



STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2026

LAW SOCIETY SUBMISSION

1. The Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2026 invited members of the public to provide written submissions on the Statute Law (Miscellaneous Provisions) Bill 2026.
2. In response, The Law Society provides the following submissions on the Bill.
3. Under Section 2(1) of the Legal Practitioners Ordinance (Cap. 159) (“LPO”), the Chinese rendition of the term “solicitor” is “律師”. Notwithstanding such statutory definition in the LPO, the term “事務律師” has, for historical reasons, appeared in certain Hong Kong legislation as a Chinese rendition of “solicitor”.
4. For decades, the common use of the Chinese term “事務律師” to denote “solicitor” in Hong Kong has led to confusion and misperceptions both locally and in the Chinese Mainland.
5. This issue has had tangible consequences. For example, during exchanges with delegations from the Chinese Mainland, Taiwan, and Macao, The Law Society of Hong Kong (“Law Society”) has frequently encountered misunderstandings about the two branches of the legal profession and their respective scopes of practice. Many delegates have assumed, based on the term “事務律師”, that Hong Kong solicitors are limited to desk-based work and do not have any rights of audience in courts. Similarly, some members of the public in Hong Kong have held the mistaken belief that solicitors only handle paperwork or transaction work and do not participate in court proceedings.

These deeply ingrained misconceptions have unfortunately undermined the professional standing of solicitors.

6. As the Chinese version of the term “solicitor” in the LPO, the term “律師” is more neutral and can avoid any suggestion of any unfounded restrictions on the scope of practice of solicitors that may be associated with the term “事務” in “事務律師”.
7. With the approval of the Council of The Law Society, the electronic version of the revised Chinese translation of *The Hong Kong Solicitors’ Guide to Professional Conduct* (Volume 1, Third Edition) (“Guide”) was issued on 30 October 2025, replacing “事務律師” with “律師” as the Chinese translation of “solicitor” to correct the translation error.
8. Following this development, The Law Society approached the Department of Justice (“DOJ”) in November 2025 to propose amending the Chinese version of Section 9A(1A)(c) of the LPO by changing the Chinese title of the Guide from “《香港事務律師專業操守指引》” to “《香港律師專業操守指引》”. The Law Society also sought the Chief Justice’s approval to make a corresponding amendment to the Chinese version of the Schedule to the Summary Disposal of Complaints (Solicitors) Rules (Cap. 159AD) (“Summary Disposal Rules”).
9. The Law Society also noted that the terms “事務律師” and “訟務律師” appear as the Chinese renditions of the terms “solicitor” and “barrister” respectively in the Clubs (Safety of Premises) (Appeal Board) Regulations (Cap. 376A) (“CSPAB Regulations”). It invited the DOJ to take the opportunity to align the Chinese version of the relevant terms in the Hong Kong legislation. The Law Society proposed to change the Chinese rendition of the term “solicitor” in the CSPAB Regulations from “事務律師” to “律師”.
10. With the support and collaboration of the Judiciary and the DOJ, The Law Society’s proposed amendments to (i) Section 9A(1A)(c) of the LPO; (ii) the Schedule to the Summary Disposal Rules; and (iii) Regulations 10 and 12, and Form 2 in the Schedule to the CSPAB Regulations, replacing “事務律師” with “律師”, have been reflected in

Clauses 117, 119, 361, 362 and 363 of the Statute Law (Miscellaneous Provisions) Bill 2026.

11. Once the relevant amendments come into operation, Hong Kong legislation will no longer contain any reference to the term “事務律師”.
12. The removal of the term “事務律師” from Hong Kong legislation is important not only in ensuring consistency between Hong Kong legislation and the terminology prescribed under the LPO, but also in correcting the longstanding inconsistency in legal terminology. It reinforces “律師” as the correct and authoritative Chinese translation of “solicitor” and helps foster a more accurate understanding of the role, functions and professional standing of Hong Kong solicitors.

