



THE
LAW SOCIETY
OF HONG KONG
香港律師會

**ADMISSION AS A SOLICITOR IN HONG KONG
FOR OVERSEAS LAWYERS**

2009 INFORMATION PACKAGE

March 2009

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This Package is in PDF format. Applicants can download the Package as a whole or any section of it,

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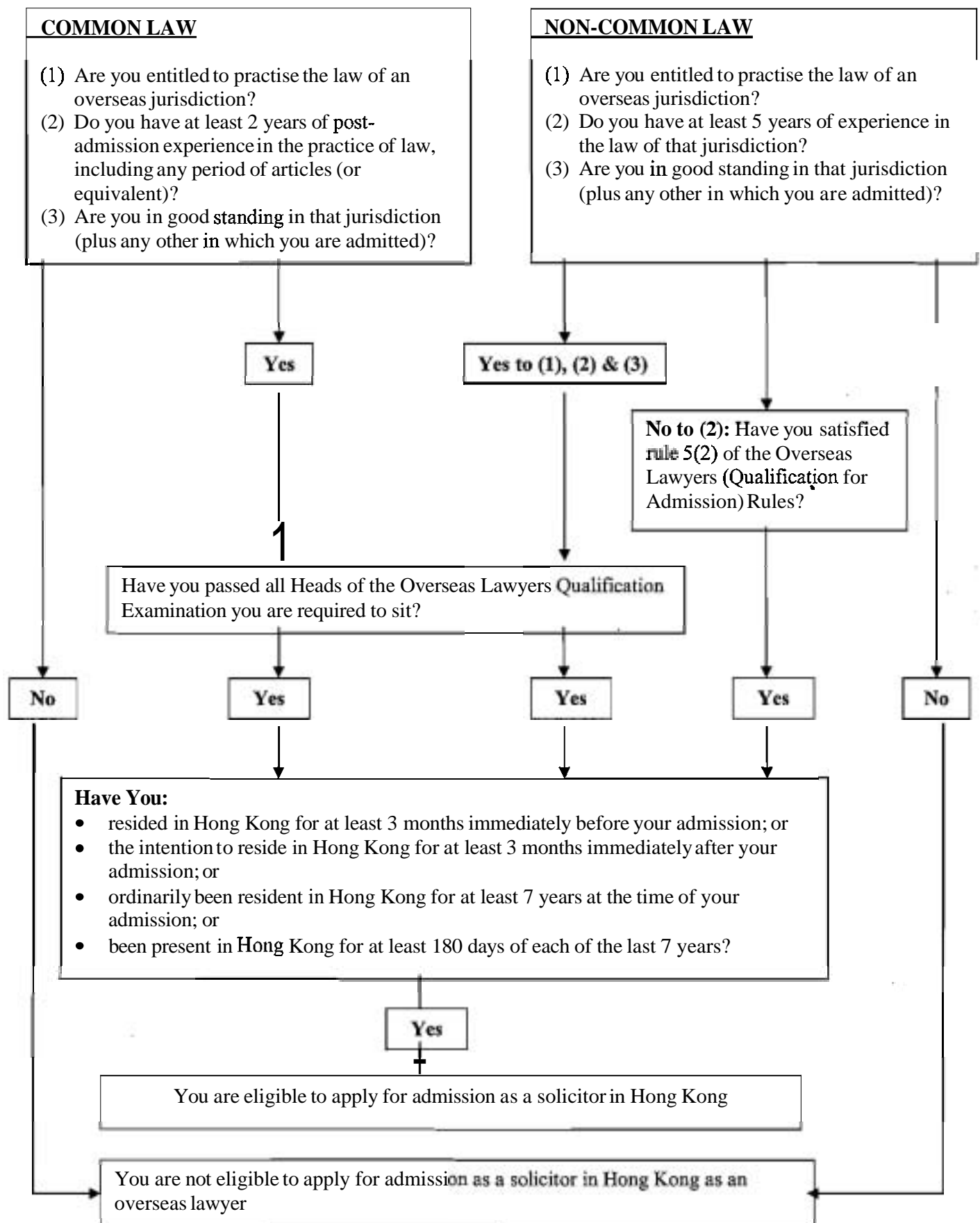
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PART I

OVERSEAS LAWYERS QUALIFICATION EXAMINATION

A. ROUTES TO ADMISSION FOR OVERSEAS LAWYERS



B. LIST OF COMMON LAW / NON-COMMON LAW JURISDICTIONS

1. The following jurisdictions will be regarded as examples of *COMMON LAW JURISDICTIONS* for the purpose of the Overseas Lawyers (Qualification for Admission) Rules:

Anguilla	Montserrat
Antigua and Barbuda	New Zealand
Australian states and territories	Nigeria
Bahamas	Northern Ireland
Bangladesh	Pakistan
Barbados	Papua New Guinea
Belize	Republic of Ireland
Bermuda	Scotland
British Virgin Islands	Sierra Leone
Burma	Singapore
Canadian provinces (except Quebec)	Solomon Islands
Cayman Islands	Republic of South Africa
Cyprus	Sri Lanka
England and Wales	St Kitts-Nevis
Fiji	St Vincent & the Grenadines
The Gambia	Sudan
Ghana	Tanzania
Gibraltar	Tonga
Guyana	Trinidad & Tobago
India	Turks & Caicos Islands
Israel	Uganda
Jamaica	United States of America (except Louisiana)
Kenya	Western Samoa
Liberia	Zambia
Malawi	Zimbabwe
Malaysia	

2. The following jurisdictions will be regarded as examples of *NON-COMMON LAW JURISDICTIONS* for the purpose of the Overseas Lawyers (Qualification for Admission) Rules:

Austria	Philippines
France	Switzerland
Indonesia	Taiwan
Italy	Thailand
Japan	Vietnam
Korea	
Macau	
Mainland PRC	
Nepal	

C. OVERSEAS LAWYERS QUALIFICATION EXAMINATION INFORMATION

The Rules, procedures and guidelines contained in this Package represent the Law Society's endeavour to respond honourably to its responsibilities under the GATS in order to create a level playing field in the admission of overseas lawyers as solicitors in Hong Kong.

1. Requirements for post-admission experience

If you are admitted in a common law jurisdiction, you must satisfy the Law Society that you have at least two years of post-admission experience in the practice of the law of your jurisdiction of admission (including any period credited in respect of articles or equivalent) in order to be eligible to sit the Examination. Please see rule 4(2)(b) of the Overseas Lawyers (Qualification for Admission) Rules on page 62. This requirement can be satisfied by working as a qualified lawyer in your home jurisdiction, or as a registered foreign lawyer in Hong Kong.

If you are admitted in a non-common law jurisdiction, you must satisfy the Law Society that you have had not less than 5 years of experience in the practice of the law of the jurisdiction of your admission in order to be eligible to sit the Examination. Please see rule 5(1) of the Overseas Lawyers (Qualification for Admission) Rules on page 62.

Applicants must demonstrate that they have already gained the necessary experience at the time when they submit their applications. No prospective application will be accepted.

2. Application Form

In order to qualify to sit or be exempt from sitting the Examination, you must complete the Overseas Lawyers Qualification Examination Application Form (Form A) and submit it to the Department of Standards and Development with all necessary documentation. The fee for having your application processed is HK\$3,300, which is non-refundable. Please note that there is a further fee payable on registration to sit the Examination, as provided in the Overseas Lawyers (Qualification for Admission) (Fees) Rules.

Payment of the requisite fee can be made by cheque payable to "The Law Society of Hong Kong" or by telegraphic transfer to the following account of the Law Society:

"Hongkong and Shanghai Banking Corporation (HSBC)
bankcode — 004
branch no. — 583
account no. — 009055-001"

If you wish to pay by telegraphic transfer, please inform the Law Society in advance and please note that you shall bear all bank charges payable for the telegraphic transfer.

The **closing date for receipt of application forms to sit the 2009 Examination (Form A) is Friday 10 July 2009.**

Enquiries relating to applications to sit or be exempt from the Examination should be directed to the Assistant Director, Regulation and Guidance at adrg@hklawsoc.org.hk or 2846 0523.

You are strongly advised to submit your application as early as possible to allow yourself more time to respond to enquiries that may be raised during the processing of your application. Try to avoid leaving the submission of your application until the closing date.

3. Examination dates for 2009

Thursday 29 October 2009	Head I – Conveyancing
Tuesday 3 November 2009	Head II – Civil and Criminal Procedure
Friday 6 November 2009	Head III – Commercial and Company Law
Tuesday 10 November 2009	Head IV – Accounts and Professional Conduct
Tuesday 15 December 2009	Head V – Principles of Common Law

4. Applications for exemption from sitting all or part of the Examination

This Information Package contains Guidelines for applications for exemption from sitting all or part of the Examination (see page 18). Please refer to these Guidelines as to whether you are eligible to seek an exemption from any Head of the Examination. All relevant documentation in support of the application should be provided when your application is submitted.

You are again strongly advised to submit your application as early as possible so that you will be notified of the outcome of your application in time for planning any revision for the Examination.

5. Certificates

If you meet the criteria for exemption from sitting all Heads of the Examination or are exempted from sitting all Heads, you will be issued a Certificate of Exemption from Sitting the Examination and may proceed with the next stage of the admission procedure. Unless the Law Society otherwise determines, a Certificate of Exemption shall be valid for a period of 12 months from the date of its issue.

If you are eligible to sit the Examination, you will be issued a Certificate under Section 3(2) of the Overseas Lawyers (Qualification for Admission) Rules ("Section 3(2) Certificate") stating the Heads of the Examination which you will be required to sit. If you have applied for exemption from any Head you will be advised in writing whether you have been granted an exemption from that Head. This Certificate is valid for 12 months (unless revoked earlier by the Law Society) from the date of issue.

6. Applications for review of the Law Society's decision under Section 3(2)

Rule 9 of the Overseas Lawyers (Qualification for Admission) Rules provides that an applicant may ask for his application to be reviewed by the Law Society **within one month** of receiving notification from the Law Society of its decision and upon payment of the fee of HK\$1,500. You will have **one** opportunity to have your application reviewed and the time limit specified in the Rules will be strictly followed. All information you wish the Committee to take into consideration must be supplied when you lodge your application for review.

You may apply to the Court of First Instance of the High Court for review of the Law Society's decision within 3 months of receiving notification from the Law Society.

7. Procedure for registration to sit the 2009 Examination

In order to register to sit the Examination, you must provide the Department of Standards and Development with a letter indicating your intention to sit the Heads of the Examination specified in your Section 3(2) Certificate **and** the requisite fee as provided in the Overseas Lawyers (Qualification for Admission) (Fees) Rules. You will be issued with a Candidate Slip prior to the Examination date advising your Candidate Number and the time and venue for each Head of the Examination.

The closing date for registration to sit the 2009 Examination is Friday 21 August 2009.

If you are awaiting the outcome of an application for review with respect to exemption from any Head of the Examination at the time of the closing date, you may register upon receipt of the Law Society's determination provided you do so immediately.

8. Supplementary Information Package

A Supplementary Information Package containing -
the standards, syllabi and reading lists for Heads I to V
Examiners' comments on the 2008 Examination for Heads I to V
past Examination papers

is also available on the Law Society website.

9. Past Examination papers

Examination papers for the 1995 to 2008 Examinations are posted on the Law Society website. Any past Examination paper is for guidance only. It should not be assumed that the format in subsequent Examinations will be identical.

10. Examination standard

The test papers for each Head of the Examination are set at the standard expected of a newly qualified solicitor in Hong Kong who has completed a law degree (or its equivalent), the professional training course (PCLL) and a two-year traineeship prior to admission. An examiner is entitled to expect a newly qualified solicitor to have a good working knowledge and understanding of the subject and to demonstrate the ability to apply that knowledge and understanding correctly, and in a manner appropriate to everyday legal practice.

Examination pass rates for each Written Head and for the Examination overall from 1995 - 2008 were:

Year	Head I %	Head II %	Head III %	Head IV %	Head V %	Exam %
1995	75	12	50	93	-	70
1996	67	14	63	97	-	66
1997	58	8	89	91	-	54
1998	58	59	73	89	-	53
1999	68	25	78	90	-	44
2000	66	44	52	63	-	53
2001	69	27	72	56	-	52
2002	71	65	61	69	-	63
2003	41	46	69	55	100	39
2004	52	36	81	72	-	47
2005	65	36	62	60	-	60
2006	59	62	58	71	100	57
2007	72	62	63	59	-	68
2008	87	67	70	54	100	78

11. Access to the High Court Library and the members' zone of the Law Society website

- (a) Candidates for the 2009 Overseas Lawyers Qualification Examination have been granted permission to use the High Court Library. Upon arrival at the entrance of the library, candidates will be requested to produce their Section 3(2) Certificate to identify themselves to the library staff

The address of the High Court Library is LG Floor, High Court, 38 Queensway, Hong Kong.

- (b) Candidates for the 2009 Overseas Lawyers Qualification Examination will be given access to the members' zone of the Law Society website at www.hklawsoc.org.hk by the allocation of a password to each of the candidates upon acceptance by the Law Society of their application to sit the 2009 Examination.

With the password, a candidate can then gain access, for a period until the end of the 2009 Examination, to the Law Society Circulars and any advertisements on preparatory courses placed with the Law Society posted respectively under the section "Circulars" and "Legal Miscellany" in the members' zone of the Law Society website.

12. Preparation for the Examination

The Examination will test candidates on the relevant law up to 31 August 2009.

Preparation for the Examination by candidates should be carried out by way of self study and research in accordance with the syllabi and reading lists set out in the Supplementary Information Package and taking into account the standards established by the Law Society in relation to each Head of the Examination.

Candidates are advised that some subjects of the Examination are more difficult to pass because the requirements of the law in these areas are particularly unique to Hong Kong (for example, Head I Conveyancing and Head II Civil and Criminal Procedure) and a lengthier study period may be required.

Candidates are reminded that practicality should be an important consideration when they answer the questions in the Examination. They are expected to approach the issues from a practical perspective.

To assist the candidates in preparing for the Examination, the Law Society has produced some guidance notes on examination techniques. The guidance notes will be provided to the candidates upon their registration to sit the Examination.

13. Withdrawal from sitting the Examination

If you find that you are unable to take the Examination after you have registered to do so and have paid the requisite fee, you should, prior to the date of commencement of the Examination, notify in writing the Law Society of your intention to withdraw and specify the reasons for doing so to avoid being deemed to have failed the Examination.

Withdrawal from sitting the Examination refers to withdrawal from sitting all Heads of the Examination as stated on the Section 3(2) Certificate, which you are required to sit. Withdrawal from sitting selective Heads is not allowed.

If you wish to apply for a refund of the registration fee, you should submit the written notification of your intention to withdraw, with reasons, together with an application

for a refund of the registration fee not less than 14 days before the commencement date of the Examination (on or before 15 October 2009). The Law Society has the discretion to allow, in appropriate cases, a refund of the registration fee after deduction of an administration fee determined by the Law Society.

14. Absence from the Examination

- (a) Any candidate who fails to attend the sitting of any Head of the Examination after registering to sit the Examination will be deemed to have failed that Head unless notice in writing of intention to withdraw from sitting the Examination is received by the Law Society prior to the date of commencement of the Examination.
- (b) Where a candidate has extenuating circumstances for being absent from the Examination or any Head of the Examination and for not complying with the requirements of sub-paragraph (a), notice setting out the full details of such extenuating circumstances must be received by the Law Society within 7 days of the date of the test for the Head for which the candidate was absent, or where there was more than one Head for which the candidate was absent, the date of the test for the ~~first~~ Head for which the candidate was absent.
- (c) Where the notice referred to in sub-paragraph (b) has been received by the Law Society within the specified time, the Law Society will consider such extenuating circumstances and decide whether the absence will be regarded as a deemed failure.
- (d) Where the absence is not regarded as a deemed failure the candidate will be permitted to sit or resit the Examination as the case may be subject to the provisions of the Examination Procedures.

15. The Examination Procedures

The Examination Procedures are contained on pages 13 to 16 of this Information Package. To pass the Examination you are required to sit and pass at one sitting all Heads specified in your Section 3(2) Certificate.

Attention is drawn to the Re-examination provisions in paragraph 4 of the Examination Procedures which provide:

- "(a) Subject to subparagraph (b), where a candidate does not pass all the Written Heads specified in his Section 3(2) Certificate, that candidate must at the next Examination which the candidate sits, resit all the Written Heads which had been specified in the candidate's Section 3(2) Certificate for the preceding Examination for which the candidate did not receive a pass, in addition to any subject(s) he may be required to sit in accordance with the then applicable rules and guidelines.*

- (b) *Subject to paragraph 8, a candidate must pass at one sitting of the Examination all the Written Heads that he is required to sit or resit and the Oral Head (if required).*
- (c) *Resits will be held at the next regular sitting of the Examination. There will be no special sittings scheduled for candidates wishing to resit any Heads."*

16. Format of all written test papers for the 2009 Examination

Candidates should note that the test papers for the written Heads will be of 3½ hours duration with no specific time allocated to reading and writing.

