members who have participated in the scheme, and trust they have found the experience valuable. However, the overall participation rate in the voluntary CPD program has been lukewarm.
3. In view of this, in early 2021, the Chairman requested us to put together a proposal for Compulsory CPD. We held a number of meetings starting from 10 May 2021 with a view to putting together a proposal for the consideration of the Bar Council.
4. We considered a number of options, including whether to adopt the current system run by the Bar in England and a number of important questions such as the number of CPD points to be obtained annually, the types of qualifying CPD activities, and whether there should be exceptions based on seniority. After carefully weighing the options, and also looking into the position on other jurisdictions, we started to prepare an Interim Report for the Bar Council to consider.
5. One of our primary recommendations was that the Bar should adopt a conventional CPD point system, with a minimum annual number of points to be obtained as a pre-requisite to obtain a practising certificate for the following year. We did not recommend adopting a model based on the one currently in place in England as being prone to abuse. It was considered that a conventional CPD system had the advantage of being tried and true,

provide clarity and objective criteria to members going forward, and was less prone to abuse than the English model.

6. In summary, we recommended a scheme whereby each member would be required to obtain 8 CPD points annually. Each CPD point would broadly reflect 1 hour of attendance, with greater points allocated to some activities, e.g, giving talks or lectures. The recommended touchstone for what qualifies as a CPD activity was whether it was predominant related to legal knowledge, skills, practice or ethics and be relevant to the practice of a barrister in Hong Kong.
7. On 31 July 2021, we submitted our Interim Report setting out its recommendations and proposals for the consideration of the Bar Council. The proposals were based on research into overseas jurisdictions, internal meetings, and also took into account informal consultation with members of the Bar. On 12 August 2021, the Bar Council resolved to conduct a formal consultation with members of the Bar on the proposals recommended.
8. By Bar Circular No. 131/21 dated 31 August 2021, the proposal for compulsory CPD was outlined and feedback from members was invited by 17 September 2021. A letter was also sent to Heads of Chambers drawing attention to the Bar Circular, and inviting feedback from their members accordingly. An extract of the Interim Report was provided to members setting out the reasoning behind the proposals. A total of 5 responses were received.
9. There was one expression of broad support by a senior member, three responses providing constructive feedback, and one negative response from a junior criminal barrister. The constructive feedback was very helpful, and the suggestions have been taken into account and largely incorporated in our proposals.
10. On 7 October 2021, the Bar Council resolved to proceed with proposal for compulsory CPD with necessary refinements to be made in view of the constructive feedback received. To this end, the Bar has prepared a set of draft Rules for the purpose of approval by the

Chief Justice under section 72AA(d) of the LPO. The Bar has prepared a set of draft guidelines to provide assistance to members as to the details of the proposal and what qualifies as a relevant CPD activity.

11. We anticipate that, subject to discussions and necessary amendments, the new rules will be approved within 2022, and are likely to take effect in 2023. We will keep members informed of any relevant developments on this front.

Membership:

Jin Pao, SC (Chairman)

Maggie Wong, SC

Erik Shum

Jeffrey Tam

Carter Chim

Emily Yu

Christy Wong

Astina Au

Geoffrey Yeung

Jin Pao, SC

Chairman

Standing Committee on Continuing Education

21 December 2021