Solicitor Advancement

13. Building on this important step towards a clearer and more accurate portrayal of the profession, The Law Society considers it timely to address a further matter concerning the recognition and advancement of solicitors in Hong Kong. This development in statutory terminology removes a longstanding linguistic inconsistency and provides an appropriate foundation for considering the remaining structural barriers to the fair recognition of solicitors’ professional standing.
14. Hong Kong's legal profession has evolved considerably over the past two decades. The introduction of higher rights of audience for solicitors in 2012 recognised that suitably qualified solicitors may undertake advocacy before the higher courts. Subsequently, the amendment to section 31A of the LPO in 2021 permitting eligible legal officers who are not barristers to be appointed as Senior Counsel, reflects a clear policy direction towards recognising excellence based on merit rather than professional branch alone. These developments collectively reflect a mature and principled legislative trajectory that accords recognition to professional distinction wherever it is found.

15. The legislative framework enabling eligible solicitors to have higher rights of audience before the High Court, the Court of Appeal and the Court of Final Appeal has come into operation for more than a decade. Pursuant to Section 39Q of the LPO, Hong Kong has 119 accredited solicitor advocates with higher rights of audience as of September 2026. Many possess significant court and advocacy experience and have demonstrated their ability to appear before the higher courts. This cohort evidences both the capability and readiness of solicitors to be considered for recognition at the highest professional level, and demonstrates that the higher-right regime has matured into a stable and credible pathway for solicitor advocacy.

Section 31A of the LPO

16. In 2021, Section 31A of the LPO was amended to extend eligibility for appointment as Senior Counsel to a person who is not a barrister but holds office as a legal officer, as defined under Section 2 of the Legal Officers Ordinance (Cap. 87), provided that the relevant eligibility requirements are satisfied. Section 31A(3A) of the LPO further provides that a person appointed as Senior Counsel under Section 31A(1)(b) may use the title and enjoy the status of Senior Counsel only while holding office as a legal officer.
17. The amendment was justified on the basis that there is no practical distinction between the duties performed by legal officers who are barristers and those who are not, and that persons who satisfy the substantive requirements should be fairly recognised notwithstanding that they are not admitted as barristers. It was further considered that such an approach was consistent with the principle of merit-based selection and in the public interest. The 2021 amendment reflects legislative recognition that professional excellence meriting appointment as Senior Counsel may exist independently of a practitioner's formal branch of admission. Importantly, section 31A does not impose any express requirement of advocacy excellence even for barristers, underscoring that the statutory criteria focus on ability, standing, knowledge and experience rather than branch-specific practice. Section 31A(2) further provides a unified and branch-neutral set of criteria applicable to all candidates, reinforcing the coherence of the existing statutory framework.

18. The Law Society's position on this matter is long-standing and consistent. When the proposal to amend Section 31A of the LPO was put forward in 2021, The Law Society expressly supported it. By letter dated 9 June 2021 to the then Secretary for Justice, the then President of The Law Society confirmed that The Law Society had for years been advocating for eligible solicitors to be conferred with the status of Senior Counsel, and that the proposal to extend eligibility to legal officers who are solicitors rested on the same basis as The Law Society's own proposal in respect of solicitors. It was on that footing that The Law Society supported the amendment of Section 31A in the manner proposed. Following that letter, the then Secretary for Justice indicated her support for the conferment of Senior Counsel status on suitably qualified solicitors. The present proposal is therefore the natural and principled continuation of the very basis upon which the 2021 amendment was supported and enacted. This position has been consistent since the introduction of higher rights of audience in 2012, reflecting The Law Society's long-standing advocacy for merit-based recognition.
19. The extension of eligibility to legal officers in Government service reflects a principled recognition that the status of Senior Counsel should be conferred by reference to professional competence, experience and standing, rather than by professional title alone. On the same basis, it is respectfully submitted that qualified solicitors who possess the requisite experience, distinction and standing should likewise be afforded the opportunity to be considered for appointment as Senior Counsel.
20. The Law Society of Hong Kong advocates amending the legislation to extend eligibility for appointment as Senior Counsel to suitably qualified solicitors who have demonstrated exceptional distinction, professional standing, legal expertise or experience. Eligibility would not confer any entitlement to appointment but would enable such candidates to be considered under the same rigorous standards applicable to all candidates for appointment as Senior Counsel.