17. Format of the Accounts and Professional Conduct Head for the 2009 Examination

Candidates should note that the test paper for Head IV - Accounts and Professional Conduct will be divided into two parts - Part A concerned with accounts issues and comprising one question carrying 25 marks, and Part B concerned with professional conduct issues, comprising 3 questions carrying 25 marks each.

A pass in both parts must be achieved in order to pass the test paper overall.

18. Proficiency in the use of English language

The Council of the Law Society has determined, in principle, that the necessary legislation should be amended to include the achievement of a standard of English at the level of a grade "B" in the Use of English Examination (UEE) or 600 on the Test of English as a Foreign Language (TOEFL) or IELTS equivalent as a requirement for entry into a trainee solicitor contract in Hong Kong and for overseas lawyers seeking admission as a solicitor in Hong Kong.

Notice is therefore given that a minimum English standard requirement may be required of Examination candidates at some time in the future.

19. Examination materials

As the Examination is one of aptitude rather than memory, **the four written Heads of the Examination will be tested on an open book basis.** Candidates will be permitted to bring into the Examination any book, document or other written material.

20. Computers / calculators, mobile phones etc.

You may bring and use a silent and non-programmable calculator into the Examination. You are strongly advised not to bring any computer or electronic / communication devices (e.g. PDA, mobile phones, pagers) into the Examination. If

you have brought along any of such devices, you must turn it off (including the alarm function) and put it under your seat in a position clearly visible to the invigilators. Failure to do so may result in disqualification.

21. Candidates with disabilities

Any candidate who suffers from a disability necessitating special requirements to sit the Examination should make an application in writing addressed to the Director of Standards and Development not less than one month prior to the commencement date of the Examination (on or before 29 September 2009):

advising the nature of the disability and its effect in relation to ability to sit the Examination;
including a medical report / certificate in support; and
specifying the special requirements requested.

22. Marking Procedures

All Written Heads of the Examination will be marked anonymously. Every script will be marked by a first examiner. A second examiner will mark every script for which the first examiner has given a mark below 52 and a representative selection of other papers intended to convey an impression of the general standard in the Examination. The Chief Examiners will be provided with all the scripts for each Written Head to ensure that there is consistency in marking amongst examiners of the same Head, and that there is consistency in marking amongst examiners of different Heads. In particular, the Chief Examiners will review the scripts for all Written Heads which fall into the following categories:

- (i) all scripts which the examiners were unable to agree upon a final mark;
- (ii) all scripts given a mark below 52; and
- (iii) a representative selection of other scripts to convey an impression of the general standard in the examination.

The Chief Examiners will make a **determination** on the final mark for each script.

23. Examination results

The timing of release of the Examination results is affected by the necessity to schedule the test for Head V - Principles of Common Law some weeks **after** the tests for Heads I to IV because candidates for Head V must pass Heads I to IV before they are eligible to sit Head V.

Every effort will be made to release the Examination results as soon as possible following the Examination. A provisional date for release of the results is 1 February 2010.

24. Copies of scripts

After the release of the Examination results, a candidate may request for copies of his scripts and the records of examiners' comments on his scripts in respect of the Examination, subject to the payment of the photocopying charges. The scripts and the records of examiners' comments will be destroyed one year after the date of the release of the Examination results. A candidate may therefore only request for copies of the scripts and the records of examiners' comments on the scripts with respect to the latest Examination.

25. Application for review

A candidate may apply for a review of his script(s) by the Chief Examiner. An application for review shall be made in writing (addressed to the Director of Standards and Development) within 3 weeks from the date of the Law Society's letter notifying the candidate the result of the Examination, together with:

- (i) a written submission giving the brief grounds for review; and
- (ii) a fee of HK\$1,000 by cheque made out to "The Law Society of Hong Kong".

The review process includes:

- (a) a check of the candidates' script(s) to ensure that all the questions answered have been marked and the marks have been recorded accurately and computed correctly and;
- (b) a review by a Chief Examiner of the marking of the script(s).

In considering whether to apply for a review, candidates are reminded that in accordance with paragraph 22 above, all fail scripts have been marked twice by Examiners and reviewed by a Chief Examiner before the results were released.

26. Applications to resit the Examination

Candidates who fail the 2009 Examination will, subject to the provisions of the Examination Procedures, be able to resit the subjects for which they did not receive a pass in addition to any subject(s) required in accordance with the then applicable rules and guidelines at the next normal sitting which will be one year later.

To resit the Examination, candidates are required to submit:

- (i) a fresh Form A,
- (ii) original Certificate(s) of Good Standing from their jurisdiction(s) of admission which is not more than 4 months old from their date of issue and
- (iii) the relevant fees.

Documents which will be relied on in the fresh application and were submitted before need not be re-submitted.

D. OVERSEAS LAWYERS QUALIFICATION EXAMINATION PROCEDURES

1. Topics

- (a) The Written Heads shall consist of the following four Heads. Each will be tested by way of one written paper for each Head:-

Head I - Conveyancing

Head II - Civil and Criminal Procedure

Head III - Commercial and Company Law

Head IV - Accounts and Professional Conduct

- (b) The Oral Head shall consist of Head V which shall be an oral test on the Principles of Common Law.

2. Pass in the Test

In order to pass the Examination a candidate must pass at one sitting all those Heads which that candidate's Certificate issued under Section 3(2) of the Overseas Lawyers (Qualification for Admission) Rules ("the Section 3(2) Certificate") states are the subjects which that candidate is required to pass.

3. Marks Required to Pass a Written Head

- (a) The performance of a candidate in each Written Head shall be assessed out of a maximum of 100 marks.
- (b) In order to pass a Written Head a candidate must obtain not less than 50 marks in that Head.

4. Re-examination Provisions

- (a) Subject to subparagraph (b), where a candidate does not pass all the Written Heads specified in his Section 3(2) Certificate, that candidate must at the next Examination in which the candidate sits, resit all the Written Heads which had been specified in the candidate's Section 3(2) Certificate for the preceding Examination for which he did not receive a pass, in addition to any subject(s) he may be required to sit in accordance with the then applicable rules and guidelines.

- (b) Subject to paragraph 8, a candidate must pass at one sitting of the Examination all the Written Heads that he is required to sit or resit and the Oral Head (if required).
- (c) Resits will be held at the next regular sitting of the Examination. There will be no special sittings scheduled for candidates wishing to resit any Heads.

5. Eligibility to sit the Oral Head

- (a) Subject only to (b) below, in order to sit the Oral Head a candidate must have passed each Relevant Written Head.
- (b) A candidate may also sit the Oral Head if that candidate is not required to pass any Written Head.
- (c) If any candidate who has sat one or more Written Heads is ineligible, as a result of the marks obtained in that or those Written Head or Heads, to sit the Oral Head, the Law Society will notify that candidate in writing of his ineligibility.
- (d) The Law Society will send out not less than 10 days prior to the date for the sitting of the Oral Head a letter of notification addressed to the candidate at the address provided by the candidate for that purpose in the application made to the Law Society to sit the Head.

6. Assessment of Competence in the Oral Head

- (a) A candidate shall either pass or fail the Oral Head.
- (b) A candidate cannot sit the Oral Head unless that candidate has passed, or is deemed to have passed, every Relevant Written Head.

7. Resitting of Written Heads

A candidate who has failed any or all of the Written Heads can resit the Head or Heads to a maximum of three times.

8. Resitting of the Oral Head

A candidate who has passed each Relevant Written Head but has failed to pass the Oral Head may be permitted to resit only the Oral Head to a maximum of three times.

9. The English Language

- (a) The Written Heads and the Oral Head shall be set or conducted (as the case may be) in the English language and must be answered in that language.
- (b) A candidate who fails to satisfy the Law Society that he possesses such knowledge of the English language as is necessary for the pursuit of the profession of solicitor in Hong Kong shall not pass the Head.

10. Dates of the Examination

The Written and Oral Heads shall be tested once each year on such dates and in such place or places as the Law Society shall from time to time decide.

11. Entry for the Examination

A candidate wishing to sit the Examination shall apply to the Law Society in such manner and by such date as the Law Society shall specify.

12. Examination Fees

- (a) The fees for sitting the Examination or any part or parts thereof shall be as prescribed from time to time by the Council of the Law Society (pursuant to Section 73 (1) (da) of the Legal Practitioners Ordinance).
- (b) A candidate who is ineligible to sit the Oral Head shall not be entitled to any reimbursement of fees for that reason.

13. Reference Materials in the Examination

A candidate may take into the Written Heads any book, document or other written material.

14. Candidates Affected by Illness, etc

A candidate who as a result of illness or exceptional circumstances considers that his performance in the Examination or in any Head has been adversely affected may apply to the Law Society to resit the Examination or any Head.

15. Instructions to Candidates

Candidates for the Examination will be required to comply with such instructions as the Law Society shall publish from time to time.

16. Disqualification

The Law Society may disqualify any candidate who fails to comply with the instructions to candidates published by the Law Society from time to time, or whom the Law Society considers has attempted to influence an Examiner. Sanctions may be imposed upon candidates in the event of any misconduct relating to the Examination.

17. Absence from the Examination

- (a) Any candidate who fails to attend the sitting of any Head of the Examination after registering to sit the Examination will be deemed to have failed that Head unless notice in writing of intention to withdraw from sitting the Examination is received by the Law Society prior to the date of commencement of the Examination.
- (b) Where a candidate has extenuating circumstances for being absent from the Examination or any Head of the Examination and for not complying with the requirements of sub-paragraph (a), notice setting out the full details of such extenuating circumstances must be received by the Law Society within 7 days of the date of the test for the Head for which the candidate was absent, or where there was more than one Head for which the candidate was absent, the date of the test for the first Head for which the candidate was absent.
- (c) Where the notice referred to in subparagraph (b) has been received by the Law Society within the specified time, the Law Society will consider such extenuating circumstances and decide whether the absence will be regarded as a deemed failure.
- (d) Where the absence is not regarded as a deemed failure the candidate will be permitted to sit or resit the Examination as the case may be subject to the provisions of these Procedures.

18. Waivers

The Council of the Law Society has the power to waive any of these procedures upon application and payment of an application fee of HK\$1,500.

E. TIMETABLE OF DEADLINES FOR 2009 OVERSEAS LAWYERS QUALIFICATION EXAMINATION:

Opening date for lodging application to sit	Monday 30 March 2009
Closing date for lodging application to sit	Friday 10 July 2009
Closing date for registration to sit	Friday 21 August 2009
Last day to advise of disability	Tuesday 29 September 2009
Issue of candidate slips	14 to 18 September 2009
Last day to withdraw from Examination to be eligible for part refund of registration fee	Thursday 15 October 2009
Head I Examination	Thursday 29 October 2009
Head II Examination	Tuesday 3 November 2009
Head III Examination	Friday 6 November 2009
Head IV Examination	Tuesday 10 November 2009
Head V Examination	Tuesday 15 December 2009
Provisional date for release of results	Monday 1 February 2010

F. GUIDELINES FOR EXEMPTION FROM SITTING ALL OR PARTS OF THE OVERSEAS LAWYERS QUALIFICATION EXAMINATION

These guidelines set out the current general principles that will be followed by the Law Society when considering applications to be exempt from sitting all or part of the Examination, and will be reviewed from time to time.

Rule 8 of the Rules provides that where **applicants are admitted in more than one jurisdiction**, they will be treated according to their first jurisdiction unless they have not less than **3** years of post-admission experience in the practice of the law of their second jurisdiction and make an election to be treated according to their second jurisdiction.

Applicants admitted to practise in common law jurisdictions are not required to sit Head V

(a) with 5 or more years of experience in the practice of law

Only those applicants who are able to demonstrate to the Law Society's satisfaction that they have **5** or more years of experience in the practice of law are eligible to apply for exemption or be exempted from sitting any of the four written Heads of the Examination.

(b) with less than 5 years of experience in the practice of law

Applicants who do not satisfy the **5** year experience requirement will be required to sit the four written Heads of the Examination:

Head I	Conveyancing
Head II	Civil and Criminal Procedure
Head III	Commercial and Company Law
Head IV	Accounts and Professional Conduct

and are NOT eligible to apply for exemption from any Head.

Applicants admitted to practise in non-common law jurisdictions

(a) with 5 or more years of experience in the practice of the law or their jurisdiction of admission

Applicants are required to sit and pass the four written Heads of the Examination and the oral Head V, Principles of Common Law, unless otherwise exempted from any of those Heads in accordance with the Guidelines.

(b) with less than 5 years of experience in the practice of law

Applicants should refer to rule 5(2) of the Rules.

1. Applicants Admitted in Common Law Jurisdictions

- (a) **Category A - applicants admitted to practise as Solicitors, Barristers and Solicitors, Advocates or Attorneys and who have at least 5 years of experience in the practice of law**

Applicants who are able to satisfy the Law Society that they have 5 or more years of experience in the practice of law (see Notes below):

are required to sit Head I (Conveyancing), unless otherwise exempted in accordance with the guideline for exemption under Category C or D.

are exempt from sitting Head II (Civil and Criminal Procedure) under rule 4(1) of the Rules.

are eligible to apply for exemption from sitting Heads III (Commercial and Company Law) and IV (Accounts and Professional Conduct) of the Examination. Exemption from these Heads may be granted if they are able to demonstrate, to the Law Society's satisfaction, experience, knowledge and/or training which is relevant to those Heads.

Demonstration of completion of courses in the subjects covered by the relevant Heads on its own will not be sufficient for the purpose of exemption.

Notes:

- (1) For the purpose of these Guidelines, the Law Society will regard the following as comprising "*experience in the practice of law*":
- (i) the professional stage of legal education (post-academic and pre-admission), including but not limited to service as a trainee solicitor or articled clerk in the applicant's jurisdiction of admission.

Remarks:

- any training period in excess of the statutory training period required for admission is not recognised;
- if an applicant has been admitted in more than one jurisdiction and completed articled clerkship or trainee solicitor training in more than one jurisdiction, only the statutory period of articled clerkship or trainee solicitor training required for admission in his jurisdiction of admission as determined under rule 8 of the Rules will count. No double counting of the period of articled clerkship or trainee solicitor training will be recognised.

- (ii) post-admission experience which was:
 - (aa) gained in the 10 year period immediately preceding the application
 - (bb) in the practice of law in the capacity of a practitioner of the law of the applicant's jurisdiction of admission
 - (cc) properly authorised to do so according to the rules and regulations of the place in which the applicant carried on his practice of law.

Remarks:

- In Hong Kong, only experience gained as a registered foreign lawyer will count. Paralegal experience gained by overseas qualified lawyers working in Hong Kong law firms (outside the period approved under the Paralegal Scheme*) will not count.
 - In order for the in-house experience to be recognised as experience in the practice of law, such experience must be comparable to that of a private practitioner in the practice of the law of his jurisdiction of admission. The application will be considered on a case-by-case basis.
- (2) In order to meet the 5 year experience requirement for exemption from Heads II, III and IV, applicants will have to demonstrate that they have already gained the necessary experience at the time of submitting their application. Prospective applications will not be accepted.

Procedure for applying for exemption under Category A

To be eligible for exemption from Heads III and IV, applicants must satisfy the Law Society that they have

- (a) at least 5 years of experience in the practice of law, AND
- (b) experience, knowledge and/or training which is relevant to Heads III (Commercial and Company Law) and IV (Accounts and Professional Conduct).

Applicants are required to provide a letter specifying the grounds upon which they seek an exemption from any particular Head of the Examination. The

* repealed

following information must also be provided in support of an application for exemption:

- (1) verification of their service as articled clerks or trainee solicitors in their home jurisdiction, in the form of a letter issued by the firm which employed them;
 - (2) verification of any post-academic and pre-admission professional courses undertaken in their home jurisdiction, in the form of a letter or certificate from the institution offering the course;
 - (3) verification of periods of post-admission experience in the practice of law, in the form of letter/s issued by the firm/s which have employed them, setting out the precise periods of employment and areas of experience; and
 - (4) any other relevant information.
- (b) **Category B - Applicants admitted to practise as Barristers and who have at least 5 years of experience in the practice of law**

Applicants who are able to demonstrate to the Law Society's satisfaction that they have 5 or more years of experience in the practice of law are exempt from sitting Head II under rule 4(1) of the Rules.

Applications by Barristers for exemption from any other Head on the basis of their experience, knowledge and/or training will be considered by the Foreign Lawyers Committee on a case-by-case basis.

Procedure for applying for exemption under Category B

Applicants are required to provide a letter specifying the grounds upon which they seek an exemption from any particular Head of the Examination. The information contained in the letter should be supported by original letters of reference addressed to the Law Society from practising lawyers or members of their professional body of at least 5 years standing, regarding the applicant's experience and any other relevant information. The Law Society may require further information to be provided.

