



## ADMISSION AS A SOLICITOR: TRAINEE SOLICITORS

This information package applies from **20 April 2018**.

This package sets out the procedure for a trainee solicitor to apply for admission as a solicitor in Hong Kong after completion of a trainee solicitor contract. **Please read this package carefully before preparing your documents and before seeking advice from the Society.**

### 1. *Legislation*

The relevant provisions are sections 3 & 4 of the Legal Practitioners Ordinance and rules 3, 4 & 5 of the Admission and Registration Rules and the Trainee Solicitors Rules. The legislation is posted on the Law Society website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).

### 2. *Procedure*

There are three steps you must take to be admitted in Hong Kong.

#### **Step 1: APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR ADMISSION (Form 2)**

Within 12 months after the completion of your most recent trainee solicitor contract, you must apply to the Society for a certificate of eligibility for admission by providing to the Society (marked to the attention of the "Registration Section") -

- (a) a completed Form 4 (application for a certificate of eligibility for admission) for each principal who has employed you - see attached Notes for completing Form 4;
- (b) a completed Statement of Compliance with CPD / RME Requirements and as required, a copy of your CPD / RME training record kept in accordance with rule 6(1) of the Continuing Professional Development Rules; and
- (c) a cheque for \$1,500.00 payable to "The Law Society of Hong Kong".

#### **Step 2: CERTIFICATE OF ELIGIBILITY FOR ADMISSION**

After your documents have been checked, a Form 2 (certificate of eligibility for admission) will be issued to you.

**It may take up to 4 weeks to issue the Form 2 depending on the workload of the Society. Do not telephone the Society until the end of this period.**

### Step 3: MOTION PAPERS

When you have received the Form 2 from the Society, you must prepare and file a motion paper with the High Court of First Instance **within 2 months** of the date of the Form 2: rule 4(1A).

**If you fail to do so, you will have to apply for another Form 2 (see Step 1) and a further application fee is payable. The Society has no discretion to extend this time limit.**

A sample motion paper is attached. The motion paper must be accompanied by –

- (a) the original Form 2 certificate issued by the Society; and
- (b) a cheque for \$1,135.00 payable to “the Government of the Hong Kong Special Administrative Region” for the application fee.

It is a requirement of rule 4(2) of the Admission and Registration Rules that the original Form 2 certificate accompany your motion paper. **Do not file your motion paper before you obtain the Form 2 from the Society.**

You must serve a certified copy of the motion paper and the Form 2 on the Society and the Secretary for Justice at the same time as the papers are filed at the Court: rule 4(3).

The copy delivered to the Society must be accompanied by the name of the person who will move your admission and 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 there is any objection to your admission. A copy of the letter will be sent to the Court and the Society. The Society will **not** issue any 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.

### 3. *General notes*

You must read the notes at the bottom of the attached forms carefully. Any amendments to the attached forms must be initialled by the declarants 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.

Please also refer to the specimen forms prepared which are attached at the back of this package.

#### 4. *Continuing Professional Development*

You are required to complete 15 CPD points during each CPD practice year (which commences on 1 November and expires on 31 October the following year) and 30 CPD points by the end of your period of employment as a trainee solicitor.

**The Society's policies, procedures and guidelines concerning the Continuing Professional Development Scheme are set out in the Continuing Professional Development Information Package which is posted on the Law Society website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).**

#### 5. *Risk Management Education*

With effect from 1 November 2008, the application of the Legal Practitioners (Risk Management Education) Rules ("Rules") has been extended to trainee solicitors whose first trainee solicitor contract commences on or after 1 November 2008.

For trainee solicitors whose first trainee solicitor contract commences on or after 1 November 2008

If your first trainee solicitor contract commences on or after 1 November 2008, you will be subject to the RME obligations as follows:

- (a) During the first practice year in which the Rules apply to you, you shall complete the trainee solicitor's core courses consisting of two half-day modules.
- (b) During the second practice year in which the Rules apply to you, you shall complete a compulsory first elective for trainee solicitors consisting of two half-day modules.

