

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 pages 6-7 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 58); 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 85.

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 65. 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 86.

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 58. 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.