

BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES

(Made by the Bar Council under section 72AA of the
Legal Practitioners Ordinance (Cap.159) with the prior
approval of the Chief Justice)

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. Citation and commencement

- (1) These Rules may be cited as the Barristers (Qualification for Admission and Pupillage) Rules.
- (2) These Rules shall come into operation on a date to be appointed by the Bar Council.

2. Interpretation

In these Rules, unless the context otherwise requires-

"Advanced Legal Education Programme" means the Advanced Legal Education Programme referred to in the Barristers (Advanced Legal Education Requirement) Rules.

"Code of Conduct" means the Code of Conduct of the Hong Kong Bar Association as in force from time to time;

"Barristers Qualification Examination" means the Barristers Qualification Examination specified in section 4;

"common law jurisdiction" means a jurisdiction in which the law is substantially based on the common law;

"jurisdiction of admission" means, in relation to an overseas lawyer, the foreign jurisdiction the law of which the overseas lawyer is entitled to practise;

"overseas lawyer" means a person who is entitled to practise the law of a foreign jurisdiction.

PART II

QUALIFICATION FOR ADMISSION

3. Qualification for admission under section 27(1) of the Ordinance

(1) Subject to subsection (3), a person is qualified for admission as a barrister under section 27(1) of the Ordinance if he-

- (a) has obtained a Postgraduate Certificate in Laws;
- (b) has been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of his application for admission and during that time was in practice as a solicitor in Hong Kong or employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87);
or
- (c) has met the requirements prescribed in subsection (2).

(2) Subject to subsection (3), an overseas lawyer is qualified for admission as a barrister under section 27(1) of the Ordinance if he-

- (a) holds a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission and such certificate of admission is valid and currently in force;
- (b) has practised for at least 3 years in his jurisdiction of admission;
- (c) is a person of good standing in his jurisdiction of admission; and,

- (d) has passed the Barristers Qualification Examination (excluding any examination paper or papers from which such person has been exempted from sitting pursuant to sections 3(4) and (5)).
- (3) In addition to the requirements in subsections (1) and (2), a person who seeks admission as a barrister must have completed at least 6 months of the period of approved pupillage required under section 9 or, if the period of approved pupillage has been reduced to less than 6 months under section 15, such reduced period of approved pupillage.
- (4) Where it is satisfied that, by reason of his substantial experience as a practising lawyer in one or more of the areas of law covered by the Barristers Qualification Examination, a person should be exempted from sitting one or more examination papers of the Barristers Qualification Examination, the Bar Council may exempt such person from sitting such examination paper or papers.
- (5) Without prejudice to the generality of subsection (4), unless the Bar Council otherwise determines in a particular case, a person whose jurisdiction of admission is a common law jurisdiction shall be exempted from having to sit Paper I of the Barristers Qualification Examination.

4. The Barristers Qualification Examination

- (1) The Barristers Qualification Examination shall consist of 5 examination papers known as Papers I, II, III, IV and V respectively.
- (2) The Barristers Qualification Examination shall cover the

following subjects:-

- (a) Paper I:-
 - (i) Contract; and,
 - (ii) Tort;
 - (b) Paper II:-
 - (i) Property Law (including Real and Personal Property);
 - (ii) Conveyancing; and,
 - (iii) Equity (including the law of Trusts);
 - (c) Paper III:-
 - (i) Criminal Law; and,
 - (ii) Criminal Procedure and Criminal Evidence;
 - (d) Paper IV:-
 - (i) Constitutional and Administrative Law; and,
 - (ii) Company Law;
 - (e) Paper V:-
 - (i) Civil Procedure and Civil Evidence;
 - (ii) Professional Conduct; and,
 - (iii) Advocacy.
- (3) The Bar Council shall administer the Barristers Qualification Examination as it may in its absolute discretion deem fit.
- (4) The Barristers Qualification Examination shall be held at least once every year at such time or times as the Bar Council may determine.
- (5) A person shall not be eligible to sit the Barristers Qualification Examination or any part of it unless he-
- (a) holds a valid certificate of eligibility issued by the

Bar Council pursuant to section 5(2); and

(b) has paid the fees prescribed in Schedule 1.

