



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

### **2023 INFORMATION PACKAGE**

**2 February 2023**

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*This Package is in PDF format. Applicants can download the Package as a whole or any section of it from the website of The Law Society of Hong Kong.*

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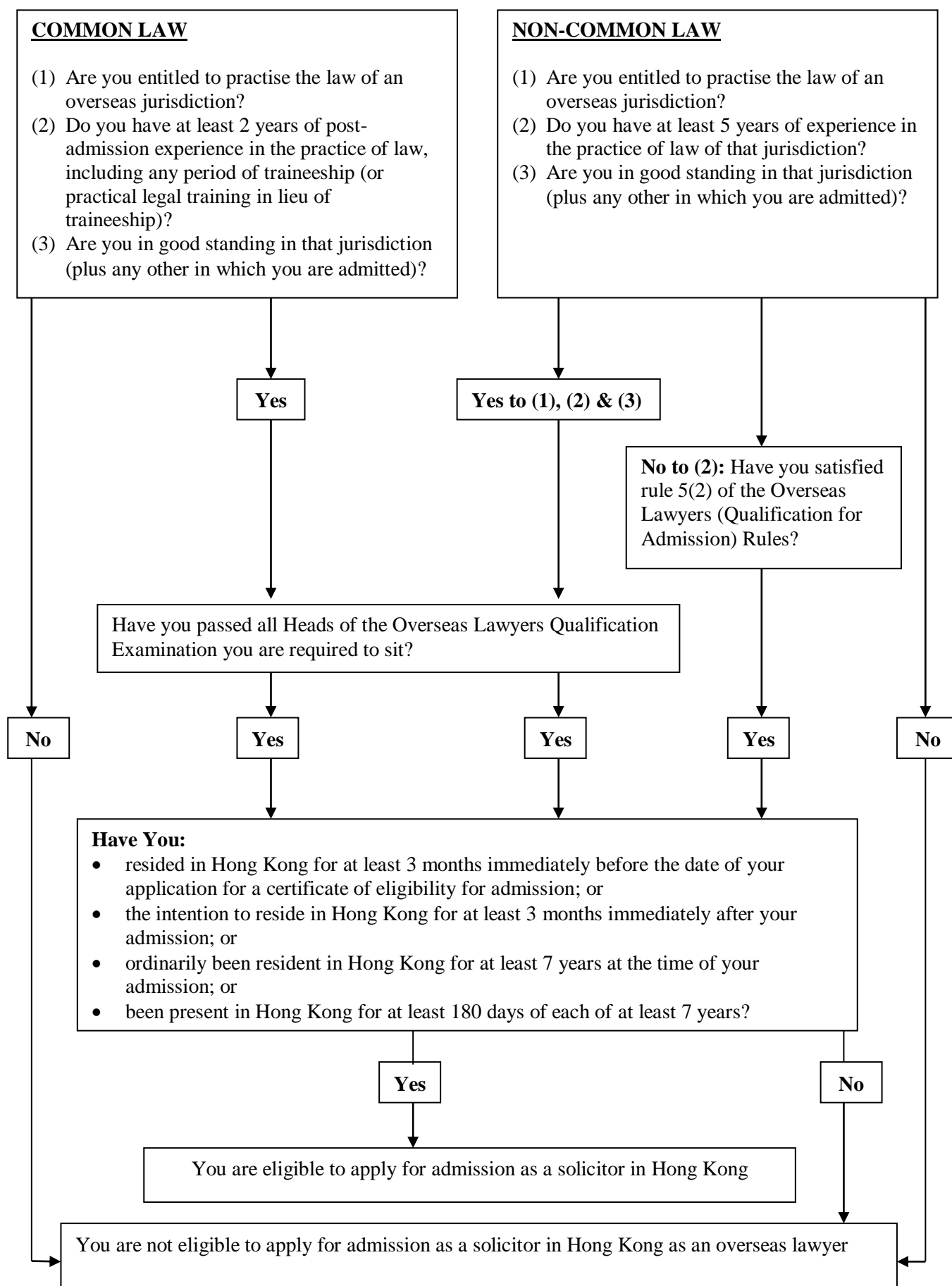
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**PART I**

**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	Malaysia
Antigua and Barbuda	Montserrat
Australian states and territories	New Zealand
Bahamas	Nigeria
Bangladesh	Northern Ireland
Barbados	Pakistan
Belize	Papua New Guinea
Bermuda	Republic of Ireland
British Virgin Islands	Scotland
Burma	Sierra Leone
Canadian provinces (except Quebec)	Singapore
Cayman Islands	Solomon Islands
Cook 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
Isle of Man	Uganda
Israel	United States of America (except Louisiana)
Jamaica	Western Samoa
Kenya	Zambia
Liberia	Zimbabwe
Malawi	

### **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	Mongolia
Belgium	Nepal
Brazil	Netherlands
Canadian province (Quebec)	Philippines
France	Portugal
Germany	Russia
Indonesia	Sweden
Italy	Switzerland
Japan	Taiwan
Korea	Thailand
Macau	Ukraine
Mainland PRC	United States of America (Louisiana)
Mexico	Vietnam

## **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 General Agreement on Trade in Services 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 trainee solicitor training or equivalent) in order to be eligible to sit the Examination. The post-admission experience in the practice of the law of your jurisdiction of admission can include any period credited in respect of trainee solicitor training or articulated clerkship or where there is no statutory requirement for you to gain admission through trainee solicitor training or articulated clerkship in your jurisdiction of admission, experience gained during a practical legal training course which is the statutory requirement in lieu of such trainee solicitor training or articulated clerkship. Please see rule 4(2)(b) of the Overseas Lawyers (Qualification for Admission) Rules on page 76. 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 77.

Rule 8 of the Overseas Lawyers (Qualification for Admission) Rules provides that if an applicant was admitted in more than one jurisdiction, he or she may elect any one of those jurisdictions as his or her jurisdiction of admission for the purpose of the Rules. If you are admitted in both common law and non-common law jurisdictions, and you elect the common law jurisdiction as your jurisdiction of admission for the purpose of the Examination, you must demonstrate to the satisfaction of the Law Society that you have had at least 2 years' experience in the practice of the law of such common law jurisdiction to be eligible to apply.

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.

Please refer to the meaning of "experience in the practice of law" on pages 24-26.

### **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\$3,300.00, 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 or by bank draft payable to "The Law Society of Hong Kong" or by telegraphic transfer to the following account of the Law Society:

beneficiary name	— The Law Society of Hong Kong
beneficiary bank	— The Hongkong and Shanghai Banking Corporation Limited (HSBC)
beneficiary bank address	— 1 Queen's Road Central, Central, Hong Kong
swift code (for overseas transfer)	— HSBCHKHCHKH
account no.	— 583009055001

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 including the Law Society's bank charges payable for the telegraphic transfer.

**The closing date for receipt of application forms (Form A) for applicants except those who are applying for a resit of any Head(s) of the 2022 Examination in the 2023 Examination is FRIDAY, 17 MARCH 2023.** All information and documents in support of the application to sit the 2023 Examination and/or all information and documents in support of the application for exemption should be provided with the Form A by 17 March 2023. If for good reason(s), the information and supporting documents are not provided by 17 March 2023, they must be provided by Friday, 28 April 2023.

**For applicants who are applying for a resit of any Head(s) of the 2022 Examination in the 2023 Examination, the closing date for the receipt of Form A is FRIDAY, 28 APRIL 2023.** All information and documents in support of the application to resit and/or all information and documents in support of the application for exemption must be provided with the Form A by 28 April 2023.

Exceptions to submission of supporting documents within the stipulated deadlines

For all applicants, no further supporting documents will generally be accepted after 28 April 2023 save for those:

- (a) which are not specified in the Overseas Lawyers (Qualification for Admission) Rules and/or this Information Package and are pertinent to the particular application and are specifically requested by the Law Society; or
- (b) documents which you could prove to the satisfaction of the Law Society that you have applied for prior to 28 April 2023.

For an applicant who is not one of those applying for a resit of any Head(s) of the 2022 Examination in the 2023 Examination, if the applicant fails to provide all documents in support of an application for exemption by 28 April 2023 but has submitted the Form A

by 17 March 2023, the applicant may not be eligible to apply for any exemption but may be eligible to sit the 2023 Examination.

For an applicant who is applying for a resit of any Head(s) of the 2022 Examination in the 2023 Examination, if the applicant fails to provide all documents in support of an application for exemption by 28 April 2023 but has submitted the Form A by 28 April 2023, the applicant may not be eligible to apply for any exemption but may be eligible to resit the 2023 Examination.

