

THE LAW SOCIETY OF HONG KONG

ADMISSION AS A SOLICITOR IN HONG KONG FOR OVERSEAS LAWYERS

2004 INFORMATION PACKAGE

This Package is in PDF format. Applicants can download any section or all of the Package.

CONTENTS

PAGE

Part I — Overseas Lawyers Qualification Examination

1.	How do I qualify for admission as a solicitor in Hong Kong if I am an overseas qualified lawyer?	1
2	Overseas Lawyers Qualification Examination Information	2
2.1	Requirements for post-admission experience	2
2.2	Application Form.....	2
2.3	Examination dates for 2004	3
2.4	Applications for exemption from sitting all or part of the Examination.....	3
2.5	Certificates	3
2.6	Applications for review of the Society's decision under Section 3(2)	3
2.7	Procedure for registration to sit the 2004 Examination	4
2.8	Supplementary Information Package	4
2.9	Past Examination papers	4
2.10	Examination standard	4
2.11	Access to the High Court Library and the members' zone of the Law Society website	5
2.12	Preparation for the Examination.....	5
2.13	Withdrawal from sitting the Examination	5
2.14	Absence from the Examination	6
2.15	The Examination Procedures.....	7
2.16	Format of all written test papers for the 2004 Examination	7
2.17	Format of the Accounts and Professional Conduct Head for the 2004 Examination.....	7
2.18	Proficiency in the use of English language.....	7
2.19	Examination materials	8
2.20	Computers/calculators, mobile phones etc.	8
2.21	Candidates with disabilities.....	8
2.22	Marking Procedures.....	8
2.23	Examination results	8
2.24	Applications to resit the Examination	9
3	Overseas Lawyers Qualification Examination Procedures	10
4.	Limited post-qualification experience	
	Schedule A — Guidelines for foreign lawyers with limited post-qualification experience employed by solicitors' firms.....	14

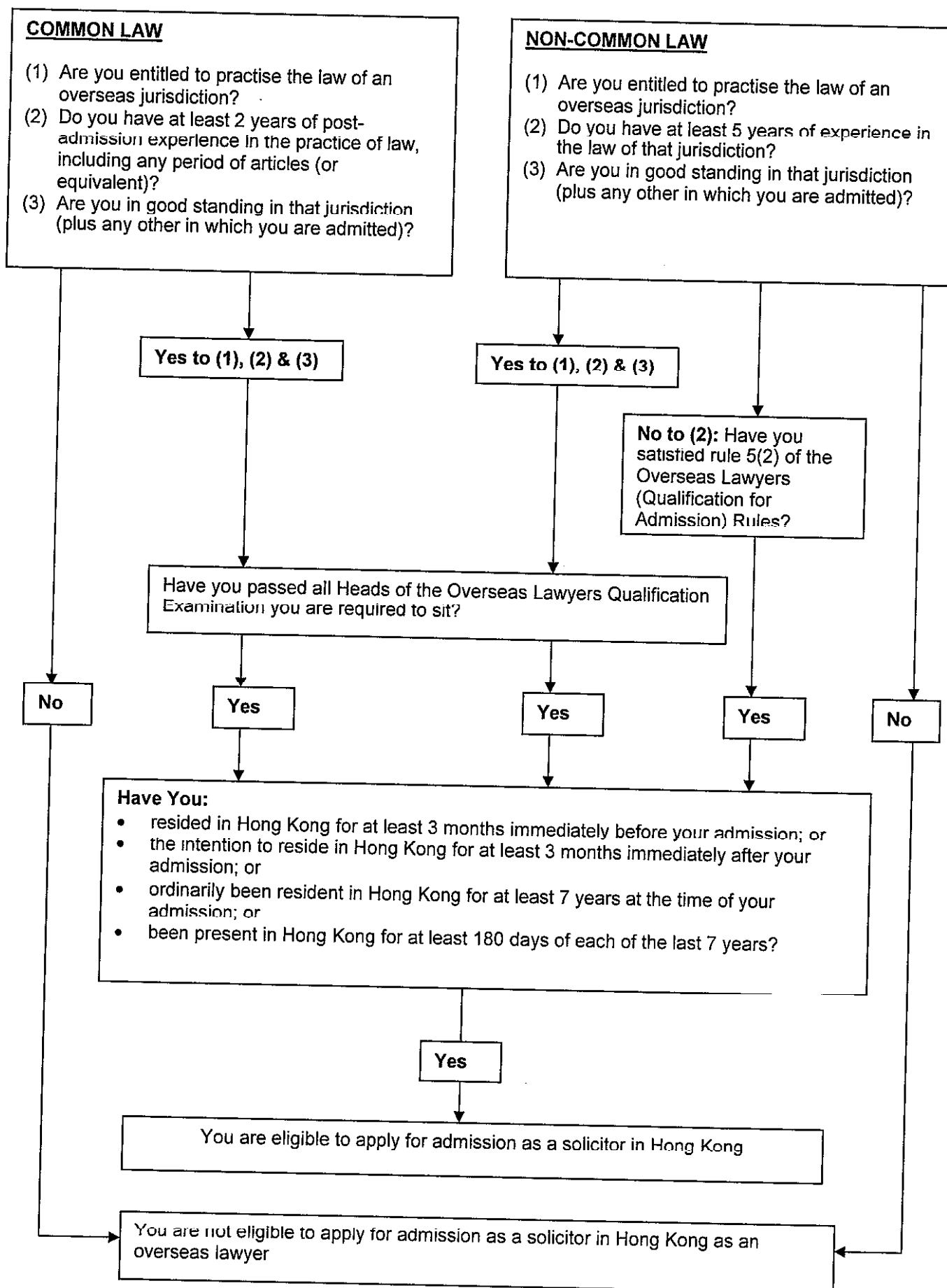
5.	Applications for exemption	
	Schedule B — Guidelines for applications for exemption from sitting all or part of the Examination	18
	Schedule C — Common Law / non-Common Law jurisdictions	22
	Sample Section 3(2) Certificate	23
6.	Overseas Lawyers Qualification Examination Application Form.....	24
7.	Sample Statutory Declaration	38
8.	Timetable of Deadlines for 2004 Overseas Lawyers Qualification Examination	39
9.	Overseas Lawyers (Qualification for Admission) Rules.....	40
	Overseas Lawyers (Qualification for Admission) (Fees) Rules.....	47