The compliance of RME obligations including the completion of the trainee solicitor's core courses and the compulsory first elective for trainee solicitors is a condition of admission for trainee solicitors.

**You should note that the RME practice year runs from 1 November to 31 October. If you start your trainee solicitor contract after the commencement of a practice year, the first practice year for the purposes of the Rules begins on 1 November immediately preceding the date of commencement of your contract and expires on 31 October the following year. The second practice year commences on 1 November immediately after the first practice year and again ends on 31 October the following year. There have been instances of misinterpretation of the RME requirement whereby the trainee solicitors calculate the 12-month period for the first practice year in which they have to complete the core courses from the date of commencement of the trainee solicitor contract, instead of 1 November. Examples on how to calculate the relevant first and second practice years are set out in the section "Frequently Asked Questions" of the RME Information Package.**

On the basis that you have completed the trainee solicitor's core courses and the compulsory first elective, you shall be exempted from completion of the non-principal's core courses during the practice year when you start working as a non-principal in a Hong Kong firm after admission as a Hong Kong solicitor. You nevertheless remain subject to the annual RME elective obligations.

For trainee solicitors whose first trainee solicitor contract commences before 1 November 2008

The Rules do not apply to trainee solicitors whose first trainee solicitor contract commences before 1 November 2008. If you fall within this category, you are not subject to any RME obligations as trainee solicitor.

When you work as a non-principal in a Hong Kong firm after admission as a Hong Kong solicitor, you will be subject to the Rules for the first time:

- (a) During the first practice year that the Rules apply to you, you have to complete the non-principal's core courses which consist of two half-day modules;
- (b) During every subsequent practice year, you will complete at least 3 hours of elective courses within each subsequent practice year or failing which, at least 6 hours of elective courses within the immediately succeeding practice year.

The RME Information Package is posted on the Society's website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).

**6. *Notice of Intention to Apply for a Practising Certificate***

For first time application for a practising certificate, a Notice of Intention to apply for a practising certificate must be submitted not less than 6 weeks before the application for a practising certificate in accordance with the Practising Certificate (Special Conditions) Rules. A Notice of Intention to apply for a Practising Certificate is enclosed.

**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,.....  
[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(4) of the  
Admission and Registration Rules (Cap. 159 sub. leg. B).

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 the date of this application.

**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.

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. J) 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 ☐
- (2) Practice support ☐
- (3) Legal research ☐
- (4) Drafting ☐
- (5) Interviewing ☐
- (6) Negotiation ☐
- (7) Advocacy ☐

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 ☐
- (2) Commercial or corporate law ☐
- (3) Family law ☐
- (4) Civil litigation ☐
- (5) Criminal litigation ☐
- (6) Wills, Probate and Trusts ☐
- (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                   | <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. W) to be accumulated by the end of my period of employment as a trainee solicitor.

10.\* I have completed all general core courses and the minimum hours of elective courses required under the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) during my 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 \_\_\_\_\_ )  
\_\_\_\_\_) \_\_\_\_\_  
Trainee Solicitor

Before me: \_\_\_\_\_  
Commissioner for Oaths / Solicitor.

DECLARED at \_\_\_\_\_ )  
HONG KONG this \_\_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_) \_\_\_\_\_  
Principal

Before me: \_\_\_\_\_  
Commissioner for Oaths / Solicitor.

***Please read the notes attached to this form carefully.***

### FIRST SCHEDULE

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Address

Period of residence

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### SECOND SCHEDULE

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Details of other offices / employment

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### THIRD SCHEDULE

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Period of absence

With / without consent of Principal

Reasons

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## **Personal Information Collection Statement**

The personal data collected in this Application (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Application and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

It is obligatory for you to supply the Society with all data requested in this application form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in the processing of this Application and related matters. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at **[www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)**.