In the event of late submission of documents and information after the applicable deadlines as specified in this Section, requests from the Law Society for additional documents shall in no event be regarded as an implied extension of the applicable deadline(s). The purpose of the requests is for the administration of your application, i.e. to validate that you are eligible to sit the Examination notwithstanding that you may no longer be eligible to apply for any exemption(s).

Enquiries relating to applications to sit or be exempt from the Examination should be directed to the Assistant Director, Regulation and Guidance at [adrg1@hklawsoc.org.hk](mailto:adrg1@hklawsoc.org.hk) or telephone no. 2805 9103.

You are strongly advised to submit your application as early as possible and avoid leaving the submission of your application until the closing date.

### **3. Examination dates for 2023**

Wednesday, 25 October 2023	Head I – Conveyancing
Tuesday, 14 November 2023	Head II – Civil and Criminal Procedure
Friday, 17 November 2023	Head III – Commercial and Company Law
Wednesday, 8 November 2023	Head IV – Accounts and Professional Conduct
Friday, 2 February 2024	Head V – Principles of Common Law
Tuesday, 31 October 2023	Head VI – Hong Kong Constitutional 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 21). 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 Rule 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. A review of the Law Society's decision under Rule 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\$1,500.00 (see the details of the payment methods in paragraph 2 of this Section). You will have **one** opportunity to have your application reviewed and the time limit specified in the Rules will be strictly followed. A review will be determined on the basis of **and only of** the information previously provided to the OLQE Eligibility and Exemption Committee. You should therefore ensure that all documents are placed before the OLQE Eligibility and Exemption Committee within the specified time limits in paragraph 2 of this Section.

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 2023 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. It is advisable for you to pay the registration fee by cheque, bank draft, cashier order or telegraphic transfer (see the details of the payment methods in paragraph 2 of this Section). The Law Society does not accept any cash payment in excess of HK\$7,000.00. You will be issued with a Candidate Slip prior to the Examination date advising your Candidate Number, the time and venue for each Head of the Examination.

**The closing date for registration to sit the 2023 Examination is Thursday, 31 August 2023.**

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 the different Heads
- Examiners' comments
- past Examination papers
- Guidance Notes on Examination Techniques

will be available on the Law Society website.

**9. Past Examination papers**

Examination papers for the 1995 to 2021 Examinations are posted on the Law Society website. Examination papers for the 2022 Examination will be posted on the website in due course. 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. There is no bell curve used for marking of the scripts.

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

- (a) Candidates for the 2023 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) Certificates to identify themselves to the library staff.

The address of the High Court Library is 1/F, High Block, Queensway Government Offices, 66 Queensway, Hong Kong.

Enquiries relating to the High Court Library should be directed to its Service Counter at telephone no. (852) 2867 2400.

- (b) Candidates for the 2023 Examination will be given access to the members' zone of the Law Society website at [www.hklawsoc.org.hk](http://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 2023 Examination.

With the password, a candidate can then gain access, for a period until the end of the 2023 Examination, to the Law Society Circulars under the section "Circulars" in the members' zone of the Law Society website.

The Law Society is aware that preparatory courses had been provided in the past by the following course providers:

- IP Learning (website address: <http://ip-learning.com>)
- LexOmnibus (website address: <http://www.lexomnibus.com/>;  
<http://www.olqe.com>)
- Paul Kent Legal Training (website address: <http://www.pskent.com>)

Candidates are advised to contact the preparatory course providers directly to check if they are providing any courses for the forthcoming 2023 Overseas Lawyers Qualification Examination. The Law Society does not endorse nor accredit any of the courses.

## **12. Preparation for the Examination**

The Examination will test candidates on the relevant law including legislation which has been enacted and is effective by 31 August 2023, excluding those pieces of legislation which have not been enacted and those which have been enacted but are not effective on 31 August 2023.

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.

The Law Society has an obligation towards members of the public. For that purpose, the Hong Kong Solicitors' Guide to Professional Conduct, Volume 1 ("Guide") has been issued to protect public interests and to maintain the integrity of the profession. The Guide may vary from and may be higher than the standards of the rules of conduct of

other jurisdictions. Candidates are required to study the Guide and the Principles in the Guide carefully.

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 included in the Supplementary Information Packages which are available on the Law Society website.

### **13. Withdrawal from sitting the Examination**

**(a) After the issuance of a Section 3(2) Certificate but before registration**

If you find that you are unable to take the Examination after you have been issued a Section 3(2) Certificate but before you have registered your intention to sit the Examination, you may apply by letter, before the expiry of the Section 3(2) Certificate, for an extension of its validity period to enable you to take the next sitting. The application fee is HK\$750.00 (see the details of the payment methods in paragraph 2 of this Section).

You will be required to demonstrate good reason as to why you were unable to sit the Examination.

You must have a valid Section 3(2) Certificate in order to sit the Examination. If an extension to the Section 3(2) Certificate is necessary but has not been granted, you will be required to submit a fresh Form A and the prescribed application fee to enable you to take the next sitting of the Examination.

Any extension granted will be subject to the condition that a fresh Certificate of Good Standing from your jurisdiction of admission is submitted to the Law Society prior to registration to sit the Examination.

Candidates may be granted a maximum of 3 extensions of their Section 3(2) Certificates.

**(b) After the issuance of a Section 3(2) Certificate and registration**

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 intend to take the next sitting of the Examination, you may apply, in accordance with sub-paragraph (a) above, for an extension of the validity period of the Section 3(2) Certificate, to enable you to take the next sitting.

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 **11 October 2023**). 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**

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.

**15. Format of Heads I, II, III and VI test papers for the 2023 Examination**

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

**16. Format of the Accounts and Professional Conduct Head for the 2023 Examination**

Candidates should note that the test paper for Head IV on Accounts and Professional Conduct will be divided into two parts: Part A is concerned with accounts issues and comprises one question carrying 25 marks. Part B is concerned with professional conduct issues and comprises 3 questions carrying 25 marks each. Each question in both Parts must be answered.

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

Part A on Accounts is 1 hour 30 minutes in duration (from 10:00 a.m. to 11:30 a.m.) and Part B on Professional Conduct is 2 hours 45 minutes in duration (from 12:45 p.m. to 3:30 p.m.).

Those candidates who are absent from Part A will be disallowed from taking Part B of Head IV.

**17. 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.

**18. Examination materials**

As the Examination is one of aptitude rather than memory, **the five 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.

**19. Computers / calculators, mobile phones etc.**

You may bring and use a silent and non-programmable calculator in the Examination. You are strongly advised not to bring any computer or electronic / communication devices (e.g. tablet or laptop computer, i-watches, smart watches, PDA, mobile phones, pagers, ear phones, ear pieces) 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.

**20. Phototaking, Audio or Video Recording**

You are not allowed to take photographs, audio or video recording inside the examination centre at any time. Any photographs or recordings taken must be surrendered to the Chief Invigilator for immediate disposal or deletion. Such incident will be reported to the Law Society for further investigation.

**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 **22 September 2023**):

- 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.

The application will be considered by the Overseas Lawyers Qualification Examination Committee.

A candidate is required to provide reason(s) for any application made after the deadline of **22 September 2023**. The Law Society reserves the right not to consider any late applications.



## **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 such 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:

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

In relation to subparagraph (ii), where any of the Co-Chief Examiners disagree with the marks of the scripts, the Co-Chief Examiner will return the scripts to the relevant Panel Convenor(s) and Examiners with comments for their reconsideration and re-marking.

## **23. Examination results**

Every effort will be made to release the Examination results as soon as possible following the Examination. A provisional date for the release of the results is **11 March 2024**.

Result slips will be sent by e-mail to the e-mail correspondence address provided by the candidates followed by hard copies to be sent by regular post or air mail. Candidates are advised to ensure that they submit up-to-date e-mail and correspondence addresses to ensure timely notification of results.

## **24. Application for review**

A candidate may apply for a review of his script(s) by the Chief Examiners. An application for review shall be made in writing (addressed to the Director of Standards and Development) within 4 weeks from the date of the Law Society's e-mail notifying the candidate the result of the Examination, together with:

- (i) a written submission giving the brief grounds for review consisting of a document of no more than one A4 size page with 1-inch margins all around the page, double-spaced and Times New Roman 14-point font; and
- (ii) a fee of HK\$3,000.00 per Head by cheque or by bank draft made out to "The Law Society of Hong Kong".

