

APPENDIX V



THE
LAW SOCIETY
OF HONG KONG
香港律師會

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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.