

L. N. 5 of 2003

Barristers (Admission) Rules

(Made under section 72 of the Legal Practitioners Ordinance (Cap. 159))

1. Commencement

These Rules shall come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Application for admission as a barrister

(1) Any person seeking to be admitted as a barrister shall file with the Registrar a notice of motion and pay to the Registrar the fee set out in Schedule 1.

(2) On receipt of the notice of motion, the Registrar shall fix a date for the hearing of the motion, which shall not be less than---

(a) 30 days after the filing of the notice of motion, if the person concerned is seeking to be admitted generally; or

(b) 14 days after the filing of the notice of motion, if the person concerned is seeking to be admitted for the purpose of any particular case or cases.

(3) Every notice of motion in respect of a person seeking to be admitted as a barrister under section 27(1) of the Ordinance shall be accompanied by---

(a) a certificate of qualification for admission issued by the Bar Council under section 8(3) of the Barristers (Qualification for Admission and Pupillage) Rules (L. N. 9 of 2003);

(b) an affidavit attesting to each of the matters which the person must establish as set out in section 27(2) of the Ordinance; and

(c) an affidavit of identity in Form 1 in Schedule 2.

(4) Every notice of motion in respect of a person seeking to be admitted as a barrister under section 27(4) of the Ordinance shall be accompanied by---

(a) a certificate of admission as a legal practitioner from the appropriate authority in the jurisdiction in which he was admitted, together with evidence that the certificate of admission is currently valid and in force;

(b) an affidavit attesting to each of the matters which the person must establish as set out in section 27(2)(a) and (4) of the Ordinance; and

(c) an affidavit of identity in Form 1 in Schedule 2.

(5) A copy of the notice of motion and of every document accompanying the notice of motion shall be served on the Secretary for Justice and the Bar Council at the time when such notice of motion is filed with the Registrar.

3. Admission

(1) On the hearing of the motion filed under section 2 by the Court, counsel shall move the Court that the person concerned be admitted and enrolled as a barrister.

(2) The Court, upon hearing such counsel and upon hearing any representation which may be made by or on behalf of the Secretary for Justice and the Bar Council, may---

- (a) upon being satisfied that the person concerned is eligible for admission as a barrister, order that the person concerned be admitted as a barrister; or
- (b) if the Court is not so satisfied, dismiss the application upon such terms as regards costs or otherwise as the Court may think appropriate.

4. Certificate of admission

The Registrar shall deliver a certificate of admission to every person who is admitted as a barrister as soon as practicable after the admission of that person.

5. Roll of barristers

The roll of barristers shall be in accordance with Form 2 in Schedule 2.

6. Exemption

The Court may, on special grounds and upon such conditions as it may consider necessary, exempt any person from any of the formalities prescribed by these Rules, either absolutely or for any specified period, and may on its own motion or upon application reduce or abridge any of the periods of notice prescribed by these Rules upon any such conditions.

Consequential Amendments

Admission and Registration Rules

7. Part repealed

Part III of the Admission and Registration Rules (Cap. 159 sub. leg.) is repealed.

8. Forms

The Schedule is amended---

- (a) in Form 5, within the square brackets, by repealing ", 8";
- (b) by repealing Forms 8 and 10.

9. Savings

Notwithstanding the repeal of rules 8 and 9 of the Admission and Registration Rules (Cap. 159 sub. leg.), such rules shall continue to govern the admission of persons who seek admission under section 74C or 74D of the Ordinance.

Legal Practitioners (Fees) Rules

10. Fees payable under the Admission and Registration Rules

Item 3 of Schedule 3 to the Legal Practitioners (Fees) Rules (Cap. 159 sub. leg.) is repealed.

SCHEDULE 1 [s. 2]

Fees

Item	Section	Description	Payee	Fee
------	---------	-------------	-------	-----

§

1. 2(1) Filing of notice of motion for admission as a barrister Registrar
1,135

SCHEDULE 2 [ss. 2 & 5]

Forms

Form 1 [s. 2(3) & (4)]

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 _____,
Hong Kong, the applicant herein.

2. I have examined [Hong Kong Identity Card No. _____]
[passport No. _____]* of the said
and I am satisfied that he is the applicant in these proceedings.

SWORN/DECLARED at _____ Hong Kong

this _____ day of _____

Before me

Commissioner for Oaths/Solicitor

* Delete where inappropriate.

Form 2 [s. 5]

Roll of Barristers

_____ was admitted as a barrister of the High Court
of the Hong Kong Special Administrative Region on the _____ day
of _____

Registrar,
High Court,
HKSAR.

Approved this day of

[Signed]

Chief Justice

Andrew LI

Chief Justice

19 November 2002

Explanatory Note

These Rules set out the procedure for admission as a barrister and make consequential amendments to the Admission and Registration Rules (Cap. 159 sub. leg.) and Legal Practitioners (Fees) Rules (Cap. 159 sub. leg.).