A candidate who wishes to apply for a review of his examination result should apply for copies of the examination question books, his scripts and the records of examiners' comment in respect of the Examination after the release of the Examination results but prior to making an application for review and written submission giving the grounds for

review to ensure all grounds for review are included in the application and/or submission and that they are submitted within the deadline of 4 weeks from the date of notification of examination result specified in this paragraph.

Copies of examination question books, the candidate's scripts and the records of examiners' comment will be provided to the candidate subject to the payment of photocopying charges specified in paragraph 25.

Any written submission consisting of more than one A4 size page (1-inch margins all around the page), double-spaced and Times New Roman 14-point font will not be considered and the fee of HK\$3,000.00 will not be refunded. A candidate may submit another written submission which complies with the requirements in subparagraph (i) provided the amended submission is made within the deadline of 4 weeks from the date of notification of examination result specified in this paragraph.

No additional grounds for review or particulars of grounds already submitted or amended submission can be made by the candidate after the deadline except with the consent of the Chief Examiners.

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 the Chief Examiners of the marking procedure of the script(s).

In considering whether to apply for a review, candidates are reminded a review is not a re-marking of the script(s) and that in accordance with paragraph 22 above, all fail scripts had been marked twice by Examiners before the results were released.

If the review is successful for a Head, the review fee for the particular Head will be refunded.

## **25. Copies of scripts, records of examiners' comments, videotapes, question books**

Regardless of whether a candidate is applying for a review pursuant to paragraph 24, a candidate may request for copies of the examination question books, his scripts and the records of examiners' comments on his scripts in respect of the written Heads of the Examination, and copies of the examination question books, videotape and records of examiners' comment in respect of the oral examination in Head V of the Examination after the release of the Examination results, subject to the payment of the copying charges at HK\$300.00 per script, HK\$50.00 per each Head of the records of examiners' comment, HK\$1.00 per page per examination question book, and charges for dubbing the videotape at HK\$300.00 per tape. The scripts, videotapes 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, videotapes, and the records of examiners' comments with respect to the latest Examination.

## **26. Applications to resit the Examination**

Candidates who fail the 2023 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, the date of their issue is not more than 4 months old when such Certificate(s) of Good Standing or the fresh Form A is received by the Law Society (whichever date of receipt is later);
- (iii) (if you have changed your passport or your Hong Kong identity card after you last submitted a certified copy of it to the Law Society) a certified copy of your new passport or your new Hong Kong identity card;
- (iv) (if your name appears in different versions in the supporting document(s) submitted by you in support of your application to resit), a statutory declaration confirming that the supporting documents refer to and relate to you. A sample statutory declaration is set out on page 49 (see paragraph J on page 33 for the meaning of different versions of name); and
- (v) the relevant fees.

(See page 37 on the question of whether an electronic Certificate of Good Standing will be accepted by the Law Society in processing applications to sit or resit or to be exempt from sitting all or part of the Examination.)

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

Candidates should submit the fresh application and related documents for resit as soon as possible. It is unnecessary to wait for the result of the application for review before a candidate submits the application for resit. If the application for review is successful, the application fee for resit will be refunded to the candidate.

## **27. Prospective increase of the fees payable under the Overseas Lawyers (Qualification for Admission) (Fees) Rules (“Rules”)**

You may take note that the Law Society proposed to increase the fees payable by 100% under the Rules as follows:

Application fee for Section 3 (2) Certificate (eligibility for qualification for admission and eligibility to take or be exempt from taking the Examination) will be increased from HK\$3,300 to HK\$6,600.

Application fee for extension of validity period of Section 3 (2) Certificate will be increased from HK\$750 to HK\$1,500.

Fee for taking the Examination:

- (a) For any one subject will be increased from HK\$5,500 to HK\$11,000; and
- (b) For each additional subject will be increased from HK\$1,100 to HK\$2,200.

Application fee for review of the Law Society's decision under Section 3 (2) of the Overseas Lawyers (Qualification for Admission) Rules will be increased from HK\$1,500 to HK\$3,000.

While the existing fees set by the Rules (as attached in Appendix II) still apply to the 2023 Examination, works are in hand to amend the Rules to implement the fees increase proposal and the new fees will apply for future Examinations after the legislative amendments are enacted and come into force.

## **D. OVERSEAS LAWYERS QUALIFICATION EXAMINATION PROCEDURES**

### **1. Topics**

- (a) The Written Heads shall consist of the following five 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

Head VI – Hong Kong Constitutional Law

- (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 Examination**

In order to pass the Examination, a candidate is required to sit and pass all Heads specified in the Section 3(2) Certificate. A candidate is not entitled to elect to sit one or more Heads in one year and sit the remaining Heads in following years. However, a candidate may retake those Heads which he or she did not pass in following years and is not required to retake the Heads which he or she has already passed.

### **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. 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 Written Head specified in the Section 3(2) Certificate.
- (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 23 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 on his or her eligibility or ineligibility as the case may be to sit the Oral Head.

## **5. 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 Written Head specified in the Section 3(2) Certificate.

## **6. Resitting of Written and Oral Heads**

There is no restriction on the number of resitting. Those candidates who were previously barred from sitting the Examination because of the restriction on the number of resitting may apply to resit the Examination.

Candidates are entitled to carry over the pass(es) in the Head(s) that they attained in previous Examinations. They are required to re-sit the Head(s) that they failed in previous Examinations.

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.

## **7. 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 or she possesses such knowledge of the English language as is necessary for the pursuit of the profession of solicitors in Hong Kong shall not pass the Head.

## **8. 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.

**9. 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.

**10. 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 Cap. 159).
- (b) A candidate who is ineligible to sit the Oral Head shall not be entitled to any reimbursement of fees for that reason.

**11. Reference Materials in the Examination**

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

**12. 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.

**13. 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.

**14. Absence from the Examination**

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.

**15. 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\$1,500.00.

**E. TIMETABLE OF THE DEADLINES FOR THE 2023 OVERSEAS LAWYERS QUALIFICATION EXAMINATION:**

Opening date for lodging application to sit	Thursday, 2 February 2023
Closing date for applicants for lodging the application to sit the 2023 Examination except for those applicants applying for a resit of any Head(s) of the 2022 Examination in the 2023 Examination	Friday, 17 March 2023
Closing date for lodging the application to sit the 2023 Examination for those applicants who are applying for a resit of any Head(s) of the 2022 Examination in the 2023 Examination	Friday, 28 April 2023
Closing date for registration to sit	Thursday, 31 August 2023
Issue of candidate slips	Friday, 22 September 2023
Last day to advise on disability	Friday, 22 September 2023
Last day to withdraw from the Examination to be eligible for a partial refund of registration fee	Wednesday, 11 October 2023
Head I Examination	Wednesday, 25 October 2023
Head VI Examination	Tuesday, 31 October 2023
Head IV Examination	Wednesday, 8 November 2023
Head II Examination	Tuesday, 14 November 2023
Head III Examination	Friday, 17 November 2023
Head V Examination	Friday, 2 February 2024
Provisional date for the release of results	Monday, 11 March 2024



## **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.

It is the responsibility of the applicants to comply with these Guidelines and the deadlines in Section E. Reasons will not be given to the applicants whose applications fail to comply with the guidelines and/or deadlines.

Applicants must satisfy a high standard in order to be granted exemption. If an applicant fails a particular Head, such failure will be taken into account by the Law Society in the event that the applicant subsequently applies for an exemption from sitting that particular Head.

**Applicants admitted to practise in common law jurisdictions *are not required to sit Head V* upon proof to the satisfaction of the Law Society that they have had at least 2 years' experience in the practice of law of such common law jurisdictions.**

**(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 of the common law jurisdictions are eligible to apply for exemption or be exempted from sitting any of the five 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 five 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
Head VI	Hong Kong Constitutional Law

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 of their jurisdiction of admission**

Applicants are required to sit and pass the five 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 these Guidelines.

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

Applicants should refer to rule 5(2) of the Overseas Lawyers (Qualification for Admission) 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 E.
- are required to sit Head VI (Hong Kong Constitutional Law), unless otherwise exempted in accordance with the guideline for exemption under Category D.
- are exempt from sitting Head II (Civil and Criminal Procedure) under rule 4(1) of the Overseas Lawyers (Qualification for Admission) 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 these Heads.
- In respect of an application for exemption from sitting Head III (Commercial and Company Law), applicants are referred to paragraph K on pages 33-34 of this Information Package for details of the relevant verification requirements. An Appendix of a non-exhaustive list of practices in Commercial and Company Law for reference is on page 27 of this Information Package. Applicants are required to provide all the details prescribed by paragraph K on pages 33-34 in tabular format and such details must be verified by the employers and submitted to the Law Society for its consideration. The description of the clients can be a generic description without breaching clients' privacy and confidentiality. Failure to do so may result in the application being rejected.