## NOTES FOR COMPLETING FORM 4

1. Where the Trainee Solicitor has been employed under two or more trainee solicitor contracts, each employer shall make a separate declaration.
2. \* Delete whichever is inapplicable.
3. Details of any offices held or other employment during your trainee solicitor contract must be given in the Second Schedule. The name and address of each employer, the position held and the length of employment must be stated.
4. All periods of absence from your principal's office must be stated in the Third Schedule, eg, recreation leave, sick leave, maternity leave and secondment to another firm of solicitors or company.
5. You must give full details of your periods of residence in Hong Kong in the First Schedule on whatever basis of residency upon which you are claiming to be eligible for admission.

If you are claiming to be eligible for admission on the basis of residency in Hong Kong for at least 3 months immediately before the date of your application for a certificate of eligibility for 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 4.

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 failed 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 4.

The name that appears in your Hong Kong Identity Card (HKID) will be used on the Roll of Solicitors and applicants may be asked to make a statutory declaration if the names on other documents do not correspond with that in the HKID.

6. Any attachments to your Form 4 must be marked 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"

7. Your Form 4 cannot be declared by you or your principal before the expiry of the Trainee Solicitor Contract.
8. **Your Form 4 declaration must not be witnessed by a solicitor who is an employee or principal in the same firm as you.**

# *The Law Society of Hong Kong*

## Continuing Professional Development (CPD)

### Statement of Compliance with CPD / RME Requirements – Trainee Solicitors

Notes: (1) In order to be admitted, trainee solicitors must comply with the requirements of the CPD Rules and RME Rules. Please submit this statement to the Law Society with your Form 4 Application for a Certificate of Eligibility for Admission.

(2) Please enclose a copy of the CPD / RME training record and copies of all correspondence from the Law Society relating to exemption or suspension from the operation of the CPD Scheme and/or RME Programme.

I \_\_\_\_\_ (Chinese Name: \_\_\_\_\_ )  
(*Print English name in full*)

state that during my employment as a trainee solicitor,

\* 1. I was required to accumulate \_\_\_\_\_ CPD points and I have accumulated not less than \_\_\_\_\_ CPD points;

\* 2. I was granted exemption from the requirements of the CPD Scheme (the letter from the Law Society granting me partial exemption is attached);

\* 3. I was granted suspension from the operation of the CPD Scheme (the letter from the Law Society granting me suspension is attached).

\* 4. I was required to complete and completed: (please tick the appropriate box)

☐ (a) the RME core programme for trainee solicitors; and

☐ (b) the compulsory first elective for trainee solicitors.

(\*Delete as appropriate)

Signed by Trainee Solicitor \_\_\_\_\_ Date \_\_\_\_\_

Daytime contact telephone no.: \_\_\_\_\_

**WARNING: A false or incorrect statement may constitute professional misconduct and may lead to disciplinary actions.**

## **Personal Information Collection Statement**

The personal data collected in this Statement (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Statement and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

It is obligatory for you to supply the Society with the data requested in this Statement except as otherwise indicated. The consequence for you if you fail to supply the data is that the Society will not be able to process this Statement.

The data will be provided to such persons within the Society whose proper business it is to have access to and assist in processing this Statement. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).

IN THE HIGH COURT OF HONG KONG  
COURT OF FIRST INSTANCE

MISCELLANEOUS PROCEEDINGS NO.                      OF

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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.

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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.

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NOTICE OF MOTION

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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*



# SPECIMEN

*The Law Society of Hong Kong*

## 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, CHAN TAI MAN

NAME OF TRAINEE  
SOLICITOR (AS ON  
HKID CARD)

[full name in English and, if

CORRESPONDENCE  
ADDRESS

of RM 9, 5/F, 6 POK FU LAM RD, HONG KONG

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. B).

