

INSTRUCTIONS FOR NEWLY ADMITTED SOLICITORS

1. APPLICATION FOR A PRACTISING CERTIFICATE

An applicant applying for a practising certificate issued for the first time shall, not less than 6 weeks before he applies for such practising certificate, give the Law Society notice in writing of his intention to so apply (Rule 5 of the Practising Certificate (Special Conditions) Rules (Cap. 159Y) (“the Rules”). The Law Society may issue a practising certificate subject to conditions in accordance with the provisions of the Rules. **Practising certificates are valid until 31 December of the practising year.**

No solicitor can practise on his own account or in partnership until a practising certificate without the condition specified in section 6(6) of the Legal Practitioners Ordinance (Cap. 159) (“the LPO”) has been obtained. Section 6(6) of the LPO requires the Council to be satisfied that a solicitor has been bona fide employed in the practice of a solicitor in Hong Kong for at least two years prior to his application for a practising certificate not subject to the condition specified in that section. Sections 6(6B) and 6(6C) of the LPO further requires the solicitor to have successfully completed the Mandatory Course referred to in Section 6(6B) or to have been granted an automatic exemption from taking the Mandatory Course or an exemption from taking the Mandatory Course.

The total application fee for a 2024 practising certificate and membership is HK\$9,000. A cheque made payable to **"The Law Society of Hong Kong"** must be accompanied with the application.

In order to comply with the Solicitors (Professional Indemnity) Rules, all solicitors employed in Hong Kong law firms have to be covered by a policy with Essar Insurance Services Limited and a confirmation to that effect has to be given to the Law Society when applying for the practising certificate.

A newly admitted solicitor who wishes to apply for a practising certificate should send the following documents to the Law Society marked for the attention of the "Registration Section":-

- a. The completed “Notice of Intention to Apply for a Practising Certificate” form (attached);
- b. The completed “2024 Application for Practising Certificate” form (attached);
- c. The completed “Application for 2024 Membership of the Law Society” form (attached) and a proper passport-sized photo;
- d. A cheque of HK\$9,000 or the completed credit card authorisation form (attached); and
- e. A copy of the letter from Essar Insurance Services Limited (**to be provided upon request by the Law Society**)

Please note that under section 7 of the LPO, no person shall be qualified to act as a solicitor unless he has in force a current practising certificate.

A solicitor who works for a non-solicitor employer must have regard to the Law Society’s Practice Direction N - Employed Solicitors on issues relating to acting as a solicitor, not being covered by the Professional Indemnity Scheme and holding a current practising certificate.

2. MEMBERSHIP

A newly admitted solicitor may apply for membership only. A member is entitled to receive a printed copy of the Law Society’s Annual Report free of charge. The publication is available in both printed version and through electronic means.

The Society's monthly journal Hong Kong Lawyer is in electronic version on the Society's website, mobile app and at <http://www.hk-lawyer.org>.

The membership fee is HK\$2,500 per calendar year. There is no pro rata fee for membership for part of a year. For membership-only applications, please complete the “Application for 2024 Membership of the Law Society” form and return it to the Law Society with a cheque of HK\$2,500.

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3. MEMBERSHIP CARD

No extra fee will be charged for issuing the membership card unless it is for replacement of a lost or damaged card.

4. CONTINUING PROFESSIONAL DEVELOPMENT (“CPD”) SCHEME

The CPD Scheme applies to all trainee solicitors and solicitors (with practising certificates). The CPD Scheme operates on a yearly basis (called "the practice year" under the CPD Rules), that is, from 1 November to 31 October.

A solicitor holding a current practising certificate is subject to the CPD requirement. The CPD Scheme requires that 15 CPD accreditation points shall be obtained in each CPD practice year (where he holds a practising certificate for the entire CPD practice year) or a pro-rata of such points in accordance with the guidelines set out in Table A1 or Table B of the **Mandatory CPD Information Package** (“CPD Information Package”) (where he holds a practising certificate for part of the relevant CPD practice year). Failure to comply with the requirements of the CPD Scheme may result in the suspension or cancellation of the practising certificate.