- (c) **Category C - Exemption from Head I (Conveyancing)**

Exemption from Head I may be granted where applicants can demonstrate to the Law Society that they have substantial experience in the law and practice of conveyancing in Hong Kong.

Procedure for applying for exemption under Category C

Applicants are required to provide full details of the nature and extent of their conveyancing experience in Hong Kong, supported by a letter of reference from the principal(s) of the firm(s) where they have gained that experience.

(d) **Category D - Discretionary exemption in exceptional circumstances**

The Council may in its absolute discretion grant to an applicant from a common law jurisdiction exemption from all or any part of the Examination which the applicant might otherwise be required to sit, if the Council is satisfied that:

- (i) the applicant possesses an expertise not commonly available in Hong Kong; AND
- (ii) there will be a benefit to Hong Kong and/or the legal profession in Hong Kong in granting such an exemption.

This exemption will only be granted in exceptional circumstances.

No exemptions have been granted under this Category since it was introduced in 1997.

Applicants should provide **full** details of the extent of their experience and testimonials in support of their claims as to (i) and (ii) above from senior members of their profession.

2. Applicants Admitted in *Non-Common Law Jurisdictions*

Applicants whose first jurisdiction of admission is a non-common law jurisdiction and who have 5 or more years of experience in the practice of the law of their jurisdiction of admission may apply for exemption from any Head of the Examination, which will be considered by the Foreign Lawyers Committee on a case-by-case basis.

Procedure for making an application for exemption

Applicants are required to provide a letter specifying the grounds upon which they seek a discretionary exemption from any particular Head of the Examination. The information contained in the letter should be supported by original letters of reference addressed to the Law Society from practising lawyers or members of their professional body of at least 5 years standing, regarding the applicant's experience and any other relevant information. The Law Society may require further information to be provided.

G. FORM A

Overseas Lawyers Qualification Examination Application Form Form A

WARNING: Please read this form carefully. Failure to follow the instructions precisely will delay consideration of your application.

This form is for use by lawyers who wish to seek admission to the Roll of Solicitors of Hong Kong. Lawyers who wish to apply to sit or be exempt from sitting all or portions of the qualification examination must complete the attached application form.

*Applicants must use the **form** attached. Additional pages may be attached if necessary.*

PERSONAL INFORMATION COLLECTION STATEMENT

The personal data collected in this application form will be used by the Law Society for the purposes of responding to and taking follow-up action on your application to sit or be exempt from the Overseas Lawyers Qualification Examination ("OLQE"), evaluating the merits of your application, planning for the logistics of the OLQE, compiling statistics and where applicable, forming as part of your official records with the Law Society.

Personal data requested on the application form are regarded as mandatory for the above purposes. Failure to provide these data may influence the processing and outcome of your application.

It is our policy to retain the personal data of all applicants for record and verification purposes.

Under the Personal Data (Privacy) Ordinance, you have a right to request access to, and to request correction of, your personal data in relation to your application. If you wish to exercise these rights, please complete the Data Access Request Form and forward it to:

Secretary General
The Law Society of Hong Kong
3/F Wing On House, 71 Des Voeux Road Central, Hong Kong
Tel: (852) 2846-0500
Email: sg@hklawsoc.org.hk

When completed this form should be returned to the Law Society of Hong Kong, 3rd Floor, Wing On House, 71 Des Voeux Road Central, Hong Kong.

**YOU MUST SUBMIT THE FOLLOWING DOCUMENTS
WITH THE COMPLETED APPLICATION FORM:-**

- A. A passport size photo of yourself taken within 3 months of the date of this application, attached at the appropriate place provided.
- B. A certified copy of transcript / academic record from the institution where you obtained your legal qualification(s).

If you are unable to provide a certified copy of transcript / academic record, you should file a statutory declaration setting out

- (a) the steps that you have taken to obtain a certified copy of the transcript / academic record; and
- (b) the reasons for not being able to obtain it despite the steps that have been taken.

In relation to item 12B, if you have completed a course on Trust and/or other courses which you considered as having covered Equity, you have to provide relevant written verification from the institution at which you undertook the course(s).

If you have completed a course on Public Law and/or other courses which you considered as having covered Constitutional and Administrative Law, you have to provide relevant written verification from the institution at which you undertook the course(s).

- C. A certified copy of your relevant degree certificate(s) (or equivalent).
- D. A certified copy of your admission / call certificate (or equivalent) evidencing your professional qualification(s).

If you claim that you have never been issued with an admission / call certificate, you should provide a statutory declaration declaring that you were not issued with an admission / call certificate upon your admission and exhibiting an original confirmation (or certified copy) from your professional body or home Court that it is not its practice to issue admission / call certificates in the jurisdiction.

If you claim that you have misplaced your admission / call certificate, you should apply for a replacement certificate from the relevant authority. Your application will not be processed until the replacement certificate is received by the Law Society.

If the relevant authority does not issue replacement certificates, you should provide a statutory declaration declaring that you have misplaced your admission / call certificate and exhibiting an original confirmation (or certified copy) from the relevant authority that it does not issue replacement certificates.

- E. An original certificate(s) of Good Standing from your professional body or home court which confirm(s):
- (a) Your date of admission to the professional body and/or home Court.
 - (b) That you are of good character and repute.
 - (c) That there are no proceedings pending against you for professional or other misconduct.
 - (d) That you are still entitled to practise in your home jurisdiction and that your name has not been removed from the list of those so entitled.

If you have been admitted in more than one jurisdiction, certificates from each must be supplied. If you have been admitted in more than one branch of the legal profession in one jurisdiction, certificates in relation to each branch of the profession must be supplied.

The Certificate of Good Standing is not valid for the purpose of this application if the date of its issue is more than 4 months from the date received by this Law Society.

- F. Original letters of reference from the referees nominated by you in your application form, in support of your application for admission in Hong Kong.
- G. If you are eligible to apply for exemption from any Heads of the Examination, all relevant documentary evidence in support of that application. See the Guidelines for Exemption on page 18.
- H. The application fee of HK\$3,300.00. The fee is not refundable and you should ensure that you are prima facie eligible for admission before you submit the application. Cheques should be made payable to "The Law Society of Hong Kong".
- I. If your name is now different from that shown on your supporting documents you should submit evidence that the documents refer to you, for example a copy of a marriage certificate.
- J. Verification of your professional practice and experience by your employer(s) required under item 23 of Form A should include:
- (a) the capacity in which you were employed, the job title and the areas of law covered;
 - (b) the period of employment with exact dates in day, month and year;
 - (c) the department(s) to which you were attached during the employment.

Where you claim to have relevant experience and knowledge in a particular Head in support of your application for exemption from sitting the Examination on the Head,

the letter from your employer should further state in detail such experience and knowledge by explaining:

- (a) the types of transactions undertaken by you (for example, an applicant attached to the Banking Department may have gained experience in different kinds of transactions including international loan facilities, securitisation, loan refinancing and restructuring) your specific role and the extent of your responsibility and involvement in those transactions;
- (b) the types of clients you acted for (for example, banks and financial institutions and corporate borrowers and project sponsors);
- (c) the work undertaken by you (for example, drafting, negotiating, reviewing and settling loan agreements and security documents and so on);
- (d) the specific experience gained from the work undertaken that is relevant to the Head from which you are applying for exemption. You are advised to review the syllabus of the Head when considering the relevancy of your experience.

In the case of a law firm, the verification letter should be issued by a partner of the firm. In the case of a company, the verification letter should be issued by an officer at managerial level in the company.

- K. Applicants who are sole practitioners should provide verification of your professional practice and experience by third parties including fellow practitioners and clients. A statutory declaration by you as to your professional practice and experience will not suffice.
- L. If your name appears in different versions in the supporting documents, please submit a statutory declaration confirming that the supporting documents refer to and relate to you. A sample statutory declaration is set out on page 39.

APPLICANTS MUST PROVIDE CERTIFIED ENGLISH TRANSLATIONS OF ALL DOCUMENTS SUBMITTED IN SUPPORT OF THEIR APPLICATION WHICH ARE NOT IN ENGLISH.

CERTIFIED COPIES

In the case of degree and admission certificates applicants may supply certified copies. Copies may be certified by:

- (a) a practising lawyer in the applicant's original jurisdiction or
- (b) a practising lawyer admitted in Hong Kong or
- (c) a duly authorised member of the staff of the academic institution concerned provided that the certified copy is also stamped by that institution.

The certification must state that the copy is a true copy of the original and that the original has been produced to the person so certifying. It must state the name and capacity of the person certifying. It must also be dated.

The Law Society reserves the right to call for an original certificate where it deems this to be necessary.

The Certificate of Good Standing from your professional body or home Court and all reference letters must be originals.

**OVERSEAS QUALIFIED LAWYERS SEEKING ADMISSION TO
THE ROLL OF SOLICITORS OF HONG KONG**

APPLICATION FORM

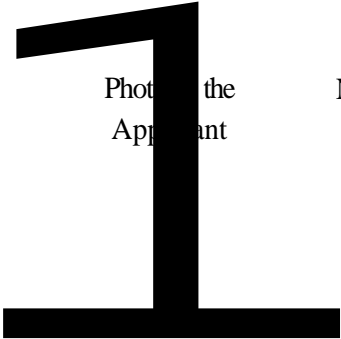


Photo of the
Applicant

Note: Applicants must supply the Law Society with all of the information necessary to determine whether they qualify for admission in Hong Kong prior to being granted permission to write (or be exempt from) all or portions of the qualification examination.

1. TITLE (e.g. Mr, Ms, Mrs, Miss) _____
2. SURNAME: _____
3. FORENAMES: _____

4. HONG KONG IDENTITY CARD
NO. OR PASSPORT NO. _____
5. DATE OF BIRTH:

DAY	MONTH	YEAR
6. PERMANENT ADDRESS: _____

7. ADDRESS TO WHICH
CORRESPONDENCE SHOULD
BE SENT: _____

8. DAY TIME TELEPHONE NO.: _____

FAX NO.: _____

E-MAIL ADDRESS: _____
9. NATIONALITY: _____

10. LIST CHRONOLOGICALLY ALL PROFESSIONAL QUALIFICATIONS AND TITLES, JURISDICTIONS IN WHICH THEY WERE GAINED AND DATE OF ADMISSION

Qualification and Title (e.g. solicitor and barrister, advocate, etc.)	Jurisdiction	Date of Admission	Annex number of the attached certified copy of admission / call certificate*or statutory declaration, where appropriate'	Annex number of the attached original Certificate of Good Standing*

11. LIST CHRONOLOGICALLY EACH LAW SOCIETY OR OTHER GOVERNING BODY OF WHICH YOU ARE NOW, OR HAVE EVER BEEN, A MEMBER

Law Society or Governing Body	Date of First Practising Certificate or Membership	Present Status Active / Retired Honorary or non-practising	If ceased or disbarred, Date of Cessation or Disbarment

Please annex the necessary supporting documents, number each of them and fill in the annex number of the relevant document in this column

☛ Please refer to Note D on page 24

12. DEGREES, DIPLOMAS, ETC HELD

University / College	Degree / Diploma etc	Date of Course Commencement	Date Degree, Diploma etc Awarded	Annex number of the attached certified copy of transcript / academic record from which I obtained my legal qualifications*

12A.** I confirm that, as required by section 4(1)(a) of the Overseas Lawyers (Qualification for Admission) Rules, I have completed courses in Contract, Torts, Property, Criminal Law, Equity and Constitutional and **Administrative** Law. (See the relevant subjects highlighted in Annex _____¹)

OR

12B.** I confirm that I have completed the following **course(s)** required under section 4(1)(a) of the Overseas Lawyers (Qualification for Admission) Rules²: _____ . (See the relevant **subject(s)** highlighted in Annex _____³.)

AND

* Please annex the necessary supporting documents, number each of them and fill in the annex number of the relevant document in this column

** Section 12A should be filled in by applicants who have completed all the courses required under section 4(1)(a) of the Overseas Lawyers (Qualification for Admission) Rules.

** Section 12B should be filled in by applicants who have not completed all the courses required under section 4(1)(a) of the Overseas Lawyers (Qualification for Admission) Rules.

If you have completed a course on **Trust** and/or other courses which you considered as having covered Equity, you have to provide relevant written verification **from** the institution at which you undertook the **course(s)**.

If you have completed a course on Public Law **and/or** other courses which you considered as having covered Constitutional and **Administrative** Law, you have to provide relevant written verification from the institution at which you undertook the **course(s)**.

¹ Please fill in the annex number of the relevant **transcript/academic** record and highlight the relevant subjects on the document.

² Please state the **course(s)** that you have completed.

³ Please fill in the annex number of the relevant **transcript/academic** record and highlight the relevant **subject(s)** on the document.

I confirm that my legal qualification referred to in section 4(1)(a) of the Overseas Lawyers (Qualification for Admission) Rules (e.g. LLB, JD) has provided substantially similar course(s) or the functional equivalency of the following course(s) required under section 4(1)(a)⁴: _____

[Please explain on a separate sheet how your legal qualification has provided substantially similar course(s) or the functional equivalency of any of the courses set out in section 4(1)(a).]

AND/OR

I confirm that, as an alternative to completing the following course(s) required under section 4(1)(a) of the Overseas Lawyers (Qualification for Admission) Rules,⁵ _____, I have had practical experience in these areas of law.

[Please give details of your experience in these areas of law on a separate sheet.]

13. PROFESSIONAL EXAMINATIONS PASSED AND COURSES ATTENDED

College / Centre where the course was taught and/or examination sat	Title of Qualification Awarded	Date Certificate Awarded	Annex number of the attached certified copy of certificate ⁶

⁴ Please state the section 4(1)(a) course(s) that you have not completed

⁵ Please state the section 4(1)(a) course(s) that you have not completed

⁶ Please annex the necessary supporting documents, number each of them and fill in the annex number of the relevant document in this column.

Have you ever been made bankrupt or insolvent or are any such proceedings pending against you in any jurisdiction?

YES/ NO

If YES please supply details on a separate sheet and state whether you have been discharged and, if so, when.

Have you ever entered into an arrangement or composition with creditors?

YES/ NO

If YES please supply details on a separate sheet.

Have you been convicted of any offence in any Court of Hong Kong or elsewhere (other than a motoring offence not resulting in disqualification)?

YES/ NO

If YES you should provide full details on a separate sheet and you should ensure that at least one of your referees is a person who has full knowledge of the conviction(s) and that this is indicated on their reference.

NOTE: Convictions which are "spent" under the Rehabilitation of Offenders Ordinance should be disclosed by virtue of section 4(1)(a) of that Ordinance.

Have you at any time been found guilty of professional misconduct by a disciplinary tribunal or are any proceedings before a disciplinary tribunal still pending in any jurisdiction?

YES/ NO

If YES you should provide full particulars on a separate sheet.

Have you at any time been suspended from professional practice by your professional body?

YES/ NO

If YES you should provide full particulars on a separate sheet.

Have you made a previous application to sit or be exempt from sitting the Overseas Lawyers Qualification Examination?

YES/ NO

If YES please state the year the application was made.

Have you ever obtained a Section 3(2) Certificate from the Law Society?

YES/ NO

If YES please state the date it was issued.

Are you currently entitled to practise in your home jurisdiction?

YES/ NO

22. If you are not entitled to practise in your home jurisdiction (e.g. because you do not hold a current practising certificate) please provide an explanation below stating, inter alia

- (i) The reason why you are not entitled to practise in your home jurisdiction.
- (ii) Whether you know of any reason why, if you were to apply to become entitled to practise in your home jurisdiction, such an application would be refused.

23. PROFESSIONAL PRACTICE AND EXPERIENCE

Please provide details of your professional practice and experience undertaken, including articles / traineeship / pupillage (if applicable). For those periods of experience which you wish to rely on in your application, you must provide verification from your previous **and/or** current employers'.

Full Name and Address of Firm / Supervisor / Training Master / Employer / Place of practice	Job title and areas of law covered	Dates (month & year)	Duration (no. of months)	Annex number of the attached copy letter from my employer*
			Total duration:	

Please refer to Note J on page 25

* Please annex the necessary supporting documents, number each of them and fill in the annex number of the relevant document in this column

24. Indicate your intentions as to practice or employment following your admission to the Roll of Solicitors of Hong Kong.

25. Please provide any further **information** as to character, qualifications or experience which you think should be taken into consideration.

(Continue on a separate sheet if necessary)

26. REFERENCE LETTERS

Please provide original reference letters addressed to the Law Society of Hong Kong in support of your application from the three referees named below who are not close relatives. Two of the referees must be practising solicitors or members of your professional body of at least five years standing either in Hong Kong or in the jurisdiction where you are already qualified. All referees must have known you well for two years or more. **If you are currently in employment one of the reference letters must come from a partner of your current firm or employer even if you have been with the firm for less than two years.**

The reference letters should attest to your good character, fitness and suitability for admission as a solicitor in Hong Kong. The referee should state his professional qualification and year of admission in the letter for verification of compliance with the referee's experience requirement. Further, the referee must also state the date from when he has known you and whether or not he is related to you.