Part II — Admission

10.	Procedure after passing the Overseas Lawyers Qualification Examination.....	48
	10.1 Legislation	48
	10.2 Application for Certificate of Eligibility for Admission (Form 3)	48
	10.3 Certificate of Eligibility for Admission	49
	10.4 Motion Papers	49
	Schedule D — Application Form for Certificate of Eligibility	51
	Schedule E — Form 5	54
	Schedule F — Sample Notice of motion	55
	Schedule G — Notice of intention to apply for a practising certificate	57
11.	Admission and Registration Rules	60
12.	Practising Certificate (Special Conditions) Rules	80

March 2004

HOW DO I QUALIFY FOR ADMISSION AS A SOLICITOR IN HONG KONG IF I AM AN OVERSEAS QUALIFIED LAWYER?



2.

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 GATTS 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 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 articles or equivalent) in order to be eligible to sit the Examination. Please see rule 4(2)(b) of the Overseas Lawyers (Qualification for Admission) Rules on page 42. 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 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 43.

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.

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, 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 payable to "The Law Society of Hong Kong" or by telegraphic transfer to the following account of the Law Society:

"Hongkong and Shanghai Banking Corporation (HSBC)
bank code — 004
branch no. — 583
account no. — 009055-001"

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 payable for the telegraphic transfer.

The closing date for receipt of application forms to sit the 2004 Examination (Form A) is Friday 9 July 2004.

You are strongly advised to submit your application as early as possible to allow yourself more time to respond to enquiries that may be raised during the processing of your application. Try to avoid leaving the submission of your application until the closing date.

3. **Examination dates for 2004**

Tuesday 9 November 2004	Head I – Conveyancing and Landlord and Tenant
Friday 12 November 2004	Head II – Civil and Criminal Procedure
Monday 15 November 2004	Head III – Commercial and Company Law
Thursday 18 November 2004	Head IV – Accounts and Professional Conduct
Friday 17 December 2004	Head V – Principles of Common 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 18). 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 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 Section 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 Society) from the date of issue. The validity period of the Certificate may be extended for a limited period at the discretion of the Society (see paragraph 13) and upon payment of the fee of HK\$750.

6. **Applications for review of the Society's decision under Section 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 Society **within one month** of receiving notification from the Society of its decision and upon payment of the fee of HK\$1,500. You will have **one** opportunity to have your application reviewed and the time limit specified in the Rules will be strictly followed. All information you wish the Committee to take into consideration must be supplied when you lodge your application for review. You will not be permitted to submit further documentation at a later stage.

You may apply to the Court of First Instance of the High Court for review of the Society's decision within 3 months of receiving notification from the Society.

7. Procedure for registration to sit the 2004 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, a copy of the Certificate **and** the requisite fee as provided in the Overseas Lawyers (Qualification for Admission) (Fees) Rules. You will be issued with a Candidate Slip prior to the Examination date advising your Candidate Number and the times and venues for each Head of the Examination.

The closing date for registration to sit the 2004 Examination is Friday 27 August 2004.

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 Society's determination provided you do so immediately.

8. Supplementary Information Package

A Supplementary Information Package containing -

- the standards, syllabi and reading lists for Heads I to V
- the recommended materials to bring into the Examination for Heads I to IV
- Examiners' comments on the 2003 Examination for Heads I to V
- past Examination papers

is also available on the Law Society's web-site.

9. Past Examination papers

Examination papers for the 1995 to 2003 Examinations are contained in the Supplementary Information Package. 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 two year traineeship prior to admission.

Examination pass rates for each Written Head and for the Examination overall from 1995 - 2003 were:

Year	Head I %	Head II %	Head III %	Head IV %	Head V %	Exam %
1995	75	12	50	93	-	70
1996	67	14	63	97	-	66
1997	58	8	89	91	-	54
1998	58	59	73	89	-	53
1999	68	25	78	90	-	44
2000	66	44	52	63	-	53
2001	69	27	72	56	-	52
2002	71	65	61	69	-	63
2003	41	46	69	55	100	39

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

- (a) Candidates for the 2004 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) Certificate to identify themselves to the library staff.

The address of the High Court Library is LG Floor, High Court, 38 Queensway, Hong Kong.

- (b) Candidates for the 2004 Overseas Lawyers Qualification Examination will be given access to the members' zone of the Law Society website at 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 2004 Examination.

With the password, a candidate can then gain access, for a period until the end of the 2004 Examination, to the Law Society Circulars and any advertisements on preparatory courses placed with the Law Society posted respectively under the section "Circulars" and "Legal Miscellany" in the members' zone of the Law Society website.

12. Preparation for the Examination

The Examination will test candidates on the relevant law up to 31 May 2004.

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 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 Landlord and Tenant 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.

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.

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 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 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 (26 October 2004). The Society has the discretion to allow, in appropriate cases, a refund of the registration fee after deduction of an administration fee determined by the Society.

14. Absence from the Examination

- (a) 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 unless notice in writing of intention to withdraw from sitting the Examination is received by the Society prior to the date of commencement of the Examination.
- (b) Where a candidate has extenuating circumstances for being absent from the Examination or any Head of the Examination and for not complying with the requirements of sub-paragraph (a), notice setting out the full details of such extenuating circumstances must be received by the Society within 7 days of the date of the test for the Head for which the candidate was absent, or where there was more than one Head for which the candidate was absent, the date of the test for the first Head for which the candidate was absent.
- (c) Where the notice referred to in sub-paragraph (b) has been received by the Society within the specified time, the Society will consider such extenuating circumstances and decide whether the absence will be regarded as a deemed failure.

- (d) Where the absence is not regarded as a deemed failure the candidate will be permitted to sit or resit the Examination as the case may be subject to the provisions of the Examination Procedures.

