



# **Maritime Services Traineeship Scheme - Legal under the Maritime and Aviation Training Fund**

## **Guidance Notes for Application**

## Contents

Objective of the Scheme.....	3
Eligibility.....	3
Funding and Duration.....	4
Application Procedures.....	4
Vetting Procedures and Criteria.....	5
Notification and Payment.....	6
Withdrawal of Approval.....	6
Appeal.....	7
Post Training Evaluation.....	7
Records and Documentation.....	7
Avoidance of Conflict of Interest.....	8
Handling of Information.....	8
Important Notes.....	9
Safeguarding National Security.....	10
Prevention of Bribery.....	11

## **Maritime Services Traineeship Scheme - Legal**

### **Guidance Notes for Application**

These Guidance Notes provide law firms and barristers with maritime business (“applicants”) an overview on application for disbursement for providing tailor-made training to local trainee solicitors and pupils (“trainees”) under the Maritime Services Traineeship Scheme - Legal (the “Scheme”).

#### **Objective of the Scheme**

2. As availability and quality of legal service are vital for Hong Kong to perform the role of a regional and further an international dispute resolution and arbitration centre, Hong Kong is in need of more home-grown maritime lawyers to provide specialised and more readily available maritime legal services.

3. The HKSAR Government launched the Scheme in September 2023 under the Maritime and Aviation Training Fund (“MATF”). It aims at incentivising law firms and barristers with maritime business to provide traineeship for those who aspire to a career in maritime law, with a view to nurturing more home-grown maritime lawyers and enhancing Hong Kong’s high value-added maritime services.

#### **Eligibility**

4. Law firm applicants under the Scheme should be registered in Hong Kong under the Business Registration Ordinance (Cap. 310). Other types of business proof will be subject to assessment and acceptance. Applicants should have office or a place of business in Hong Kong with business related to maritime or shipping sector. In this regard, applicants under the Scheme are required to provide records that show their continual maritime-related businesses. Applicants must not be a government or subvented organisation.

5. A trainee whom applicants may register under the Scheme must be a Hong Kong permanent resident being –

- (a) a Postgraduate Certificate in Laws (PCLL) graduate of The University of Hong Kong, City University of Hong Kong or The Chinese University of Hong Kong; or
- (b) a holder of qualifications recognised for training purposes by the Law Society of Hong Kong or the Hong Kong Bar Association.

## **Funding and Duration**

6. Each successful applicant will be provided with a **monthly disbursement of \$20,000** for each trainee, subject to a cap of **two trainees per applicant**. The total annual disbursement will therefore be capped at **\$480,000 per applicant**.

7. Trainees registered under the Scheme are subject to a maximum period of training of **24 months for a trainee solicitor**; and **12 months for a pupil**.

8. At any one time, the number of trainees whom an applicant registers under the Scheme should not be more than two. If any trainee drops out during the traineeship period, the applicant may register a replacement trainee. Disbursement can be made on a pro-rata basis if a trainee registered under the Scheme fails to complete a full month's training with the applicant.

9. The Scheme is overseen by the Working Group on Maritime Services Traineeship Scheme ("WG") under the Manpower Development Committee ("MDC") of the Hong Kong Maritime and Port Board ("HKMPB"). It reserves at all times the right to determine whether an applicant is eligible to apply for the Scheme or monthly disbursement for any of his/her/its local trainees under the Scheme.

## **Application Procedures**

10. The Scheme is open for application throughout the year subject to the availability of fund.

11. Applications for the Scheme by completion of **Form 1** should be sent to the Secretariat, which processing may take **up to eight weeks**.

12. Incomplete applications or applications with insufficient data may **not** be processed and may be returned to applicants. Applicants should provide supplementary information upon request by the Secretariat.

### **Vetting Procedures and Criteria**

13. Upon receipt of application form together with all the necessary documents and information, applications will be processed by the Secretariat.

