

The Origin and Development of the Notary Profession in Outline, and the Functions and Work of Hong Kong Notaries in the 21st Century



by

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Mr. Samuel Li is the Sole Proprietor of Samuel Li & Co., Solicitors & Notaries. He qualified as a solicitor in Hong Kong in 1983. He passed the Notarial Examination in 1995 and was admitted as a Hong Kong Notary Public.

Samuel now focuses on notarial practices. In the preceding 20+ years as a Hong Kong Notary Public, he has an excellent track record in providing notarial services to clients including overseas government, and world's leading brand companies. More than 70 countries and regions on world's 5 continents have accepted Samuel's notarised documents.

Samuel has presented 40 seminars to professionals to demonstrate notarial practice, with total audience exceeding 3,485.

Samuel is the author of the soon released notarial book named "Notarial Services in Hong Kong: General Principles, Values and Practice".

Samuel has received 14 Pro Bono Legal Services Awards & Professional Volunteer Service Awards respectively from the Home Affairs Bureau of the HKSAR, The Law Society of Hong Kong and Hong Kong Council of Volunteering in recognition of his promoting legal knowledge and professional volunteering services to the public. In 2014, Samuel was nominated by the Hong Kong Law Society to participate in the Second Leadership Bauhinia Volunteer Award competition organized by the Agency for Volunteer Service.



The notary profession has a long history. It began in Civil Law jurisdiction of ancient Rome.

The notary profession was introduced around 13th to 14th Century to England, having a Common Law jurisdiction. The earliest notary admitted In Hong Kong was appointed on 24 May 1844.

In Civil Law countries, authenticated acts of notary have evidential value and executory force. On the other contrary, in the Common Law jurisdictions, because of the principle of orality and the rule against hearsay, notarial instruments did not have the same evidential status as in Civil Law countries.

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In England & Wales, after waiting for hundreds of years, in 2005, Rule 30.20 was introduced in Civil Procedure Rule in that notarial instruments are admissible in civil proceedings. In Hong Kong, s 35A of Evidence Ordinance, Order 38, rule 9A of the Rules of the High Court, and Order 38, rule 9A of the Rules of the District Court were introduced in 2014, to the effect that notarial instruments may be received in evidence in civil proceedings in the courts of Hong Kong, without further proof, as duly authenticated unless the contrary is proved, thereby bringing the Common Law notarial acts closer to those of the Civil Law countries. It follows that Hong Kong Notaries have a function in the administration of justice.

The advancement of technology, particularly digital information technology, the internet, and smart phones, has changed the work of the notary in the 21st century.



The speaker will address the above with illustrations. He will also share the real life experience of the notarial work at different times: in digital age, during Covid-19 pandemic and in 2023.

Course Contents:

- Legal Profession: Notaries, Solicitors & Barristers
- Origin and Development of the Notary Profession
- Evidentiary Value of Notarial Instruments and Administration of Justice
 1. s 35A of Evidence Ordinance
 2. Order 38 rule 9A of the Rules of the High Court
 3. Order 38, rule 9A of the Rules of the District Court
- Work Systems of Notary & Technology
- The Work of Notary in the Digital Information Technology Era
- Way forward
- Court Case Studies
 1. Noble Power Investments Ltd. & other v Nissei Stomach Tokyo Co. Ltd. [2008] 5 HKLRD 631
 2. Penta Investment Advisers Ltd. v Allied Weli Development Ltd., HK Court of Appeal (CACV222/2014 and CACV35/2015)
- The Speaker's Sharing of Selected Real Life Experience at Different Times
 1. Traditional notarial work
 2. In digital age
 3. During Covid-19 pandemic
 4. In the Year 2023
- Conclusion
- Questions & Answers

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Code:	EVT000000405	Level:	Intermediate
Date:	9 October 2023 (Monday) (Amended)	Language:	Cantonese (Course Materials in English)
Time:	14:30 - 17:45 (Amended) (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	<i>Option of:</i> (1) Online via Zoom; <i>or</i> (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong 	Request for Rerun:	Please Contact Us for Details 

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