

General information and advice on application for higher rights of audience (“HRA”)

The Higher Rights Assessment Board (“the Assessment Board”) will be accepting applications for HRA from 1st September to 30th September (inclusive) 2013.

Applicants should read [the Legal Practitioners Ordinance, Cap 159](#) (“the Ordinance”) and [the Higher Rights of Audience Rules](#) (“the Rules”) for details of the HRA scheme before they make their applications.

Applications for HRA must be made **either** by way of exemption **or** by way of assessment. **It is the policy of the Assessment Board that it will not accept ‘rolled up’ applications, that is, single applications that seek exemption or, failing that, assessment. Applicants who seek higher rights of audience in any one application period must therefore choose whether to base their application on exemption from assessment or whether to base it on the requirement to sit an assessment.** If an applicant seeks HRA by way of exemption and is unsuccessful, he or she will have to wait until the next application period before applying for higher rights by way of assessment. Applicants are reminded that they can only apply once in the same calendar year according to s.39I(1)(d) of the Ordinance.

Applications for exemption

Applications for exemption will be determined according to the material submitted in support of such applications. Applicants should therefore ensure that sufficient material accompanies their applications. It is not sufficient to submit the bare minimum of material (unless that material is of itself compelling) and simply ask the Assessment Board to seek further material if required. While the Assessment Board will, in the exercise of its discretion, seek further information from applicants if deemed necessary, it does not accept any responsibility to seek material which should in the first place have been submitted by the applicants.

Persons who have previously applied by way of exemption and wish to do so again are advised that the Assessment Board cannot guarantee that it still holds all the material in support of the original application. Accordingly, new applications by way of exemption must be fully supported by relevant material.

Mere references to material attached to an earlier application may not be sufficient.

Applicants may find it necessary to make reference to long careers in different parts of the world and with different organisations. Should this be the case, although it is not necessary, the Assessment Board will often find it easier if a short professional history accompanies the application so that all materials may be considered in context.

Applications must be supported by sufficient material

All applicants are reminded that, pursuant to s.39L(1)(b) of the Ordinance, the Assessment Board is only permitted to grant an application for HRA if it is satisfied that the applicant has acquired sufficient experience in litigation work in the course of ordinary practice within a period of three years immediately preceding the application. **All applicants, whether for exemption or for assessment, must therefore submit sufficient material to satisfy the Assessment Board of this provision.**

Application form, etc.

The application form can be downloaded from the official website of the Assessment Board. **The completed form should be returned by post or in person** to the Office of the Higher Rights Assessment Board, Room 2619, 26/F, Wanchai Tower, 12 Harbour Road, Wanchai, Hong Kong. **Do not submit applications by fax or e-mail.**

To satisfy the eligibility requirements, further requirements concerning application and conditions for granting application under s.39I, s.39J and s.39L of the Ordinance, **applications must therefore be accompanied by all necessary documents together with the prescribed fees** as set out in items 1 and 2 of [the Schedule](#) in the Rules. Applicants who elect to make application on the basis of exemption are not required to pay the fee set out in item 2 of the Schedule.

While applicants applying for higher rights of audience in respect of **both civil and criminal proceedings** may submit their applications in one form, the applications will be processed separately and the applicants **should pay two sets of the prescribed fees.**

Payment of the prescribed fees should be made by crossed cheque or bank draft payable to “The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR”.

Accreditation via assessment

The training (optional) and assessment for applications made in September 2013 are tentatively scheduled for March/April 2014. Any applicant who must sit an assessment will be informed of the dates of the assessment by the Assessment Board.