5. Certificate of eligibility for admission as an overseas lawyer

- (1) An application for a certificate of eligibility for admission as an overseas lawyer shall be made to the Bar Council in accordance with Form 1 in Schedule 2.
- (2) If the Bar Council is satisfied that an applicant-
 - (a) fulfils the requirements in sections 3(2)(a)-(c); and
 - (b) has paid the fees prescribed in Schedule 1,it shall issue to that person a certificate of eligibility for admission as an overseas lawyer which shall be in accordance with Form 2 in Schedule 2.
- (3) Where a person is exempted from sitting all or any part of the Barristers Qualification Examination by virtue of sections 3(4) or (5), the certificate issued under section 5(2) shall contain a statement to that effect.
- (4) A certificate issued under section 5(2) shall remain valid for a period of 12 months from the date of its issue by the Bar Council, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked before the expiry of that period under section 16.
- (5) A person may apply to the Bar Council in writing for extension of the validity of the certificate issued under subsection (2).
- (6) An application under subsection (4) for extension of the validity of the certificate issued under section 5(2) shall be:-

- (a) made not less than 2 months before the expiry of the certificate or within such other period of time as the Bar Council may in its discretion allow; and,
- (b) accompanied by the fees prescribed in Schedule 1.

6. Requirements for passing the Barristers Qualification Examination

- (1) Subject to sections 3(4), 3(5) and 6(2), in order to pass the Barristers Qualification Examination, a person must pass Papers I, II, III, IV and V at the same sitting.
- (2) A person who has failed no more than 2 examination papers at any one sitting of the Barristers Qualification Examination:-
 - (a) need not re-sit those examination papers which he has passed; and,
 - (b) need only re-sit those examination papers which he has failed,but such person must pass the Barristers Qualification Examination (excluding any examination paper or papers from which he has been exempted from sitting) within a period of 3 years.
- (3) A person:-
 - (a) who has failed more than 2 examination papers at any one sitting of the Barristers Qualification Examination; or,
 - (b) who has failed to pass the Barristers Qualification Examination (excluding any examination paper or papers from which such person has been exempted from

sitting) within a period of 3 years as provided in section 6(2),
must present himself for examination afresh in respect of Papers I, II, III, IV and V or (where a person has been exempted from sitting any examination paper or papers pursuant to section 3(4) or section 3(5)) all papers for which such person has not been exempted, in accordance with subsections (1) and (2) of this section.

7. Certificate of qualification for admission as a barrister

- (1) A person seeking to be admitted as a barrister on the basis of compliance with section 3 shall-
 - (a) apply to the Bar Council for a certificate of qualification for admission as a barrister in accordance with subsection (2); and
 - (b) pay the fees prescribed in Schedule 1.
- (2) An application under subsection (1) shall be in accordance with Form 3 in Schedule 2.
- (3) The Bar Council, if it is satisfied that a person making an application and paying the prescribed fees under subsection (1) is qualified for admission as a barrister on the basis of compliance with section 3, shall issue to that person a certificate of qualification which shall be in accordance with Form 4 in Schedule 2.
- (4) A certificate issued under subsection (3) shall remain valid for a period of 12 months from the date of its issue by the Bar Council, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked before

the expiry of that period under section 16.

- (5) A person may apply to the Bar Council in writing for extension of the validity of the certificate issued under subsection (3).
- (6) An application under subsection (5) for extension of the validity of the certificate issued under subsection (3) shall be:-
- (a) made not less than 2 months before the expiry of the certificate or within such other period of time as the Bar Council may in its discretion allow; and,
- (b) accompanied by the fees prescribed in Schedule 1.

PART III

PUPILLAGE

8. Qualifying period of active practice

Where a person seeks admission or is admitted as a barrister under section 27(1) of the Ordinance, the qualifying period of active practice for the purposes of section 31 of the Ordinance shall be the period of approved pupillage under section 9.