15. The Examination Procedures

The Examination Procedures are contained at page 10 of this Information Package. To pass the Examination you are required in the first instance to sit and pass at **one sitting** all Heads specified in your Section 3(2) Certificate.

Attention is drawn to the Re-examination provisions in clause 4 of the Examination Procedures which provide:

- "(a) Subject to subparagraph (b), where a candidate does not pass all the Written Heads specified in his/her Section 3(2) Certificate, that candidate must at the next Examination which the candidate sits, resit all the Written Heads which had been specified in the candidate's Section 3(2) Certificate for the preceding Examination for which the candidate did not receive a pass.
- (b) Subject to paragraph 8, a candidate must pass at one sitting of the Examination all the Written Heads that he/she is required to resit and the Oral Head (if required).
- (c) 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."

16. Format of all written test papers for the 2004 Examination

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

17. Format of the Accounts and Professional Conduct Head for the 2004 Examination

Candidates should note that the test paper for Head IV - Accounts and Professional Conduct will be divided into two parts - Part A concerned with accounts issues and comprising one question carrying 25 marks, and Part B concerned with professional conduct issues, comprising 3 questions carrying 25 marks each.

A pass in **both** parts must be achieved in order to pass the test paper overall.

18. 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.

19. Examination materials

As the Examination is one of aptitude rather than memory, **the four 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. Recommended materials for each Head of the Examination are set out in the Supplementary Information Package (see paragraph 8).

20. Computers/calculators, mobile phones etc.

You must not bring a computer (or other device which can be programmed) or mobile telephone or pager into the Examination. You may bring and use a silent and non-programmable calculator.

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 (9 October 2004):

- 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.

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 50 or a mark above 65 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 all the 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 review the scripts for all Written Heads which fall into the following categories:

- (i) all scripts which the examiners were unable to agree upon a final mark;
- (ii) all scripts given a mark of 50 or less; and
- (iii) a representative selection of other scripts to convey an impression of the general standard in the examination.

The Chief Examiners will make a determination on the final mark for each script. They will further review, at the request of the Society, any script awarded a mark of less than 50.

23. Examination results

The timing of release of the Examination results is affected by the necessity to schedule the test for Head V - Principles of Common Law some weeks after the tests for Heads I to IV because candidates for Head V must pass Heads I to IV before they are eligible to sit Head V.

Every effort will be made to release the Examination results as soon as possible following the Examination. A provisional date for release of the results is 24 January 2005.

24. Applications to resit the Examination

Candidates who fail the 2004 Examination will, subject to the provisions of the Examination Procedures, be able to resit the Examination 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 which is not more than 4 months old from their date of issue and
- (iii) the relevant fees.

It is not necessary for any other documents to be re-submitted.

3.

LAW SOCIETY OF HONG KONG

OVERSEAS LAWYERS QUALIFICATION EXAMINATION PROCEDURES

1. Topics

- (a) The Written Heads shall consist of the following four Heads. Each will be tested by way of one written paper for each Head:-

Head I - Conveyancing and Landlord and Tenant

Head II - Civil and Criminal Procedure

Head III - Commercial and Company Law

Head IV - Accounts and Professional Conduct

- (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 Test

In order to pass the Examination a candidate must pass at one sitting all those Heads which that candidate's Certificate issued under Section 3(2) of the Overseas Lawyers (Qualification for Admission) Rules ("the Section 3(2) Certificate") states are the subjects which that candidate is required to pass.

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 (subject to 3(c) below).
- (c) A candidate shall be deemed to have passed a Written Head where:-
- (i) the candidate sat for at least 3 Written Heads;
 - (ii) a mark of not less than 45 was obtained in the Written Head in question; and
 - (iii) in all other Written Heads the candidate's marks should be not less than 65.

Note: The application of (iii) permits the "strength elsewhere" provision to be applied to only one paper per candidate.

4. **Re-examination Provisions**

- (a) Subject to subparagraph (b), where a candidate does not pass all the Written Heads specified in his/her Section 3(2) Certificate, that candidate must at the next Examination in which the candidate sits, resit all the Written Heads which had been specified in the candidate's Section 3(2) Certificate for the preceding Examination for which he did not receive a pass.
- (b) Subject to paragraph 8, a candidate must pass at one sitting of the Examination all the Written Heads that he/she is required to resit and the Oral Head (if required).
- (c) 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.

5. **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 Relevant Written Head.
- (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 10 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 for that purpose in the application made to the Law Society to sit the Head.

6. **Assessment of Competence in the Oral Head**

- (a) A candidate shall either pass or fail the Oral Head.
- (b) A candidate cannot pass the Oral Head unless that candidate has passed, or is deemed to have passed, every Relevant Written Head.

7. **Resitting of Written Heads**

A candidate who has failed any or all of the Written Heads can resit the Head or Heads to a maximum of three times.

8. **Resitting of the Oral Head**

A candidate who has passed each Relevant Written Head but has failed to pass the Oral Head may be permitted to resit only the Oral Head to a maximum of three times.

9. **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 possesses such knowledge of the English language as is necessary for the pursuit of the profession of solicitor in Hong Kong shall not pass the Head.

10. **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.

11. **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.

12. **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).
- (b) A candidate who is ineligible to sit the Oral Head shall not be entitled to any reimbursement of fees for that reason.

13. **Reference Materials in the Examination**

A candidate may take into the Written Heads any books, documents and other study or written reference material.

14. **Candidates Affected by Illness, etc**

A candidate who as a result of illness or exceptional circumstances considers that his or her performance in the Examination or in any Head has been adversely affected may apply to the Law Society to resit the Examination or any Head.

15. **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.

16. **Disqualification**

The 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 Society considers has attempted to influence an Examiner. Sanctions may be imposed upon candidates in the event of any misconduct relating to the Examination.

17. **Absence from the Examination**

- (a) 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 unless notice in writing of intention to withdraw from sitting the Examination is received by the Society prior to the date of commencement of the Examination.
- (b) Where a candidate has extenuating circumstances for being absent from the Examination or any Head of the Examination and for not complying with the requirements of sub-paragraph (a), notice setting out the full details of such extenuating circumstances must be received by the Society within 7 days of

the date of the test for the Head for which the candidate was absent, or where there was more than one Head for which the candidate was absent, the date of the test for the first Head for which the candidate was absent.

