

Competition Policy and Updating Vehicles for the Delivery of Legal Services: The New South Wales Experience and Lessons for Hong Kong

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Abstract

Competition policy has been applied to the legal profession in New South Wales for over a decade. The introduction of a broad reaching competition law to Hong Kong is currently being considered there. This article will review an important aspect of competition policy in New South Wales, the introduction of incorporated legal practices. In particular, it will explore the degree to which this change has altered the traditional professional model of legal practice in New South Wales and the benefits and costs of these effects. These lessons are relevant to the legal profession in Hong Kong because proposals in a public consultation paper issued by the Commerce and Economic Development Bureau on 6 May 2008 envisage that competition policy will apply *prima facie* to all business models. Furthermore, existing (but dormant) legislation permitting incorporated legal practices make these changes to the landscape of legal practice a real possibility. This article will conclude that such changes should be viewed with caution in Hong Kong and perhaps other solutions should be sought to improve the efficiency and productivity of the legal system and access to justice in that jurisdiction.

I. Introduction

Hong Kong and New South Wales enjoy important similarities. In a general sense, both have a similar population size and are former British Colonies. Also, Hong Kong ranks first and Australia third, with overall scores of 90 and 82.6

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