An example of how the information can be set out in tabular format is given below:

Types of transactions (including Applicant's role, responsibilities and involvement)	
--	--

Types of Clients	
Work undertaken by the Applicant / Experience gained by the Applicant	
Period of employment	

- 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.
- Exemption from sitting Head IV (Accounts and Professional Conduct) will only be granted where the applicants provide sufficient evidence to demonstrate that they have the experience, knowledge and/or training in relation to the issues covered by this Head.

**Tips for presenting prescribed details in tabular format in support of an application for exemption from sitting Head III (Commercial and Company Law)**

1. The aim of preparing the tables is to help the Law Society assess the width and depth of knowledge and experience in commercial and company law gained by an applicant in the 10 years immediately preceding the application.
2. The transactions/cases handled by an applicant and selected to be included in the verification letter should be presented in tabular format. The role taken by the applicant and the specific experience gained by the applicant in each transaction/case should be highlighted.
3. Applicants should avoid using identical or repetitive wordings in the descriptions of the work undertaken and the experience gained in different transactions/cases. If repetitive wordings cannot be avoided due to the similar nature of work undertaken in different transactions/cases, the applicants should provide an explanation as to why all works are in similar nature.
4. The number of transactions/cases in the tables should be proportionate to the years of experience gained by the applicant in commercial and company law. If they are not, applicants should provide an explanation why this is not so.

**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 or a course of practical legal training in lieu of traineeship which satisfies the admission criteria in the applicant's jurisdiction of admission gained in the 10 year period immediately preceding the application.

**Remarks:**

- any training period in excess of the statutory training period required for admission is not recognised;
  - if an applicant's statutory training period has been reduced by the regulatory authority as a result of pre-training experience recognised by such regulatory authority as satisfying the admission criteria in the applicant's jurisdiction of admission, the applicant must demonstrate to the satisfaction of the Law Society that such pre-training experience is comparable to the training required for admission and/or is relevant experience in the practice of law and that documentary evidence in addition to the recognition of such pre-training experience by the regulatory authority of the applicant's jurisdiction of admission must be provided;
  - if an applicant has been admitted in more than one jurisdiction and completed articled clerkship or trainee solicitor training or a course of practical legal training in more than one jurisdiction, only the statutory period of articled clerkship or trainee solicitor training or a course of practical legal training required for admission in his jurisdiction of admission as elected by him under rule 8 of the Overseas Lawyers (Qualification for Admission) Rules will count. No double counting of the period of articled clerkship or trainee solicitor training or a course of practical legal training will be recognised;
  - for example, if there is no statutory requirement for an applicant to complete any trainee solicitor training or the equivalent training in order to be admitted in a jurisdiction, pre-admission experience in that jurisdiction is not 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 jurisdiction in which the applicant was admitted and which the applicant relies on in the application and
- (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. For instance,
  - If an applicant practises in the PRC based on his non-PRC legal qualification, he has to provide a certified copy of his PRC practising licence or written confirmation issued by the PRC Justice Bureau or other proper authority to verify that he was properly authorised to practise in the PRC as a qualified legal practitioner based on his non-PRC legal qualification.
  - If an applicant practises in Japan based on his non-Japanese legal qualification, he has to provide a certified copy of certificate or written confirmation issued by the Japan Federation of Bar Associations or other proper authority to verify that he was properly authorised to practise in Japan as a qualified legal practitioner based on his non-Japanese legal qualification.

The examples are non-exhaustive.

Remarks:

- In the context of law firms in Hong Kong (whether Hong Kong firms or foreign firms), only experience gained as a registered foreign lawyer will count. Other experience gained by overseas qualified lawyers working in law firms in Hong Kong 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. The application will be considered on a case-by-case basis.
- The academic qualifications such as LLM cannot be recognised as "experience in the practice of law".
- Part-time experience may not be recognised as "experience in the practice of law".

- Maternity leave taken in respect of employment in Hong Kong in excess of the statutory 14-week maternity leave for each child under the Employment Ordinance Cap. 57 cannot be recognised.
- (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 applications. 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 all pertinent details of the nature of their practice and experience. Failure to do so may result in the applications being rejected.

Applicants are required to provide a letter specifying the grounds upon which they seek an exemption from any particular Head of the Examination. The following information must also be provided in support of an application for exemption:

- (1) verification of their service as articled clerks or trainee solicitors or a course of practical legal training 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.

Appendix of non-exhaustive list of practices in Commercial and Company Law for reference:

- |                             |  |
|-----------------------------|--|
| (a) Merger and Acquisition  | (i) Trust  |
| (b) Initial Public Offering | (j) Partnership  |
| (c) Employment              | (k) Sale and Purchase of Shares                                |
| (d) Banking                 | (l) Shipping, Aviation, International Trade and/or Commodities |
| (e) Securities              | (m) Insolvency and Restructuring                               |
| (f) Intellectual Property   | (n) Competition  |
| (g) Capital Markets         | (o) Construction   |
| (h) Insurance               | (p) Technology, Media and Telecom                              |

**(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 OLQE Eligibility and Exemption 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 - Exemption from Head VI (Hong Kong Constitutional Law)**

Exemption from Head VI may be granted if applicants completed a course on Hong Kong Constitutional Law provided by the University of Hong Kong, City University of Hong Kong or The Chinese University of Hong Kong. If the course on Hong Kong Constitutional Law was provided by other institutions, applicants are required to provide the syllabus and academic transcript for consideration by the OLQE Eligibility and Exemption Committee and any such application will be determined on a case-by-case basis. The completion of a course on the Constitutional Law of an overseas jurisdiction is not sufficient for exemption purpose.

(e) **Category E - 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 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 OLQE Eligibility and Exemption Committee on a case-by-case basis.

Exemption may be granted if applicants 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 purposes of exemption.

Exemption from sitting Head IV (Accounts and Professional Conduct) will only be granted where the applicants provide sufficient evidence to demonstrate that they have the experience, knowledge and/or training in relation to the issues covered by this Head.



### **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 ("the data") collected in this Application and in relation to the sitting or exemption from sitting the Overseas Lawyers Qualification Examination will be used by the Law Society of Hong Kong for the following purposes:

- (i) The processing of your application to sit or be exempt from sitting the Examination, evaluating the merits of your application, arranging for the logistics of the Examination, compiling statistics, the keeping of the records of the results of Examination attended by you and related matters;
- (ii) The exercise of the powers of the Law Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Law Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Law Society is established.

In making this Application, it is obligatory for you to supply the Law Society with the data requested in this form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Law Society will not be able to process this Application.

The data may be provided to such persons within the Law Society whose proper business it is to have access to and assist in the processing of this Application and related matters. The data may also be provided to the invigilators, examiners and to such other persons who may help the Law Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Law Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Law Society is available on its website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).

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

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

**WARNING: Failure to provide the required information and/or documents, or failure to provide such information and documents within the time limits specified in paragraph 2 of Section C of Part I of this Information Package may result in your application being rejected.**

- 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 your passport or alternatively, if you prefer, a certified copy of your Hong Kong identity card.
- C. 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).

- D. A certified copy of your relevant degree certificate(s) (or equivalent).
- E. 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.

- F. 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 jurisdiction 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 such Certificate of Good Standing or your Form A is received by this Law Society (whichever is later).**

See page 37 on the question of whether an electronic Certificate of Good Standing will be accepted by the Law Society in processing applications to sit or resit or to be exempt from sitting all or part of the Examination.

- G. Original letters of reference from the referees nominated by you in your application form, in support of your application for admission in Hong Kong. See Question 26 of Form A for the requirements on the qualifications of the referees and the requirements on the contents of the reference letters.
- H. 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 in Section F from pages 21-29.
- I. The application fee is 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 or bank drafts should be made payable to "The Law Society of Hong Kong". If you pay by telegraphic transfer, you have to provide your bank's written confirmation of payment (see the details of the payment methods in paragraph 2 of Section C on page 5).

- J. If your name has been changed and is now different from that shown on your supporting documents, you should submit evidence that the documents refer to you, for example, a certified copy of a marriage certificate.