We, CHAN TAI MAN

of RM 9, 5/F, 6 POK FU LAM RD, HONG KONG

(the "Trainee Solicitor")

and WONG CHI MING PETER

NAME OF PRINCIPAL (AS  
ON HKID CARD)

CORRESPONDENCE  
ADDRESS

of 40/F, TWO EXCHANGE SQUARE, CENTRAL, H.K.

(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 the date of this application.~~

~~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.~~

DELETE  
AS  
APPRO-  
PRIATE

DATE OF  
COM-  
MENCEMENT  
AND LAST  
DAY OF  
CONTRACT

LAST DAY  
SHOWN ON  
YOUR  
RELEASE IF  
YOU HAVE  
ENTERED  
INTO MORE  
THAN ONE  
TRAINEE  
SOLICITOR  
CONTRACT

Details of my periods of residence are set out in the "First Schedule" annexed to this application.

The attached document marked "....." is a certified copy of my passport.

I was employed under a trainee solicitor contract by the Principal for the period 1 January 2006 to 31 December 2007 (the "Trainee Solicitor Contract").

*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.*

*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.*

*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. J) 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-

THE SKILLS  
IN THIS  
PARAGRAPH 7  
& 8 COMPRISE  
OF THE "OLD"  
/"NEW" FORM  
SKILLS AND  
"OLD"/"NEW"  
FORM LEGAL  
TOPICS AS  
STATED IN  
YOUR  
TRAINEE  
SOLICITOR  
CONTRACT.  
THE "OLD"  
SKILLS  
RELATE TO  
THE "OLD"  
LEGAL TOPICS  
AND THE  
"NEW" SKILLS  
TO THE  
"NEW" LEGAL  
TOPICS  
RESPECTIVELY

- |     |                                       |                          |
|-----|---------------------------------------|--------------------------|
| (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
- (2) Practice support
- (3) Legal research
- (4) Drafting
- (5) Interviewing
- (6) Negotiation
- (7) Advocacy

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PLS MARK  
THE APPRO-  
PRIATE  
BOXES

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 ☐
- (2) Commercial or corporate law ☐
- (3) Family law ☐
- (4) Civil litigation ☐
- (5) Criminal litigation ☐
- (6) Wills, Probate and Trusts ☐
- (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 XXX Company, 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)\* -*

SECONDED  
COMPANIES  
IN HK

- (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

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PLS MARK  
THE APPRO-  
PRIATE  
BOXES

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. W) to be accumulated by the end of my period of employment as a trainee solicitor.
- 10.\* I have completed all general core courses and the minimum hours of elective courses required under the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) during my 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 ABC & Co)  
3/F, 6 Des Voeux Rd Central, H.K.)  
HONG KONG this 1<sup>st</sup> day of January 2008)

DECLARED AT WHERE  
AND WHEN??

(CANNOT DECLARE ON  
OR BEFORE THE EXPIRY  
DATE OF THE TRAINEE  
SOLICITOR CONTRACT)

***IMPORTANT:*** THIS DOCUMENT  
MUST NOT BE WITNESSED BY A  
SOLICITOR WHO IS AN EMPLOYEE  
OR PRINCIPAL OF YOUR FIRM

\_\_\_\_\_  
Trainee Solicitor

Before me: \_\_\_\_\_  
Commissioner for Oaths / Solicitor.

PLS PRINT THE FULL NAME OF  
THE WITNESS SOLICITOR  
AND THE NAME OF HIS/HER  
FIRM/COMPANY UNDER THE  
SIGNATURE

DECLARED at \_\_\_\_\_ )  
HONG KONG this \_\_\_\_\_ day of )  
\_\_\_\_\_ )

\_\_\_\_\_  
Principal

Before me: \_\_\_\_\_  
Commissioner for Oaths / Solicitor.