9. Requirements of approved pupillage

- (1) The period of approved pupillage under these Rules shall be-
- (a) a period of not less than 1 year in the chambers of a practising barrister (of not less than 5 years standing as a barrister) in Hong Kong; or
- (b) a period of not less than 9 months in the Department of Justice, which may include a period not exceeding 3 months on secondment to the Legal Aid Department,

so long as he has also spent a period of not less than 3 months in such service as is described in paragraph (a).

- (2) The period of approved pupillage mentioned in subsection (1) may, with the Bar Council's approval, include any period not exceeding one month spent by a person as a judge's marshall in Hong Kong after the issue to that person of a certificate of eligibility for pupillage specified in section 11.
- (3) A person undertaking pupillage shall be subject to the Code of Conduct.
- (4) A person shall not be regarded as having completed the period of approved pupillage, or any part of it, under these Rules unless he has-
 - (a) obtained a certificate from those of whom he has been a pupil stating that-
 - (i) he has diligently served his period of pupillage with such practising barrister; and
 - (ii) in the opinion of such practising barrister, he is a fit and suitable person to practise as a barrister in Hong Kong;
 - (b) where he has spent a period as a judge's marshall, obtained a certificate from those for whom he has served as marshall stating that he has diligently served his period as such marshall;
 - (c) subject to such exemption as the Bar Council may grant under rule 8 of the Barristers (Advanced Legal Education Requirement) Rules, has satisfactorily completed the Advanced Legal Education Programme and

obtained a certificate from the Bar Council to that effect; and,

- (d) satisfied the Bar Council that he has complied with the requirements of pupillage stipulated in the Code of Conduct.
- (5) A person may not commence the period of approved pupillage specified in subsection (1) unless he holds a valid certificate of eligibility for pupillage issued by the Bar Council pursuant to section 11(1).
- (6) The Bar Council may in its absolute discretion accept any period of work in the nature of pupillage undertaken in Hong Kong in-
 - (a) the Department of Justice; or
 - (b) the chambers of a practising barrister (of not less than 5 years standing as a barrister),by a person after obtaining a certificate of eligibility for pupillage specified in section 11(1), as a period of approved pupillage, or part of it, as required by these Rules.

10. Application for pupillage in Hong Kong

- (1) A person seeking to become a pupil in Hong Kong shall apply to the Bar Council for a certificate of eligibility for pupillage in accordance with subsection (2) not less than 3 weeks before he proposes to commence pupillage.
- (2) An application under subsection (1) shall be in accordance with Form 5 in Schedule 2.

11. Approval of pupillage and issue of a certificate of eligibility for pupillage

(1) The Bar Council, if it is satisfied that-

(a) the applicant-

(i) is a fit and suitable person to be a barrister;

(ii) would, but for service of the period of pupillage or reduced pupillage specified in section 3(3), be qualified for admission as a barrister under section 3 of these Rules;

(iii) is not ineligible by virtue of section 13; and

(iv) has paid the fees prescribed in Schedule 1; and

(b) where the applicant wishes to serve his pupillage with a practising barrister, the practising barrister with whom he wishes to serve his pupillage has obtained the approval of the Bar Council to the pupillage under section 12,

shall approve the application for pupillage and issue to the applicant a certificate of eligibility for pupillage which shall be in accordance with Form 6 in Schedule 2.

(2) A certificate issued under subsection (1) shall remain valid for a period of 12 months from the date of its issue by the Bar Council, unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16.

(3) A person may apply to the Bar Council in writing for extension of the validity of the certificate issued under subsection (1).

- (4) An application under subsection (3) for extension of the validity of the certificate issued under subsection (1) shall be:-
- (a) made not less than 2 months before the expiry of the certificate or within such other period of time as the Bar Council may in its discretion allow; and,
 - (b) accompanied by the fees prescribed in Schedule 1.

12. Approval of the Bar Council

- (1) A practising barrister shall not receive a pupil into his chambers unless he has first obtained the approval of the Bar Council to the pupillage.
- (2) The Bar Council may at any time-
- (a) revoke its approval of a pupillage; or
 - (b) approve the transfer of pupillage from one practising barrister to another or from a practising barrister to the Department of Justice or from the Department of Justice to a practising barrister.