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 49. Different versions of a name are considered to exist when your name as appears in a supporting document is different from that shown in the certified copy of your passport or Hong Kong identity card as required under Note B above (for example, the sequence of your name is presented differently, your middle name is omitted in a supporting document, your nickname is shown in a supporting document). If an applicant is uncertain as to whether different versions of a name are considered to exist in the supporting documents, he or she may submit a statutory declaration confirming that the supporting documents refer to and relate to him or her in any event.

- K. 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;
- (d) the law(s) of the jurisdiction(s) you practised;
- (e) if you are/were a registered foreign lawyer in Hong Kong and you had/have had less than 2 years of post-qualification experience in the full-time practice of foreign law at the time of the relevant employment and a supervision condition was/is imposed on you pursuant to Rule 5 of the Foreign Lawyers Registration Rules Cap. 159S, (i) the name of the supervising solicitor or foreign lawyer, (ii) all of his or her jurisdiction(s) of admission and (iii) the law(s) of the jurisdiction(s) practised by the supervising solicitor or foreign lawyer.

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 in reasonable details:

- (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.

(see Section F on pages 22 to 23 for the requirements to present information in tabular format in respect of any application for exemption from sitting Head III (Commercial and Company Law))

In the case of a law firm, the verification letter should be issued by a partner of the firm on the firm's letterhead. It is not necessary to provide several verification letters from various partners in the same firm. In the case of a company, the verification letter should be issued by an officer at managerial level in the company (such as your supervisor there) on the company's letterhead.

In the case of a law firm or company which is no longer in existence, you may provide written confirmation by your supervising principal confirming the non existence of the law firm or company and verifying your experience based on his or her personal capacity, information and knowledge.

If you were employed by more than one employer during any period of time in the 10 years immediately preceding your application (including any secondment arrangement) and you wish to rely on your experience in the practice of law gained during such period of time in support of your application, you must provide the verification letter from those who were your employers during such period of time in compliance with the requirements set out in this Note K. In addition, if there is or are any overlapping period(s) of employment, all employers involved in the overlapping employment must provide verification letters with details as to work arrangements and the number of hours per week you worked for each employer, and how you worked for each employer (including whether or not you were required to be physically present in the relevant employer's office to attend work). As stated in Question 23 of Form A, full time means at least 35 working hours per week.

- L. 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.

- M. Applicants must provide certified English translation of all documents submitted in support of their application which are not in English with documentary proof of the qualifications of the translators.

A translator must prepare the English translation of the documents.

The following certification statement is acceptable:

*"I, the undersigned, do hereby state that I am well versed in both English and \_\_\_\_\_ languages and I certify that the English translation of the attached document is the true and correct English translation".*

### **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;
- (b) a practising lawyer admitted in Hong Kong;
- (c) a duly authorised member of the staff of the academic institution concerned provided that the certified copy is also stamped by that institution;
- (d) a notary public; or
- (e) a Commissioner for Oaths.

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 following certification statements are ACCEPTABLE:

- (a) *"I, the undersigned, do hereby certify that this is a true and complete copy of the original";*
- OR
- (b) *"Certified true copy".*

The following certification statement is NOT ACCEPTABLE because it is not clear whether the certified copy is a true copy of the original or only a true copy of the certified copy:-

*"I, the undersigned, do hereby certify that this is a true and complete copy of the original (or a properly certified true copy of the original)".*

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.*



### **ELECTRONIC CERTIFICATES OF GOOD STANDING**

If the issuing authorities do not issue original physical copies of Certificates of Good Standing, electronic copies of Certificates of Good Standing issued by the said authorities may be accepted by the Law Society in processing applications to sit or resit or to be exempt from sitting all or part of the Examination subject to the Law Society being satisfied that it is the policy of the issuing authorities that they no longer issue physical copies and there are no issues on authenticity and validity.

Applicants should ask the issuing authorities to email the electronic copies of the Certificates of Good Standing directly to the Law Society. The issuing authorities may email the copies to the Law Society at [adrg1@hklawsoc.org.hk](mailto:adrg1@hklawsoc.org.hk) and [OLQEAppln@hklawsoc.org.hk](mailto:OLQEAppln@hklawsoc.org.hk).

If it is the policy of an issuing authority that it does not forward a Certificate of Good Standing to a third party, applicants should forward the email in which the issuing authority provided the electronic copy of the Certificate of Good Standing to them to the Law Society's email addresses at [adrg1@hklawsoc.org.hk](mailto:adrg1@hklawsoc.org.hk) and [OLQEAppln@hklawsoc.org.hk](mailto:OLQEAppln@hklawsoc.org.hk).

Original physical copies of Certificates of Good Standing must be submitted in support of the applications to sit or resit or to be exempt from sitting all or part of the Examination except in the cases of those issuing authorities which have resolved on a permanent basis not to issue original physical copies. If an issuing authority is unable to issue original physical copy of the Certificates of Good Standing as an interim measure, an applicant should ask such authority to provide an email confirmation stating that they are unable to provide the requisite original physical copy of the Certificate of Good Standing and attach the electronic copy of the Certificate of Good Standing directly to the Law Society. They may email the Law Society at [adrg1@hklawsoc.org.hk](mailto:adrg1@hklawsoc.org.hk) and [OLQEAppln@hklawsoc.org.hk](mailto:OLQEAppln@hklawsoc.org.hk). The applicant should provide the original physical Certificate of Good Standing issued by such authority when it is available.

**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)

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2. SURNAME:

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3. FORENAMES:

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*The name should correspond with your name as appears in your Hong Kong identity card or passport. Please attach a certified copy of your passport or alternatively, if you prefer, a certified copy of your Hong Kong identity card.*

4. HONG KONG IDENTITY CARD  
NO. OR PASSPORT NO.

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5. DATE OF BIRTH:

DAY	MONTH	YEAR

6. PERMANENT ADDRESS:

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7. ADDRESS TO WHICH  
CORRESPONDENCE SHOULD  
BE SENT:

---

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8. DAY TIME TELEPHONE NO.:

---

FAX NO.:

---

E-MAIL ADDRESS:

---

9. NATIONALITY:

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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 <sup>#</sup>	Annex number of the attached original Certificate of Good Standing*

*If you were admitted in more than one jurisdiction, you may elect any one of those jurisdictions as your jurisdiction of admission.*

*Please state your jurisdiction of admission: \_\_\_\_\_ (jurisdiction of admission).*

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.

<sup>#</sup> Please refer to Note E on pages 31-32

12. DEGREES, DIPLOMAS, ETC HELD

University / College	Degree / Diploma etc	Date of Course Commence-ment	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 \_\_\_\_<sup>1</sup>)

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) Rules<sup>2</sup>: \_\_\_\_\_. (See the relevant subject(s) highlighted in Annex \_\_\_\_<sup>3</sup>.)

AND

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\* 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).

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

<sup>2</sup> Please state the course(s) that you have completed.

<sup>3</sup> 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)<sup>4</sup>: \_\_\_\_\_

[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,<sup>5</sup> \_\_\_\_\_, 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.]

**Sections 12A and 12B are applicable to applicants admitted in common law jurisdictions only.**

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*

<sup>4</sup> Please state the section 4(1)(a) course(s) that you have not completed.

<sup>5</sup> Please state the section 4(1)(a) course(s) that you have not completed.

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

14. 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.
15. Have you ever entered into an arrangement or composition with creditors? ☐ YES/☐ NO
- If YES please supply details on a separate sheet.
16. 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.**
17. 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.
18. 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.
19. 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(s) when each of such previous application(s) was made. \_\_\_\_\_
20. Have you ever obtained a Section 3(2) Certificate from the Law Society? ☐ YES/☐ NO
- If YES please state the date(s) when each of the Section 3(2) Certificate(s) was issued. \_\_\_\_\_
21. 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) and employment (full time or part time) both in Hong Kong and overseas for the 10 years immediately preceding the date of this Form A, regardless of whether you wish to rely on those experience in your application. 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<sup>#</sup>.

Full Name and Address of Firm / Supervisor / Training Master / Employer / Place of practice	Job title and areas of law covered	Dates (month & year)	Full time or Part time  Full time means at least 35 working hours per week	Duration (no. of months)	Annex number of the attached original letter or copy letter from my employer certified by a Hong Kong solicitor, a lawyer of your home jurisdiction or a notary public*
Total duration:					

# Please refer to Note K on pages 33-34

\* 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 an officer at managerial level of your current employer (such as your supervisor there) even if you have been with the firm or the employer 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 Common Law
- ☐ VI - Hong Kong Constitutional 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<sup>#</sup>
- ☐ III - Commercial and Company Law
- ☐ IV - Accounts and Professional Conduct
- ☐ V - Principles of Common Law<sup>a</sup>
- ☐ VI - Hong Kong Constitutional Law

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

<sup>#</sup> Applicants are required to check this box even if they consider that they are exempt from sitting Head II (Civil and Criminal Procedure) by virtue of rule 4(1) of the Overseas Lawyers (Qualification for Admission) Rules.