- (c) Where the notice referred to in subparagraph (b) has been received by the Society within the specified time, the Society will consider such extenuating circumstances and decide whether the absence will be regarded as a deemed failure.
- (d) Where the absence is not regarded as a deemed failure the candidate will be permitted to sit or resit the Examination as the case may be subject to the provisions of these Procedures.

18. **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.

Revised March 2004

4.

LIMITED POST-QUALIFICATION EXPERIENCE

SCHEDULE A

**RULE 5 OF THE
FOREIGN LAWYERS REGISTRATION RULES**

**GUIDELINES FOR IMPOSITION OF SUPERVISION CONDITIONS
FOR FOREIGN LAWYERS WITH LIMITED POST-QUALIFICATION EXPERIENCE
EMPLOYED BY SOLICITORS' FIRMS**

**GUIDELINES FOR REMOVAL OF CONDITIONS FROM
REGISTRATION CERTIFICATES**

Rule 5 of the *Foreign Lawyers Registration Rules* ("the Rules") provides:

"5. Foreign lawyer with limited post-qualification experience

- (1) This section applies to any person who, in applying for a certificate of registration as a foreign lawyer, does not satisfy the Society that he has had at least 2 years of post-qualification experience in the full-time practice of foreign law.
- (2) Subject to subsection (3), it shall be a condition of a certificate of registration issued to any person to whom this section applies that he shall not practise foreign law as an employee of a Hong Kong firm until he satisfies the Society that he has completed at least 2 years of post-qualification experience in the full-time practice of foreign law.
- (3) Notwithstanding subsection (2), the Society may, in respect of any person to whom this section applies, specify -
 - (a) a lesser period of practice to be completed by the person for the purpose of that subsection; or
 - (b) conditions as to supervision under which that person may practise foreign law as an employee of a Hong Kong firm, and in such case any period of such supervised practice completed by the person shall be taken into account for the purpose of calculating the period of post-qualification experience under subsection (2).
- (4) Any period specified for the purpose of subsection (3)(a), when aggregated with the period of experience of the person at the time of the issue of the certificate, shall not exceed 2 years.
- (5) Experience which the Society considers in a particular case to be equivalent to a period of post-qualification experience in full time practice of foreign law shall, for the purpose of this section, be treated as such period of post-qualification experience.

- (6) A principal of a Hong Kong firm shall not permit a foreign lawyer to practise foreign law as an employee of the firm otherwise than in accordance with any condition applying under this section and endorsed on the foreign lawyer's certificate of registration."

The following guidelines are applicable to those applicants who:

- (i) seek registration as a foreign lawyer, subject to conditions as to supervision under which they may practise foreign law, as an employee of a Hong Kong solicitors' firm under rule 5(3)(b) of the Rules; and
- (ii) seek removal of those supervision conditions, or removal of the condition imposed under rule 5(2) that they shall not practise foreign law as an employee of a Hong Kong firm.

APPLICATIONS FOR REGISTRATION AS AN EMPLOYEE OF A SOLICITORS' FIRM UNDER RULE 5(3)(b)

Rule 12 of the Foreign Lawyers Registration Rules provides as follows:

"12. Prohibition on the practice of Hong Kong law

- (1) Except as provided in subsection (2), a foreign lawyer shall not provide or offer any legal service which, having regard to all the circumstances of the case, can properly be regarded as a service customarily provided by a solicitor in his capacity as such.
- (2) A foreign lawyer may give advice on or handle any matter which -
 - (a) is expected to be subject to the law of a jurisdiction other than Hong Kong; or
 - (b) involves private or international law or conflict of laws."

Applications for registration which do not satisfy the Society that the applicant will be supervised by a suitable foreign lawyer or solicitor in the practice of foreign law will be refused.

Procedure

Applications for registration as a foreign lawyer must be made using the Law Society's standard form FL, with all supporting documents to be attached.

Applicants who are employed by a Hong Kong solicitors' firm and who do not have at least 2 years of post-qualification experience in the full-time practice of the law of the jurisdiction upon which their application is based and answer "NO" to paragraph 15 in Form FL, are required to submit a detailed outline or plan for their supervision from a principal of the firm by which they are employed.

The following information must be provided on behalf of the applicant:

- 1. The jurisdiction(s) of admission of the applicant, and the jurisdiction upon which his application for registration is based;
- 2. The nature and extent of the applicant's previous experience, if any;
- 3. 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 toward the 2-year period;

4. The name, standing and length of relevant experience of the supervising solicitor or foreign lawyer. NB: The supervisor should be admitted in the same jurisdiction upon which the applicant's application for registration is based and if the proposed supervisor is a solicitor, he must be able to satisfy the Society that the applicant will be supervised in the practise of foreign law and that he is competent to provide that supervision;
5. The intended field of practice of foreign law; and
6. The duties and obligations involved in the proposed employment.

Applicants may be required to provide further information, and / or be required to support the application by such evidence as the Society considers necessary, at any stage of the application for approval.

APPLICATIONS FOR REMOVAL OF THE RESTRICTED EMPLOYMENT CONDITION FROM CERTIFICATES OF REGISTRATION

An administration charge of HK\$2,000 is payable for applications for removal of conditions from registration certificates

Rule 5(2) and 5(3)(a) - Procedure

Applications by foreign lawyers employed by foreign firms in Hong Kong for:

- (a) removal of the rule 5(2) condition on their certificate of registration (that they shall not practise foreign law as an employee of a Hong Kong firm); or
- (b) for reduction of the requirement for 2 years of post-qualification experience in the full-time practice of foreign law under rule 5(3)(a)

must be made by **statutory declaration**. Applicants are required to make reference to specific dates, rather than general references to months and/or years, and the statutory declaration **must** contain the following information:

1. 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;

Applicants are required to exhibit certified copies of letters issued by firms or organisations which have employed them since they first obtained their legal or professional qualifications. The letters should provide the above information.