***Please read the notes attached to this form carefully.***

### FIRST SCHEDULE

Address	Period of residence
RM 9, 5/F, 6 POK FU LAM RD, HONG KONG	4 January 1990 - Present
RM 1, 2/F, 3 TIN WAN RD, HONG KONG	30 October 1984 - 3 January 1990

DETAILS OF RESIDENTIAL  
ADDRESSES & THE PERIOD  
OF RESIDENCE

### SECOND SCHEDULE

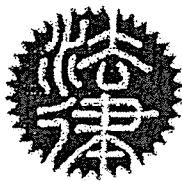
#### Details of other offices / employment

YYY Company 3/F, 7 Des Voeux Road Central Hong Kong SAR	Executive Director	1 January 2006 – 31 December 2007 (approved by the Law Society)
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### THIRD SCHEDULE

Period of absence	With / without consent of Principal	Reasons
1 FEB 2006 - 3 FEB 2006 (3 DAYS)	WITH CONSENT	SICK LEAVE
5 OCT 2007 - 8 OCT 2007 (4 DAYS)	WITH CONSENT	ANNUAL LEAVE

ANY LEAVE MUST BE  
STATED HERE INCLUDING  
SECONDMENT TO ANOTHER  
FIRM IN HK OR ABROAD



THE  
**LAW SOCIETY**  
OF HONG KONG

香港律師會

3/F WING ON HOUSE, 71 DES VOEUX ROAD  
CENTRAL, HONG KONG DX-009100 CENTRAL 1  
香港中環德輔道中71號  
永安集團大廈3字樓

TELEPHONE (電話) : (852) 2846 0500  
FACSIMILE (傳真) : (852) 2845 0387  
E-MAIL (電子郵件) : [sg@hklawsoc.org.hk](mailto:sg@hklawsoc.org.hk)  
HOMEPAGE (網頁) : <http://www.hklawsoc.org.hk>

*Index Reference :*

Legal Practitioners Ordinance,  
Practice Directions & Rules

CIRCULAR 03-29 (SD)

27 January 2003

**PRACTISING CERTIFICATE  
(SPECIAL CONDITION) RULES**

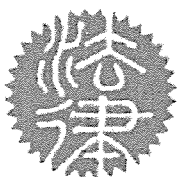
1. The Practising Certificate (Special Conditions) Rules ("Rules") will come into operation on 1 February 2003.
2. The conditions subject to which a practising certificate may be issued are set out in Schedule 1 to the Rules. They include the following:
  - (a) The solicitor shall complete a period of practice (not exceeding 24 months) as specified by the Council under the supervision of a solicitor holding an unconditional practising certificate.
  - (b) The solicitor may only practise in an employment that has been approved by the Council.
  - (c) The solicitor may only practise in a partnership that has been approved by the Council.
  - (d) The solicitor may only practise on his own account with the approval of the Council.
  - (e) The solicitor shall not sign cheques on a client account.
  - (f) 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.
  - (g) The solicitor shall undertake additional academic or training courses or examinations specified by the Council.

3. The above conditions may be imposed on a practising certificate in accordance with the Rules if:
- (a) the solicitor is applying for the issue of a practising certificate for the first time;
  - (b) the solicitor has been censured or ordered to pay a penalty or costs by the Solicitors Disciplinary Tribunal since he was last issued a practising certificate;
  - (c) the solicitor has failed or refused to give to the Society a sufficient and satisfactory explanation in respect of any matter relating to his conduct when invited to do so since he was last issued a practising certificate and has been notified in writing by the Society that he has so failed or refused;
  - (d) the solicitor has been suspended from practice since he was last issued a practising certificate and the period of his suspension has expired;
  - (e) the solicitor has had his name removed from or struck off the roll of solicitors since he was last issued a practising certificate and his name has been restored to the roll of solicitors;
  - (f) the solicitor has become bankrupt since he was last issued a practising certificate and has been discharged;
  - (g) the solicitor has had a monetary judgment (not being a judgment excepted in the Rules) given against him since he was last issued a practising certificate;
  - (h) the solicitor has not been in full-time practice of law for two continuous years immediately prior to the giving of notice of intention to apply for a practising certificate; or
  - (i) the solicitor was a principal in or a consultant of a firm at the time of an intervention of the firm by the Society during the preceding 18 months.
4. If a solicitor comes within any of the situations set out in paragraph 3 above, he shall not less than 6 weeks before he applies for a practising certificate give to the Society written notice of his intention to so apply in a specified form, unless the Society or Chief Judge otherwise orders.
5. Accordingly, under the Rules, newly qualified solicitors applying for a practising certificate for the first time will be required to give written notice of intention to apply for a practising certificate not less than 6 weeks before they apply for a practising certificate.