The names of the referees	Annex number of the attached original reference letter*
1.	
2.	
3.	

27. I apply to sit the following Heads of the Overseas Lawyers Qualification Examination:-

- I - Conveyancing
- II - Civil and Criminal Procedure
- III - Commercial and Company Law
- IV - Accounts and Professional Conduct
- V - Principles of the Common Law

28. EXEMPTION

In accordance with the Guidelines I am eligible to apply for exemption under Category _____ and am seeking an exemption from sitting the following Heads of the Overseas Lawyers Qualification Examination:-

- I - Conveyancing
- II - Civil and Criminal Procedure
- III - Commercial and Company Law
- N - Accounts and Professional Conduct
- V - Principles of the Common Law

* Please annex the necessary supporting documents, number each of them and fill in the annex number of the relevant document in this column

Please see Annex No. _____[#] for a letter stating why I should be granted an exemption in accordance with the Guidelines on page 18.

29. APPLICATION FEE

I enclose a cheque for the sum of HK\$3,300 made payable to the Law Society of Hong Kong in payment for the application to sit or be exempt from the Overseas Lawyers Qualification Examination.

30. DECLARATION AND UNDERTAKING

If required to sit any portions of the examinations I agree to comply with the Overseas Lawyers Qualification Examination Procedures and Instructions to Candidates as approved by the Council of the Law Society.

I understand that the Law Society must be advised if prior to my admission to the Roll of Solicitors I am convicted of an offence in any Court of Hong Kong or elsewhere (other than a motoring offence not resulting in disqualification). I therefore undertake that I will notify the Law Society of any such conviction after the time of this application. I also undertake to advise the Law Society if I become bankrupt or if I am found guilty of professional misconduct or if any proceedings are taken against me.

I hereby apply for admission to the Roll of Solicitors of Hong Kong and I solemnly and sincerely declare that the facts set out by me in support of the above application are true. I make this solemn declaration believing the same to be true and by virtue of the provisions of the Oaths and Declaration Ordinance.

Declared by the said _____
Name of Applicant

at _____ this _____ day
of _____ 2009.

Signature of applicant _____

Before me _____
Name in full Signature

Signature of Solicitor entitled to Administer Oaths / notary or qualified professional person of the applicant's home jurisdiction / competent judicial or administrative authority**

(please delete whichever is inapplicable)

Date: _____

Please annex the letter, number it and fill in the annex number

** Your declaration must not be witnessed by a solicitor who is an employee or principal in your firm

H. SAMPLE SECTION 3(2) CERTIFICATE

LAW SOCIETY OF HONG KONG

Overseas Lawyers Qualification Examination

Certificate Issued under Section 3(2) of the Overseas Lawyers (Qualification for Admission) Rules

This is to certify that _____ of
(Name of Applicant)

has applied to sit or be exempt from all or parts of the Overseas Lawyers Qualification Examination. It has been determined that he / she* will be required to sit and pass the following examination(s)* before assessment of eligibility for admission to the Roll of Solicitors of Hong Kong may proceed.

	Name of the Examination(s)*	Next sitting of this / these* examination(s)*
1.		
2.		
3.		
4.		
5.		

Applicants must register with the Law Society of Hong Kong their intent to sit the examination(s)* by Friday 21 August 2009. The fee for the examination(s)* (detailed in the attached *Overseas Lawyers (Qualification for Admission) (Fees) Rules*) is payable when registering to sit the examination(s)*.

Date

Secretary General

* delete whichever is inapplicable

I. SAMPLE STATUTORY DECLARATION

STATUTORY DECLARATION OF [NAME]

I, _____ of _____
do solemnly and sincerely declare as follows:

1. I am the holder of Hong Kong Identity Card No./ Passport No. _____ a copy of which is exhibited hereto marked _____.
2. I have submitted an application dated _____ to The Law Society of Hong Kong for sitting / exemption from sitting _____ of the Overseas Lawyers Qualification Examination (the "Application").
3. I confirm that each of the documents and references supplied to The Law Society of Hong Kong as part of the Application refers to and relates to me, irrespective of whether such documents and references refer to _____ or otherwise.

And I make this solemn declaration conscientiously believing the same to be true by virtue of the Oaths and Declarations Ordinance, Cap 11.

Dated the _____

DECLARED at _____

Before me,

PART II

ADMISSION

J. PROCEDURE FOR ADMISSION AFTER PASSING THE OVERSEAS LAWYERS QUALIFICATION EXAMINATION

1. Legislation

The relevant statutory provisions on admission procedures are sections 3 and 4 of the Legal Practitioners Ordinance and rules 3, 4 and 5 of the Admission and Registration Rules.

Apart from satisfying the requirements specified in rule 4 or rule 5 of the Overseas Lawyers (Qualification for Admission) Rules, an overseas lawyer seeking admission as a solicitor in Hong Kong must establish that he or she:

- (a) is a person of good standing in his jurisdiction of admission;
- (b) is a fit and proper person to be a solicitor; and
- (c) has either
 - (i) resided in Hong Kong for at least 3 months immediately before his admission;
 - (ii) the intention of residing in Hong Kong for at least 3 months immediately after his admission;
 - (iii) been ordinarily resident in Hong Kong for at least 7 years; or
 - (iv) been present in Hong Kong for at least 180 days of each of at least 7 years.

2. Application for Certificate of Eligibility for Admission (Form 3)

After you have been granted exemption from passing all of the subjects in the Examination, or have passed the required subjects in the Examination, you must apply to the Law Society (marked to the attention of "Registration Section") for a "Certificate of Eligibility for Admission as a Solicitor". The supporting documents and application fee are:

- (a) (i) a certified copy of your Certificate of Exemption from Sitting the Overseas Lawyers Qualification Examination; or
- (ii) a certified copy of your Result Slip which indicates that you have passed all of the required subjects in the Examination.

- (b) your Certificate of Good Standing issued by the relevant Law Society or equivalent of your jurisdiction of admission / call. The Certificate must be not more than 4 months from the date of its issue when received by the Law Society for your Application for Certificate of Eligibility for Admission. If you are admitted / called in more than one jurisdiction, the Certificates of Good Standing from each of the jurisdictions of admission must be provided;

NOTE:

The Certificates of Good Standing must be sent by the issuing bodies DIRECTLY to the Law Society marked to the attention of the Registration Section. You are responsible for giving the necessary instructions to the issuing bodies and making all necessary arrangements at your own cost.

- (c) a completed Form 1C (Application for a Certificate of Eligibility for Admission as a Solicitor);
- (d) a completed Form 5 (affidavit of identity); and
- (e) a cheque HK\$1,500.00 payable to "The Law Society of Hong Kong" for the application fee.

The Practising Certificate (Special Conditions) Rules came into operation on 1 February 2003. One effect of the Rules is that every applicant for the issue of a first practising certificate must give to the Law Society 6 weeks' notice of intention to apply. Not until the expiration of those 6 weeks can application be made for the issue of a practising certificate. However, application in Form 1C for admission may be made contemporaneously with the notice of intention to apply for a practising certificate.

3. Certificate of Eligibility for Admission

After your documents have been checked, a Form 3 (Certificate of Eligibility for Admission as a Solicitor) will be issued to you.

It may take up to 4 weeks to issue the Form 3 depending on the workload of the Law Society. Do not telephone the Law Society until the end of this period.

4. Motion Papers

After you have received the Form 3, you must prepare and file a motion paper with the High Court within 2 months of the date of the Form 3: rule 4(1A) of the Admission and Registration Rules at page 70.

If you fail to do so, you will have to apply for another Form 3 (see Step 2) and a further application fee is payable. The Law Society has no discretion to extend this time limit.

A sample motion paper is attached at page 50. The motion paper must be accompanied by -

- (a) the original Form 3 certificate issued by the Law Society;
- (b) a cheque for \$1,135.00 payable to the Government of the Hong Kong SAR for the application fee; and
- (c) the name of the person who will move your admission and a statement as to whether that person is a barrister or solicitor.

It is a requirement of rule 4(2) of the Admission and Registration Rules that the original Form 3 certificate accompany your motion paper. Do not file your motion paper before you obtain **the** Form 3 from the Law Society.

You must serve a certified copy of the motion paper and the Form 3 on the Law Society and the Secretary for Justice at the same time as the papers are filed at the Court: rule 4(3) of the Admission and Registration Rules at page 71.

The copy delivered to the Law Society must be accompanied by the name of the person who will move your admission and a statement as to whether that person is a barrister or solicitor. If the name of the person moving your admission changes, you should notify the Law Society immediately by fax on 2845 0387.

The Secretary for Justice will write to you and advise whether he has any objection to your admission. A copy of the letter will be sent to the Court and the Law Society.

The Law Society will not issue you a letter if your papers are in order.

If your papers are not in order, you will be advised by the Law Society or the Secretary for Justice of the further steps which you need to take.

A further fee of \$360.00 for entering your name on the roll is payable to the High Court **after** your admission. A demand note for the fee will be issued to you by the Court.

General notes

You must read the notes attached to Form 1C carefully at page 46. Any amendments to the attached forms must be initialled by the declarant and the witness. If a document is not in a form acceptable to the Law Society it will be returned to you for amendment and re-execution. You will not be permitted to bring substitute pages to the Law Society and insert them in the original document in place of the incorrect pages.

K. FORMS

1. Form 1C

FORM 1C

[rule 3(2)(c)]

ADMISSION AND REGISTRATION RULES

**APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR ADMISSION
AS A SOLICITOR UNDER SECTION 4(1)(b)**

To: The Law Society of Hong Kong,

I,
[full name in English and, if applicable, Chinese]

of
apply for the issue to me of a certificate of eligibility in accordance with rule 3(5) of the
Admission and Registration Rules (Cap. 159 sub. leg.).

Telephone contact number:

I do solemnly and sincerely declare as follows-

(1) I have resided in Hong Kong for at least 3 months immediately before my admission

OR*

I intend to reside in Hong Kong for at least 3 months immediately after my admission

OR*

I have ordinarily been a resident in Hong Kong for at least 7 years

OR*

I have been present in Hong Kong for at least 180 days of each of at least 7 years

Details of my periods of residence are set out below-

Address	Period of residence

The attached document marked " " is a certified copy of my passport.

- (2) I was admitted as an attorney / solicitor / barrister* ofonday.....
The attached document marked "....." is a certified copy of my admission certificate.
- (3) I was not required to pass any examinations prior to applying for admission as a solicitor. The attached document marked "....." is the Hong Kong Law Society certificate to this effect.

OR*

I was required to pass an examination / examinations* in prior to applying for admission as a solicitor. I passed the examination / examinations* on.....day..... The attached document marked "....." is a certified copy of a certificate from the authority administering the examination.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at)
HONG KONG this day of)
.....)

Before me,

Commissioner for Oaths / Solicitor.

* Delete whichever is inapplicable.

NOTES FOR COMPLETING FORM 1C

1. For (1):

You **must** give full details of your periods of residence in Hong Kong in your Form 1C, on whatever basis of residency upon which you are claiming to be eligible for admission. If the space provided for is insufficient, you may supply the details on a separate sheet.

If you are claiming to be eligible for admission on the basis of residency in Hong Kong for at least 3 months immediately before your admission or intention to reside in Hong Kong for at least 3 months immediately after your admission, a certified copy of a full set of your passport, must be attached to your Form 1C.

If you have been absent from Hong Kong for any period(s) falling within 3 months before the date of your Form 1C, please submit a written confirmation of the date(s), destination(s) and purpose(s)/reason(s) of your absence and an administrative fee of HK\$1,500.00 payable to the Law Society for the review of the travel records in order for it to be satisfied that you **have** complied with the residency requirements under section 4(1A)(a) of the Legal Practitioners Ordinance.

If you intend to reside in Hong Kong for 3 months immediately after admission pursuant to section 4(1A)(b) of the Legal Practitioners Ordinance, please provide the Law Society with further information regarding that intention which should be supported by appropriate documentary evidence, such as:

- (i) scheduled / anticipated date of arrival in Hong Kong;
- (ii) immigration / visa status;
- (iii) any offer of or commencement date of employment in Hong Kong; or proof that you have been granted at least 3 months' leave from your employer overseas; and
- (iv) evidence of sufficient means to support yourself over that period if not seeking employment during the 3 months in Hong Kong.

If you have been absent from Hong Kong for any period(s) falling within 3 months immediately after admission, you will be requested then to submit a written confirmation of the date(s), destination(s) and purpose(s)/reason(s) of your absence. An administrative fee of HK\$1,500.00 is then payable for the Law Society to review the travel records in order for it to be satisfied that you have complied with the residency requirements under section 4(1A)(b) of the Legal Practitioners Ordinance.

Please note that under section 4(3) of the Legal Practitioners Ordinance, if you were admitted as a solicitor on the basis of an intention to reside in Hong Kong for at least 3 months immediately after your admission, but you fail to so reside, the Court may, on the application of the Law Society, order that your name be removed from or **struck** off the roll of solicitors.

If you are claiming to be eligible for admission on the basis of residency in Hong Kong for at least 7 years or presence in Hong Kong for at least 180 days of each of at least 7 years, a certified copy of each of your passport showing the particulars of yourself and your Hong Kong identity card should be attached to your Form 1C.

2. For (2):

A certified copy of your admission certificate/s in all jurisdictions of admission must also be attached to your Form 1C. You may make appropriate amendments in (2) if you have more than one jurisdiction of admission.

3. For (3):

You may file a certified copy of the certificate issued by the Hong Kong Law Society.

4. The name that appears in your passport will be used on the Roll of Solicitors and you may be asked to make a statutory declaration if the name on other documents does not correspond with that in the passport.

5. Any attachments to your Form 1C must be certified as follows -

"This is a true copy of the referred to in paragraph of the declaration of..... made before me this day of"

Commissioner for Oaths / Solicitor"

6. Your declaration must not be witnessed by a solicitor who is an employee or principal in the same firm as you.

(All applicants should file a certified copy of his or her Hong Kong Identity Card with their application for record purposes.)

2. Form 5

FORM 5

[rules 4 & 11]

ADMISSION AND REGISTRATION RULES

AFFIDAVIT OF IDENTITY

I, of..... Hong Kong, Solicitor, make oath and say (or solemnly and sincerely declare and affirm) as follows-

1. The photograph attached hereto and marked " " is a true likeness of of..... Hong Kong, a*, the applicant herein.
2. I have examined [Hong Kong Identity Card No.] [passport No.]# of the said and I am satisfied that from such examination that he is the person shown in the photograph attached hereto and that he is the applicant in these proceedings.

SWORN / DECLARED at Hong Kong)
this day of

Before me

Commissioner for Oaths / Solicitor.

* Please insert relevant profession (eg barrister / solicitor / advocate / notary etc) and the relevant court I bar / chamber.

Delete whichever is inapplicable

3. Sample Form 3

FORM 3

[rule 3(5)]

ADMISSION AND REGISTRATION RULES

CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS A SOLICITOR

THIS IS TO CERTIFY THAT

.....
of

(1) on the day of applied under rule 3(1) of the Admission and Registration Rules (Cap. 159 sub. leg.) for a certificate of eligibility for admission as a solicitor on the basis of compliance with section 4(1)(b) of the Legal Practitioners Ordinance (Cap. 159); and

(2) has satisfied the Society that -

(a) he has been admitted as a**
in

(b) his name remains on the roll of solicitors / advocates / attorneys* and he is not suspended from practising in that jurisdiction;

(c) he has resided in Hong Kong for at least 3 months immediately before his admission / intends to reside in Hong Kong for at least 3 months immediately after his admission / has been ordinarily resident in Hong Kong for at least 7 / has been present in Hong Kong for at least 180 days of each of at least 7 years *; and

(d) is in other respects fit to be a solicitor.

Dated this day of

(Sgd.)
for The Law Society of Hong Kong

** Please insert relevant profession (e.g. solicitor / advocate / attorney etc) and the relevant jurisdiction.

* Delete whichever is inapplicable.

4. Sample Notice of Motion

IN THE HIGH COURT OF HONG KONG
COURT OF FIRST INSTANCE

MISCELLANEOUS PROCEEDINGS NO. OF

IN THE MATTER of the application of [name of applicant]* to be admitted and enrolled as a
Solicitor of the High Court of the Hong Kong Special Administrative Region

and

IN THE MATTER of the Admission and Registration Rules of the Legal Practitioners
Ordinance, Cap. 159 of the Laws of the Hong Kong Special Administrative Region.

NOTICE OF MOTION

To : The Registrar of the High Court of Hong Kong Court of First Instance

TAKE NOTICE that this Honourable Court will be moved on Saturday, the []
day of [] [] at 9.30 o'clock in the forenoon or so soon thereafter as
may be convenient to the Court by counsel or such other person as may be authorized so to
do pursuant to Rule 5 of the Admission and Registration Rules Cap. 159 for an order that the
abovenamed [name of applicant]* be admitted and enrolled as a solicitor of this Honourable
court.