2. If applicable, the reason for requesting a reduction in the 2 year period; and
3. If applicable, the reason for any gap between periods of employment.

Rule 5(3) - Procedure

Applications by foreign lawyers employed by Hong Kong solicitors' firms for removal of the rule 5(3) condition on their certificate of registration (that they shall only practise foreign law as an employee of a Hong Kong firm subject to supervision conditions) must be made by **statutory declaration**, which must contain the following information:

1. Evidence that they have been supervised in accordance with the application for registration made and approved by the Society under rule 5(3)(b); and
2. Evidence from a principal of the firm and/or the applicant's direct supervisor as to exact dates of the supervised employment, the type of work undertaken and whether it was undertaken full-time or part-time.

5.

APPLICATIONS FOR EXEMPTION

SCHEDULE B

GUIDELINES - APPLICATIONS 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 Society when considering applications to be exempt from sitting all or part of the Examination, and will be reviewed from time to time.

Rule 8 of the Rules provides that where **applicants are admitted in more than one jurisdiction**, they will be treated according to their first jurisdiction unless they have not less than 3 years of post-admission experience in the practice of the law of their second jurisdiction and make an election to be treated according to their second jurisdiction.

Applicants admitted to practise in common law jurisdictions are not required to sit Head V

(a) with 5 or more years of experience in the practice of law

Only those applicants who are able to demonstrate to the Society's satisfaction that they have 5 or more years of experience in the practice of law are eligible to apply for exemption or be exempted from sitting any of the four 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 four written Heads of the Examination:

Head I	Conveyancing and Landlord and Tenant
Head II	Civil and Criminal Procedure
Head III	Commercial and Company Law
Head IV	Accounts and Professional Conduct

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 or their jurisdiction of admission

Applicants are required to sit and pass the four 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 the Guidelines.

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

Applicants should refer to rule 5(2) of the Rules.

EXEMPTIONS

I. Applicants admitted in common law jurisdictions

1. 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 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 and Landlord and Tenant), unless otherwise exempted in accordance with the guideline for exemption under Category C or D
- are exempt from sitting Head II (Civil and Criminal Procedure) under rule 4(1) of the 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 Society's satisfaction, experience, knowledge and/or training which is relevant to those Heads.

Notes:

1. For the purpose of these Guidelines, the 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 in the applicant's jurisdiction of admission; and/or
 - (ii) post-admission experience in the practice of law gained in the 10 year period immediately preceding the application in the capacity of a practitioner of the law of the applicant's jurisdiction of admission properly authorised to do so according to the local rules and regulations. In Hong Kong, only experience gained as a registered foreign lawyer will count. Paralegal experience gained by overseas qualified lawyers working in Hong Kong law firms (outside the period approved under the Paralegal Scheme*) will not count.
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 application. 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 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 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 articulated clerks or trainee solicitors 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.

2. 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 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 Foreign Lawyers 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 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 Society may require further information to be provided.

3. Category C - Exemption from Head I (Conveyancing and Landlord and Tenant)

Exemption from Head I may be granted where applicants can demonstrate to the 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.

4. Category D - 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.

EXEMPTIONS - Applicants from non-common law jurisdictions

II. Applicants admitted in non-common law jurisdictions

Applicants whose first 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 Foreign Lawyers Committee on a case-by-case basis.

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 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 Society may require further information to be provided.

SCHEDULE C

A. The following jurisdictions will be regarded as examples of *COMMON LAW JURISDICTIONS* for the purpose of the Overseas Lawyers (Qualification for Admission) Rules:

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

B. The following jurisdictions will be regarded as regional examples of *NON-COMMON LAW JURISDICTIONS* for the purpose of the Overseas Lawyers (Qualification for Admission) Rules:

France
Indonesia
Japan
Korea
Macau
Mainland PRC
Nepal
Philippines
Switzerland
Taiwan
Thailand
Vietnam

S A M P L E

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.		

Applicants must register with the Law Society of Hong Kong their intent to sit the examination(s)* by Friday 27 August 2004. 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

FORM A

THE LAW SOCIETY OF HONG KONG

Overseas Lawyers Qualification Examination Application Form

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.

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

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

- 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 transcript/academic record from the institution where you obtained your legal qualification(s).
- C. A certified copy of your relevant degree certificate(s) (or equivalent).
- D. 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 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.

- E. An original certificate(s) of Good Standing from your professional body or home court which confirm(s):
 - (i) Your date of admission to the professional body and/or home Court.
 - (ii) That you are of good character and repute.
 - (iii) That you have not been declared bankrupt.
 - (iv) That there are no proceedings pending against you for professional or other misconduct.
 - (v) 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 are admitted in more than one jurisdiction, certificates from each must be supplied. If you are 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 received by this Law Society.

- F. Original letters of reference from the referees nominated by you in your application form, in support of your application for admission in Hong Kong.

- G. If you are eligible to apply for exemption from any Heads of the Examination, all relevant documentary evidence in support of that application. See Schedule B at page 18.
- H. The application fee of 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 should be made payable to the Law Society of Hong Kong.
- I. If your name is now different from that shown on your supporting documents you should submit evidence that the documents refer to you, for example a copy of a marriage certificate.
- J. 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 and the job title;
 - (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 types of transactions undertaken by you in each department (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;
 - (e) the types of clients you acted for (for example, banks and financial institutions and corporate borrowers and project sponsors);
 - (f) the work undertaken by you (for example, drafting, negotiating, reviewing and settling loan agreements and security documents and so on).
- In the case of a law firm, the verification letter should be issued by a partner of the firm. In the case of a company, the verification letter should be issued by an officer at managerial level in the company.
- K. 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.
- L. 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 38.

APPLICANTS MUST PROVIDE CERTIFIED ENGLISH TRANSLATIONS OF ALL DOCUMENTS SUBMITTED IN SUPPORT OF THEIR APPLICATION WHICH ARE NOT IN ENGLISH.

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 or
- (b) a practising lawyer admitted in Hong Kong or
- (c) a duly authorised member of the staff of the academic institution concerned provided that the certified copy is also stamped by that institution.

