

THE LAW SOCIETY OF HONG KONG

INFORMATION FOR REGISTRATION AS A FOREIGN LAW FIRM

A. INTRODUCTION

Since 9th September 1994, all foreign law firms have been required to register with the Law Society of Hong Kong following the implementation of the *Legal Practitioners Ordinance* and the *Foreign Lawyers Registration Rules*.

A firm may submit application for registration as a foreign law firm if all partners who intend to practise in Hong Kong are foreign lawyers or the sole practitioner is a foreign lawyer **and** the firm intends to have within 2 months after registration, a place of business in Hong Kong for the purpose of practising or advising on foreign law [s.39B (1) of the Ordinance]. If sufficient intention is not demonstrated by the firm in paragraph 3(a) and (b) of Part A of the attached application form (Form FF), the application will be rejected and the firm will be advised to apply again, if it wishes, in 3 months' time.

If the foreign law firm fails to establish a place of business in Hong Kong within 2 months after its registration, the Society may cancel the firm's registration [s.39B (2) of the Ordinance].

A registered foreign law firm is able to practise the law of the jurisdiction(s) in which their partners and associates are qualified, and third jurisdictions in which they are competent to practise. Such firms are precluded from practising Hong Kong law or employing and/or taking Hong Kong solicitors into partnership.

The name of a registered foreign law firm, its letterhead, supervision of office, sharing an office and staff are some aspects of the practice of foreign firms which are regulated by the *Foreign Lawyers Practice Rules* ("FLPR"). Rule 9A of the FLPR requires sole principals of foreign firms which are not branch offices of overseas firms to provide information to the Law Society regarding the location of their wills and the identities and contact details of their executors and the foreign lawyer appointed to manage their practices upon their death, pending disposal or cessation of the practice.

A registered foreign law firm can establish a Hong Kong practice so long as all of the partners in the Hong Kong firm are Hong Kong qualified solicitors and the required ratios of Hong Kong solicitors to foreign lawyers are observed. If the registered foreign law firm is a branch of an overseas firm, it may use the name of the overseas firm only if certain criteria are met; for example, there must be a substantial connection between the proposed Hong Kong office and the overseas firm. The Hong Kong firm must comply with the requirements of the *Legal Practitioners Ordinance* and subsidiary legislation.

B. LEGISLATION FOR REGISTRATION

The relevant provisions are:

1. Legal Practitioners Ordinance 1994, ss.39B and 50B.
2. Foreign Lawyers Registration Rules, rules 2, 6, 7, 9, 10 and 11.
3. Foreign Lawyers Registration (Fees) Rules, rule 2.

C. NOTES FOR COMPLETING THE APPLICATION FORM (Form FF) FOR REGISTRATION AS A FOREIGN LAW FIRM

1. The **original form** (Form FF) approved by the Council of the Law Society must be used and completed precisely. Form FF is attached with this information package.
2. The intended senior resident partner or the sole practitioner of the proposed firm is the applicant for this application and should complete Form FF.
3. In Part A, Nos.5 and 6 – If the persons have not already been registered as a registered foreign lawyer, their Application for Registration as a Foreign Lawyer (Form FL) should be completed and filed with this Form FF.
4. In Part C - Qualification for Registration, please complete either No.12 **or** 13, whichever is appropriate.
5. Documentary evidence stated in Part C should be enclosed with the application.
6. **Declaration of Applicant** (attached with Form FF) must be declared before a Notary Public, Commissioner, or other person authorised by the Oaths and Declarations Ordinance to take declarations.

[If the declaration is declared outside Hong Kong, it must be done before a Notary Public.]

7. **Applicant's undertaking and authorization** (attached with Form FF) must also be completed by the applicant.
8. A cheque for HK\$35,000.00 being the first registration fee of a foreign law firm (including the issuing of the Certificate of Registration as a Foreign Law Firm) should be made payable to "**The Law Society of Hong Kong**" and submitted to the Society with the application.

[Note : The prescribed registration fee under Rule 9 of the Foreign Lawyers Registration Rules in respect of any registration pursuant to Part IIIA of the Ordinance is payable upon application. No refund either in full or in part of the fees paid can be made after the application has been lodged with the Law Society.]

9. Applicants must provide certified English translations of all documents submitted in support of their applications which are not in English or Chinese.
10. If the space provided for any answer is insufficient, the applicant can complete the answer on a separate sheet and sign and staple it to this application form.
11. The Council may investigate or verify any information supplied on the application form, and may require further explanation from the applicant.
12. The average time taken to process an application is 4-6 weeks upon receipt of all the requisite documents. Omissions or inaccuracies in the answers provided in Form FF may delay or result in the rejection of the application.

D. INTRODUCTION OF A NEW JURISDICTION IN ADDITION TO THE JURISDICTION(S) NOTIFIED TO THE LAW SOCIETY IN SUPPORT OF THE FIRST APPLICATION FOR REGISTRATION

If a registered foreign firm wishes to add another jurisdiction in addition to the jurisdiction(s) previously notified to the Law Society in support of its first registration, it should provide the Law Society with all documents required of it to establish that it complies with all the registration requirements for that jurisdiction, which documents should be documents of the same nature as the supporting documents provided to establish that it complied with the registration requirements for the jurisdiction(s) in support of its first registration. The application fee is HK\$35,000.00.

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