13. Disqualification from pupillage

A person shall not be eligible to become a pupil for the purposes of these Rules if he-

- (1) is an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap.6);
- (2) has been convicted of an offence of such a nature that, in the opinion of the Bar Council, he is unsuitable to be a pupil;
- (3) is engaged in any occupation which, in the opinion of the

- Bar Council, is incompatible with pupillage; or
- (4) is for any other reason considered by the Bar Council to be unsuitable as a pupil.

14. Termination or suspension of pupillage

- (1) A pupil who, while serving pupillage, is-
- (a) adjudicated bankrupt within the meaning of the Bankruptcy Ordinance (Cap.6);
 - (b) convicted of an offence; or
 - (c) engaged, employed or enrolled in contravention of any declaration and undertaking given to the Bar Council in connection with an application made under section 10,
- shall forthwith inform the Bar Council in writing.
- (2) The Bar Council may order the termination or suspension of a pupillage-
- (a) if it is satisfied that-
 - (i) the pupil is guilty of misconduct; or
 - (ii) the pupil has notified, or fails to notify the Bar Council of the occurrence of any of the matters referred to in subsection (1); or
 - (b) if it has revoked its approval of a pupillage.
- (3) For the purposes of this section, "misconduct" means any conduct which would be regarded as professional misconduct if committed by a practising barrister.

15. Reduction of approved pupillage

- (1) The Chief Judge may, after consulting the Bar Council, reduce

the period of approved pupillage mentioned in section 9 where he is satisfied that a person seeking admission under section 27(1) of the Ordinance has substantial experience of court advocacy, provided that the period of a reduced pupillage shall not be less than 3 months.

- (2) The Chief Judge may make the reduction of the period of approved pupillage subject to such conditions as he may in his absolute discretion specify.

PART IV

GENERAL

16. Revocation of certificates

The Bar Council may at any time vary or revoke a certificate issued under section 5, 7 or 11 for good cause.

17. Review

- (1) Any person who is aggrieved by an order or decision of the Bar Council under these Rules may, within one month of the date of the order or decision and upon payment of the fees prescribed in Schedule 1, apply in writing for the order or decision to be reviewed by the Bar Council.
- (2) Any person who is aggrieved by any decision of the Bar Council on a request for review under subsection (1) may, within 1 month of the date of the decision, appeal to the Court of Appeal against such decision by notice of motion.
- (3) The notice of motion shall state the grounds of the appeal and shall be served on the Bar Council and the Secretary for

Justice as respondents.

- (4) On the hearing of the motion by the Court of Appeal, the appellant, the Bar Council and the Secretary for Justice may be represented by counsel and adduce evidence.
- (5) The Court of Appeal may confirm, vary or quash the decision or remit the same to the Bar Council for reconsideration and make such order as to costs as it thinks fit.

REPEAL AND CONSEQUENTIAL AMENDMENTS

BARRISTERS (QUALIFICATION) RULES

18. Repeal

- (1) Save in respect of:-
 - (a) persons who elect under section 19 of the Legal Practitioners (Amendment) Ordinance (Ord. No. 42 of 2000) ("the amending ordinance") to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending ordinance; or
 - (b) persons who seek admission under section 74D of the Ordinance,
 the Barristers (Qualification) Rules (Cap. 159 sub leg.) are repealed.
- (2) The Barristers (Qualification) Rules (Cap 159 sub leg.) shall continue to regulate the admission of:-
 - (a) persons who elect under section 19 of the amending ordinance to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending ordinance; or
 - (b) persons who seek admission under section 74D of the

Ordinance.