The Nature of Solicitors' Practice and Their Contribution to the Rule of Law

21. In considering the proposed reform, it is important to appreciate the nature of solicitors' work within Hong Kong's split profession. Solicitors do not, as a branch, hold

themselves out as specialist advocates. Under the long-established referral model, solicitors ordinarily instruct barristers to appear in court, and they do so for sound professional reasons. The proposed reform does not seek to alter this arrangement, and solicitors have no intention of competing with the Bar. The Law Society reiterates its support for the independent Bar and its role. The referral model is structural rather than hierarchical, and the proposed reform does not disturb that architecture. It is also a professional convention rather than a statutory requirement, and the proposed eligibility reform does not alter that established model.

22. At the same time, solicitors contribute no less than barristers to the rule of law and to the strength and international standing of Hong Kong's legal system. Their work spans a wide range of practice areas, including initial public offerings and capital markets, banking and finance, mergers and acquisitions, real property, and shipping and logistics, which together form an essential part of the business backbone of Hong Kong. Excellence and distinction within the profession are demonstrated across all of these fields, and not solely in the courtroom.
23. Even in contentious matters, the role of solicitors in modern litigation is as integral as that of barristers. Solicitors have conduct of proceedings from inception, and are responsible for the preparation of pleadings and witness statements, the discharge of discovery obligations, the management of evidence, and the formulation of case strategy — often in complex, high-value and cross-border disputes. These may include regulatory investigations, commercial fraud matters, and multi-jurisdictional contractual disputes, where solicitors' strategic and evidential work is indispensable. This work is central to the proper presentation of cases and to the assistance the court receives. The contribution of solicitors to the administration of justice in contentious work is, in substance, of equal importance to that of advocates appearing before the court.
24. It follows that, if eligibility for appointment as Senior Counsel is extended to solicitors, a solicitor's suitability should not be assessed by reference to advocacy experience alone. Notably, Section 31A of the LPO imposes no express requirement of advocacy excellence even for barristers: the statutory criteria are sufficient ability and standing, sufficient knowledge of the law, the requisite experience, and practice at the bar or as

an advocate while holding office as a legal officer. Consistently with that framework, The Law Society proposes that a solicitor should be eligible for appointment as Senior Counsel if the solicitor:

(a) has sufficient ability and standing as a solicitor, and sufficient knowledge of the law, to be accorded that status;

(b) has the requisite experience; and

(c) is practising as a solicitor in Hong Kong.

25. To assess solicitors solely by reference to courtroom advocacy would fail to reflect the reality of solicitors' practice and would disregard the significant contributions made by solicitors in both contentious and non-contentious work. It would also risk fostering an unnecessary and unwanted sense of competition between the two branches of the profession, which the proposed reform neither intends nor entails. The touchstone should be professional excellence, distinction and standing, in whatever field of practice those qualities have been demonstrated.
26. Given the breadth of solicitors' practice and the public interest in the work solicitors perform across all sectors of society, The Law Society further proposes that appointments of solicitors as Senior Counsel be considered by a dedicated appointment committee. The committee could comprise the Chief Justice, a representative of The Law Society, and such other relevant stakeholders as may be appropriate. Such a structure would ensure that assessments of candidates are informed by a proper understanding of the nature, breadth and standards of solicitors' practice, while preserving the rigour, independence and prestige of the appointment process. This would complement, rather than displace, the consultation framework currently reflected in Section 31A(1) of the LPO.