6. There has been a concession given to newly qualified solicitors to backdate their first practising certificate to the date of admission provided they apply within one month of admission. This concession will cease when the Rules come into effect on 1 February 2003.
7. Where a practising certificate has already been issued to a solicitor, the Society may add certain conditions to it, as set out in the Rules, if:
  - (a) the situation in paragraph 3(b),(c),(d),(g) or (i) above arises;
  - (b) the solicitor has entered into a voluntary arrangement with his creditors; or
  - (c) the solicitor has been charged with or convicted of an offence involving dishonesty or deception or 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. Consequential amendments have been made to the Practising Certificate (Solicitors) Rules to include, in the form of application for a practising certificate, a requirement to indicate whether the applicant falls within any of the situations in paragraph 3 above and whether prior notice has been given to the Society.
9. The replacement contents page, the Rules and the replacement pages of the Practising Certificates (Solicitors) Rules for insertion into the Hong Kong Solicitors' Guide to Professional Conduct Volume 2 are attached to Circular 03-30 (SD).

Any enquiries can be directed at the Assistant Director, Regulation and Guidance on 2846-0503.



THE  
**LAW SOCIETY**  
OF HONG KONG  
香港律師會

3/F WING ON HOUSE, 71 DES VOEUX ROAD  
CENTRAL, HONG KONG DX-009100 CENTRAL 1  
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HOMEPAGE (網頁) : <http://www.hklawsoc.org.hk>

## *Index Reference :*

### Solicitors

CIRCULAR 04-310 (SD)

19 July 2004

## SOLICITORS: PRACTISING CERTIFICATES

### Practising Certificate (Special Conditions) Rules

1. Section 5 of the Practising Certificate (Special Conditions) Rules (“Rules”) requires in certain circumstances an applicant for a practising certificate to give to the Law Society 6 weeks’ notice of intention to apply.
2. One of the circumstances, as provided in section 3(h) of the Rules, is where the applicant 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.
3. The Council has agreed that for the purpose of section 3(h) of the Rules:
  - (a) a person is considered to have been in “practice of law” if he has been engaged in any one or more of the following:
    - (i) a period of service as a trainee solicitor, articled clerk or pupil that has been completed as a requirement of admission in the person’s jurisdiction of admission;
    - (ii) provision of legal services to the public in the capacity of a practising lawyer;
    - (iii) provision of legal services, otherwise than to the public, the nature of which is similar to those under subparagraph (ii) above;
  - (b) absence from full-time practice of law for a period of not more than 6 months in aggregate during the 2-year period referred to in section 3(h) will not be treated as having broken the continuity requirement;
  - (c) absence from full-time practice of law on statutory maternity leave:
    - (i) will not be counted towards the 6-month grace period allowed under sub-paragraph (b); and
    - (ii) will not be treated as having broken the continuity requirement under section 3(h) of the Rules.

Any enquiries can be directed at the Assistant Director, Regulation & Guidance on 2846-0503.



Incorporated in 1907 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

### **Personal Information Collection Statement**

The personal data collected in this Notice ("the data") will be used by the Law Society of Hong Kong ("the Society") for the following purposes:

- (i) The processing of this Notice which is required for the application of a practising certificate and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established.

In giving this Notice, it is obligatory for you to supply the Society with the data requested in this Notice except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society may not be able to process this Notice.

The data may be provided to such persons within the Society whose proper business it is to carry out the purposes above mentioned. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk).