

APPLICATION FOR HIGHER RIGHTS OF AUDIENCE

To: The Higher Rights Assessment Board (*Assessment Board*)

I, _____
[full name in English and, if applicable, Chinese]

of _____

[current residential address], apply for the grant to me of higher rights of audience in respect of (*tick as appropriate*)

- civil proceedings
- criminal proceedings
- both civil and criminal proceedings

in accordance with section 39H of the Legal Practitioners Ordinance (Cap. 159) (*Ordinance*) and the Higher Rights of Audience Rules (*Rules*).

My Hong Kong Identity Card number is _____. A copy of my Hong Kong Identity Card is attached to this application as Attachment 1. I can be contacted by telephone at _____, fax at _____

and email at _____.

My postal address in Hong Kong (if different from the residential address provided above) is _____
_____.

I do solemnly and sincerely declare as follows:

1. I was admitted to practise as a solicitor in Hong Kong on _____
_____ [date of admission].
2. I hold a current practising certificate as a solicitor issued by the Law Society of Hong Kong. A copy of the practising certificate is attached to this application as Attachment 2.
3. I am currently a _____
[position in the firm] of / in the employ of* _____
_____ [name of firm]
of _____
_____ [address of firm].

4. During the period of 7 years immediately before the date of this application, I have (*tick and fill in as appropriate*):

- practised as a solicitor in Hong Kong from _____ to _____.
- practised as a barrister in Hong Kong from _____ to _____.
- practised as a legal officer within the meaning of section 2 of the Legal Officers Ordinance (Cap. 87) from _____ to _____.
- held an office by appointment under section 3(1) of the Legal Aid Ordinance (Cap. 91), namely _____, from _____ to _____.
- held an office specified in Part 1 of Schedule 1 to the Director of Intellectual Property (Establishment) Ordinance (Cap. 91), namely _____, while legally qualified within the meaning of section 2 of that Ordinance from _____ to _____.
- held the office of Official Receiver or an office specified in Part 1 of Schedule 2 to the Bankruptcy Ordinance (Cap. 6), namely _____, from _____ to _____.
- practised the law of another common law jurisdiction, namely _____, while being qualified to do so under the law of that jurisdiction from _____ to _____.

A copy/Copies* of certificate(s) or other document(s) from _____

_____ [name of issuing authorities or institutions] supporting my practice / holding of office* is/are attached to this application as Attachment 3.

5. I have acquired sufficient experience in civil / criminal / both civil and criminal* litigation work in the course of ordinary practice within the period of 3 years immediately before the date of this application as follows: _____

[Set out details of such litigation work including, in particular, details of advocacy work both written and oral. Where necessary, separate sheet(s) may be used.] Documentary support of such experience is attached to this application as Attachment 4.

6. I acknowledge that the success of this application is subject to the condition that I must pass a full assessment of professional competence at the time and place directed by the Assessment Board, as required by rule 4 of the Rules.

{OR

6. I elect to make this application under section 39I(3) of the Ordinance on the basis of exemption from the requirement prescribed by rule 4 of the Rules, on the ground that before being admitted as a solicitor in Hong Kong, I have (*tick and fill in as appropriate*):

practised as a Senior Counsel (or before 1 July 1997, as a Queen's Counsel) at the bar in Hong Kong
[Documentary support of such appointment and practice should be attached to this application as Attachment 5.]

practised as a Queen's Counsel / Senior Counsel in the capacity of advocate* in Australia / Canada / England and Wales / Ireland / New Zealand/ Northern Ireland / Scotland // Singapore / South Africa*
[Documentary support of such appointment and practice should be attached to this application as Attachment 5.]

practised as a barrister or as a solicitor, in Hong Kong, and during that time acquired substantial experience in the role of an advocate before the higher courts of Hong Kong (as defined in rule 2 of the Rules), [as a member of a judicial or quasi-judicial tribunal in Hong Kong or as an arbitrator in Hong Kong deciding disputes in accordance with the law of common law jurisdictions] as follows: _____

[Set out details of all forms of litigation and advocacy experience. Where necessary, separate sheet(s) may be used.]

[Documentary support of such appointment, practice and experience should be attached to this application as Attachment 5.]

- practised as an advocate in another common law jurisdiction, namely _____,

 _____,

 and during that time acquired substantial experience before the higher courts of that jurisdiction having the same or a similar status as the higher courts of Hong Kong, namely _____,

 _____,

 [as a member of a judicial or quasi-judicial tribunal in that jurisdiction or as an arbitrator in that jurisdiction deciding disputes in accordance with the law of common law jurisdictions] as follows: _____

 [Set out details of all forms of litigation and advocacy experience. Where necessary, separate sheet(s) may be used.]

 [Documentary support of such appointment, practice and experience should be attached to this application as Attachment 5.]

- practised as an advocate in Hong Kong and/or in one of the jurisdictions stated in rule 13(2)(b) of the Rules and during that time have acquired experience sufficient to demonstrate that I possess the necessary professional competence to exercise higher rights of audience, namely _____

 [Set out details of all forms of litigation and advocacy experience. Where necessary, separate sheet(s) may be used.]

 [Documentary support of such appointment, practice and experience should be attached to this application as Attachment 5.]

I acknowledge that, by making this election, the success of this application is subject to the condition that I must satisfy the requirements of rule 13 and, if applicable, any requirements imposed by the Assessment Board under rule 14 of the Rules. }

7. I wish the Assessment Board to also consider the following additional information: _____

[State any additional information that the applicant wishes the Assessment Board to consider. Where necessary, separate sheet(s) may be used.].

8. I have not, in the same calendar year in which this application is made, made any other application under section 39H of the Ordinance (whether in respect of the same class of proceedings for which this application is made or a different class of proceedings).

9. Should I be successful in this application, I agree to be bound by the Code of Conduct for Solicitor Advocates issued, and from time to time revised, by the Council of the Law Society under section 39R of the Ordinance.

10. I acknowledge that the Assessment Board may under section 39M(1)(a) of the Ordinance make any enquiries with the Council of the Law Society that the Assessment Board considers appropriate, and I consent to the Council releasing information to the Assessment Board in reply to any such enquiry.

11. I authorize the Assessment Board to seek verification of any matters pertinent to the proper consideration of this application.

And I make this 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

 20.....

Before me,

Commissioner for Oaths/Solicitor

NOTE: Subject to rule 3(3) of the Rules, the application must be accompanied by the fees set out in items 1 and 2 of the Schedule to the Rules.

*Delete whichever is inapplicable.

PERSONAL INFORMATION COLLECTION STATEMENT

The personal data collected in this application form will be used by the Higher Rights Assessment Board for the purposes of responding to and taking follow-up action on your application for higher rights of audience.

Personal data requested on the application form are regarded as mandatory for the above purposes. Failure to provide these data may affect the processing of your application.

Under the Personal Data (Privacy) Ordinance, you have a right of access and correction with respect to personal data in relation to your application. A fee may be imposed for complying with a data access request. Enquiries concerning the personal data provided, including the making of access and corrections should be addressed to:

The Secretary, Higher Rights Assessment Board
Room 2619, 26/F, Wanchai Tower,
12 Harbour Road,
Wanchai, Hong Kong

Telephone: (852) 2827 5618
Fax: (852) 2827 1518