Overseas Experience Demonstrates that Solicitor Appointments are Well Established

27. The experience of other common law jurisdictions demonstrates that extending eligibility beyond barristers does not dilute standards. On the contrary, it enhances the quality and diversity of the advocacy profession while maintaining rigorous merit-based selection.
28. The Law Society recognises and supports the important constitutional role played by an independent referral Bar in Hong Kong. The proposed reform is not intended to alter that role or to diminish the standing of Senior Counsel. Rather, it seeks to ensure that eligibility for appointment is determined by merit, excellence and professional standing, irrespective of the branch of the profession through which those qualities have been demonstrated.
29. In England and Wales, solicitors with higher rights of audience have been eligible to apply for King's Counsel status since 1995. 66 solicitors, out of 231 applicants who have applied, have successfully been appointed as King's Counsel since the introduction of the scheme in 1995. The selection process remains highly competitive and appointments are awarded solely on merit. This represents approximately 28.5%, demonstrating that solicitor appointments remain selective and standards remain rigorous.
30. In Ireland, the title of Senior Counsel to solicitors was opened in 2020 pursuant to the Legal Services Regulation Act 2015. The reform ended the historical exclusivity of the title and enabled solicitors to apply for a Patent of Precedence (the right to use the title Senior Counsel) on the basis of proven excellence in advocacy, specialist litigation or specialist legal knowledge. Since 2020, 48 solicitors have been appointed to the Senior Counsel title.
31. In Singapore, its unified legal profession also acknowledges excellence, boasting 102 Senior Counsel among approximately 6,348 legal practitioners as of June 2026.

Enhancing Diversity and Expanding the Pool of Judicial and Advocacy Talent

32. Where a qualified solicitor possesses the requisite qualifications, skills and attributes for judicial office, the solicitors' branch should likewise be afforded an equal opportunity to contribute to the administration of justice as judicial officers. Recognising such eligibility would be consistent with a merit-based approach and would further broaden the pool of talent available to serve the Judiciary.
33. The Law Society of Hong Kong has nearly 14,000 members. They bring perspectives and experience that complement those of barristers. Many solicitors have extensive experience in advising business and financial institutions, managing complex litigation, overseeing investigations, conducting arbitrations and handling cross-border disputes. Their experience often extends beyond advocacy to strategy, case management, commercial realities and client engagement.
34. Recognising eligible solicitors as Senior Counsel would advance a more inclusive and merit-based legal profession, broaden the pool of practitioners recognised for advocacy excellence, and strengthen the future pipeline for judicial appointment. Greater recognition of solicitors' capability, suitability and extensive experience for judicial office at all levels would also contribute to a more diverse and representative Judiciary and strengthen public confidence in the administration of justice.
35. Appointment as Senior Counsel has historically been recognised as a marker of professional distinction from which senior judicial appointments are frequently drawn. Extending eligibility would widen the pool of recognised advocacy talent available for future judicial office.
36. Greater recognition of solicitors' capability and experience would therefore contribute meaningfully to a Judiciary that reflects the breadth of Hong Kong's legal profession and enhances public confidence in the administration of justice.

Improving Access to Justice and Alleviating Court Waiting Times

37. The Chief Justice in The Law Society Spring Cocktail Reception 2025 said in his speech, “Justice is a shared endeavour. Solicitors bring their own unique and indispensable strengths to the justice system, ensuring that it works for the benefit of society”. The Chief Justice also called on our experienced litigators, solicitor advocates, dispute resolution solicitors, and solicitor-arbitrators to consider joining the Bench, recognising the invaluable expertise they bring to strengthening the Judiciary. The Honourable Madam Justice Mimmie Chan and The Honourable Madam Justice Bebe Chu, SBS (retired in 2024), experts in arbitration and family law were the outstanding examples.
38. The proposed reform would also produce practical benefits for the administration of justice. Hong Kong courts continue to face increasing caseloads and pressure on judicial and court support resources. Ensuring that judicial and court support manpower remains commensurate with the increasing volume of work is important to support timely case progression and the efficient administration of justice. By providing appropriate recognition and career progression opportunities for suitably qualified solicitors, the reform would encourage more solicitors to develop advocacy practices and obtain higher rights of audience, thereby broadening the pool of experienced advocates available to assist the courts and litigants.
39. Solicitor advocates and solicitors are well placed to contribute to the efficient conduct of proceedings. Having conduct of a matter from its inception through to trial or appeal, they are able to provide continuity in case strategy, preparation and advocacy. This may reduce duplication between solicitor and barrister teams, assist in more efficient preparation and presentation of cases, lower costs for litigants, facilitate earlier case resolution where appropriate, and improve the overall conduct of proceedings.
40. In addressing judicial manpower challenges, it is important to take a broad and inclusive view of the available talent within the legal profession. Solicitors, through their extensive experience in advising clients, managing complex disputes and understanding commercial and community needs, are well placed to contribute meaningfully to the work of the Judiciary. Continued development of training pathways and professional