Should circumstances in rule 9 of the Continuing Professional Development Rules, Cap. 159W (“CPD Rules”) arise and a suspension from the operation of the CPD Scheme needs to be sought, a solicitor shall make an application for a suspension from the operation of the CPD Scheme pursuant to rule 9 of the CPD Rules and the application should be sent to the Assistant Director, Professional Development at: adpd@hklawsoc.org.hk.

In exceptional circumstances, the Law Society may grant an exemption from the CPD Scheme pursuant to rule 8 of the CPD Rules.

Please refer to the CPD Information Package for details about suspension and exemption from the CPD Scheme.

A **Mandatory CPD Training Record** is available only in soft copies to trainee solicitors and solicitors under the CPD Scheme and it can be downloaded from the Law Society’s website at: <https://www.hklawsoc.org.hk/en/Support-Members/Professional-Support/Continuing-Professional-Development-Scheme/CPDRME-Training-Record>. The CPD Information Package sets out the requirements in connection with maintenance of the Training Record.

More information regarding the CPD Scheme is set out in the CPD Information Package which is posted on the Law Society’s website.

5. RISK MANAGEMENT EDUCATION (“RME”) PROGRAMME

The Legal Practitioners (Risk Management Education) Rules, Cap. 159Z (“RME Rules”) apply to all solicitors, registered foreign lawyers and trainee solicitors working in a Hong Kong law firm.

A person to whom the RME Rules apply shall be required to complete a core programme before the expiry of the practice year in which the RME Rules first apply to him and which is not an exempted practice year, and thereafter, to attend at least 3 hours of elective courses each practice year or failing which, attend at least 6 hours of elective courses within the first and second succeeding practice years.

A practice year for the purposes of the RME Rules means a period of 12 months commencing on 1 November and ending on 31 October the following year.

The details of the RME Programme are set out in the **RME Information Package** which is posted on the Law Society’s website.

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6. MANDATORY COURSE IN PRACTICE MANAGEMENT (“MANDATORY COURSE”)

Sections 6(6B) and 6(6C) of the LPO has come into effect on 3 July 2023. In addition to the 2-year employment requirement under section 6(6) of the LPO, a solicitor applying for the first issue of an unconditional practising certificate is required to complete a course in practice management provided or approved by the Law Society in accordance with the guidelines as may be issued by the Law Society from time to time.

The Mandatory Course is offered by the Hong Kong Academy of Law (“Academy”) free of charge. The Mandatory Course is accredited with CPD points.

A solicitor who has previously completed the identical RME elective course on Practice Management provided by the Academy within 5 years prior to his or her application for the first issue of unconditional practising certificate will be entitled to an automatic exemption from the Mandatory Course under section 6(6C) of the LPO.

A solicitor may apply for a non-automatic exemption from the requirement to complete the Mandatory Course under section 6(6B) if he or she (i) satisfies the Law Society that he or she has, prior to the date of commencement of amendment to section 6(6) of the LPO, completed a practice management course that is acceptable to the Law Society as being equivalent to the course or courses provided or approved by the Law Society; or (ii) demonstrates to the satisfaction of the Law Society that he or she has had related management experience in legal services either in Hong Kong or overseas.

Please refer to Circular 23-111 (SD) dated 2 March 2023 for details of the Mandatory Course and automatic exemption, and guidelines on non-automatic exemption.

7. GENERAL ENQUIRIES

General enquiries regarding how to fill in application forms or the issue of practising certificates should be directed to the Registration Officer. All matters relating to the Scheme and/or RME Programme should be directed to the Assistant Director, Professional Development.

8. NOTIFICATION TO THE LAW SOCIETY

Employer (if it is a firm of solicitors) should notify the Law Society of the commencement of employment of any newly admitted solicitor(s) with the firm in a prescribed form under rule 5(2) of the Solicitors' Practice Rules (Cap. 159H). For the purpose of this rule, the effective date of the practising certificate will be taken as the effective date of the change of status of a paralegal / legal assistant to a solicitor.

Personnel of firms should therefore ensure that they notify the Law Society as soon as the practising certificates of the solicitors affected have been issued as regards the exact date of commencement of employment.