<sup>a</sup> Applicants are required to check this box even if they consider that they are exempt from sitting Head V (Principles of Common Law) by virtue of rule 4(1) or rule 4(2) of the Overseas Lawyers (Qualification for Admission) Rules.

Please see Annex No. \_\_\_\_\_<sup>#</sup> for a letter stating why I should be granted an exemption in accordance with the Guidelines on page 21.

29. APPLICATION FEE

☐ I enclose a cheque / a bank draft for the sum of HK\$3,300.00 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 hereby consent to accept my result slip by e-mail. I understand that the e-mail may be intercepted and/or opened by a third party. I accept this is beyond the control of The Law Society of Hong Kong, its employees, agents and appointees and the e-mail is sent at my own risk.

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 Declarations Ordinance.

Declared by the said \_\_\_\_\_  
Name of Applicant

at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_ 2023.

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\*\*

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

(please delete whichever is inapplicable)

Date of Form A<sup>^</sup>: \_\_\_\_\_

<sup>#</sup> Please annex the letter, number it and fill in the annex number

<sup>^</sup> If the date of the statutory declaration precedes the date of this Form A, the information deposited by the statutory declaration will be validated to the date of the statutory declaration only, not the date of this Form A.

## **H. SAMPLE SECTION 3(2) CERTIFICATE**

### **THE 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.		
6.		

Applicants must register with the Law Society of Hong Kong their intent to sit the examination(s)\* by Thursday, 31 August 2023. 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 [*Date of Form A*] to The Law Society of Hong Kong for sitting Head(s) \_\_\_\_\_ and/or exemption from sitting Head(s) \_\_\_\_\_ 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 \_\_\_\_\_ )  
 )  
 )  
 )  
 )

[*Applicant's signature*]

Before me,

[*Signature and designation of the solicitor entitled to administer oaths / notary or qualified professional person of the applicant's home jurisdiction / competent judicial or administrative authority*]\*\*

**\*\*The declaration must not be witnessed by a solicitor who is an employee or principal in the applicant's employer firm or company.**

### **Personal Information Collection Statement**

The personal data collected in this Declaration (“the data”) will be used by the Law Society of Hong Kong for the following purposes:

- (i) To identify you as the same person named in the documents submitted to the Law Society to support your application (“the Application”) to sit or be exempt from sitting the Overseas Lawyers Qualification Examination and to evaluate the merits of your said application and related matters;
- (ii) The exercise of the powers of the Law Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Law Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Law Society is established.

In proving your identity, it is obligatory for you to supply the Law Society with the data in this Declaration except as otherwise indicated. The consequence for you if you fail to supply such data is that the Law Society will not be able to identify you to be the same person named in the said documents in support of the Application.

The data may be provided to such persons within the Law Society whose proper business it is to have access to and assist in the processing of the Application and related matters. The data may also be provided to such persons who are in a position to verify the veracity of the information provided by you in this Declaration and to other persons who may help the Law Society in attaining the purposes above mentioned.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Law Society is available on its website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).

# **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 the date of his/her application for a certificate of eligibility for admission;
  - (ii) the intention of residing in Hong Kong for at least 3 months immediately after his/her 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 (paragraph 5 on page 7 of this Information Package); or
- (ii) a certified copy of your Result Slip which indicates that you have passed all of the required subjects in the Examination (there is no time limit for you to rely on your Result Slip for admission purpose).



- (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);
- (e) a cheque HK\$1,500.00 payable to "The Law Society of Hong Kong" for the application fee;
- (f) a cheque HK\$1,500.00 payable to "The Law Society of Hong Kong" to review the travel documents to satisfy the residency requirements under section 4(1A) of the Legal Practitioners Ordinance, if applicable (page 59); and
- (g) particulars of your updated correspondence address including email address and mobile phone numbers.

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 86.

**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 66. 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 87.

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 (852) 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 59. 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. B).

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 the date of this application.

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

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

- (2) I was admitted as an attorney / a solicitor / a barrister\* of ..... on the ..... day of ..... 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 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.

### **Personal Information Collection Statement**

The personal data collected in this Application (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Application and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

In making this Application, it is obligatory for you to supply the Society with the data requested in this application form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in the processing of this Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

## 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 the date of your application for a certificate of eligibility for 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.

The date of passing the examination should be the date on which you sat the examination in which you obtained a pass.

If you were required to pass more than one examination, the date of passing the examinations should be the date on which you sat the last of all the examinations you were required to sit and obtained a pass.

4. The name that appears in your Hong Kong identity card and if not available, 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 Hong Kong identity card or 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/she is the person shown in the photograph attached hereto and that he/she is the applicant in these proceedings.

SWORN / DECLARED at ..... Hong Kong)  
this ..... day of .....)

Before me

Commissioner for Oaths / Solicitor.

\* Please insert relevant profession (e.g. barrister / solicitor / advocate / notary etc.) and the relevant court / bar / chamber.

# Delete whichever is inapplicable.

### **Personal Information Collection Statement**

The personal data collected in this Affidavit (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of the application for admission as solicitor by the individual whose identity is the subject of this Affidavit under the Legal Practitioners Ordinance (Chapter 159) (“the Application”) and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

It is obligatory for you to supply the Society with the data requested in this form of Affidavit except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process the Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in receiving this Affidavit and the processing of the Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

**NOTES FOR COMPLETING FORM 5**

The Affidavit of Identity (Form 5) should not be made by you. It should be sworn or declared by a solicitor who is able to confirm the matters as stated in Form 5 before a Commissioner for Oaths or another solicitor who is not an employee of the same firm.

**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. B) 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/she has been admitted as a .....#  
in .....#;

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

(c) he/she –

has resided in Hong Kong for at least 3 months immediately before the date on which he/she applied for a certificate as stated in paragraph (1) of this Form;

OR\*

intends to reside in Hong Kong for at least 3 months immediately after his/her admission;

OR\*

has been ordinarily resident in Hong Kong for at least 7 years;

OR\*

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.

SAMPLE

## MISCELLANEOUS PROCEEDINGS NO. OF

\_\_\_\_\_

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 [ ] [ ]

[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

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

\_\_\_\_\_

Filed this [       ] day of [       ] [       ]

[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**



**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:

<b>FIRM / ORGANIZATION</b>	<b>CAPACITY</b>	<b>FULL-TIME/ PART-TIME / OTHER</b>
--------------------------------	-----------------	---

- (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) of 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.

### **Personal Information Collection Statement**

The personal data collected in this Notice (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Notice which is required for the application of a practising certificate and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

In giving this Notice, it is obligatory for you to supply the Society with the data requested in this Notice except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society may not be able to process this Notice.

The data may be provided to such persons within the Society whose proper business it is to carry out the purposes above mentioned. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

# **PART III**

## **APPENDICES**

## ***Overseas Lawyers (Qualification for Admission) Rules***

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### 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 to be taken into account for purposes of sections 4(1) and 5(1)
7. The Examination
8. Applicants admitted in more than one jurisdiction
9. Appeal Procedure
10. Unsuitability of prospective solicitor
11. Forms and fees
12. *(Repealed)*

## **1. Interpretation**

In these Rules -

**applicant** (申請人) means a person who seeks admission as a solicitor under section 4(1)(b) of the Ordinance;

**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;

**non-common law jurisdiction** (非普通法司法管轄區) means a jurisdiction that is not a common law jurisdiction;

**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 each jurisdiction in which he has been admitted; 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) An 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) An applicant 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, an applicant whose jurisdiction of admission is a common law jurisdiction and who has had not less than 5 years of experience in the practice of the law of any common law jurisdiction must have -
- (a) completed -
    - (i) a bachelor's degree in law obtained from a common law jurisdiction; 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 specified 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), (iii), (iv) and (v).

