

STANDING COMMITTEE ON INTERNATIONAL PRACTICE 2021-2022

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

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).

- (6) organising, making arrangements regarding, and participating in, events that further the objects above and / or with the objects above in mind.

B. Overseas Organisations

B1. Conferences and Visits

3. In line with these objectives, part of the work of the Standing Committee is to organise, speak at, and attend, international conferences, and to meet with overseas legal associations and lawyers, 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 and before leaders of the legal profession elsewhere.
4. Whilst plans were drawn up for Members of SCIPrac to attend a variety of international conferences overseas this year, the restrictions on travel due to COVID-19 have unfortunately meant that these have had to be shelved yet again. It is hoped that the situation is such that attendance at such conferences and visits to overseas legal associations can be undertaken next year. In the interim, the SCIPrac will continue to attend virtual events with greater vigour and arrange for virtual meetings with overseas legal associations.

B2. Submissions

5. On 18 October 2021, the HKBA submitted a 14 page report drafted by the SCIPrac on the nature of the profession and the work of the HKBA (particularly in 2021) to The Law Association for Asia and The Pacific (LAWASIA) in response to a request from them. The report was circulated at the Annual Council Meeting of LAWASIA on 11 November 2021.

B3. Representation

6. By convention, the Chairman of the SCIPrac is invited to sit on behalf of HKBA on the Council of LAWASIA, a regional association advocating the interests of the Asia Pacific legal profession, to reflect the views of the HKBA thereto.

C. International Law

7. In 2020, the SCIPrac drafted the HKBA's submissions to the consultation of the Department of Justice (the "Department") on the proposed application of The United Nations Convention on Contracts for the International Sale of Goods to Hong Kong (the "Convention").
8. The Administration of Justice and Legal Services Panel of the Legislative Council (the "AJLS") then invited the HKBA to its meeting on 22 March 2021 to participate in its discussion on the response of the public to the consultation and the Department's proposal on the way forward. A Member of the SCIPrac attended on behalf of the HKBA and elaborated on views expressed in the submissions.
9. Subsequently, the Convention having been adopted in Hong Kong in September 2021 (with actual implementation expected to begin in around the 3rd quarter of 2022), the Department, on 18 November 2021, invited the HKBA to be a Supporting Organisation for a series of events to promote the Convention. It is expected that these events will include a webinar and a workshop to be held in January and February 2022. With support and liaison from the SCIPrac, the HKBA has agreed to this and the SCIPrac will work on promoting these events to Members of the Bar in due course.

D. Other Works

10. The AJLS also invited the HKBA to its meeting on 27 September 2021 to participate in its discussion on the Department's programmes for secondment of local lawyers to international organisations i.e. the Hague Conference on Private International Law, the United Nations Commission on International Trade Law, the International Institute for the Unification of Private Law and the Asian Infrastructure Investment Bank.
11. A Member of the SCIPrac attended on behalf of the HKBA and shared views on the occasion. In particular, a list of other international organisations that the Department could consider approaching was put forward. Further, it was suggested, in the interests of greater transparency and fairness, that the selection panel for the secondees include representatives of the HKBA and the Law Society and that information on the selection criteria and the number and background of applicants be published.

E. SCIPrac Internal Matters

E1. Council Representation

12. The Chairman of SCIPrac was invited to sit on the Council this year and shared views during Council meetings and with Council members on other occasions, in particular, on matters relating to the international context. Specifically, these matters included the development of relations with overseas bar associations (including the execution of Memoranda of Understanding therewith), participation in (the committees and activities of) international and regional legal associations and the practice of overseas bar associations with regard to practices of their councils.

E2. Composition of the SCIPrac

13. The 14 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

Colin Wright

Thomas Lee

David Tang

Edward Alder*

Isaac Chan

Benny Lo

Alan Lo

Isabel Tam

Lorraine Tsang*

Tara Liao

Jun Lee

14. The SCIPrac regards 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

15. This has been the second year in which the work of the SCIPrac has unfortunately been heavily constrained by circumstances relating to COVID-19. In spite thereof, the Standing Committee has sought to press on within the space available and hopes to do so with even more vigour in the year ahead. Members of the Bar and pupils with ideas for and comments on the SCIPrac for how it might do so or more generally are very much encouraged to convey them.
16. Finally, the SCIPrac is grateful to the Chairman of the HKBA, Mr. Paul Harris 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.

Dated 23 December 2021.

Hugh Kam
Chairman
Standing Committee
on International Practice