Dated the [] day of [] 1[]

[name of firm]
Solicitors for the applicant
[address of firm]

IN THE HIGH COURT OF HONG KONG
COURT OF FIRST INSTANCE

MISCELLANEOUS PROCEEDINGS NO. OF

IN THE MATTER of the application of [name of applicant]* to be admitted and enrolled as a
Solicitor of the High Court of the Hong Kong Special Administrative Region

and

THE MATTER of the Admission and Registration Rules of the Legal Practitioners Ordinance, Cap.
159 of the Laws of the Hong Kong Special Administrative Region

NOTICE OF MOTION

Filed this [] day of [] 20[]

[name of firm]
Solicitors for the applicant
[address of firm]

*

The name **appearing** on the admission certificate to be issued by the High Court will be in the same order as the name stated in the Notice of Motion

5. Notice of intention to apply for a practising certificate



Incorporated in 1907 with limited liability

THE LAW SOCIETY OF HONG KONG

NOTICE OF INTENTION TO APPLY FOR A PRACTISING CERTIFICATE

(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)

1. Name: _____

2. Address:
Office: _____

Home: _____

3. I intend to apply for a practising certificate **after** the expiry of 6 weeks ~~from~~ the date of lodging this form with The Law Society of Hong Kong.

4. (1) I provide the following information in connection with my intended application:

(a) This is my **first** application for the issue of a practising certificate in Hong Kong
..... YES/NO*

(b) I have been censured or ordered to pay a penalty or costs by the Solicitors
Disciplinary Tribunal constituted under section 9B of the Legal Practitioners
Ordinance (Cap. 159) since I was last issued a practising certificate.
..... YES/NO*

If "YES", provide full details.

- (c) I have been notified in writing by The Law Society of Hong Kong that I have failed or refused to give a sufficient and satisfactory explanation in relation to my conduct since I was last issued a practising certificate.

..... YES/NO*

The date upon which such notice was given to me was

- (d) I have been suspended from practice since I was last issued a practising certificate.

..... YES/NO*

If "YES" and the period of suspension has expired, provide full details and state the date upon which your period of suspension expired.

- (e) I have had my name removed from or struck off the roll of solicitors since I was last issued a practising certificate.

..... YES/NO*

If "YES" and your name has been restored to the roll of solicitors, provide full details and state the date upon which your name was restored.

- (f) I have become bankrupt since I was last issued a practising certificate.

..... YES/NO*

If "YES" and you have been discharged from bankruptcy within the meaning of the Bankruptcy Ordinance (Cap. 6), provide full details and state the date upon which you were discharged.

- (g) A judgment in Hong Kong or elsewhere involving the payment of money has been given against me since I was last issued a practising certificate.

..... YES/NO*

If "YES", provide full details including whether the judgment is still outstanding, and if it has been satisfied, evidence of that fact.

- (h) I have been in full-time practice of law for 2 continuous years immediately prior to the date of this notice.

..... YES/NO*

If "YES", provide full details of the firm(s) in which you have been engaged in practice or the organization(s) by whom you have been employed specifying your job title and the jurisdiction(s) in which you have been practising.

If "NO", provide full details of your activities during that period, including the details of the organization(s) by whom you have been employed, specifying your job title and whether you have been employed full-time or part-time.

- (i) I was a principal in or a consultant of a firm at the time of an intervention by The Law Society of Hong Kong under section 26A and Schedule 2 to the Legal Practitioners Ordinance (Cap. 159).

..... YES/NO*

If "YES", provide full details.

- (2) Tick the appropriate box(es):
- (a) I am engaged in private practice in Hong Kong:
- on my own account
 - in partnership
 - as an assistant solicitor
 - as a consultant
- (b) I am employed:
- in commerce or industry
 - as a law teacher
 - by Government

- (3) Details of all firms in which I am engaged in practice or by whom I am employed are as follows:

FIRM I ORGANIZATION	CAPACITY	FULL-TIME/ PART-TIME OTHER

- (4) I have commenced / ceased* to practise on my own account / in partnership* in Hong Kong in the 12 months ending on 31 October immediately before my application, details are as follows:

Name(s) or firm(s): _____

Date(s) of commencing / ceasing* practice: _____

I solemnly and sincerely declare that all the information given by me in this application is true and correct to the best of my knowledge and belief and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

Declared at Hong Kong this _____ day of _____

Before me,

* Delete if inapplicable

PART III

PROPOSED AMENDMENTS TO THE OVERSEAS LAWYERS (QUALIFICATION FOR ADMISSION) RULES

L. BACKGROUND

1. As reported in the 2001 and 2002 Annual Reports of the Law Society, a working party had been set up to review the Overseas Lawyers Qualification Examination. The recommendations of the working party were approved by the Council of the Law Society. The report of the working party is available on the Law Society's website at www.hklawsoc.org.hk
2. The endorsed recommendations necessitate amendments to the Overseas Lawyers (Qualification for Admission) Rules. The progress of the legislative amendments has been reported in the Annual Reports of the Law Society since 2003.
3. After the Chief Justice has granted his final approval for the proposed amendments, the proposed amendments will be gazetted and tabled for consideration by the Legislative Council followed by a negative vetting procedure.

M. PROPOSED AMENDMENTS

4. Those wishing to seek admission as a Hong Kong solicitor through passing the Overseas Lawyers Qualification Examination in future must take note of the following major proposed amendments to the Overseas Lawyers (Qualification for Admission) Rules:
 - (a) there will be an additional written Head on Hong Kong Basic Law;
 - (b) the pre-requisite requirement of 5 years of experience in the practice of law enabling an applicant to become eligible to apply for exemption from sitting a written Head will count the following:
 - (i) experience gained during a period of service as a trainee solicitor, articled clerk or pupil or a practical legal training course in lieu thereof, that is required to be completed for the purpose of admission in the person's jurisdiction of admission;
 - (ii) experience gained in providing legal services to the public in the capacity as a lawyer practising the law of a common law jurisdiction – this provision is intended to cover lawyers in private practice;
 - (iii) experience gained in providing legal services otherwise than to the public the nature of which is regarded by the Society as being similar to those in sub-paragraph (ii) above – this provision is intended to cover lawyers practising in-house and yet the nature of work is regarded by the Society as similar to that in private practice.

- (c) the exemption from sitting Head II (Civil and Criminal Procedure) available to applicants from common law jurisdictions with not less than 5 years of experience in the practice of law will be abolished;
 - (d) Head II (Civil and Criminal Procedure) will be subject to discretionary exemption whereby the applicant must demonstrate that he has at least 5 years of experience in the practice of law and has experience, knowledge and/or training that is relevant to Head II;
5. The above proposed amendments will not affect the 2009 Overseas Lawyers Qualification Examination. Their implementation date will depend on the progress of the legislative amendment procedure. The Law Society hereby gives notice that the above proposed amendments are expected to come into operation some time in the future.

N. IMPACT ON CANDIDATES

6. To prepare for the coming into operation of the proposed legislative amendments, please note the following:
- (a) No extension will be granted to any Section 3(2) Certificate for the purpose of enabling the holder of the Certificate to sit the 2009 or 2010 Examinations;
 - (b) All applications for the 2009 or 2010 Examinations by former candidates must be made by way of a **fresh** application in accordance with the rules and guidelines applicable at the time;
 - (c) Candidates who failed the Examination prior to 2010 and who are eligible to **resit** it in 2010 or later are allowed to rely on the pass result they obtained in respect of any written Head as well as the exemption from sitting Heads I, III and/or IV granted to them before 2010 for the purpose of determining what subjects they have to sit for the 2010 Examination. However, the candidates shall not rely on any automatic exemption from sitting Head II granted before 2010 and all applications for exemption from sitting Head II in the 2010 Examination or later will be determined in accordance with the rules and guidelines applicable at the time.

PART IV

APPENDICES

Overseas Lawyers (Qualification for Admission) Rules

ARRANGEMENT OF RULES

Rule

1. Interpretation
2. General qualifications for admission under section 4(1)(b) of the Ordinance
3. Society to issue certificate if applicant appears to be qualified
4. Requirements for applicant from common law jurisdiction
5. Requirements for applicant from non-common law jurisdiction
6. Matters relevant to sections 4 and 5
7. The Examination
8. Persons admitted in more than one jurisdiction
9. Appeal procedure
10. Unsuitability of prospective solicitor
11. Forms and fees
12. Transitional

1. Interpretation

In these Rules -

"common law jurisdiction" (普通法司法管轄區) means a jurisdiction in which the law is substantially based on the common law, and "non-common law jurisdiction" (非普通法司法管轄區) shall be construed accordingly;

"Examination" (考試) means the Overseas Lawyers Qualification Examination which is an assessment of competence in the subjects specified, assessed in the manner specified, in these Rules;

"jurisdiction of admission" (獲認許的司法管轄區) means, in relation to an overseas lawyer, the foreign jurisdiction the law of which the overseas lawyer is entitled to practise;

"overseas lawyer" (海外律師) means a person entitled to practise the law of a foreign jurisdiction.

2. General qualifications for admission under section 4(1)(b) of the Ordinance

A person is qualified for admission as a solicitor under section 4(1)(b) of the Ordinance if -

- (a) he is an overseas lawyer;
- (b) he is a person of good standing in his jurisdiction of admission; and
- (c) he satisfies the requirements specified in section 4 or 5 of these Rules.

3. Society to issue certificate if applicant appears to be qualified

- (1) A person wishing to seek admission as a solicitor pursuant to section 4(1)(b) of the Ordinance ("applicant") must provide to the Society such evidence as the Society may require showing that he is a person who appears to be qualified for admission in accordance with these Rules except as regards any requirement to have passed any part of the Examination.
- (2) Subject to subsection (2A), if the Society is satisfied that an applicant appears to be so qualified it must issue a certificate to that effect stating any subjects in the Examination which the applicant is required to pass under these Rules.
- (2A) The Society may refuse to issue a certificate under subsection (2) where the applicant-

Overseas Lawyers (Qualification for Admission) Rules

- (a) is subject to a prohibition from attempting the Examination under section 10(1)(a) or (1A)(a); or
 - (b) has previously been issued a certificate under subsection (2) and that certificate has been revoked by the Society under section 10(1)(b) or (1A)(b).
- (3) A certificate issued under subsection (2) shall remain current for 12 months from the date of its issue by the Society, unless the Society determines otherwise or the certificate is revoked before the expiry of that period under section 10.
- (4) A person who does not hold a current certificate issued under subsection (2) may not take the Examination.
- (5) An application under subsection (3) for extension of the validity period of the certificate issued under subsection (2) shall be accompanied by the prescribed fee.

4. Requirements for applicant from common law jurisdiction

- (1) For the purpose of section 2(c), unless the Society otherwise determines, a person whose jurisdiction of admission is a common law jurisdiction and who has had not less than 5 years of experience in the practice of law must have -
- (a) completed -
 - (i) a bachelor's degree in law; or
 - (ii) a course of study leading to a qualification which is substantially equivalent to that granted by a Hong Kong tertiary institution and in addition an examination equivalent to the Common Professional Examination Certificate of the University of Hong Kong; or
 - (iii) a period of not less than 5 years as a trainee solicitor or articled clerk,

in the course of which, or in addition to which, the applicant must have completed courses in, or had practical experience in, Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law or substantially similar subjects or areas; or
 - (b) substantially completed the requirements set out in paragraph (a), and passed such other examinations as the Society may require in the particular case,

Overseas Lawyers (Qualification for Admission) Rules

and must have passed the Examination in the subjects referred to in section 7(1)(a)(i), (ii) and (iv).

- (2) For the purpose of section 2(c), unless the Society otherwise determines, a person whose jurisdiction of admission is a common law jurisdiction but who has not had 5 years of experience in the practice of law **must** have -
 - (a) satisfied the requirements specified in subsection 1(a) or (b); and
 - (b) satisfied any one of the following further requirements, that is to say -
 - (i) he has completed at least 2 years of service as a trainee solicitor or articled clerk in that jurisdiction;
 - (ii) he has had not less than 2 years of post-admission experience in the practice of the law of that jurisdiction; or
 - (iii) he has completed part of the period of service mentioned in subparagraph (i) and had part of the period of experience mentioned in subparagraph (ii), and the aggregate of those periods is not less than 2 years,

and must have passed the Examination in all written subjects.

5. Requirements for applicant from non-common law jurisdiction

- (1) For the purpose of section 2(c), unless the Society otherwise determines, a person whose jurisdiction of admission is a non-common law jurisdiction and who has had not less than 5 years of experience in the practice of the law of the jurisdiction of his admission must have -
 - (a) passed the Examination in all written subjects; and
 - (b) passed the Examination in the oral subject of Principles of Common Law.
- (2) For the purpose of section 2(c), unless the Society otherwise determines, a person whose jurisdiction of admission is a non-common law jurisdiction and who has not had 5 years of experience in the practice of the law of the jurisdiction of his admission must have -
 - (a) completed one year of full-time study in Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law;
 - (b) obtained the Postgraduate Certificate in Laws; and
 - (c) satisfied any one of the following further requirements, that is to say -

Overseas Lawyers (Qualification for Admission) Rules

- (i) he has completed the period of service as a trainee solicitor or articulated clerk required for admission as a solicitor in that jurisdiction or in Hong Kong, and where such period is less than 3 years, has had in addition a period of post-admission experience in the practice of the law of that jurisdiction, and the aggregate of those periods is not less than 3 years;
- (ii) he has had a period of not less than 3 years of post-admission experience in the practice of the law of that jurisdiction; or
- (iii) he has had part of the period of experience mentioned in subparagraph (ii) and has had a period of service as a trainee solicitor or articulated clerk and the aggregate of those periods is not less than 3 years.

6. Matters relevant to sections 4 and 5

- (1) In making a determination under section 4 or 5, the Society shall have regard to the nature and extent of the applicant's practical experience in the law of Hong Kong and any academic or other qualification.
- (2) For the purposes of sections 4 and 5, a person has not had 5 years of experience in the practice of law unless he has since his admission for a period, or for periods in aggregate, of not less than 5 years during the immediately preceding 10 years been engaged in work that would if undertaken in Hong Kong be similar to that usually undertaken by a solicitor in Hong Kong in the course of his practice.

7. The Examination

- (1) The subjects assessed by the Examination are -
 - (a) by written assessment -
 - (i) Conveyancing;
 - (ii) Civil and Criminal Procedure;
 - (iii) Commercial and Company Law;
 - (iv) Accounts and Professional Conduct; and
 - (b) by oral assessment, Principles of Common Law.
- (2) The Examination will be held at such times as the Society may determine.

8. Persons admitted in more than one jurisdiction

Where a person is an overseas lawyer for the purpose of these Rules in respect of more than one jurisdiction, then -

- (a) subject to paragraph (b), the jurisdiction in which he was first admitted shall be his jurisdiction of admission for the purpose of these Rules;
- (b) if the person has had not less than **3** years post-admission experience in the practice of the law of any such jurisdiction, he may elect to treat that jurisdiction as his jurisdiction of admission.

9. Appeal Procedure

A person seeking the issue of a certificate by the Society under section 3 may -

- (a) within one month of receiving notification from of any decision of the Society under that section, ask for his application to be reviewed upon payment of the prescribed fee; and
- (b) within 3 months of receiving notification from the Society of its decision on a request for review under paragraph (a), apply to the Court of First Instance which may -
 - (i) **affirm** the decision of the Society; or
 - (ii) make such other order as the Court thinks fit

10. Unsuitability of prospective solicitor

- (1) If the Society at any time is not satisfied as to the suitability to become a solicitor of any person to whom it has issued a certificate under section 3 it may on such terms as it determines, impose any of the following sanctions, that is it may -
 - (a) prohibit an attempt at the Examination; or
 - (b) revoke that certificate; or
 - (c) oppose admission as a solicitor.
- (1A) If the Society at any time becomes aware of any misconduct in relation to an Examination committed by a person taking the Examination, it may, on such terms as it determines, impose any of the following sanctions, that is it may -
 - (a) prohibit the person from attempting the Examination, either permanently or for such period as the Society thinks fit;

Overseas Lawyers (Qualification for Admission) Rules

- (b) revoke the certificate issued to him under section 3;
 - (c) disqualify that person from any or all the subjects in the relevant sitting of the Examination and annul the results of any or all subjects taken in that sitting; or
 - (d) oppose his admission as a solicitor.
- (2) If the Society imposes a sanction under subsection (1) or (1A) the unadmitted person may -
- (a) within one month of receiving notification from the Society of its decision, ask for the matter to be reviewed; and
 - (b) within 3 months of receiving notification from the Society of its decision on an application for review under paragraph (a), apply to the Court of First Instance which may -
 - (i) affirm the decision of the Society; or
 - (ii) make such other order as the Court thinks fit.
- (3) If the Society has imposed a sanction under subsection (1) or (1A) the unadmitted person may -
- (a) apply to the Society to remove the sanction;
 - (b) within 3 months of receiving notification from the Society of its decision on an application for the removal of a sanction under paragraph (a), apply to the Court of First Instance which may -
 - (i) affirm the decision of the Society; or
 - (ii) make such other order as the Court thinks fit.