- (2) For the purpose of section 2(c), unless the Society otherwise determines, an applicant whose jurisdiction of admission is a common law jurisdiction and who has had less than 5 years of experience in the practice of the law of any common law jurisdiction must have -
- (a) satisfied the requirements specified in subsection (1)(a) (except subparagraph (iii)) or subsection (1)(b);
  - (b) satisfied any one of the following further requirements, that is to say -
    - (i) the applicant has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is not less than 2 years;
    - (ii) the applicant has had not less than 2 years of post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission; or
    - (iii) the applicant -
      - (A) has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is less than 2 years; and
      - (B) has had post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission, the period of which is less than 2 years,and the aggregate of those periods is not less than 2 years; and
  - (c) passed the Examination in all the subjects referred to in section 7(1)(a).
- (3) For the purpose of determining the length of an applicant's experience in the practice of the law of any common law jurisdiction under subsections (1) and (2), if an applicant has, during the 10 years immediately preceding an application for taking the Examination or for exemption from taking the Examination -



*Overseas Lawyers (Qualification for Admission) Rules*

- (a) completed service as a trainee solicitor, articled clerk or pupil, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission;
- (b) provided legal services to the public in the capacity of a lawyer practising the law of any common law jurisdiction; or
- (c) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of any common law jurisdiction, the nature of which is regarded by the Society as being similar to those under paragraph (b),

any service or training so completed or any services so provided are to be treated as experience in the practice of the law of any common law jurisdiction.

- (4) For the purpose of determining the length of an applicant's post-admission experience in the practice of the law of the applicant's jurisdiction of admission under subsection (2)(b)(ii) or (iii)(B), if the applicant has, during the 10 years immediately preceding an application for taking the Examination –
  - (a) provided legal services to the public in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission; or
  - (b) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission, the nature of which is regarded by the Society as being similar to those under paragraph (a),

any services so provided are to be treated as post-admission experience in the practice of the law of the applicant's jurisdiction of admission.

**5. Requirements for applicant from non-common law jurisdiction**

- (1) For the purpose of section 2(c), unless the Society otherwise determines, an applicant 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 any non-common law jurisdiction 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, an applicant whose jurisdiction of admission is a non-common law jurisdiction and who has had less than 5 years of experience in the practice of the law of any non-common law jurisdiction must have –

*Overseas Lawyers (Qualification for Admission) Rules*

- (a) completed one year of full-time study in Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law, or part-time study the nature of which is regarded by the Society as being similar to that full-time study;
- (b) passed, or received a certificate of completion or certificate of satisfactory completion in –
  - (i) the Postgraduate Certificate in Laws and any other examination or course that the Society may require (whether set by it or approved by it); or
  - (ii) any other examination or course that the Society may require (whether set by it or approved by it); and
- (c) satisfied any one of the following further requirements, that is to say -
  - (i) the applicant has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is not less than 3 years;
  - (ii) the applicant has had not less than 3 years of post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission; or
  - (iii) the applicant –
    - (A) has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is less than 3 years; and
    - (B) has had post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission, the period of which is less than 3 years,

and the aggregate of those periods is not less than 3 years.

- (3) For the purpose of determining the length of an applicant's experience in the practice of the law of any non-common law jurisdiction under subsections (1) and (2), if an applicant has, during the 10 years immediately preceding an application for taking the Examination or for exemption from taking the Examination –

*Overseas Lawyers (Qualification for Admission) Rules*

- (a) completed service as a trainee solicitor, articled clerk or pupil, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission;
- (b) provided legal services to the public in the capacity of a lawyer practising the law of any non-common law jurisdiction; or
- (c) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of any non-common law jurisdiction, the nature of which is regarded by the Society as being similar to those under paragraph (b),

any service or training so completed or any services so provided are to be treated as experience in the practice of the law of any non-common law jurisdiction.

- (4) For the purpose of determining the length of an applicant's post-admission experience in the practice of the law of the applicant's jurisdiction of admission under subsection (2)(c)(ii) or (iii)(B), if the applicant has, during the 10 years immediately preceding an application for taking the Examination –
  - (a) provided legal services to the public in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission; or
  - (b) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission, the nature of which is regarded by the Society as being similar to those under paragraph (a),

any services so provided are to be treated as post-admission experience in the practice of the law of the applicant's jurisdiction of admission.

**6. Matters to be taken into account for purposes of sections 4(1) and 5(1)**

For the purposes of sections 4(1) and 5(1), the Society, in determining that an applicant is only required to pass the Examination in some of the subjects referred to in those sections –

- (a) must be satisfied that the applicant has had not less than 5 years of experience in the practice of law as required under section 4(1) or 5(1); and
- (b) must have regard to –
  - (i) the nature and extent of the applicant's practical experience in the law of Hong Kong; and
  - (ii) any academic or other qualifications which the applicant may have.

**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;
    - (v) Hong Kong Constitutional Law; and
  - (b) by oral assessment, Principles of Common Law.
- (2) The Examination will be held at such times as the Society may determine.

**8. Applicants admitted in more than one jurisdiction**

If an applicant is an overseas lawyer in respect of more than one jurisdiction, the applicant may, for the purposes of these Rules, elect any one of those jurisdictions as the applicant's jurisdiction of admission.

**9. Appeal Procedure**

An applicant seeking the issue of a certificate by the Society under section 3 may -

- (a) within one month of receiving notification from the Society 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 an applicant 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 an applicant taking the Examination, it may, on such terms as it determines, impose any of the following sanctions, that is it may -
  - (a) prohibit the applicant from attempting the Examination, either permanently or for such period as the Society thinks fit;
  - (b) revoke the certificate issued to him under section 3;
  - (c) disqualify the applicant 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 applicant 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 applicant may -
  - (a) apply to the Society to remove the sanction;

*Overseas Lawyers (Qualification for Admission) Rules*

- (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) An applicant 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) An applicant 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 -
  - (a) require the applicant 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. *(Repealed)***

## 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. Q) 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 (Cap. 159 sub. leg. Q)**

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**

3. Application for certificate of eligibility for admission as solicitor on the basis of compliance with section 4
- 3A. *(Repealed)*
4. Application for admission as solicitor
5. Admission as solicitor
6. Oath on admission as solicitor
7. Form of roll of solicitors

#### **Part III**

#### **Barristers**

8. *(Repealed)*
9. *(Repealed)*
10. *(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. J) -
    - (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)(a) of the Ordinance and not of rule 20 of the Trainee Solicitors Rules (Cap. 159 sub. leg. J) -

*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 (Cap. 159 sub. leg. AH).

**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 (Cap. 159 sub. leg. AH), 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 (Cap. 159 sub. leg. AJ);
  - (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 (Cap. 159 sub. leg. AJ).

**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."



*Admission and Registration Rules*

**Schedule**

**Forms**

**Form 1**

**[rule 3(1)]**

*(Repealed)*

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**Form 1A**

**[rule 3A]**

*(Repealed)*

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**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, .....  
[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(4) of the  
Admission and Registration Rules (Cap. 159 sub. leg. B).

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 the date of this application.

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

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

*Admission and Registration Rules*

- (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 referred to in rule 20(1)(c) of the Trainee Solicitors Rules (Cap. 159 sub. leg. J) in relation to an application for exemption from employment under a trainee solicitor contract.
- (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.

### **Personal Information Collection Statement**

The personal data collected in this Application (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Application and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

It is obligatory for you to supply the Society with all data requested in this application form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in the processing of this Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

**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. B).

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 the date of this  
application.

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

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

*Admission and Registration Rules*

- (2) I was admitted as an attorney / a solicitor / a barrister\* of ..... on the ..... day of ..... 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 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.

### **Personal Information Collection Statement**

The personal data collected in this Application (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Application and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

In making this Application, it is obligatory for you to supply the Society with the data requested in this application form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in the processing of this Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

**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. B) 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/she -

(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. W) to be accumulated by the end of his/her period of employment as a trainee solicitor;

(aa)\* has completed all general core courses and the minimum hours of elective courses required under the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) during his/her 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. J);

(c) has been employed as a trainee solicitor for a period of ..... months to the satisfaction of the Society

OR\*

has been employed as a trainee solicitor for a period of ..... months to the satisfaction of the Society and has been granted a reduction of ..... month(s) from the period of the trainee solicitor contract

OR\*

is exempted from employment as a trainee solicitor

in accordance with the Trainee Solicitors Rules (Cap. 159 sub. leg. J);

(d) has resided in Hong Kong for at least 3 months immediately before the date on which he/she applied for a certificate as stated in paragraph (1) of this Form;

OR\*



*Admission and Registration Rules*

intends to reside in Hong Kong for at least 3 months immediately after his/her admission;

OR\*

has been ordinarily resident in Hong Kong for at least 7 years;

OR\*

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.