SCHEDULE 1
FEES PAYABLE UNDER THE
BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES

[ss.4, 5, 7 and 11]

Item	Section	Description	Payee	Fees
1.	4(5)	Application to sit the Barristers Qualification Examination	Hong Kong Bar Association	\$2,000 per examination paper
2.	5(2)	Application for certificate of eligibility as an overseas lawyer	Hong Kong Bar Association	\$3,500
3.	5(6)	Extension of validity of certificate of eligibility as an overseas lawyer	Hong Kong Bar Association	\$250
4.	7(1)	Application for certificate of qualification for admission as a barrister	Hong Kong Bar Association	\$750
5.	7(6)	Extension of validity of certificate of qualification for admission as a barrister	Hong Kong Bar Association	\$250
6.	11(1)	Application for certificate of eligibility for pupillage	Hong Kong Bar Association	\$250
7.	11(4)	Extension of validity of certificate of eligibility for pupillage	Hong Kong Bar Association	\$250
8.	17	Application for review	Hong Kong Bar Association	\$3,000

SCHEDULE 2

FORM 1

[s.5(1)]

**APPLICATION FOR CERTIFICATE OF ELIGIBILITY
FOR ADMISSION AS AN OVERSEAS LAWYER**

To: The Bar Council
Hong Kong Bar Association

I, [full name] of [current residential address] apply for the issue to me of a certificate of eligibility for admission as an overseas lawyer in accordance with section 5(2) of the Barristers (Qualification for Admission and Pupillage) Rules ("the Rules").

I am a [nationality], the holder of passport {OR* [name of travel document]} no. [number]. My Hong Kong Identification Card No. is [HKID number]. Certified copies of the pages of my passport {OR* travel document} giving particulars of myself and of my Hong Kong Identification Card are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows-

1. I hold a certificate of admission as a legal practitioner from the [name of authority issuing certificate] ("the issuing authority") in [applicant's jurisdiction of admission] ("my jurisdiction of admission"). My certificate of admission is valid and currently in force. A certified copy of my certificate of admission is attached to this application as Attachment 2.
2. My jurisdiction of admission is {OR* is not} a common law jurisdiction, namely, a jurisdiction in which the law is substantially based on the common law.
3. I have practised for at least 3 years in my jurisdiction of admission. More specifically, I have been in full-time practice in my jurisdiction of admission during the following periods:-
[Set out periods of practice.]

A certified copy/certified copies* of certificate(s) from the issuing authority {OR* [name of the relevant institution]} evidencing my active practice during such periods is/are* attached to this application as Attachment 3.

4. I am currently a person of good standing in my jurisdiction of admission. A letter from the [name of the relevant institution], which is the body having supervision over the conduct of legal practitioners in my jurisdiction of admission, certifying my good standing is attached to this application as Attachment 4.
5. I wish {*do not wish} to apply to be exempted under section 3(4) {AND/OR* section 3(5)} of the Barristers (Qualification for Admission and Pupillage) Rules from sitting the following examination papers of the Barristers Qualification Examination: [Identify examination papers from which exemption is sought]. My grounds for seeking exemption are: [Set out grounds for seeking exemption. Where necessary, separate sheet(s) may be used. The grounds should be supported by documentary evidence in an Attachment 5 to this application].

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 }
, 20.. }

Before me,

Commissioner for Oaths/ Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of eligibility for admission as an overseas lawyer must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 2

[s.5(2)]

CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS AN OVERSEAS LAWYER

THIS IS TO CERTIFY THAT [full name] of [current residential address]:-

1. on the day of [month], 20.. applied under section 5(1) of the Barristers (Qualification for Admission and Pupillage) Rules ("the Rules") for the issue of a certificate of qualification for admission as an overseas lawyer;
2. has satisfied the Bar Council of the Hong Kong Bar Association that-
 - (1) he holds a certificate of admission as a legal practitioner from [name of authority issuing certificate] in [applicant's jurisdiction of admission] ("the jurisdiction of admission") which is valid and currently in force;
 - (2) has practised for at least 3 years in the jurisdiction of admission; and
 - (3) is currently a person of good standing in the jurisdiction of admission;
3. has paid the fees prescribed in Schedule 1 of the Rules for this certificate; and,
4. is exempted from sitting the following examination papers of the Barristers Qualification Examination:

Dated this day of, 20..