11. Forms and fees

- (1) A person wishing to take the Examination must give notice to the Society in a form approved by the Society and pay any fee prescribed for such Examination.
- (2) A person wishing to make an application or give notice to the Society in accordance with these Rules must do so in a form approved by the Society and pay the prescribed fee.
- (3) In respect of any application made or notice given, the Society may -

Overseas Lawyers (Qualification for Admission) Rules

- (a) require the applicant or the person giving notice to furnish such further information as it considers necessary;
- (b) require the application to be supported by such evidence as it considers necessary, and may require facts relevant to any application to be deposed to by statutory declaration, and may require the attendance of the applicant for interview.

12. Transitional

- (1) In this section -

"Paralegal Scheme" (法律輔助人員計劃) means the scheme operated by the Society under which an overseas lawyer from a common law jurisdiction may be approved by the Society to be employed as a paralegal, under the supervision of a solicitor or solicitors in a Hong Kong firm, for the purpose of satisfying the requirements specified in the pre-amended section 4(2)(b)(ii) or (iii);

- (2) In relation to any provision mentioned in this section, "pre-amended" shall be construed as referring to that provision in force immediately before 1 January 2000.
- (3) The pre-amended subparagraph (ii) or (iii) of section 4(2)(b) shall continue to apply to a person whose employment as a paralegal in a Hong Kong firm has been first approved by the Society under the Paralegal Scheme before 1 January 2000, as if that subparagraph had not been amended by the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 1999, if the Society is satisfied that the person has satisfied the requirements specified in that pre-amended subparagraph -
- (a) on or before 31 December 2001; or
 - (h) (in the case where the Society is satisfied that there are exceptional circumstances) before such later date as the Society may approve in any particular case.

APPENDIX II

Overseas Lawyers (Qualification for Admission) (Fees) Rules

1. Fees

The fees set forth in the Schedule are prescribed for payment in connection with applications and examinations under the Overseas Lawyers (Qualification for Admission) Rules (Cap. 159, sub. leg.) for admission under section 4(1)(b) of the Ordinance.

2. Payment of fees

The fees shall be payable to the Society.

3. Refund of examination fees

The Council may in any particular case refund any fee paid for taking the Overseas Lawyers Qualification Examination, less an administrative fee determined by the Society.

SCHEDULE

[s.1]

FEES PAYABLE FOR APPLICATIONS AND EXAMINATIONS UNDER THE OVERSEAS LAWYERS (QUALIFICATION FOR ADMISSION) RULES

Item	Section	Description	Fee \$
1.	3(2)	Application for certificate (eligibility for qualification for admission and eligibility to take or be exempt from taking the Overseas Lawyers Qualification Examination)	3,300
1A.	3(3)	Application for extension of validity period of certificate	750
2.	7	Taking the Overseas Lawyers Qualification Examination -	
		(a) For any one subject	5,500
		(b) For each additional subject	1,100
3.	9(a)	Application for review of Society's decision under section 3	1,500

APPENDIX III

Admission and Registration Rules

ARRANGEMENT OF RULES

Rule

PART I CITATION AND INTERPRETATION

1. Citation
2. Interpretation

PART II SOLICITORS

Application for certificate of eligibility for admission as solicitor on basis of compliance with section 4

- 3A. [Repealed]
4. Application for admission as a solicitor
5. Admission as solicitor
6. Oath on admission as solicitor
7. Form of roll of solicitors

PART III BARRISTERS

(Repealed)

PART IV NOTARIES PUBLIC

11. [Repealed]
12. [Repealed]
- 12A. Interpretation
- 12B. Application for appointment as notary public
- 12C. Service of notice of motion on Secretary for Justice and Society of Notaries
- 12D. Application for relief under section 40A(4) of the Ordinance
- 12E. Appointment as notary public
- 12F. Registration of notary public

PART V GENERAL

13. Exemption

Schedule. Forms

PART I

CITATION AND INTERPRETATION

1. Citation

These rules may be cited as the Admission and Registration Rules.

2. Interpretation

In these rules, unless the context otherwise requires-

"certificate" (證書・證明書) includes a copy certificate and a duplicate certificate;

"prescribed fee" (訂明費用) means the fee prescribed by rules made under section 72 of the Ordinance.

"trainee solicitor contract" (實習律師合約) includes an original trainee solicitor contract, new trainee solicitor contract and further trainee solicitor contract;

PART II

SOLICITORS

3. Application for certificate of eligibility for admission as solicitor on the basis of compliance with section 4

- (1) A person seeking to be admitted as a solicitor on the basis of compliance with section 4(1)(a) or (b) of the Ordinance shall apply to the Society for the issue of a certificate in accordance with subrule (4) or (5) and shall pay to the Society the prescribed fee.
- (2) An application made under subrule (1) shall be -
 - (a) in the case of a person seeking admission on the basis of compliance with section 4(1)(a) of the Ordinance and of rule 20 of the Trainee Solicitors Rules (Cap. 159 sub. leg.) -
 - (i) in accordance with Form 1B in the Schedule; and
 - (ii) accompanied by such documents as the Society may reasonably require;
 - (b) in the case of a person seeking admission on the basis of compliance with section 4(1)(b) of the Ordinance and not of rule 20 of the Trainee Solicitors Rules (Cap. 159 sub. leg.) -

Admission and Registration Rules

- (i) in accordance with Form 4 in the Schedule; and
 - (ii) accompanied by such documents as the Society may reasonably require; and
- (c) in the case of a person seeking admission on the basis of compliance with section 4(1)(b) of the Ordinance -
- (i) in accordance with Form 1C in the Schedule; and
 - (ii) accompanied by an affidavit of identity in accordance with Form 5 in the Schedule completed by an officer of the Court and such other documents as the Society may reasonably require.
- (3) A trainee solicitor shall apply for a certificate in accordance with **subrule (1)** within 12 months after the completion of his most recent trainee solicitor contract, or within a further period that the Council may in exceptional circumstances allow.
- (4) The Society, if it is satisfied that a person making an application under **subrule (1)** is eligible for admission as a solicitor on the basis of compliance with section 4(1)(a) of the Ordinance and has satisfied the requirements of section 4(1A) of the Ordinance, shall issue to him a certificate in accordance with Form 2 in the Schedule.
- (5) The Society, if it is satisfied that a person making an application under **subrule (1)** is eligible for admission as a solicitor on the basis of compliance with section 4(1)(b) of the Ordinance and has satisfied the requirements of section 4(1A) of the Ordinance, shall issue to him a certificate in accordance with Form 3 in the Schedule.

3A. [Repealed]

4. Application for admission as solicitor

- (1) The person seeking to be admitted as a solicitor shall file with the Registrar a motion paper to move the Court on such date as shall be fixed by the Registrar, which shall not be less than 14 days after the filing of such motion paper, and shall pay to the Registrar the prescribed fee.
- (1A) A person seeking to be **admitted** as a solicitor on the basis of compliance with section 4(1)(a) or (b) of the Ordinance shall file a motion paper under **subrule (1)** within 2 months after the certificate was issued to him in accordance with rule 3(4) or (5).

Admission and Registration Rules

- (1B) A person seeking to be admitted as a solicitor on the basis of compliance with section 4(1)(a) or (b) of the Ordinance who fails to file a motion paper within the 2 months' limit set out in subrule (1A) shall apply under rule 3 for another certificate to be issued to him in accordance with rule 3(4) or (5).
- (2) A motion paper filed by a person seeking admission on the basis of compliance with section 4(1)(a) or (b) of the Ordinance shall be accompanied by -
- (a) the certificate issued to him in accordance with rule 3(4) or (5); and
 - (b) in the case of a person seeking admission on the basis of compliance with section 4(1)(a) of the Ordinance, such other proof as the Court may require of compliance by that person with section 4(1A) of the Ordinance.
- (2A) [Repealed]
- (2B) [Repealed]
- (3) A copy of the motion paper referred to in subrule (1) and of every document accompanying the motion paper in accordance with subrule (2) shall be served on the Secretary for Justice and on the Society by the person seeking to be admitted at the time that such motion paper is filed with the Registrar.

5. Admission as solicitor

- (1) On the date of hearing of the motion under rule 4 or any adjournment thereof by the Court, the Secretary for Justice, or a member of the Society or Counsel shall move the Court that the person concerned be admitted and enrolled as a solicitor.
- (2) The Court, upon hearing the Secretary for Justice, such member of the Society or Counsel and upon hearing any representation which may be made by or on behalf of the Society or of the Secretary for Justice and upon being satisfied that the applicant is eligible for admission as a solicitor, may order that the applicant be admitted as a solicitor or, if the Court is not so satisfied, may dismiss the application upon such terms as regards costs or otherwise as the Court may deem appropriate.
- (3) The Registrar shall deliver to every person who is admitted as a solicitor, as soon as is practicable after the admission of such person, a certificate of such admission.

6. Oath on admission as solicitor

Before a person who has been ordered to be admitted as a solicitor in accordance with rule 5(2) is so admitted, he shall subscribe the oath following-

"I, A.B., do swear (or solemnly, sincerely and truly declare and affirm) that I will truly and honestly conduct myself in the practice of solicitor, according to the best of my knowledge and ability. So help me God.":

Provided that in the case of a declaration or affirmation the last 4 words of such oath shall be omitted.

7. Form of roll of solicitors

The roll of solicitors shall be in accordance with Form 7 in the Schedule.

PART III

BARRISTERS

8. (Repealed)

9. (Repealed)

10. (Repealed)

PART IV

NOTARIES PUBLIC

11. [Repealed]

12. [Repealed]

12A. Interpretation

In this Part, unless the context otherwise requires, "examination" (考試), in relation to a person who applies for appointment as a notary public under section 40A of the Ordinance, means an examination prescribed under the Notaries Public (Examinations) Rules (L.N. 33 of 2005).

12B. Application for appointment as notary public

(1) An application for appointment as a notary public shall be made by motion.

(2) A notice of motion shall be accompanied by -

Admission and Registration Rules

- (a) a certificate issued by the Registrar certifying that the applicant has satisfied the requirement under section 40A(1)(a)(i) of the Ordinance;
 - (b) a certificate issued by The Law Society of Hong Kong certifying that the applicant has satisfied the requirement under section 40A(1)(a)(ii) of the Ordinance;
 - (c) a certificate issued by the Society of Notaries under section 8(b) of the Notaries Public (Examinations) Rules (L.N. 33 of 2005), certifying that the applicant has satisfied the requirement under section 40A(1)(a)(iii) of the Ordinance;
 - (d) subject to subrule (4), a letter of no objection issued by the Society of Notaries to the applicant under section 4(4) of the Notaries Public (Qualifications for Appointment) Rules (L.N. 35 of 2005);
 - (e) **an** affidavit that complies with subrule (3); and
 - (f) the prescribed application fee.
- (3) The affidavit in support of an application for appointment shall include -
- (a) the date of the applicant's admission as a solicitor;
 - (b) the period or periods in aggregate of not less than 7 years during which he has practised as a solicitor;
 - (c) a description of the applicant's practice as a solicitor during the period or periods mentioned in paragraph (b), stating the following facts or particulars, if applicable -
 - (i) he practised, or is practising -
 - (A) as a solicitor in his own name;
 - (B) as a sole solicitor under a firm name;
 - (C) in a firm of solicitors;
 - (D) within a group practice according to the Solicitors (Group Practice) Rules (Cap. 159 sub.leg.X);
 - (ii) he was or is employed to do the legal work of **an** employer who is not a solicitor;
 - (iii) he was or is a member, director or employee of a solicitor corporation;
 - (iv) the name of each firm, group practice, employer or solicitor corporation mentioned in the affidavit;

Admission and Registration Rules

- (v) his position in each firm, group practice or employer mentioned in the affidavit;
 - (vi) the nature or types of work of his practice as a solicitor;
 - (d) the date on which the applicant passed the examination;
 - (e) other particulars that the applicant considers relevant to his application.
- (4) If an applicant has not been issued with a letter of no objection or he has been issued with such a letter, but it has been revoked by the Society of Notaries, the affidavit in support of his application for appointment shall -
- (a) state that fact; and
 - (b) exhibit the written notice served on him under section 4(8) or 6(3) of the Notaries Public (Qualifications for Appointment) Rules (L.N. 35 of 2005).

12C. Service of notice of motion on Secretary for Justice and Society of Notaries

As soon as practicable after an applicant has filed with the Registrar a notice of motion and its accompanying documents, the applicant shall serve a copy of the notice and of each accompanying document on the Secretary for Justice and the Society of Notaries.

12D. Application for relief under section 40A(4) of the Ordinance

- (1) An application under section 40A(4) of the Ordinance shall be made by summons.
- (2) The summons shall be -
 - (a) filed at the same time as the notice of motion referred to in rule 12B(2); and
 - (b) supported by an affidavit made by the applicant stating the grounds of the application and the evidence necessary to substantiate them.
- (3) A copy of the summons and of the affidavit in support shall be served on the Secretary for Justice and the Society of Notaries together with the notice of motion that is served under rule 12C.
- (4) An application made under this rule may be determined -
 - (a) either before or at the same time as the application made under rule 12B; and

- (b) with or without a hearing.
- (5) As soon as practicable after the Chief Judge or the judge designated by him under section 40A(4A) of the Ordinance has determined the application, the Registrar shall serve a copy of the relevant order on the applicant.

12E. Appointment as notary public

- (1) After considering an application made under rule 12B and any representations that may be made by or on behalf of the Secretary for Justice, the Society of Notaries or any interested party, the Chief Judge or the judge designated by him under section 40A(2) of the Ordinance may order that the applicant be appointed as a notary public, or he may dismiss the application on such terms as regards costs or otherwise as he considers appropriate.
- (2) The Chief Judge or the judge designated by him under section 40A(2) of the Ordinance may determine the application with or without a hearing.
- (3) As soon as practicable after a person has been appointed as a notary public, the Chief Judge shall issue to that person a certificate of appointment in Form 11 in the Schedule.

12F. Registration of notary public

- (1) A person who seeks to be registered as a notary public shall produce to the Registrar -
 - (a) the certificate of appointment issued to him under rule 12E(3); and
 - (b) the registration fee prescribed under section 40C of the Ordinance.
- (2) As soon as practicable after a person's name has been entered in the register of notaries public, the Registrar shall by written notice inform the Society of Notaries of that fact.

PART V

GENERAL

13. Exemption

The Chief Judge on special grounds and upon such conditions as he may consider necessary may exempt any person from any of the formalities prescribed by these rules, either absolutely or for any specified period, and may reduce or abridge any of the periods of notice prescribed by these rules upon any such conditions:

Admission and Registration Rules

Provided that no order shall be made by the Chief Judge under this rule in respect of a person applying to be admitted as a solicitor unless the Society shall have been given such notice thereof and of the date of hearing as the Chief Judge may consider appropriate in the case and shall have been given an opportunity of being heard thereon.

Admission and Registration (Amendment) (No.2) Rules 1994

Transitional

- (1) Subject to subsection (2), where a person seeking admission on the basis of compliance with section 4(1)(a) or (b) of the Ordinance has, before the commencement of these Rules, given notice in accordance with rule 3(1) of the Old Rules, the Old Rules shall continue to apply as if they had not been amended by these Rules.
- (2) A person seeking admission under the Old Rules on the basis of subsection (1) shall file a motion paper in accordance with rule 4 of the Old Rules -
 - (a) if a certificate has not been issued to him in accordance with rule 3(2) or (3) of the Old Rules before the commencement of these Rules, within 2 months after the certificate was issued to him;
 - (b) if a certificate has been issued to him in accordance with rule 3(2) or (3) of the Old Rules before the commencement of these Rules, within 2 months after the certificate was issued to him, or within such further period as the Council may in exceptional circumstances allow,

and if he fails to do so, the certificate shall cease to have effect and the Admission and Registration Rules (Cap. 159 sub. leg.) as amended by these Rules shall apply to him.

- (3) In this section -

"Old Rules" means the Admission and Registration Rules (Cap. 159 sub. leg.) which were in force immediately before the commencement of these Rules.

Note:

Section 9 of Consequential amendments to Ord. No. 27 of 1998 reads as follows -

“9. Rules 11 and 12 of, and Form 9 in the Schedule to, the Admission and Registration Rules (Cap. 159 sub.leg.) are repealed, but nothing in this section shall be construed as preventing the Registrar of the High Court from maintaining the register of notaries public, either wholly or partly, in the form provided for in that rule 12 and Form 9.”

SCHEDULE

FORMS

FORM 1

[rule 3(1)]

(Repealed)

FORM 1A

[rule 3A]

(Repealed)

FORM 1B

[rule 3(2)(a)]

ADMISSION AND REGISTRATION RULES

**APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR ADMISSION
AS A SOLICITOR ON THE BASIS OF COMPLIANCE
WITH SECTION 4(1)(a) - BARRISTERS**

To: The Law Society of Hong Kong,

I.....
[name in English and, if applicable, Chinese]

of

.....
apply for the issue to me of a certificate of eligibility in accordance with rule 3(4) of the
Admission and Registration Rules (Cap. 159 sub. leg.).

