

CROSS DISCIPLINARY CONTINUING PROFESSIONAL DEVELOPMENT

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Index: Cross Disciplinary Training, Continuing Professional Development

Abstract: The author examined the continuing professional development programmes of the banking and legal professions. He found that, in the years under study, each profession offered a substantial number of training courses that fell within the discipline of the other. There was significant mutuality of training need in the two professions. He concluded that trainers as well as educationalists should, in future, pay more attention to cross disciplinary training and education, especially where Hong Kong harbors the ambition of evolving into a knowledge based society.

INTRODUCTION

In this paper the author uses the Continuing Professional Development (CPD) schemes in the legal and banking professions to illustrate the issue of “Cross-disciplinary Continuing Professional Development”. The term here means “that professionals from one discipline acquire in-depth knowledge as well as the modus operandi of another profession in order to enhance their personal value and make contribution to their own discipline”ⁱ.

The author selects the legal and banking professions for analysis for three reasons.

a. The new recruits

In the legal profession, practicing members are required to possess narrowly focused qualifications. They are usually in the form of a first degree in laws (LLB) together with a Professional Certificate in Laws (PCLL). In the case of legal executives, they are usually required to possess a qualification relating to legal studies at the Higher Diploma level. Clerical workers in the legal profession are not required to possess formal law qualifications. They, however, are not permitted to give advice to clients, or engage in court work, or undertake professional activities unless strictly supervised.

Banking professionals have a vastly different profile than legal professionals. Banks offer employment to people from all walks of life. Bank officers may come with a background in science, engineering, business as well as law. Traditionally, banks would take up the responsibility of training their young executives in banking and finance who, at a latter stage, may take over the helm of the company. This is, to a certain extent, still true, but most banks now rely on the tertiary sector to supply them with young men and women who are already well versed in the finance discipline.

b. The changing professions

The legal profession in Hong Kong has undergone significant changes in the past few years. A few years ago the Law Society permitted its members to freely negotiate fees with their clients in conveyancing work. Since then, to the dismay of many solicitors, fees relating to conveyancing practices have taken a nosedive. Many firms have fallen on hard times. Young solicitors, who only

possess legal skills, are experiencing difficulties in securing suitable employment in the profession. The barrister side of the legal profession has fared better because the volume of court work in civil matters has stayed relatively stable. However, it is said that senior members of the bar are increasingly taking up work which was previously relinquished to members of the junior bar.

A few years ago the Law Society deregulated the marketing of legal services by its members. Solicitors are now permitted to do limited marketing of their legal services. Overseas, in the UK, solicitors first advertised their services during the early 1980sⁱⁱ. As a result, UK Personal injury lawyers, or claims negotiators, are said to be selling their services in a rather direct and vulgar fashion. It is reported, no doubt unfairly, that UK solicitor firms display their advertisements among escort agencies and loan sharks in local newspapersⁱⁱⁱ. Advertisement of this nature has not yet appeared in the Hong Kong media although there was a case of a solicitor exhibiting his unclad body in a local magazine, holding a law book next to him. Barristers in Hong Kong seem to be holding their ground on the advertising issue. At a general meeting of the Bar Association, the majority of its member voted down the proposal of allowing barristers to advertise^{iv}.

There is already a bill in the Legislative council increasing the District Courts' civil jurisdiction, from the present HK\$120,000 to a new ceiling of HK\$600,000. Solicitors have the right of audience in the District Courts and limited practicing right in the High Courts. It means that solicitors will, in future, take up civil cases which previously were the exclusive domain of barristers. With increasing competition from solicitors, the issue of barrister marketing will, no doubt, again be raised in the future.

In the banking sector recent changes are abundant, to say the least. The proliferation of internet services to the general public has put a lot of pressure on banks to offer web-based banking. Market leaders, such as the HSBC group, have already announced its plan to launch web-banking in the year 2000. Bank of China group, after the impending merger of its 12 sister banks, would have to follow closely if it wants to remain competitive.