14. Applications will be assessed according to the following procedures:

- (a) the Secretariat will conduct an initial assessment of all applications. It may seek clarification or supplementary information from the applicants in the vetting process as necessary;
- (b) the Secretariat will seek technical and/or expert advice as appropriate; and
- (c) the Secretariat will then submit its recommendations to the WG for consideration and determination.

15. All training programmes submitted in the applications will be considered by the WG based on their individual merits. Main aspects for assessment will be:

- (a) the structure, methodology, approach and quality in delivering the programme, such as coverage of training fields, progression schedule and quality assurance mechanism;
- (b) the relevancy, usefulness, quality and attainment level of each training course, service or activity with respect to maritime legal professions;
- (c) the background, experience and professional or academic standing of the institutions or bodies offering the training; and
- (d) relevant legislative or professional requirements, etc. on the expected training.

The WG reserves the right to reject applications in respect of, including but not limited to, any of the above aspects.

## **Notification and Payment**

16. Result notification of applications will be sent to applicants. Successful applicants may thereafter complete and submit **Form 2** regarding their additional or replacement trainees to the Secretariat for confirmation of eligibility and registration under the Scheme.

17. The Secretariat will arrange payment of disbursements on a **half-yearly** basis. The completed claim form for disbursement (**Form 3**), in which the applicant is required to certify that a registered trainee has received training in accordance with the endorsed training programme, should be submitted by the applicant to the Secretariat **within eight weeks** after the trainee's completion of every half year's training.

18. Applications for disbursements should be accompanied by documentary proofs of payment of salary to the registered trainees.

19. Late submission of the documents required for the claim application may lead to withholding, reduction or cessation of the disbursement. In case of difficulties, applicants may contact the Secretariat for assistance in submitting the required documents.

20. The Secretariat reserves the right to conduct detailed checks on the submitted documents and seek clarifications from the applicant regarding the training and the claim.

21. The Secretariat reserves at all times the right to determine whether an application for disbursement is approved at its sole discretion.

## **Withdrawal of Approval**

22. The WG reserves the right to withdraw applications' approval in case of non-compliance with the "Guidance Notes for Application" and/or to protect public interest. In the event of any dispute regarding the application, the decision of the HKSAG Government, with the advice of MDC, should be final.

## **Appeal**

23. An appeal should be sent in writing to the MDC within **14 working days** of receipt of notice of the decision.

24. Each appeal will be considered by the MDC and its decision, which will be final, will be conveyed to the applicant in writing.

## **Post Training Evaluation**

25. Applicants are required to submit an annual survey (**Form 4**) to the Secretariat to help improve the scheme administration, programme refinement, etc. In the annual survey, applicants are required to provide information pertaining to their trainees within 36 months of completion of the latter's training. Such information will include trainees' contact details, barrister/solicitor admission particulars, and latest full-time employment.

26. Trainees are required to complete a survey (**Form 5**) after completion of the training programme to assess the effectiveness of the training in achieving the objective of the Scheme.

## **Records and Documentation**

27. All submissions to the Secretariat, including the application form, proposed training programme, trainee registration and claim forms, should be signed by barrister applicants or authorised persons at Partner, Director or equivalent level of law firm applicants.

28. Applicants are required to maintain proper documentation for **seven years** for the Government's checking upon request and ensure that the training is conducted in compliance with training programme endorsed.

29. The WG and MDC of the HKMPB reserve the right to visit the applicants and sit in the training courses, services or activities mentioned in the training programme.

## **Avoidance of Conflict of Interest**

30. Law firm applicants should have a direct employment relationship with the trainee solicitors nominated for the Scheme and pupils should be trained by barrister applicants personally. Applicants are required to make such declaration at the time of application.

31. Applicants are also required to make declaration on their relationship with an external course provider where applicable. Applicants should not engage an external course provider for whose owners, shareholders or management are the owners, shareholders or management of the applicants or their relatives.

32. Applicants or any person/staff authorised by the applicants to handle or be involved in the course selection should declare that they have no actual or potential conflict of interest; or do not participate in the training courses' selection if otherwise.