**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. B) 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/she has been admitted as a .....#  
in .....#;
- (b) his/her name remains on the roll of solicitors / advocates / attorneys\* and he/she is not suspended from practising in that jurisdiction;
- (c) he/she –

has resided in Hong Kong for at least 3 months immediately before the date on which he/she applied for a certificate as stated in paragraph (1) of this Form;

**OR\***

intends to reside in Hong Kong for at least 3 months immediately after his/her admission;

**OR\***

has been ordinarily resident in Hong Kong for at least 7 years;

**OR\***

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.

**Form 4**

**[rule 3(2)(b)]**

**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, .....  
[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(4) of the  
Admission and Registration Rules (Cap. 159 sub. leg. B).

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 the date of this application.

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.

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 period ..... to ..... (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. J) 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 ☐
  - (2) Communication with clients and others ☐
  - (3) Research ☐
  - (4) Office routines, procedures and costs ☐

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 ☐
- (2) Practice support ☐
- (3) Legal research ☐
- (4) Drafting ☐
- (5) Interviewing ☐
- (6) Negotiation ☐

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 ☐
- (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 ☐

*Admission and Registration Rules*

- (6) Family ☐
- (7) Insolvency ☐
- (8) Intellectual property ☐
- (9) International law ☐
- (10) Property ☐
- (11) 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. W) to be accumulated by the end of my period of employment as a trainee solicitor.
- 10.\* I have completed all general core courses and the minimum hours of elective courses required under the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) 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

*Admission and Registration Rules*

FIRST SCHEDULE

---

Address	Period of residence
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---

SECOND SCHEDULE

---

Details of other offices / employment
---------------------------------------

---

THIRD SCHEDULE

---

Period of absence	With / without consent of Principal	Reasons
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- Note :
1. Where the Trainee Solicitor has been employed under two or more trainee solicitor contracts, each employer shall make a separate declaration.
  2. \* Delete whichever is inapplicable.



### **Personal Information Collection Statement**

The personal data collected in this Application (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Application and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

It is obligatory for you to supply the Society with all data requested in this application form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in the processing of this Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

**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/she is the person shown in the photograph attached hereto and that he/she is the applicant in these proceedings.

SWORN / DECLARED at ..... Hong Kong)  
this ..... day of .....)

Before me

Commissioner for Oaths / Solicitor

\* Please insert relevant profession (e.g. barrister / solicitor / advocate / notary etc.) and the relevant court / bar / chamber.

# Delete whichever is inapplicable.

\_\_\_\_\_

### **Personal Information Collection Statement**

The personal data collected in this Affidavit (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of the application for admission as solicitor by the individual whose identity is the subject of this Affidavit under the Legal Practitioners Ordinance (Chapter 159) (“the Application”) and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

It is obligatory for you to supply the Society with the data requested in this form of Affidavit except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process the Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in receiving this Affidavit and the processing of the Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

*Admission and Registration Rules*

**FORM 6**

(Repealed)

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**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.

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**FORM 8**

(Repealed)

---

**FORM 9**

(Repealed)

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**FORM 10**

(Repealed)

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**CERTIFICATE OF APPOINTMENT  
AS NOTARY PUBLIC**

I HEREBY CERTIFY THAT .....  
was appointed as a notary public of Hong Kong on the .....day of .....

Dated this ..... day of .....

.....  
Chief Judge,  
Hong Kong

## **APPENDIX IV**

### ***PRACTISING CERTIFICATE (SPECIAL CONDITIONS) RULES***

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#### **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
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. W);

***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. W).

**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.

*Practising Certificate (Special Conditions) Rules*

**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 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.

**11. Schedule amended**

*(Omitted as spent)*

**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,

***Practising Certificate (Special Conditions) Rules***

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:

<b>FIRM / ORGANIZATION</b>	<b>CAPACITY</b>	<b>FULL-TIME / PART-TIME / OTHER</b>
----------------------------	-----------------	--

- (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) of 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.



### **Personal Information Collection Statement**

The personal data collected in this Notice (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Notice which is required for the application of a practising certificate and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

In giving this Notice, it is obligatory for you to supply the Society with the data requested in this Notice except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Notice.

The data may be provided to such persons within the Society whose proper business it is to carry out the purposes above mentioned. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

## APPENDIX V

	<b>THE LAW SOCIETY OF HONG KONG</b> <b>香港律師會</b>
3/F WING ON HOUSE, 71 DES VOEUX ROAD CENTRAL, HONG KONG DX-009100 CENTRAL 1 香港中環德輔道中 71 號 永安集團大廈 3 字樓	TELEPHONE (電話) : (852) 2846 0500 FACSIMILE (傳真) : (852) 2845 0387 E-MAIL (電子郵件) : <a href="mailto:sg@hklawsoc.org.hk">sg@hklawsoc.org.hk</a> HOMEPAGE (網頁) : <a href="http://www.hklawsoc.org.hk">http://www.hklawsoc.org.hk</a>

### *Index Reference:*

Regulations:	Legal
Practitioners	Ordinance,
Practice Directions and Rules	

CIRCULAR 10-66 (SD)

25 January 2010

### **FOREIGN LAWYERS REGISTRATION (AMENDMENT) RULES 2009**

- (1) Guidelines for imposition of supervision condition for Foreign Lawyers with less than 2 years of post-qualification experience**
- (2) Guidelines for reduction of the requirement of a period of 2 years of post-qualification experience in the full-time practice of foreign law under rule 5(3)(a) of the Foreign Lawyers Registration Rules**
- (3) Guidelines for removal of supervision condition from the certificate of registration as a Foreign Lawyer**

#### **Foreign Lawyers Registration (Amendment) Rules 2009 ("the Amendment Rules")**

1. Rule 5 of the Foreign Lawyers Registration Rules ("the Rules") will be amended on 22 March 2010 ("Commencement Date") to the effect that when an applicant with less than 2 years of post-qualification experience in the full time practice of foreign law applies for registration as a foreign lawyer, he is required to be supervised irrespective of whether he works in a foreign firm or Hong Kong firm.

2. The supervisor must be admitted in the same jurisdiction upon which the applicant's application for registration is based. He must also satisfy the Law Society that he is competent to provide supervision to the applicant in the practice of that foreign law.
3. The Amendment Rules are applicable to an applicant who applies for his first certificate of registration as a foreign lawyer or renewal of his certificate of registration as a foreign lawyer on or after the Commencement Date.

### **Transitional provision**

4. The Amendment Rules are also applicable to an applicant who applies for registration as a foreign lawyer prior to the Commencement Date but the certificate of registration has not been issued as at the Commencement Date.

### **Supervision proposal**

5. The applicant and his supervisor must submit a supervision proposal signed by them for consideration by the Law Society on a case-by-case basis. The supervision proposal must include the following information:-
  - (a) The jurisdiction(s) of admission of the applicant, and the jurisdiction upon which his application for registration is based;
  - (b) The nature and extent of the applicant's previous experience, if any;
  - (c) 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 towards the 2-year period;
  - (d) The name, standing and length of relevant experience of the supervising solicitor or foreign lawyer;
  - (e) The intended field of practice of foreign law; and
  - (f) The duties and obligations involved in the proposed employment.

An applicant may be required to provide further information and documents to support the application as the Law Society considers necessary at any stage of the application for approval.

**Guidelines for reduction of the requirement of a period of 2 years of post-qualification experience in the full-time practice of foreign law under rule 5(3)(a) of the Rules**

6. An applicant may apply to reduce the requirement of a period of 2 years of post-qualification experience in the full-time practice of foreign law under rule 5(3)(a) by statutory declaration. The statutory declaration must include the following information:-

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

An applicant is required to exhibit certified copies of letters issued by firms or organisations which have employed him since he first obtained his legal or professional qualifications. The letters must provide the above information.

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

7. The application fee is HK\$2,000.

**Guidelines for removal of supervision condition from the certificates of registration**

8. An applicant may apply to the Law Society to remove the supervision condition from his certificate of registration by statutory declaration. The statutory declaration must include the following information:-

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

An applicant is required to exhibit certified copies of letters issued by firms or organisations which have employed him since he first obtained his legal or professional qualifications. The letters must provide the above information.

- (b) If applicable, the reason for any gap between periods of employment; and

- (c) Written confirmation by a principal of the firm and/or the applicant's direct supervisor as to the exact dates of the supervised employment, the type of work undertaken and whether it was undertaken on full-time or part-time for the period in which his practice as a foreign lawyer was required to be supervised under rule 5.
- 9. The application fee is HK\$2,000.
- 10. This Circular is mandatory and superseded Circular 99-189(SD).
- 11. Replacement pages for insertion in The Hong Kong Solicitors' Guide to Professional Conduct Volume 2 will be issued in due course.