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 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.

**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) _____
2. SURNAME: _____
3. FORENAMES: _____

4. HONG KONG IDENTITY CARD NO. OR PASSPORT NO. _____
5. DATE OF BIRTH:

DAY	MONTH	YEAR
6. PERMANENT ADDRESS: _____

7. ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT: _____

8. DAY TIME TELEPHONE NO. _____
FAX NO _____
E-MAIL ADDRESS _____
9. NATIONALITY: _____

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 [#]	Annex number of the attached original Certificate of Good Standing*

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

[#] Please refer to Note D on page 25

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) Rules, I have completed courses in Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law. (See the relevant subjects highlighted in Annex ____¹)

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) Rules²: _____. (See the relevant subject(s) highlighted in Annex ____³.)

AND

*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.

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

² Please state the course(s) that you have completed.

³ 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)⁴: _____

[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,⁵ _____

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.]

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*

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

⁵ 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

Please delete as appropriate

14. Have you ever been made bankrupt or insolvent or are any such proceedings pending against you? 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? 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.

23. PROFESSIONAL PRACTICE AND EXPERIENCE

Please provide details of your professional practice and experience undertaken, including articles/traineeship/pupillage (if applicable). 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[#].

[illegible]

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

Please refer to Note J on page 26

-
-
-
-
-

- (Continue on a separate sheet if necessary)

[illegible]

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 employer even if you have been with the firm 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 and Landlord and Tenant
- ☐ II - Civil and Criminal Procedure
- ☐ III - Commercial and Company Law
- ☐ IV - Accounts and Professional Conduct
- ☐ V - Principles of the Common 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 and Landlord and Tenant
- ☐ II - Civil and Criminal Procedure
- ☐ III - Commercial and Company Law
- ☐ IV - Accounts and Professional Conduct
- ☐ V - Principles of the Common Law

Please see Annex No. _____[#] for a letter stating why I should be granted an exemption in accordance with the Guidelines contained at Schedule B at page 18.

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

[#] Please annex the letter, number it and fill in the annex number

29. APPLICATION FEE

- ☐ I enclose a cheque for the sum of HK\$3,300 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 understand that the 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 Society of any such conviction after the time of this application. I also undertake to advise the 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 Declaration Ordinance.

Declared by the said _____
Name of Applicant

at _____ this _____ day
of _____ 2004.

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**

(please delete whichever is inapplicable)

Date: _____

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

* Delete as appropriate

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 _____ to The Law Society of Hong Kong for sitting / exemption from sitting _____ 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 _____)
)
)
)
)

Before me,

Timetable of Deadlines for 2004 Overseas Lawyers Qualification Examination:

Opening date for lodging application to sit	22 March 2004
Closing date for lodging application to sit	Friday 9 July 2004
Closing date for registration to sit	Friday 27 August 2004
Last day to advise of disability	Saturday 9 October 2004
Issue of candidate slips	Friday 17 September 2004
Last day to withdraw from Examination to be eligible for part refund of registration fee	Tuesday 26 October 2004
Head I Examination	Tuesday 9 November 2004
Head II Examination	Friday 12 November 2004
Head III Examination	Monday 15 November 2004
Head IV Examination	Thursday 18 November 2004
Head V Examination	Friday 17 December 2004
Provisional date for release of results	Monday 24 January 2005

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

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 relevant to sections 4 and 5
7. The Examination
8. Persons admitted in more than one jurisdiction
9. Appeal procedure
10. Unsuitability of prospective solicitor
11. Forms and fees
12. Transitional

Overseas Lawyers (Qualification for Admission) Rules

1. Interpretation

In these Rules -

"common law jurisdiction" (普通法司法管轄區) means a jurisdiction in which the law is substantially based on the common law, and "non-common law jurisdiction" (非普通法司法管轄區) shall be construed accordingly;

"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;

"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 his jurisdiction of admission; 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) A person wishing to seek admission as a solicitor pursuant to section 4(1)(b) of the Ordinance ("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-
 - (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).

Overseas Lawyers (Qualification for Admission) Rules

- (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) A person 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, a person whose jurisdiction of admission is a common law jurisdiction and who has had not less than 5 years of experience in the practice of law must have -
 - (a) completed -
 - (i) a bachelor's degree in law; 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 set out in paragraph (a), and passed such other examinations as the Society may require in the particular case, and must have passed the Examination in the subjects referred to in section 7(1)(a)(i), (iii) and (iv).
- (2) For the purpose of section 2(c), unless the Society otherwise determines, a person whose jurisdiction of admission is a common law jurisdiction but who has not had 5 years of experience in the practice of law must have -
 - (a) satisfied the requirements specified in subsection 1(a) or (b); and
 - (b) satisfied any one of the following further requirements, that is to say -
 - (i) he has completed at least 2 years of service as a trainee solicitor or articled clerk in that jurisdiction;
 - (ii) he has had not less than 2 years of post-admission experience in the practice of the law of that jurisdiction; or

Overseas Lawyers (Qualification for Admission) Rules

- (iii) he has completed part of the period of service mentioned in subparagraph (i) and had part of the period of experience mentioned in subparagraph (ii), and the aggregate of those periods is not less than 2 years,

and must have passed the Examination in all written subjects.

5. Requirements for applicant from non-common law jurisdiction

- (1) For the purpose of section 2(c), unless the Society otherwise determines, a person 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 the jurisdiction of his admission 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, a person whose jurisdiction of admission is a non-common law jurisdiction and who has not had 5 years of experience in the practice of the law of the jurisdiction of his admission must have -
 - (a) completed one year of full-time study in Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law;
 - (b) obtained the Postgraduate Certificate in Laws; and
 - (c) satisfied any one of the following further requirements, that is to say -
 - (i) he has completed the period of service as a trainee solicitor or articulated clerk required for admission as a solicitor in that jurisdiction or in Hong Kong, and where such period is less than 3 years, has had in addition a period of post-admission experience in the practice of the law of that jurisdiction, and the aggregate of those periods is not less than 3 years;
 - (ii) he has had a period of not less than 3 years of post-admission experience in the practice of the law of that jurisdiction; or
 - (iii) he has had part of the period of experience mentioned in subparagraph (ii) and has had a period of service as a trainee solicitor or articulated clerk and the aggregate of those periods is not less than 3 years.

