

K. FORMS

1. Form 1C

FORM 1C

[rule 3(2)(c)]

ADMISSION AND REGISTRATION RULES

**APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR ADMISSION
AS A SOLICITOR UNDER SECTION 4(1)(b)**

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(5) of the
Admission and Registration Rules (Cap. 159 sub. leg.).

Telephone contact number:

I do solemnly and sincerely declare 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 ordinarily been a 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 below-

Address	Period of residence

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

- (2) I was admitted as an attorney / solicitor / barrister* of on day of The attached document marked "....." is a certified copy of my admission certificate.
- (3) I was not required to pass any examinations prior to applying for admission as a solicitor. The attached document marked "....." is the Hong Kong Law Society certificate to this effect.

OR*

I was required to pass an examination / examinations* in prior to applying for admission as a solicitor. I passed the examination / examinations* on the day of The attached document marked "....." is a certified copy of a certificate from the authority administering the examination.

AND I 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)
)

Before me,

Commissioner for Oaths / Solicitor.

* Delete whichever is inapplicable.

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.

In making this Application, it is obligatory for you to supply the Society with the 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**.

NOTES FOR COMPLETING FORM 1C

1. For (1):

You must give full details of your periods of residence in Hong Kong in your Form 1C, on whatever basis of residency upon which you are claiming to be eligible for admission. If the space provided for is insufficient, you may supply the details on a separate sheet.

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 a full set of your passport, must be attached to your Form 1C.

If you have been absent from Hong Kong for any period(s) falling within 3 months before the date of your Form 1C, please submit a written confirmation of the date(s), destination(s) and purpose(s)/reason(s) of your absence and an administrative fee of HK\$1,500.00 payable to the Law Society for the review of the travel records in order for it to be satisfied that you have complied with the residency requirements under section 4(1A)(a) of the Legal Practitioners Ordinance.

If you intend to reside in Hong Kong for 3 months immediately after admission pursuant to section 4(1A)(b) of the Legal Practitioners Ordinance, please provide the Law Society with further information regarding that intention which should be supported by appropriate documentary evidence, such as:

- (i) scheduled / anticipated date of arrival in Hong Kong;
- (ii) immigration / visa status;
- (iii) any offer of or commencement date of employment in Hong Kong; or proof that you have been granted at least 3 months' leave from your employer overseas; and
- (iv) evidence of sufficient means to support yourself over that period if not seeking employment during the 3 months in Hong Kong.

If you have been absent from Hong Kong for any period(s) falling within 3 months immediately after admission, you will be requested then to submit a written confirmation of the date(s), destination(s) and purpose(s)/reason(s) of your absence. An administrative fee of HK\$1,500.00 is then payable for the Law Society to review the travel records in order for it to be satisfied that you have complied with the residency requirements under section 4(1A)(b) of the Legal Practitioners Ordinance.

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 fail to so reside, the Court may, on the application of the Law 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 each of your passport showing the particulars of yourself and your Hong Kong identity card should be attached to your Form 1C.

2. For (2):

A certified copy of your admission certificate/s in all jurisdictions of admission must also be attached to your Form 1C. You may make appropriate amendments in (2) if you have more than one jurisdiction of admission.

3. For (3):

You may file a certified copy of the certificate issued by the Hong Kong Law Society.

The date of passing the examination should be the date on which you sat the examination in which you obtained a pass.

If you were required to pass more than one examination, the date of passing the examinations should be the date on which you sat the last of all the examinations you were required to sit and obtained a pass.

4. The name that appears in your Hong Kong identity card and if not available, your passport will be used on the Roll of Solicitors and you may be asked to make a statutory declaration if the name on other documents does not correspond with that in the Hong Kong identity card or passport.

5. Any attachments to your Form 1C must be certified 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"

6. **Your declaration must not be witnessed by a solicitor who is an employee or principal in the same firm as you.**

(All applicants should file a certified copy of his or her Hong Kong Identity Card with their application for record purposes.)

2. Form 5

FORM 5

[rules 4 & 11]

ADMISSION AND REGISTRATION RULES

AFFIDAVIT OF IDENTITY

I, of
Hong Kong, Solicitor, make oath and say (or solemnly and sincerely declare and affirm) as follows-

1. The photograph attached hereto and marked " " is a true likeness of of Hong Kong, a*, the applicant herein.
2. I have examined [Hong Kong Identity Card No.] [passport No.][#] of the said and I am satisfied that from such examination that he/she is the person shown in the photograph attached hereto and that he/she is the applicant in these proceedings.

SWORN / DECLARED at Hong Kong)
this day of

Before me

Commissioner for Oaths / Solicitor.

* Please insert relevant profession (e.g. barrister / solicitor / advocate / notary etc.) and the relevant court / bar / chamber.

Delete whichever is inapplicable.

Personal Information Collection Statement

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

- (i) The processing of the application for admission as solicitor by the individual whose identity is the subject of this Affidavit under the Legal Practitioners Ordinance (Chapter 159) (“the 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 the data requested in this form of Affidavit 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 the Application.

The data may be provided to such persons within the Society whose proper business it is to have access to and assist in receiving this Affidavit and the processing of the 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.

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NOTES FOR COMPLETING FORM 5

The Affidavit of Identity (Form 5) should not be made by you. It should be sworn or declared by a solicitor who is able to confirm the matters as stated in Form 5 before a Commissioner for Oaths or another solicitor who is not an employee of the same firm.

3. Sample Form 3

FORM 3

[rule 3(5)]

ADMISSION AND REGISTRATION RULES

CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS A SOLICITOR

THIS IS TO CERTIFY THAT

.....
of

(1) on the day of applied under rule 3(1) of the Admission and Registration Rules (Cap. 159 sub. leg. B) for a certificate of eligibility for admission as a solicitor on the basis of compliance with section 4(1)(b) of the Legal Practitioners Ordinance (Cap. 159); and

(2) has satisfied the Society that -

(a) he/she has been admitted as a#
in

(b) his/her name remains on the roll of solicitors / advocates / attorneys* and he/she is not suspended from practising in that jurisdiction;

(c) he/she —
has resided in Hong Kong for at least 3 months immediately before the date on which he/she applied for a certificate as stated in paragraph (1) of this Form;

OR*

intends to reside in Hong Kong for at least 3 months immediately after his/her admission;

OR*

has been ordinarily resident in Hong Kong for at least 7 years;

OR*

has been present in Hong Kong for at least 180 days of each of at least 7 years;

and

(d) is in other respects fit to be a solicitor.

Dated this day of

(Sgd.)
for The Law Society of Hong Kong.

Please insert relevant profession (e.g. solicitor / advocate / attorney etc.) and the relevant jurisdiction.

* Delete whichever is inapplicable.

SAMPLE

4. Sample Notice of Motion

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.

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.

NOTICE OF MOTION

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

5. Notice of intention to apply for a practising certificate



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) of 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.

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