

LN264-E

L. N. 264 of 2000

FOREIGN LAWYERS PRACTICE (AMENDMENT) RULES 2000

(Made by the Council of The Law Society of Hong Kong under section 73 of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice)

1. Section added

The Foreign Lawyers Practice Rules (Cap. 159 sub. leg.) are amended by adding---

"9A. Particulars relating to sole practitioner foreign lawyer

(1) A foreign lawyer who commences practice as a foreign lawyer in his own name or under the name of a foreign firm, where he is the sole proprietor of the foreign firm, (in this section referred to as a "sole practitioner foreign lawyer") shall---

(a) ensure that, at the commencement of his practice, there is in effect a testamentary provision which provides---

(i) for the management of his practice as a sole practitioner foreign lawyer after his death, pending the disposal or cessation of that practice; and

(ii) for such management to be carried out by a person who is a foreign lawyer holding an unconditional certificate of registration and who has consented in writing to so manage that practice;

(b) within 14 days of commencement of practice as a sole practitioner foreign lawyer advise the Society in writing in a form approved by the Society of the following particulars---

(i) the name, address, telephone number, fax number, telex number and DX number, where appropriate, of---

(A) the executor of the will which contains the testamentary provision as required under paragraph (a); and

(B) the foreign lawyer mentioned in paragraph (a)(ii);

(ii) if that will has been lodged with another person by the sole practitioner foreign lawyer, the name and address of that person.

(2) A foreign lawyer who practises as a sole practitioner foreign lawyer shall---

(a) ensure that a testamentary provision as required under subsection (1)(a) remains in effect at all times during his practice as a sole practitioner foreign lawyer, except for a period of 14 days after any change in the foreign lawyer mentioned in subsection (1)(a)(ii);

(b) advise the Society in writing in a form approved by the Society within 14 days

of such occurrence of any change in any of the particulars referred to in subsection (1) (b).

(3) This section does not apply to a sole practitioner foreign lawyer where the foreign firm mentioned in subsection (1) is a branch of an overseas firm and is registered as a foreign firm under section 39B of the Ordinance.

(4) Except upon formal resolution of the Council, the particulars furnished under subsection (1) (b) or (2) (b) shall not be disclosed by the Secretary General to any person other than---

- (a) Council members;
- (b) members of committees established by the Council;
- (c) a Solicitors Disciplinary Tribunal;
- (d) the Tribunal Convenor of the Solicitors Disciplinary Tribunal Panel;
- (e) counsel, accountants, solicitors and agents appointed by the Society; and
- (f) employees of the Society,

whose proper business it is to have access to such particulars for the purposes of---

(i) ascertaining whether the provisions of these Rules or any other laws or regulations concerning the sole practitioner foreign lawyer have been complied with; or

(ii) dealing with the disciplinary consequences of any alleged breach of those provisions. "

2. Transitional

(1) Section 9A of the principal Rules as added by these Rules applies to a foreign lawyer who is in practice as a sole practitioner foreign lawyer immediately before the commencement of these Rules as it applies to a foreign lawyer who commences such practice after that commencement.

(2) For the purposes of subsection (1), a foreign lawyer who is in practice as a sole practitioner foreign lawyer immediately before the commencement of these Rules shall be regarded as commencing practice as a sole practitioner foreign lawyer at the commencement of these Rules.

Approved this 31st day of August 2000.

Andrew LI

Chief Justice

Made this 31st day of August 2000.

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Explanatory Note

These Rules amend the Foreign Lawyers Practice Rules (Cap. 159 sub. leg.)---

(a) to provide that a foreign lawyer who commences practice as a sole practitioner foreign lawyer shall ensure that there is in effect a testamentary provision which provides for the management of his practice as a sole practitioner foreign lawyer after his death, pending the disposal or cessation of that practice;

(b) to require the sole practitioner foreign lawyer to provide The Law Society of Hong Kong ("the Society") certain particulars about the will which contains the testamentary provision; and

(c) to provide for the confidentiality of such particulars furnished to the Society.