Telephone contact number

I do solemnly and sincerely declare as follows:

(1) I have resided in Hong Kong for at least 3 months **immediately** before my admission

OR*

I intend to reside in Hong Kong for at least 3 months immediately after my admission

OR*

I have been ordinarily resident in Hong Kong for at least 7 years

OR*

I have been present in Hong Kong for at least 180 days of each of at least 7 years.

Details of my periods of residence are set out below -

Address

Period of Residence

Admission and Registration Rules

The attached document marked " " is a certified copy of my passport

- (2) I was admitted as a barrister in Hong Kong on the day of and the attached document marked " " is a certified copy of my admission certificate.
- (3) The attached document marked " " is a certificate from the Bar Council stating that it knows of no reason why I should not be admitted as a solicitor.
- (4) My name was removed from the roll of barristers in Hong Kong on the day of and the attached document marked " " is a certificate to that effect from the Registrar of the High Court.
- (5) The Law Society of Hong Kong granted me exemption from employment as a trainee solicitor on the day of
- (6) I was not required to pass any examinations prior to applying for admission as a solicitor.

OR*

I was required to pass an examination / examinations* in prior to applying for admission as a solicitor. I passed the examination / examinations* on the day of The attached document marked " " is a certified copy of a certificate from the authority administering the examination.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at)
HONG KONG this day of)
.....)

Before me,

Commissioner for Oaths / Solicitor.

*** Delete whichever is inapplicable.**

FORM 1C

[rule 3(2)(c)]

ADMISSION AND REGISTRATION RULES

**APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR ADMISSION
AS A SOLICITOR UNDER SECTION 4(1)(b)**

To: The Law Society of Hong Kong,

I,,
[full name in English and, if applicable, Chinese]

of
apply for the issue to me of a certificate of eligibility in accordance with rule 3(5) of the
Admission and Registration Rules (Cap. 159 sub. leg.).

Telephone contact number:

I do solemnly and sincerely declare as follows-

(1) I have resided in Hong Kong for at least 3 months immediately before my admission

OR*

I intend to reside in Hong Kong for at least 3 months immediately after my admission

OR*

I have ordinarily been a resident in Hong Kong for at least 7 years

OR*

I have been present in Hong Kong for at least 180 days of each of at least 7 years

Details of my periods of residence are set out below-

Address

Period of residence

The attached document marked " " is a certified copy of my passport.

Admission and Registration Rules

- (2) I was admitted as an attorney / solicitor / barrister* ofonday..... The attached document marked "....." is a certified copy of my admission certificate.
- (3) I was not required to pass any examinations prior to applying for admission as a solicitor. The attached document marked "....." is the Hong Kong Law Society certificate to this effect.

OR*

I was required to pass an examination / examinations* in prior to applying for admission as a solicitor. I passed the examination / examinations* on.....day The attached document marked "....." is a certified copy of a certificate from the authority administering the examination.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at)
HONG KONG this day of)
.....)

Before me,

Commissioner for Oaths / Solicitor.

* Delete whichever is inapplicable.

FORM 2

[rule 3(4)]

ADMISSION AND REGISTRATION RULES

CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS A SOLICITOR

THIS IS TO CERTIFY THAT

.....

of.....

- (1) on the day of, applied under rule 3(1) of the Admission and Registration Rules (Cap. 159 sub. leg.) for a certificate of eligibility for admission as a solicitor on the basis of compliance with section 4(1)(a) of the Legal Practitioners Ordinance (Cap. 159); and
- (2) has satisfied the Society that he -
 - (a) has accumulated the number of CPD accreditation points that is required by section 5 of the Continuing Professional Development Rules (Cap. 159 sub. leg.) to be accumulated by the end of his period of employment as a trainee solicitor;
 - (aa)* has attended all general core courses and the minimum hours of elective courses required under the Legal Practitioners (Risk Management Education) Rules during his employment as a trainee solicitor;
 - (b) has passed or obtained or been granted total exemption from the examinations required by rule 7 of the Trainee Solicitors Rules (Cap. 159 sub. leg.);
 - (c) has been employed as a trainee solicitor for a period of years to the satisfaction of the Society / has been granted exemption from employment as a trainee solicitor* in accordance with the Trainee Solicitors Rules (Cap. 159 sub. leg.);
 - (d) has resided in Hong Kong for at least 3 months immediately before his admission / intends to reside in Hong Kong for at least 3 months immediately after his admission/has been ordinarily resident in Hong Kong for at least 7 years / has been present in Hong Kong for at least 180 days of each of at least 7 years *; and
 - (e) is in other respects fit to be a solicitor.

Dated this day of

(Sgd.)
for The Law Society of Hong Kong.

* Delete whichever is inapplicable.
(27110108)

FORM 3

[rule 3(5)]

ADMISSION AND REGISTRATION RULES

CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS A SOLICITOR

THIS IS TO CERTIFY THAT

.....
of

- (1) on the day of applied under rule 3(1) of the Admission and Registration Rules (Cap. 159 sub. leg.) for a certificate of eligibility for admission as a solicitor on the basis of compliance with section 4(1)(b) of the Legal Practitioners Ordinance (Cap. 159); and
- (2) has satisfied the Society that -
 - (a) he has been admitted as a**.....**
in
 - (b) his name remains on the roll of solicitors / advocates / attorneys* and he is not suspended from practising in that jurisdiction;
 - (c) he has resided in Hong Kong for at least 3 months immediately before his admission / intends to reside in Hong Kong for at least 3 months immediately after his admission/has been ordinarily resident in Hong Kong for at least 7 years / has been present in Hong Kong for at least 180 days of each of at least 7 years *; and
 - (d) is in other respects fit to be a solicitor.

Dated this day of

(Sgd.)
for The Law Society of Hong Kong

** Please insert relevant profession (e.g. solicitor / advocate / attorney etc) and the relevant jurisdiction.

* Delete whichever is inapplicable.

ADMISSION AND REGISTRATION RULES

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS A SOLICITOR ON THE BASIS OF COMPLIANCE WITH SECTION 4(1)(a) - TRAINEE SOLICITORS

To: The Law Society of Hong Kong,

I,.....

of.....

apply for the issue to me of a certificate of eligibility in accordance with rule 3(4) of the Admission and Registration Rules (Cap. 159 sub. leg.).

We.....

of(the "Trainee Solicitor")

and.....

of(the "Principal")

do solemnly and sincerely declare as follows-

(a) I, the Trainee Solicitor for myself say as follows-

1. I have resided in Hong Kong for at least 3 months immediately before my admission

OR*

I intend to reside in Hong Kong for at least 3 months immediately after my admission

OR*

I have been ordinarily resident in Hong Kong for at least 7 years

OR*

I have been present in Hong Kong for at least 180 days of each of at least 7 years

Details of my periods of residence are set out in the "First Schedule" annexed to this application. (See Note 1)

The attached document marked " " is a certified copy of my passport.

2. I was employed under a trainee solicitor contract by the Principal for the periodto..... (the "Trainee Solicitor Contract").

Admission and Registration Rules

3. *Except as indicated in paragraph(s) 4 and 5* / I have actually exclusively and bona fide been employed as a trainee solicitor by the Principal.*
4. *Except as mentioned in the "Second Schedule" annexed to this application * / I have not held any office or engaged in any employment other than the employment of the Principal.*
5. I have been absent from the office of the Principal for the period or periods mentioned in the first column of the "Third Schedule" annexed to this application for the reasons set out in the third column*.
6. I have complied with the requirements of rule 7 of the Trainee Solicitors Rules (Cap. 159 sub. leg.) as to the passing of examinations.
7. I confirm that my most recent trainee solicitor contract was entered into before 1 September 1998, and that during the period of my employment as a trainee solicitor I have learned in the office of the Principal the following basic skills and characteristics associated with the practice and profession of a solicitor marked "X" in the appropriate box-

- | | | |
|-----|---------------------------------------|--------------------------|
| (1) | Drafting documents | <input type="checkbox"/> |
| (2) | Communication with clients and others | <input type="checkbox"/> |
| (3) | Research | <input type="checkbox"/> |
| (4) | Office routines, procedures and costs | <input type="checkbox"/> |

OR*

I confirm that my most recent trainee solicitor contract was entered into on or after 1 September 1998, and that during the period of my employment as a trainee solicitor I have learned in the office of the Principal the principles of professional conduct and the following basic skills associated with the practice and profession of a solicitor marked " X in the appropriate box-

- | | | |
|-----|------------------|--------------------------|
| (1) | Communication | <input type="checkbox"/> |
| (2) | Practice support | <input type="checkbox"/> |
| (3) | Legal research | <input type="checkbox"/> |
| (4) | Drafting | <input type="checkbox"/> |
| (5) | Interviewing | <input type="checkbox"/> |
| (6) | Negotiation | <input type="checkbox"/> |

Admission and Registration Rules

(7) Advocacy

8. I confirm that my most recent trainee solicitor contract was entered into before 1 September 1998, and that during the period of my employment as a trainee solicitor I have gained reasonable experience in the office of the Principal in at least 3/2* of the following basic legal topics being those marked "X" in the appropriate box (*and in the office of, another person qualified under section 20 of the Legal Practitioners Ordinance (Cap. 159) to employ a trainee solicitor, in at least 1 of the following basic legal topics being that / those* marked "Z" in the appropriate box*)" -

- (1) Conveyancing
- (2) Commercial or corporate law
- (3) Family law
- (4) Civil litigation 13
- (5) Criminal litigation
- (6) Wills, Probate and Trusts
- (7) Trade Marks, Patents, Copyrights
- (8) Such other legal topic as may be determined from time to time by the Society

OR*

I confirm that my most recent trainee solicitor contract was entered into on or after 1 September 1998, and that during the period of my employment as a trainee solicitor I have gained proper training and experience in the office of the Principal in at least 3/2* of the following basic legal topics being those marked " X in the appropriate box (*and in the office of, another person qualified under section 20 of the Legal Practitioners Ordinance (Cap. 159) to employ a trainee solicitor, in at least 1 of the following basic legal topics being that /those* marked "Z" in the appropriate box*)" -

- (1) Banking
- (2) Civil litigation
- (3) Commercial
- (4) Company
- (5) Criminal litigation

(27/10/08)

Admission and Registration Rules

- (6) Family
- (7) Insolvency
- (8) Intellectual property
- (9) Property
- (10) Trusts, Wills and Probate

9. I have accumulated the number of CPD accreditation points that is required by section 5 of the Continuing Professional Development Rules (Cap. 159 sub. leg.) to be accumulated by the end of my period of employment as a trainee solicitor.

10.* I have attended all general core courses and the minimum hours of elective courses required under the Legal Practitioners (Risk Management Education) Rules during my employment as a trainee solicitor.

(b) AND I, the Principal for myself say as follows-

1. At the time of execution of the Trainee Solicitor Contract, I was and have remained qualified under section 20 of the Legal Practitioners Ordinance (Cap. 159) to employ a trainee solicitor.
2. I have read paragraphs 2, 3, 4 and 5 of the declaration made by the Trainee Solicitor and the contents are true to the best of my knowledge, information and belief.
3. With regard to paragraph 7 of the declaration, I confirm that during the term of the Trainee Solicitor Contract, I have provided the Trainee Solicitor with the opportunity to learn in my office the basic skills and characteristics associated with the practice and profession of a solicitor as enumerated by the Trainee Solicitor.
4. With regard to paragraph 8 of the declaration, I confirm that during the term of the Trainee Solicitor Contract, I have provided the Trainee Solicitor with the opportunity to gain reasonable experience in my office (and in the office of another person *qualified* under section 20 of the Legal Practitioners Ordinance (Cap. 159) to employ a trainee solicitor)* the basic legal topics as enumerated by the Trainee Solicitor.
5. I consider that the Trainee Solicitor is fit to be a solicitor.

AND we make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at)
HONG KONG this day of)
.....)

Before me,

Commissioner for Oaths / Solicitor.

(27/10/08)

FIRST SCHEDULE

Address	Period of residence
---------	---------------------

SECOND SCHEDULE

Details of other offices / employment

THIRD SCHEDULE

Period of absence	With / without consent of Principal	Reasons
-------------------	-------------------------------------	---------

- Note :
1. Where the Trainee Solicitor has been employed under two or more trainee solicitor contracts, each person employing him shall make a separate declaration.
 2. * Delete whichever is inapplicable.

FORM 5

[rules 4 & 11]

ADMISSION AND REGISTRATION RULES

AFFIDAVIT OF IDENTITY

I, of, Hong Kong, Solicitor, make oath and say (or solemnly and sincerely declare and affirm) as follows-

1. The photograph attached hereto and marked " " is a true likeness of of Hong Kong, a*, the applicant herein.
2. I have examined [Hong Kong Identity Card No.] [passport No.]# of the said and I am satisfied that from such examination that he is the person shown in the photograph attached hereto and that he is the applicant in these proceedings.

SWORN I DECLARED at Hong Kong)
this day of

Before me

Commissioner for Oaths / Solicitor.

■ Please insert relevant profession (eg barrister / solicitor / advocate /notary etc) and the relevant court / bar / chamber.

Delete whichever is inapplicable.

FORM 6

(Repealed)

FORM 7

[rule 7]

ADMISSION AND REGISTRATION RULES

ROLL OF SOLICITORS

.....
was duly admitted to practise as a Solicitor of the High Court of Hong Kong on
the day of,

.....
Registrar,
High Court,
Hong Kong.

FORM 8

(Repealed)

FORM 9

(Repealed)

FORM 10

(Repealed)

FORM 11

[rule12E]

**CERTIFICATE OF APPOINTMENT
AS NOTARY PUBLIC**

I HEREBY CERTIFY THAT
was appointed as a notary public of Hong Kong on theday of

Dated this day of

.....
**Chief Judge,
Hong Kong.**

APPENDIX IV

PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES

ARRANGEMENT OF SECTIONS

Section

1. Commencement
2. Interpretation
3. Conditions subject to which a practising certificate may be issued
4. Matters to be considered by the Society when imposing conditions on a practising certificate
5. Applicant to give 6 weeks prior notice of application
6. Effect of issue of practising certificate ~~free~~ of conditions
7. Conditions subject to which a practising certificate may be amended
8. Matters to be considered by the Society when imposing conditions on an already issued practising certificate
9. Effective date of amendment
10. Removal of conditions

Consequential Amendments

Practising Certificate (Solicitors) Rules

11. Schedule amended

Schedule 1

Schedule 2

Practising Certificate (Special Conditions) Rules

1. Commencement

[Omitted as spent]

2. Interpretation

In these Rules, unless the context otherwise requires —

"Continuing Professional Development Scheme" (專業進修計劃) means the scheme referred to in section 4 of the Continuing Professional Development Rules (Cap. 159 sub. leg.);

"CPD accreditation points" (評審學分) has the meaning assigned to that term by section 2 of the Continuing Professional Development Rules (Cap. 159 sub. leg.).

3. Conditions subject to which a practising certificate may be issued

For the purposes of section 6(5)(b) of the Ordinance, the conditions subject to which the Society may issue a practising certificate to a solicitor are —

- (a) in the case of a solicitor applying for the issue of a practising certificate for the first time, any one or more of the conditions numbered 2, 6 and 7 in Schedule 1;
- (b) in the case of a solicitor who has been censured or ordered to pay a penalty or costs by the Solicitors Disciplinary Tribunal constituted under section 9B of the Ordinance since he was last issued a practising certificate, any one or more of the conditions specified in Schedule 1;
- (c) in the case of a solicitor who has been invited by the Society to give an explanation in respect of any matter relating to his conduct since he was last issued a practising certificate and has failed or refused to give an explanation in respect of that matter which the Council regards as sufficient and satisfactory, and has been notified in writing by the Society that he has so failed or refused, any one or more of the conditions specified in Schedule 1;
- (d) in the case of a solicitor who has been suspended from practice since he was last issued a practising certificate and the period of his suspension has expired, any one or more of the conditions specified in Schedule 1;
- (e) in the case of a solicitor who has had his name removed from or struck off the roll of solicitors since he was last issued a practising certificate, his name has been restored to the roll of solicitors, any one or more of the conditions specified in Schedule 1;

Practising Certificate (Special Conditions) Rules

- (f) in the case of a solicitor who has become bankrupt since he was last issued a practising certificate, and has been discharged within the meaning of the Bankruptcy Ordinance (Cap. 6), any one or more of the conditions specified in Schedule 1;
- (g) in the case where a judgment in Hong Kong or elsewhere which involves the payment of money has been given against the solicitor since he was last issued a practising certificate, not being a judgment —
 - (i) limited to the payment of costs; or
 - (ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or
 - (iii) for a sum less than HK\$50,000 or which has been satisfied,any one or more of the conditions specified in Schedule 1;
- (h) in the case of a solicitor who has not been in full-time practice of law for 2 continuous years immediately prior to the giving of notice of intention to apply for a practising certificate to the Society, any one or more of the conditions specified in Schedule 1;
- (i) in the case of a solicitor who was a principal in or a consultant of a firm at the time of an intervention of the firm by the Society under section 26A and Schedule 2 to the Ordinance during the preceding 18 months, any one or more of the conditions specified in Schedule 1.