(Sgd.)
 for the Bar Council
 Hong Kong Bar Association

Notes:-

- A. This certificate is valid for a period of 12/[number]* months from the date of issue unless the Bar Council decides in its discretion to extend such period or the certificate is revoked before the expiry of that period under section 16 of the Rules.
- B. The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not less than

2 months before its expiry.

*Delete whichever is inapplicable.

FORM 3

[s.7(2)]

**APPLICATION FOR CERTIFICATE OF QUALIFICATION
FOR ADMISSION AS A BARRISTER**

To: The Bar Council
Hong Kong Bar Association

I, [full name] of [current residential address] apply for the issue to me of a certificate of qualification for admission as a barrister in accordance with section 7(3) of the Barristers (Qualification for Admission and Pupillage) Rules ("the Rules").

I am a [nationality] {[where the applicant is not a PRC citizen] the holder of passport {OR* [name of travel document]} no. [number]}. My Hong Kong Identity Card No. is [HKID number]. Certified copies of:-

1. the front and reverse sides of my Hong Kong Identity Card, and
- {2. [if relevant] the pages of my passport {OR* travel document} giving particulars of myself;}

are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows-

1. I obtained a Postgraduate Certificate in Laws.

A copy of such a certificate is attached to this application as Attachment 2.

{OR*

I have been admitted as a solicitor in Hong Kong for at least 3 years immediately or recently before the date of my application for admission and during that time I was {in practice as a solicitor in Hong Kong} {OR* employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87)}.

{A certificate from the Registrar certifying the date(s) of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2. During the period(s) identified in the said certificate, I was in practice as follows:-
[Particulars of practice during the relevant period]}.

{OR*

A certificate from the Secretary for Justice/ Director of Legal Aid/ [name of the relevant Government officer]* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.}}

{OR*

I am an overseas lawyer as defined in section 2 of the Rules. A copy of the Certificate of Eligibility for Admission as an Overseas Lawyer issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

{I was exempted from sitting the following papers of the Barristers Qualification Examination: [Identify any examination papers for which exemptions were obtained.]

I sat the Barristers Qualification Examination (excluding any examination paper or papers from which I was exempted from sitting) on [date or dates] and have passed that Examination (excluding any examination paper or papers from which I was exempted from sitting) in accordance with section 6 of the Rules. A letter from the Bar Council certifying that I have passed the Barristers Qualification Examination is attached to this application as Attachment 2A.}}

2. I have completed at least 6 months of the period of the approved pupillage specified in section 9 of the Rules. In particular, I have completed pupillage as follows:-

<u>Name of pupil master</u>	<u>Period of pupillage</u>
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A certificate/certificates* from the abovementioned pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently is attached to this application as Attachment 3.

{AND*

[where relevant] I have spent a period of [time not exceeding 1 month] as judge's marshall as follows:-

<u>Name of judge</u>	<u>Period spent as marshall</u>
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A certificate/certificates* from the abovementioned judge(s) confirming that I have served my period(s) of with him/them* diligently is attached to this application as Attachment 3A.}

{OR*

My period of approved pupillage was been reduced to [number] months (being a period of less than 6 months) under section 15 of the Rules and I have completed such reduced period of approved pupillage. In particular, I have undertaken pupillage as follows:-

<u>Name of pupil master</u>	<u>Period of pupillage</u>
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A certificate/certificates* from the abovementioned pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently is attached to this application as Attachment 3.

{AND*

[where relevant] I have spent a period of [time not exceeding 1 month] as judge's marshall as follows:-

<u>Name of judge</u>	<u>Period spent as marshall</u>
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A certificate/certificates* from the abovementioned judge(s) confirming that I have served my period(s) of with him/them* diligently is attached to this application as Attachment 3A.}

3. I am not currently in practice as a solicitor either on my own account or as a partner

or salaried employee in a firm of solicitors practising in Hong Kong.

4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR*

I have been ordinarily resident in Hong Kong for at least 7 years.}

{OR*

I have been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date of this application.}

Details of my periods of residence are set out below:-

<u>Address</u>	<u>Period of residence</u>
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A certified copy of the relevant pages from my passport {OR* travel document} evidencing the above periods of residence in Hong Kong is attached to this application as Attachment 4.

