

Limited Liability Partnerships

With effect from 1 March 2016

Amendments to the Legal Practitioners Ordinance (“the Ordinance”) take effect from 1 March 2016 allowing law firms to operate in the form of a limited liability partnership (“LLP”). Only law firms operating as LLPs can include the words of “limited liability partnership” or the abbreviation “LLP” as part of their name.

What is a limited liability partnership

In general, if a firm operates as a LLP in accordance with the provisions of the Ordinance,

1. Partners will not be personally liable for the negligent or wrongful acts or omissions or misconduct of another partner or of an employee, agent or representative of the firm.
2. However, each partner is personally liable for his or her own default, and for the defaults of those employees, agents or representatives he or she directly supervises in respect of a particular matter.

Provisions applicable to LLPs

The Ordinance requires a law firm to satisfy several requirements under the Ordinance in order to practise as a LLP, including the following:

1. The firm must inform all clients of the identity of at least one partner with responsibility for overall supervision for each matter it handles (“OSP”) within 21 days after it accepts instructions and must keep the client informed of the identity of at least one OSP for the matter throughout the time that the matter is handled by the firm.
2. The firm must maintain a top-up insurance policy of not less than HK\$10 million per claim in addition to the statutory professional indemnity cover currently HK\$10 million per claim.*
3. The firm may on request provide to a client the names of all other OSPs and partners responsible for supervising particular parts of the matter.

List of LLPs

The Law Society will maintain a list of LLPs for public inspection free of charge to enable members of the public to ascertain whether a law firm is a LLP.

Enquiries should be directed to the Law Society at:

Address : 3rd Floor, Wing On House, 71 Des Voeux Road, Central, Hong Kong.

Tel : (852) 2846 0500

Email : sg@hklawsoc.org.hk

Website : www.hklawsoc.org.hk

* With effect from 1 October 2019, the statutory professional indemnity was increased from HK\$10 million per claim to HK\$20 million per claim.

2016年3月1日生效

《法律執業者條例》（“條例”）的修訂由 2016 年 3 月 1 日起生效，容許律師行以有限法律責任合夥的形式經營，只有這些律師行可在其律師行的名稱內使用「有限法律責任合夥」或其縮寫的字樣。

何謂有限法律責任合夥

一般來說，律師行如根據條例的規定轉為有限法律責任合夥：

1. 律師行的合夥人將毋須因該律師行另一名合夥人或該律師行的僱員、代理人或代表的疏忽或錯誤而負上個人法律責任。
2. 然而，該律師行每名合夥人將須因其本身在處理某事宜中的失責行為或該人就該事宜而直接監管的僱員、代理人或代表在處理該事宜中的失責行為而負上個人法律責任。

適用於有限法律責任合夥的規定

條例規定以有限法律責任方式營業的律師行必須符合一些規定，包括下述各項：

1. 該律師行必須在接受延聘的 21 日內，告知當事人至少一名該事宜的整體監督合夥人的身份，並須在處理該事宜的整段期間，確保令該當事人知悉至少一名整體監督合夥人的身份。
2. 該律師行必須備有保障範圍不少於每項申索一千萬港元的加額保險，這是法定專業彌償保險每項申索一千萬港元*外的額外保障。
3. 如當事人要求，律師行必須提供其他所有負責該當事人事宜的整體監督的合夥人和監督特定部份的合夥人的姓名。

有限法律責任合夥名單

香港律師會將提供一份有限法律責任合夥的律師行名單，給公眾免費查閱，以便公眾能確定某律師行是否屬有限法律責任合夥。

* 由 2019 年 10 月 1 日起，法定專業彌償保險每項申索由一千萬港元增加至二千萬港元

如有查詢，請聯絡香港律師會：

地址：香港中環德輔道中 71 號永安集團大廈 3 字樓

電話：(852) 2846 0500

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