4. Matters to be considered by the Society when imposing conditions on a practising certificate

- (1) In considering for the purposes of section 3 the imposition of any of the conditions set out in Schedule 1, the Society may have regard to the following —
 - (a) in the case of the condition numbered 2 in Schedule 1 —
 - (i) the extent of the solicitor's experience in the practice of law in Hong Kong or elsewhere;
 - (ii) whether or not the solicitor is to be supervised by a solicitor who holds an unconditional practising certificate or has substantial experience in the practice of law in Hong Kong or elsewhere;
 - (iii) where the employer is not a solicitor, the nature of the employer's business and the work proposed to be undertaken

Practising Certificate (Special Conditions) Rules

by the solicitor, the size of the employer's business and its legal department;

- (b) in the case of the condition numbered 3 in Schedule 1 —
 - (i) the identity and disciplinary record of the partners;
 - (ii) the nature and frequency of complaints made against the partnership;
 - (iii) the number of successful claims made against any of the partners for negligence or breach of duty;
 - (c) in case of the condition numbered 4 in Schedule 1 —
 - (i) the nature and frequency of complaints made against the solicitor;
 - (ii) the conditions which have been placed on the solicitor's practising certificate since his date of admission;
 - (iii) the solicitor's current financial circumstances.
- (2) In considering for the purposes of section 3 the imposition of conditions in relation to the issue of a practising certificate to a solicitor, the Society may have regard to the following —
- (a) in the case mentioned in section 3(b), the findings and orders of the Solicitors Disciplinary Tribunal;
 - (b) in the case mentioned in section 3(c), the seriousness of the matter and the nature and extent of the explanation, if any, given by the solicitor;
 - (c) in the case mentioned in section 3(d) or (e) —
 - (i) the findings and orders of the Solicitors Disciplinary Tribunal or the reasons for the solicitor's suspension from practice or removal of his name from the roll of solicitors;
 - (ii) the period of time that has elapsed since his suspension or the removal of his name from the roll of solicitors;
 - (iii) the solicitor's activities during that intervening period;
 - (d) in the case mentioned in section 3(g), the amount of the judgment and the solicitor's current financial circumstances.

Practising Certificate (Special Conditions) Rules

5. Applicant to give 6 weeks prior notice of application

In any case where section 3 would have effect if an application had been made, the applicant shall not less than 6 weeks before he applies for a practising certificate give to the Society notice in writing in Form 1 in Schedule 2 of his intention to so apply, unless the Society or the Chief Judge otherwise orders.

6. Effect of issue of practising certificate free of conditions

Where section 3 has effect by reason of any such circumstances as are mentioned in section 3(b), (c), (d), (e), (f), (g), (h) or (i) and a practising certificate free of conditions is issued by the Society under the Ordinance to a solicitor, section 3 shall not after the issue of the practising certificate have effect in relation to that solicitor by reason of those circumstances except as regards any circumstances of whose existence the Society is unaware at the time the certificate is issued.

7. Conditions subject to which a practising certificate may be amended

- (1) For the purposes of section 6(5)(e) of the Ordinance, and subject to subsection (2), the conditions that may be added by the Society to an already issued practising certificate are any one or more of the conditions specified in Schedule 1.
- (2) Subsection (1) has effect in relation to a practising certificate already issued to a solicitor in the case, and only in the case, where —
 - (a) in the event of an application for a practising certificate being made by the solicitor at any time during the period for which his current certificate is in force, this section would have effect in relation to him by reason of any of the circumstances mentioned in section 3(b), (c), (d), (g) or (i);
 - (b) the solicitor has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his creditors;
 - (c) the solicitor has been charged with, or convicted of —
 - (i) an offence involving dishonesty or deception; or
 - (ii) an offence which in the opinion of the Council has compromised or impaired or is likely to compromise or impair the reputation of the profession.

8. Matters to be considered by the Society when imposing conditions on an already issued practising certificate

In considering for the purposes of section 7(1) the addition of any of the conditions

Practising Certificate (Special Conditions) Rules

set out in Schedule 1 to an already issued practising certificate, the Society may have regard to the matters set out in section 4.

9. Effective date of amendment

- (1) Subject to subsection (2), the amendment shall have effect from the date when the solicitor concerned is notified of the Society's intention to amend the practising certificate.
- (2) If the Society's decision to amend a practising certificate by adding conditions is appealed against under section 6(9) of the Ordinance, the decision shall be suspended in its operation as from the day on which the appeal is made until such appeal is disposed of under section 6(11) of the Ordinance.
- (3) Where there is pending against any judgment or order an appeal by a solicitor which, if successful, would result in section 7 no longer being applicable to him, the Society shall not give a notification under subsection (1) in his case so long as the appeal is pending, unless in the opinion of the Society the proceedings on that appeal have been unduly protracted by him or are unlikely to be successful.
- (4) Subsection (3) does not apply to the exercise of the Society's powers under this section by virtue of section 7(2)(c).

10. Removal of conditions

Any condition imposed by the Society in accordance with these Rules shall remain in effect until such time as the Society determines otherwise.

Practising Certificate (Special Conditions) Rules

Consequential Amendments

Practising Certificate (Solicitors) Rules

11. Schedule amended

- (1) Form 1 of the Schedule to the Practising Certificate (Solicitors) Rules (Cap. 159 sub. leg.) is amended by repealing “表格” and substituting “表格 1”.
- (2) ~~Form~~ 1 of the Schedule is amended by adding after paragraph 2 —
“2A. Tick the appropriate box(es):
 - My application comes within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002). I gave The Law Society of Hong Kong notice in writing of my intention to apply for a practising certificate not less than 6 weeks ago, namely on
 - My application comes within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002). I gave The Law Society of Hong Kong notice in writing of my intention to apply for a practising certificate less than 6 weeks ago, namely on.....
 - My application comes within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002). I have not given The Law Society of Hong Kong any prior notice in writing of my intention to apply for a practising certificate.
 - My application does not come within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002).”

SCHEDULE 1

[ss. 3, 4, 7 & 8]

**CONDITIONS SUBJECT TO WHICH
A PRACTISING CERTIFICATE MAY BE ISSUED**

1. The solicitor shall complete a period of practice (not exceeding 24 months) as specified by the Council under the supervision of a solicitor holding an unconditional practising certificate.
2. The solicitor may only practise in an employment that has been approved by the Council.
3. The solicitor may only practise in a partnership that has been approved by the Council.
4. The solicitor may only practise on his own account with the approval of the Council.
5. The solicitor shall not sign cheques on a client account.
6. The solicitor shall accumulate such CPD accreditation points or undertake and complete one or more courses of the Continuing Professional Development Scheme as specified by the Council.
7. The solicitor shall undertake additional academic or training courses or examinations specified by the Council.

SCHEDULE 2

[s. 5]

FORMS

FORM 1

THE LAW SOCIETY OF HONG KONG

NOTICE OF INTENTION TO APPLY FOR A PRACTISING CERTIFICATE

(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)

1. Name: _____

2. Address:
Office: _____

Home: _____

3. I intend to apply for a practising certificate after the expiry of 6 weeks from the date of lodging this form with The Law Society of Hong Kong.

4. (1) I provide the following information in connection with my intended application:

(a) This is my **first** application for the issue of a practising certificate in Hong Kong YES/NO*

(b) I have been censured or ordered to pay a penalty or costs by the Solicitors Disciplinary Tribunal constituted under section 9B of the Legal Practitioners Ordinance (Cap. 159) since I was last issued a practising certificate.
..... YES/NO*

If "YES" , provide full details,

Practising Certificate (Special Conditions) Rules

- (c) I have been notified in writing by The Law Society of Hong Kong that I have failed or refused to give a sufficient and satisfactory explanation in relation to my conduct since I was last issued a practising certificate.

..... YES/NO*

The date upon which such notice was given to me was

- (d) I have been suspended from practice since I was last issued a practising certificate.

..... YES/NO*

If "YES" and the period of suspension has expired, provide full details and state the date upon which your period of suspension expired.

- (e) I have had my name removed from or struck off the roll of solicitors since I was last issued a practising certificate.

..... YES/NO*

If "YES" and your name has been restored to the roll of solicitors, provide full details and state the date upon which your name was restored.

- (f) I have become bankrupt since I was last issued a practising certificate.

..... YES/NO*

If "YES" and you have been discharged from bankruptcy within the meaning of the Bankruptcy Ordinance (Cap. 6), provide full details and state the date upon which you were discharged.

- (g) A judgment in Hong Kong or elsewhere involving the payment of money has been given against me since I was last issued a practising certificate.

..... YES/NO*

If "YES", provide full details including whether the judgment is still outstanding, and if it has been satisfied, evidence of that fact.

- (h) I have been in full-time practice of law for 2 continuous years immediately prior to the date of this notice.

..... YES/NO*

If "YES", provide full details of the firm(s) in which you have been engaged in practice or the organization(s) by whom you have been employed specifying your job title and the jurisdiction(s) in which you have been practising.

If "NO", provide full details of your activities during that period, including the details of the organization(s) by whom you have been employed, specifying your job title and whether you have been employed full-time or part-time.

Practising Certificate (Special Conditions) Rules

- (i) I was a principal in or a consultant of a firm at the time of an intervention by The Law Society of Hong Kong under section 26A and Schedule 2 to the Legal Practitioners Ordinance (Cap. 159).

..... YES/NO*

If "YES", provide full details.

- (2) Tick the appropriate box(es):

- (a) I am engaged in private practice in Hong Kong:

- on my own account
- in partnership
- as an assistant solicitor
- as a consultant

- (b) I am employed:

- in commerce or industry
- as a law teacher
- by Government

- (3) Details of all firms in which I am engaged in practice or by whom I am employed are as follows:

FIRM/ ORGANIZATION	CAPACITY	FULL-TIME / PART-TIME/ OTHER
---------------------------	-----------------	---

- (4) I have commenced / ceased* to practise on my own account / in partnership* in Hong Kong in the 12 months ending on 31 October immediately before my application, details are as follows:

Name(s) or firm(s): _____

Date(s) of commencing / ceasing* practice: _____

I solemnly and sincerely declare that all the information given by me in this application is true and correct to the best of my knowledge and belief and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

Declared at Hong Kong this _____ day of _____

Before me,

* Delete if inapplicable

APPENDIX V

GUIDELINES FOR FOREIGN LAWYERS WITH LIMITED POST-QUALIFICATION EXPERIENCE EMPLOYED BY SOLICITORS' FIRMS

1. Rule 5 of the Foreign Lawyers Registration Rules

(a) Rule 5 of the *Foreign Lawyers Registration Rules* ("the Rules") provides:

"5. *Foreign lawyer with limited post-qualification experience*

- (1) *This section applies to any person who, in applying for a certificate of registration as a foreign lawyer, does not satisfy the Society that he has had at least 2 years of post-qualification experience in the full-time practice of foreign law.*
- (2) *Subject to subsection (3), it shall be a condition of a certificate of registration issued to any person to whom this section applies that he shall not practise foreign law as an employee of a Hong Kong firm until he satisfies the Society that he has completed at least 2 years of post-qualification experience in the full-time practice of foreign law.*
- (3) *Notwithstanding subsection (2), the Society may, in respect of any person to whom this section applies, specify -*
 - (a) *a lesser period of practice to be completed by the person for the purpose of that subsection; or*
 - (b) *conditions as to supervision under which that person may practise foreign law as an employee of a Hong Kong firm, and in such case any period of such supervised practice completed by the person shall be taken into account for the purpose of calculating the period of post-qualification experience under subsection (2).*
- (4) *Any period specified for the purpose of subsection (3)(a), when aggregated with the period of experience of the person at the time of the issue of the certificate, shall not exceed 2 years.*
- (5) *Experience which the Society considers in a particular case to be equivalent to a period of post-qualification experience in*

full-time practice of foreign law shall, for the purpose of this section, be treated as such period of post-qualification experience.

- (6) *A principal of a Hong Kong firm shall not permit a foreign lawyer to practise foreign law as an employee of the firm otherwise than in accordance with any condition applying under this section and endorsed on the foreign lawyer's certificate of registration."*

2. Guidelines

The following guidelines are applicable to those applicants who:

- (a) seek registration as a foreign lawyer, subject to conditions as to supervision under which they may practise foreign law, as an employee of a Hong Kong solicitors' firm under rule 5(3)(b) of the Rules; and
- (b) seek removal of those supervision conditions, or removal of the condition imposed under rule 5(2) that they shall not practise foreign law as an employee of a Hong Kong firm.

3. Applications for Registration as an Employee of a Solicitors' Firm under Rule 5(3)(B)

- (a) Rule 12 of the Foreign Lawyers Registration Rules provides as follows:

"12. Prohibition on the practice of Hong Kong law

- (1) *Except as provided in subsection (2), a foreign lawyer shall not provide or offer any legal service which, having regard to all the circumstances of the case, can properly be regarded as a service customarily provided by a solicitor in his capacity as such.*
- (2) *A foreign lawyer may give advice on or handle any matter which –*
- (a) *is expected to be subject to the law of a jurisdiction other than Hong Kong; or*
- (b) *involves private or international law or conflict of laws."*
- (b) Applications for registration which do not satisfy the Law Society that the applicant will be supervised by a suitable foreign lawyer or solicitor in the practice of foreign law will be refused.

(c) Procedure

Applications for registration as a foreign lawyer must be made using the Law Society's standard form FL, with all supporting documents to be attached.

Applicants who are employed by a Hong Kong solicitors' firm and who do not have at least 2 years of post-qualification experience in the full-time practice of the law of the jurisdiction upon which their application is based and answer "NO" to paragraph 15 in Form FL, are required to submit a detailed outline or plan for their supervision from a principal of the firm by which they are employed.

The following information must be provided on behalf of the applicant:

- (i) The jurisdiction(s) of admission of the applicant, and the jurisdiction upon which his application for registration is based;
- (ii) The nature and extent of the applicant's previous experience, if any;
- (iii) The number of months that the applicant falls short of the requirement for 2 years of post-qualification experience in the full-time practice of foreign law. This information must be verified in writing by the firm(s) which have previously employed the applicant. Pre-qualification experience will not be counted toward the 2-year period;
- (iv) The name, standing and length of relevant experience of the supervising solicitor or foreign lawyer. NB: The supervisor should be admitted in the same jurisdiction upon which the applicant's application for registration is based and if the proposed supervisor is a solicitor, he must be able to satisfy the Law Society that the applicant will be supervised in the practise of foreign law and that he is competent to provide that supervision;
- (v) The intended field of practice of foreign law; and
- (vi) The duties and obligations involved in the proposed employment.

Applicants may be required to provide further information, and / or be required to support the application by such evidence as the Law Society considers necessary, at any stage of the application for approval.

4. Applications for Removal of the Restricted Employment Condition from Certificates of Registration

- (a) An administration charge of HK\$2,000 is payable for applications for removal of conditions from registration certificates
- (b) Rule 5(2) and 5(3)(a) - Procedure

Applications by foreign lawyers employed by foreign firms in Hong Kong for:

- removal of the rule 5(2) condition on their certificate of registration (that they shall not practise foreign law as an employee of a Hong Kong firm); or
- for reduction of the requirement for 2 years of post-qualification experience in the full-time practice of foreign law under rule 5(3)(a)

must be made by **statutory declaration**. Applicants are required to make reference to specific dates, rather than general references to months and/or years, and the statutory declaration **must** contain the following information:

- (i) All periods of employment, whether with law firms or otherwise, and whether in Hong Kong or elsewhere, stating:
 - exact dates of commencing and ceasing employment;
 - the positions held;
 - whether the positions were full-time or part-time;
 - if part-time, the average hours worked per month;

Applicants are required to exhibit certified copies of letters issued by firms or organisations which have employed them since they first obtained their legal or professional qualifications. The letters should provide the above information.

- (ii) If applicable, the reason for requesting a reduction in the 2 year period; and
- (iii) If applicable, the reason for any gap between periods of employment.

(c) Rule 5(3) - Procedure

Applications by foreign lawyers employed by Hong Kong solicitors' firms for removal of the rule 5(3) condition on their certificate of registration (that they shall only practise foreign law as an employee of a Hong Kong firm subject to supervision conditions) must be made by **statutory declaration**, which must contain the following information:

- (i) Evidence that they have been supervised in accordance with the application for registration made and approved by the Law Society under rule 5(3)(b); and
- (ii) Evidence **from** a principal of the firm **and/or** the applicant's direct supervisor as to exact dates of the supervised employment, the type of work undertaken and whether it was undertaken full-time or part-time.