6. Matters relevant to sections 4 and 5

- (1) In making a determination under section 4 or 5, the Society shall have regard to the nature and extent of the applicant's practical experience in the law of Hong Kong and any academic or other qualification.

Overseas Lawyers (Qualification for Admission) Rules

- (2) For the purposes of sections 4 and 5, a person has not had 5 years of experience in the practice of law unless he has since his admission for a period, or for periods in aggregate, of not less than 5 years during the immediately preceding 10 years been engaged in work that would if undertaken in Hong Kong be similar to that usually undertaken by a solicitor in Hong Kong in the course of his practice.

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

8. Persons admitted in more than one jurisdiction

Where a person is an overseas lawyer for the purpose of these Rules in respect of more than one jurisdiction, then -

- (a) subject to paragraph (b), the jurisdiction in which he was first admitted shall be his jurisdiction of admission for the purpose of these Rules;
- (b) if the person has had not less than 3 years post-admission experience in the practice of the law of any such jurisdiction, he may elect to treat that jurisdiction as his jurisdiction of admission.

9. Appeal Procedure

A person 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

Overseas Lawyers (Qualification for Admission) Rules

- (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 any person 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 a person taking the Examination, it may, on such terms as it determines, impose any of the following sanctions, that is it may -
 - (a) prohibit the person 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 that person 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 unadmitted person 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 unadmitted person may -
 - (a) apply to the Society to remove the sanction;
 - (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 -

Overseas Lawyers (Qualification for Admission) Rules

- (i) affirm the decision of the Society; or
- (ii) make such other order as the Court thinks fit.

11. Forms and fees

- (1) A person 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) A person 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 or the person giving notice 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. Transitional

- (1) In this section -

"Paralegal Scheme" (法律輔助人員計劃) means the scheme operated by the Society under which an overseas lawyer from a common law jurisdiction may be approved by the Society to be employed as a paralegal, under the supervision of a solicitor or solicitors in a Hong Kong firm, for the purpose of satisfying the requirements specified in the pre-amended section 4(2)(b)(ii) or (iii);
- (2) In relation to any provision mentioned in this section, "pre-amended" shall be construed as referring to that provision in force immediately before 1 January 2000.
- (3) The pre-amended subparagraph (ii) or (iii) of section 4(2)(b) shall continue to apply to a person whose employment as a paralegal in a Hong Kong firm has been first approved by the Society under the Paralegal Scheme before 1 January 2000, as if that subparagraph had not been amended by the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 1999, if the Society is satisfied that the person has satisfied the requirements specified in that pre-amended subparagraph -
 - (a) on or before 31 December 2001; or
 - (b) (in the case where the Society is satisfied that there are exceptional circumstances) before such later date as the Society may approve in any particular case.

***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.) 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

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

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 or her 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 his or her admission;
 - (ii) the intention of residing in Hong Kong for at least 3 months immediately after his or 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 Society for a "Certificate of Eligibility for Admission as a Solicitor" by providing to the Society (marked to the attention of "Registration Section"):

- (a)
 - (i) a certified copy of your Certificate of Exemption from Sitting the Overseas Lawyers Qualification Examination; or
 - (ii) a certified copy of your Result Slip which indicates that you have passed all of the required subjects in the Examination.
- (b) a certified copy of 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 Society for your Application for Certificate of Eligibility for Admission. If you are admitted/called in more than one jurisdiction, certified copies of the certificates from each of the jurisdictions of admission must be enclosed;
- (c) a completed Form 1C (Application for a Certificate of Eligibility for Admission as a Solicitor);
- (d) a completed Form 5 (affidavit of identity); and

- (e) a cheque HK\$1,500.00 payable to "The Law Society of Hong Kong" for the application fee.

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 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 Society. Do not telephone the 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 62.

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 Society has no discretion to extend this time limit.

A sample motion paper is attached at page 55. The motion paper must be accompanied by -

- (a) the original Form 3 certificate issued by the 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 Society.**

You must serve a certified copy of the motion paper and the Form 3 on the 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 62.

The copy delivered to the 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 Society immediately by fax on 2845 0387.

The Secretary for Justice will write to you and advise whether she has any objection to your admission. A copy of the letter will be sent to the Court and the Society.

The 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 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 53. 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 Society it will be returned to you for amendment and re-execution. You will not be permitted to bring substitute pages to the Society and insert them in the original document in place of the incorrect pages.

Revised March 2004

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.).

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 my admission

OR*

I intend to reside in Hong Kong for at least 3 months immediately after my admission

OR*

I have ordinarily been a 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 / solicitor / barrister* ofonday..... 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.....day 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.

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 your admission or intention to reside in Hong Kong for at least 3 months immediately after your admission, a certified copy of your passport, including relevant pages showing date/s of arrival and if applicable, the date/s of departure from Hong Kong, must be attached to your Form 1C.

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 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 your passport showing the particulars of yourself 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.
4. The name that appears in 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 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.)

Revised March 2003

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 is the
person shown in the photograph attached hereto and that he is the applicant in these proceedings

SWORN / DECLARED at Hong Kong)
this day of)

Before me

Commissioner for Oaths / Solicitor.

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

Delete whichever is inapplicable.

SCHEDULE F

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

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

SCHEDULE G



Incorporated with limited liability

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:

FIRM/ORGANIZATION	CAPACITY	FULL-TIME/ PART-TIME/OTHER
-------------------	----------	-------------------------------

- (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) or 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

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 basis of compliance with section 4**
- 3A. [Repealed]**
- 4. Application for admission as a solicitor**
- 5. Admission as solicitor**
- 6. Oath on admission as solicitor**
- 7. Form of roll of solicitors**

PART III

BARRISTERS

(Repealed)

PART IV

NOTARIES PUBLIC

- 11. Registration**
- 12. Form of register of notaries 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.) -
 - (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.) -
 - (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).
- (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 Attorney General 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 Attorney General, 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 Attorney General, 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 Attorney General 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. Registration

- (1) Any person seeking to be registered as a notary public shall produce to the Registrar for registration his notarial faculty and shall file with the Registrar an affidavit of identity in accordance with Form 5 in the Schedule completed by an officer of the Court.
- (2) The Registrar, on payment to him by the applicant of the prescribed fee and upon being satisfied that the applicant is entitled to registration, shall register the applicant as a notary public.