5. I am a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap.27). Two letters of reference attesting to my good character are attached to this application as Attachment 5.

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 }
....., 20.. }
 Before me,

Commissioner for Oaths/ Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of qualification for admission as a barrister must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 4

[s.7(3)]

CERTIFICATE OF QUALIFICATION FOR ADMISSION AS A BARRISTER

THIS IS TO CERTIFY THAT [full name] of [current residential address]:-

1. on the day of [month], 20.. applied under section 7(2) of the Barristers (Qualification for Admission and Pupillage) Rules ("the Rules") for the issue of a certificate of qualification for admission as a barrister;
2. has satisfied the Bar Council of the Hong Kong Bar Association that:-
 he has obtained a Postgraduate Certificate in Laws.
 {OR*
 he has been admitted as a solicitor in Hong Kong for at least 3 years immediately or recently before the date of his application for admission and during that time was in practice as a solicitor in Hong Kong {OR* employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87).}
 {OR*
 he is an overseas lawyer as defined in section 2 of the Rules and has met the requirements for admission to the Hong Kong Bar in section 3(2) of the Rules};
3. has completed at least 6 months of the period of the approved pupillage specified in section 9 of the Rules;
 {OR*
 has had his period of approved pupillage reduced to [number] months under section 15 of the Rules and has completed such reduced period of approved pupillage};
4. is not currently in practice as a solicitor either on his own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong;
5. has resided in Hong Kong for [number] consecutive months immediately before the date of this certificate;
 {OR*
 has been ordinarily resident in Hong Kong for at least 7 years};
 {OR*
 has been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date hereof};
6. is a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap.27); and
7. has paid the fees prescribed in Schedule 1 of the Rules for this certificate.

Dated this day of, 20..

(Sgd.)
 for the Bar Council
 Hong Kong Bar Association

Notes:-

- A. This certificate is valid for a period of 12/[number]* months from the date of issue unless the Bar Council decides in its discretion to extend such period or the certificate is revoked before the expiry of that period under section 16 of the Rules.
- B. The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not less than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 5

[s.10(2)]

APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

To: The Bar Council
Hong Kong Bar Association

I, [full name] of [current residential address] apply for the issue to me of a certificate of eligibility for pupillage in accordance with section 10(1) of the Barristers (Qualification for Admission and Pupillage) Rules ("the Rules").

My Hong Kong Identification Card No. is [HKID number].

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I propose to undertake pupillage for the period from [date] to [date] with [name of pupil master] of [chambers address].

{OR*

I propose to serve as judge's marshall to the Honourable Mr./Mrs./Madam Justice [name] from [date] to [date].}

I do solemnly and sincerely declare and undertake as follows:-

1. I am a fit and proper person to be a barrister. In particular-
 - (1) Two letters of reference attesting to my good character are attached to this application as Attachment 1.
 - (2) I am not an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap.6).
 - (3) I have not had any previous criminal convictions.

{OR*

I have been previously convicted as follows:-
[Details of previous criminal convictions.]}

- (4) I am not currently engaged, and during my pupillage undertake not to engage, in any occupation which is incompatible with pupillage.
2. I would, but for service of the period of pupillage or reduced pupillage specified in section 3(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Ordinance. In particular-

I have obtained a Postgraduate Certificate in Laws.
A certified copy of such a certificate is attached to this application as Attachment 2.

{OR*

I have been admitted as a solicitor in Hong Kong for at least 3 years immediately or recently before the date of this application for admission and during that time I was {in practice as a solicitor in Hong Kong} {OR* employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87)}.

{A certificate from the Registrar setting out the date(s) of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2. During the period(s) identified in the said certificate, I was in practice as follows:-
[Particulars of practice during the relevant period]}.

{OR*

A certificate from the Secretary for Justice/ Director of Legal Aid/ [name of the relevant Government officer]* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.}}

{OR*

I am an overseas lawyer as defined in section 2 of the Rules.

