
3. 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 [Repealed]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(Repealed)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. [Repealed]
12. [Repealed]
- 12A. Interpretation
- 12B. Application for appointment as notary public
- 12C. Service of notice of motion on Secretary for Justice and Society of Notaries
- 12D. Application for relief under section 40A(4) of the Ordinance
- 12E. Appointment as notary public
- 12F. Registration of notary 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

PART IV

NOTARIES PUBLIC

11. [Repealed]

12. [Repealed]

12A. Interpretation

In this Part, unless the context otherwise requires, “examination” (考試), in relation to a person who applies for appointment as a notary public under section 40A of the Ordinance, means an examination prescribed under the Notaries Public (Examinations) Rules (L.N. 33 of 2005).

12B. Application for appointment as notary public

- (1) An application for appointment as a notary public shall be made by motion.
- (2) A notice of motion shall be accompanied by -
 - (a) a certificate issued by the Registrar certifying that the applicant has satisfied the requirement under section 40A(1)(a)(i) of the Ordinance;
 - (b) a certificate issued by The Law Society of Hong Kong certifying that the applicant has satisfied the requirement under section 40A(1)(a)(ii) of the Ordinance;
 - (c) a certificate issued by the Society of Notaries under section 8(b) of the Notaries Public (Examinations) Rules (L.N. 33 of 2005), certifying that the applicant has satisfied the requirement under section 40A(1)(a)(iii) of the Ordinance;
 - (d) subject to subrule (4), a letter of no objection issued by the Society of Notaries to the applicant under section 4(4) of the Notaries Public (Qualifications for Appointment) Rules (L.N. 35 of 2005);
 - (e) an affidavit that complies with subrule (3); and
 - (f) the prescribed application fee.
- (3) The affidavit in support of an application for appointment shall include -
 - (a) the date of the applicant’s admission as a solicitor;
 - (b) the period or periods in aggregate of not less than 7 years during which he has practised as a solicitor;
 - (c) a description of the applicant’s practice as a solicitor during the period or periods mentioned in paragraph (b), stating the following facts or particulars, if applicable -
 - (i) he practised, or is practising -
 - (A) as a solicitor in his own name;
 - (B) as a sole solicitor under a firm name;
 - (C) in a firm of solicitors;

- (D) within a group practice according to the Solicitors (Group Practice) Rules (Cap. 159 sub.leg.X);
- (ii) he was or is employed to do the legal work of an employer who is not a solicitor;
- (iii) he was or is a member, director or employee of a solicitor corporation;
- (iv) the name of each firm, group practice, employer or solicitor corporation mentioned in the affidavit;
- (v) his position in each firm, group practice or employer mentioned in the affidavit;
- (vi) the nature or types of work of his practice as a solicitor;
- (d) the date on which the applicant passed the examination;
- (e) other particulars that the applicant considers relevant to his application.
- (4) If an applicant has not been issued with a letter of no objection or he has been issued with such a letter, but it has been revoked by the Society of Notaries, the affidavit in support of his application for appointment shall -
 - (a) state that fact; and
 - (b) exhibit the written notice served on him under section 4(8) or 6(3) of the Notaries Public (Qualifications for Appointment) Rules (L.N. 35 of 2005).

12C. Service of notice of motion on Secretary for Justice and Society of Notaries

As soon as practicable after an applicant has filed with the Registrar a notice of motion and its accompanying documents, the applicant shall serve a copy of the notice and of each accompanying document on the Secretary for Justice and the Society of Notaries.

12D. Application for relief under section 40A(4) of the Ordinance

- (1) An application under section 40A(4) of the Ordinance shall be made by summons.
- (2) The summons shall be -
 - (a) filed at the same time as the notice of motion referred to in rule 12B(2); and
 - (b) supported by an affidavit made by the applicant stating the grounds of the application and the evidence necessary to substantiate them.
- (3) A copy of the summons and of the affidavit in support shall be served on the Secretary for Justice and the Society of Notaries together with the notice of motion that is served under rule 12C.
- (4) An application made under this rule may be determined -
 - (a) either before or at the same time as the application made under rule 12B; and
 - (b) with or without a hearing.
- (5) As soon as practicable after the Chief Judge or the judge designated by him under section 40A(4A) of the Ordinance has determined the application, the Registrar shall serve a copy of the relevant order on the applicant.

12E. Appointment as notary public

- (1) After considering an application made under rule 12B and any representations that may be made by or on behalf of the Secretary for Justice, the Society of Notaries or any interested party, the Chief Judge or the judge designated by him under section 40A(2) of the Ordinance may order that the applicant be appointed as a notary public, or he may dismiss the application on such terms as regards costs or otherwise as he considers appropriate.
- (2) The Chief Judge or the judge designated by him under section 40A(2) of the Ordinance may determine the application with or without a hearing.
- (3) As soon as practicable after a person has been appointed as a notary public, the Chief Judge shall issue to that person a certificate of appointment in Form 11 in the Schedule.

12F. Registration of notary public

- (1) A person who seeks to be registered as a notary public shall produce to the Registrar -
 - (a) the certificate of appointment issued to him under rule 12E(3); and
 - (b) the registration fee prescribed under section 40C of the Ordinance.
- (2) As soon as practicable after a person's name has been entered in the register of notaries public, the Registrar shall by written notice inform the Society of Notaries of that fact.

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.

Note:

Section 9 of Consequential amendments to Ord. No. 27 of 1998 reads as follows -

- " 9. Rules 11 and 12 of, and Form 9 in the Schedule to, the Admission and Registration Rules (Cap. 159 sub.leg.) are repealed, but nothing in this section shall be construed as preventing the Registrar of the High Court from maintaining the register of notaries public, either wholly or partly, in the form provided for in that rule 12 and Form 9."

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.
- (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.

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 period
.....to..... (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.
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 ☐
- (8) Such other legal topic as may be determined
from time to time by the Society ☐

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 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 ☐
- (2) Civil litigation ☐
- (3) Commercial ☐
- (4) Company ☐
- (5) Criminal litigation ☐
- (6) Family ☐
- (7) Insolvency ☐
- (8) Intellectual property ☐
- (9) Property ☐
- (10) Trusts, Wills and Probate ☐

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.
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

(Repealed)

FORM 10

(Repealed)

FORM 11

[rule12E]

**CERTIFICATE OF APPOINTMENT
AS NOTARY PUBLIC**

I HEREBY CERTIFY THAT
was appointed as a notary public of Hong Kong on the day of

Dated this day of

.....
Chief Judge,
Hong Kong.

C

C