12. Form of register of notaries public

The register of notaries public shall be in accordance with Form 9 in the Schedule.

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:

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.

SCHEDULE

FORMS

FORM 1

[rule 3(1)]

(Repealed)

FORM 1A

[rule 3A]

(Repealed)

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,
[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.).

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 my admission

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 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 stating that it knows of no reason why I should not be admitted as a solicitor.

(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.

Admission and Registration Rules

- (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.

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.).

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 my admission

OR*

I intend to reside in Hong Kong for at least 3 months immediately after my admission

OR*

I have ordinarily been a 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 / solicitor / barrister* ofonday..... 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.....day The attached document marked "....." is a certified copy of a certificate from the authority administering the examination.

Admission and Registration Rules

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.

FORM 2

[rule 3(4)]

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.) 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 -
- (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.) to be accumulated by the end of his period of 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.);
 - (c) has been employed as a trainee solicitor for a period of years to the satisfaction of the Society/has been granted exemption from employment as a trainee solicitor* in accordance with the Trainee Solicitors Rules (Cap. 159 sub. leg.);
 - (d) has resided in Hong Kong for at least 3 months immediately before his admission/intends to reside in Hong Kong for at least 3 months immediately after his admission/has been ordinarily resident in Hong Kong for at least 7 years/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.) 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 has been admitted as a**
in**

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

(c) he has resided in Hong Kong for at least 3 months immediately before his admission/intends to reside in Hong Kong for at least 3 months immediately after his admission/has been ordinarily resident in Hong Kong for at least 7 years/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,

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.).

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 my admission

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. (See Note 1)

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 periodto..... (the "Trainee Solicitor Contract").

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.) as to the passing of examinations.

Admission and Registration Rules

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 | <input type="checkbox"/> |
| (2) | Communication with clients and others | <input type="checkbox"/> |
| (3) | Research | <input type="checkbox"/> |
| (4) | Office routines, procedures and costs | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| (2) | Practice support | <input type="checkbox"/> |
| (3) | Legal research | <input type="checkbox"/> |
| (4) | Drafting | <input type="checkbox"/> |
| (5) | Interviewing | <input type="checkbox"/> |
| (6) | Negotiation | <input type="checkbox"/> |
| (7) | Advocacy | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| (2) | Commercial or corporate law | <input type="checkbox"/> |
| (3) | Family law | <input type="checkbox"/> |
| (4) | Civil litigation | <input type="checkbox"/> |
| (5) | Criminal litigation | <input type="checkbox"/> |
| (6) | Wills, Probate and Trusts | <input type="checkbox"/> |
| (7) | Trade Marks, Patents, Copyrights | <input type="checkbox"/> |
| (8) | Such other legal topic as may be determined from time to time by the Society | <input type="checkbox"/> |

OR*

Admission and Registration Rules

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 | <input type="checkbox"/> |
| (2) | Civil litigation | <input type="checkbox"/> |
| (3) | Commercial | <input type="checkbox"/> |
| (4) | Company | <input type="checkbox"/> |
| (5) | Criminal litigation | <input type="checkbox"/> |
| (6) | Family | <input type="checkbox"/> |
| (7) | Insolvency | <input type="checkbox"/> |
| (8) | Intellectual property | <input type="checkbox"/> |
| (9) | Property | <input type="checkbox"/> |
| (10) | Trusts, Wills and Probate | <input type="checkbox"/> |

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.) to be accumulated by the end of my period of 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.

Admission and Registration Rules

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.

FIRST SCHEDULE

Address

Period of residence

SECOND SCHEDULE

Details of other offices / employment

THIRD SCHEDULE

Period of absence

With / without consent of Principal

Reasons

- Note :
1. Where the Trainee Solicitor has been employed under two or more trainee solicitor contracts, each person employing him shall make a separate declaration.
 2. * Delete whichever is inapplicable.

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

SWORN / DECLARED at Hong Kong)
this day of)

Before me

Commissioner for Oaths / Solicitor.

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

Delete whichever is inapplicable.

FORM 6

(Repealed)

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.

FORM 8

(Repealed)

FORM 9

[rule 12]

ADMISSION AND REGISTRATION RULES

REGISTER OF NOTARIES PUBLIC

Name	Date of Production of Notarial Faculty	Date of Registry	Affidavit of When filed	Identity
------	--	------------------	----------------------------	----------

FORM 10

(Repealed)

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

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

Consequential Amendments

Practising Certificate (Solicitors) Rules

11. Schedule amended

Schedule 1

Schedule 2

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.);

“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.).

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;
- (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 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.

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.

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.

Consequential Amendments

Practising Certificate (Solicitors) Rules

11. Schedule amended

(1) Form 1 of the Schedule to the Practising Certificate (Solicitors) Rules (Cap. 159 sub. leg.) is amended by repealing “表格” and substituting “表格 1”.

(2) Form 1 of the Schedule is amended by adding after paragraph 2 —

“2A. Tick the appropriate box(es):

- ☐ My application comes within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002). I gave The Law Society of Hong Kong notice in writing of my intention to apply for a practising certificate not less than 6 weeks ago, namely on
- ☐ My application comes within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002). I gave The Law Society of Hong Kong notice in writing of my intention to apply for a practising certificate less than 6 weeks ago, namely on.....
- ☐ My application comes within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002). I have not given The Law Society of Hong Kong any prior notice in writing of my intention to apply for a practising certificate.
- ☐ My application does not come within section 3 of the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002).”

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.

(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:

FIRM/ORGANIZATION	CAPACITY	FULL-TIME/ PART-TIME/OTHER
-------------------	----------	-------------------------------

- (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) or 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