A copy of the Certificate of Eligibility for Admission as an Overseas Lawyer issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

I sat the Barristers Qualification Examination (excluding any examination paper or papers from which I was exempted) on [date or dates] and have passed that Examination in accordance with section 6 of the Rules.

A letter from the Bar Council certifying that I have passed the Barristers Qualification Examination is attached to this application as Attachment 2A.}

3. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.
4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR*

I have been ordinarily resident in Hong Kong for at least 7 years.}

{OR*

I have been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date of this application.}

Details of my periods of residence in Hong Kong are set out below:-

Address

Period of residence

A certified copy of the relevant pages from my passport {OR* travel document} evidencing the above periods of residence in Hong Kong is attached to this application as Attachment 3.

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 }
....., 20.. }

Before me,

Commissioner for Oaths/ Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of qualification for admission as a barrister must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 6

[s.11(1)]

CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

THIS IS TO CERTIFY THAT [full name] of [current residential address]:-

1. on the day of [month], 20.. applied under section 10(2) of the Barristers (Qualification for Admission and Pupillage) Rules ("the Rules") for the issue of a certificate of eligibility for pupillage;
2. has satisfied the Bar Council that he:-
 - (1) is a fit and suitable person to be a barrister;
 - (2) would, but for service of the period of pupillage {OR* reduced pupillage} specified in section 3(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Ordinance;
 - (3) is not ineligible for pupillage by virtue of section 13 of the Rules; and
 - (4) has paid the fees prescribed in Schedule 1 of the Rules for the issue of this certificate; and
3. is eligible for pupillage.

Dated this day of, 20..

Approved this day of, 2002

[Signed]
Chief Justice

Made this day of, 2002

[Bar Council Members]

Explanatory Note

1. These Rules are made by the Bar Council pursuant to section 72AA of the Legal Practitioners Ordinance (Cap.159) with the prior approval of the Chief Justice.
2. These Rules provide for the qualification required for admission as barristers under section 27 of the Legal Practitioners Ordinance (Cap.159) as amended by section 7 of the Legal Practitioners (Amendment) Ordinance (No.42 of 2000), the requirements of pupillage and other consequential matters.
3. Section 3 sets out the qualification requirements. In addition to holders of the PCLL and Hong Kong solicitors who have been in practice for more than 3 years and legal officers employed by the Hong Kong Government, overseas lawyers of good standing who have practised for over 3 years in a jurisdiction of admission will be eligible for admission upon passing certain examinations prescribed by the Bar Council. All applicants for admission will first have to complete 6 months pupillage or (in certain cases) a reduced period of pupillage before admission to the Bar.
4. Section 4 describes the Barristers Qualification Examination. Section 6 sets out the requirements for passing the Barristers Qualification Examination.
5. An overseas lawyer will only be eligible to sit the Barristers Qualification Examination if he holds a Certificate of Eligibility issued by the Bar Council. Section 5 sets out the requirements for the issue of such Certificate of Eligibility.
6. Section 7 sets out the requirements for a Certificate of Qualification to be issued by the Bar Council. The Certificate of Qualification is required before an applicant may seek admission as a barrister.
7. Sections 8 to 10 set out the requirements of pupillage. A Certificate of Eligibility for Pupillage from the Bar Council will be required before commencement of pupillage. Section 11 sets out the criteria for the issue of such a Certificate and section 13 sets out the circumstances which will disqualify a person from becoming a pupil. Circumstances for termination and suspension of pupillage are set out in section 14. Section 15 makes provision for reduction of the period of pupillage in appropriate cases.
8. Section 17 provides that a person aggrieved by a decision of the Bar Council may seek a review of the decision. If still dissatisfied after such review by the Bar Council, the person may appeal to the Court of Appeal within 1 month.
9. Section 18 makes provision for the Barristers (Qualification) Rules to apply to persons who are admitted under section 27 or 27A of the Legal Practitioners Ordinance before its amendment. Save for such application, the Barristers (Qualification) Rules is repealed.
10. Schedule 1 sets out the fees payable for specific applications. Schedule 2 prescribes the Forms to be used for specific applications.