33. When applying for funding support under the Scheme, applicants are required to declare that they did not and will not obtain subsidies from other local public funding schemes for training the trainees concerned.

34. In the event that any information/declaration is found to be untrue, incomplete or inaccurate, the WG reserves the right to withdraw the approval of any application, recall the funding disbursed, and subject the case to legal proceedings.

## **Handling of Information**

35. Subject to the provisions below, information provided by applicants during application will be kept by the Secretariat in confidence and all personal data, including the applicants and other individuals, will be handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486). In this regard, the Secretariat shall have the right to disclose, without further reference to the applicant, whenever it considers appropriate, Discloseable Information (i.e. any information provided by the applicant during application under the Scheme) to other Government bureaux/departments, statutory bodies or third parties for the purposes of

processing the application, conducting research and survey, compiling statistics, meeting requirements of the law and/or performing their functions, and if the application is approved, monitoring the delivery of the training, paying the disbursement, and checking duplicate applications under other local public funding schemes to cover the expenses in training the trainees concerned. In submitting the application form, applicants irrevocably and unconditionally authorise the Secretariat to make and consent to the Secretariat making any of the aforesaid disclosure.

### **Important Notes**

36. It is the responsibility of applicants to complete the application forms timely and truthfully, and to provide all necessary documents for the applications for programme endorsement, trainee registration and payment of disbursement. Inaccurate or incomplete information will affect the processing of applications. Any omission or misrepresentation of information may lead to rejection of applications, withdrawal of disbursements approved, and part or full recoupment of disbursements awarded. Applicants should refund the Secretariat any overpayment of disbursements. It is an offence in law to obtain property/pecuniary advantage by deception or assisting persons to obtain property/pecuniary advantage under the Scheme. Any person who does so may be liable to legal proceedings.

37. On matters with regard to the Scheme, applicants shall indemnify and keep indemnified the HKSAR Government and/or other third parties (including the MATF and the HKMPB) from and against:

- (a) any and all claims, actions, investigations, demands, proceedings, brought or instituted against the HKSAR Government and/or other third parties (including the MATF and the HKMPB); and
- (b) any and all liabilities (including liability to pay compensation and damages), damages, losses, costs, charges and expenses which the HKSAR Government and/or other third parties (including the MATF and the HKMPB) may sustain or incur (including all legal and other expenses, on a full indemnity

basis, which may be incurred in relation to any claim action or proceeding instituted by/against the HKSAR Government and/or other third parties (including the MATF and the HKMPB)).

## **Safeguarding National Security**

38. By submitting an application under the Scheme, applicants shall acknowledge and undertake to comply with the following clauses:

- (a) notwithstanding anything to the contrary in these Guidance Notes, the Government reserves the right to disqualify the applicant on the grounds that he/she/it has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to cause or constitute the occurrence of offences endangering national security or otherwise the exclusion of the applicant from future applications is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety;
- (b) the Government may immediately terminate any disbursement to the applicant upon the occurrence of any of the following events:
  - (i) the applicant has engaged or is engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security;
  - (ii) the continued disbursement to the applicant is contrary to the interest of national security; or
  - (iii) the Government reasonably believes that any of the events mentioned above is about to occur.

## **Prevention of Bribery**

39. Applicants shall observe the Prevention of Bribery Ordinance (Cap. 201) (“PBO”) and shall procure that their staff who are in any way involved in a training course or activity shall not offer to or solicit or accept from any person any advantages, including money, gifts, loan, etc. (as defined in the PBO) in the selection of or in relation to the training course or activity. If the barrister applicant or law firm applicant’s staff, who is in any way involved in the training course or activity commits an offence under the PBO in relation to the training course or activity, the WG shall be entitled to, withdraw the disbursement approved, recoup the disbursement awarded, and shall hold the applicant liable for any loss or damages the HKSAR Government and/or the HKMPB may thereby sustain.

**Secretariat, MATF**  
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