development programmes would also assist prospective judicial candidates from diverse professional backgrounds.

41. While the appointment of solicitors as Senior Counsel would not, by itself, be a complete answer to court waiting time, it would form part of a broader and constructive approach to enhancing efficiency and improving access to justice.

A Short-Term Interim Solution

42. While the structural reforms proposed above will take time to implement, the pressure on court waiting times calls for immediate, practical measures. As a short-term interim solution, The Law Society proposes that the Judiciary proactively reach out to the solicitors' branch of the profession to identify suitable solicitors for appointment as Deputy Judges, Deputy Masters and other judicial officers at all levels of court.
43. At present, particularly in the High Court and the District Court, the overwhelming majority of deputy appointments are recruited privately by the Judiciary, predominantly through the identification of suitable candidates from within the Bar. The effect of this practice is twofold. First, the pool of available deputies is necessarily smaller than it need be, which does little to alleviate the short-term shortage of judicial manpower. Secondly, solicitors are not afforded the opportunity to serve in deputy roles, and are in turn discouraged from applying for substantive judicial appointments — sitting as a deputy being, in practice, the customary pathway to permanent appointment.
44. Conversely, if solicitors perceive that they enjoy genuinely equal opportunities in judicial recruitment, they will naturally be more motivated to apply when openings arise, and the pool of candidates available to the Judiciary will be significantly broadened. This can only serve the administration of justice and the timely disposal of cases.
45. The Law Society has already taken concrete initiative in this regard. Having observed the backlog of non-refoulement cases in the High Court, The Law Society contacted the Judiciary and nominated suitable solicitors for appointment as Deputy High Court Judges to hear non-refoulement cases, submitting those nominations in July 2026. While The Law Society awaits the Judiciary's response to those nominations, it firmly

believes that a similar nomination mechanism can be adopted for the appointment of suitable solicitors as deputy judicial officers at all levels of court. The Law Society encourages the Judiciary to approach this proposal with an open mind, in the interest of the public and the efficient administration of justice.

Conclusion

46. The proposed reform is not intended to create an alternative route to professional advancement. Rather, it seeks to ensure that the legal system is able to recognise extraordinary achievement wherever it is found within the profession. It is consistent with Hong Kong's long-standing commitment to meritocracy, fairness and excellence within the legal profession. The experience of comparable common law jurisdictions further supports the view that such reform is workable, principled and compatible with rigorous, merit-based selection. The proposed reform is evolutionary rather than revolutionary, aligning with Hong Kong's commitment to maintaining a world-class legal system.
47. For these reasons, The Law Society respectfully supports the proposed reform and submits that it would ensure that Hong Kong's legal framework more accurately, objectively and fairly reflects the role, contributions and standing of solicitors in Hong Kong. The proposed reform is not intended to favour one branch of the profession over another. Rather, it seeks to ensure that excellence in advocacy, integrity and professional standing may be recognised wherever it is found. Consistent with the principles reflected in the 2021 amendments to section 31A of the Legal Practitioners Ordinance, eligibility for appointment as Senior Counsel should be guided by merit and professional distinction rather than professional branch. The proposed reform therefore represents a measured, principled and logical development of Hong Kong's legal framework.

The Law Society of Hong Kong

11 September 2026