On the profitability side, banks are now engaged in a heated mortgage war despite the displeasure of the Hong Kong Monetary Authority (HKMA). The profitability of banks would suffer if this "war" goes on. The most recent mortgage interest rate offer by Standard and Chartered Bank is one percent below the prime rate for new mortgages as well as re-mortgage of domestic property. Anticipating challenging and possibly difficult time ahead for locally incorporated banks, Mr. Joseph Yam, CEO of HKMA, delivered to local bankers a strong message in the Hong Kong Institute of Bankers' Millennium Dinner^v. Mr. Yam urged banks in Hong Kong to entertain seriously the idea of merging with each other in order to remain competitive.

THE CONTINUING PROFESSIONAL DEVELOPMENT SCHEMES (CPD)

To meet the changing needs of their professions both the Law Society and the Hong Kong Institute of Bankers (HKIB) offer continuing professional development schemes. The Law society has made the CPD scheme mandatory for all solicitors admitted after 1991. Solicitors who fall within this category are required to accumulate a minimum of 15 CPD points each year before they apply for their next year practicing certificates. As a rule of thumb, each CPD point entails a participant to take part in a one-hour learning session.

The CPD courses offered by Law Society are indicative of the continuing and changing needs of the profession. The author has made a review of CPD courses offered by the Law Society during the year 1999^{vi}. Of the 155 courses offered, 25 are finance related, 15 are business related excluding those relating to finance. In 1999, a total of 40 (25%) courses offered by Law Society were not law related. The number of non-law courses offered has indicated the needs of the legal professionals to

acquire out-of-discipline knowledge and skills. Twenty-five out of the 40 out-of-discipline courses are finance related. This raises the issue of multi or dual discipline training/education.

One of the mandates of the HKIB is to offer training to banking professionals in Hong Kong for meeting their continuing professional development needs. It runs a CPD scheme similar to that of the Law Society. As HKIB is not legally empowered to grant practicing licenses to its members, its scheme must be on a voluntary basis. Besides holding its traditional professional examinations the HKIB also offer ad-hoc training courses fulfilling the needs of its members. In 1998 it organized 34 courses and seminars for its members^{vii}. Out of these 34 courses and seminars, 11 related to the legal discipline, 3 related to china business, 2 related to general issues of the economy, 2 related to investments, 7 related to bank lending, and 9 related to the dual discipline of law and lending. Others are on general issues.

CONCLUSION

After the foregoing analysis the author finds that:

- a. A significant proportion of the CPD courses offered by the Law Society are not law related nor dominantly law related. Forty out of the 155 courses offered are business related. Of these 40 courses, 25 are finance related.
- b. A significant proportion CPD courses offered by the HKIB are not banking related. Eleven out of the 34 course offered were law related. Out of the 16 lending related courses the author finds that 9 are law related (for example, Legal Issues of Loans Recovery).

The author concludes that cross-disciplinary CPD schemes are a fact of life in the legal and banking professions. He is of the further view that the observed phenomenon may not be confined to the two professions under study. This phenomenon may be found in all generically related professions, and in some unrelated professions. He recommends that formal education in the tertiary sector should take note of this need and provide educational services accordingly, in the form of cross-disciplinary programmes in the full-time and part-time modes.

REFERENCES

ⁱ Ko, S H, "Law & Practice of Banking Services in Hong Kong", p.xvii, City University of Hong Kong Press, 1998.

ⁱⁱ Feature article, "Marketing meets the Law", *Marketing Business*, p.22, Dec./January 2000.

ⁱⁱⁱ Ibid, p.24.

^{iv} 23.1.2000, South China Morning Post.

^v HKIB hosted the dinner on 9th December, 1999, in Hong Kong Sheraton Hotel. Mr. Joseph Yam was the key speaker of the occasion, and his speech was widely reported by the local press.

^{vi} Law Society also accredits courses offered by outsiders.

^{vii} The 1999 summary is not yet available. The 1998 summary is adequate for the purpose of this paper.