

LN009e

Barristers (Qualification for Admission and
Pupillage) Rules

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

PART 1

Commencement and Interpretation

1. Commencement

These Rules shall come into operation on a day to be appointed by the Council of the Hong Kong Bar Association by notice published in the Gazette.

2. Interpretation

In these Rules, unless the context otherwise requires---

"Advanced Legal Education Programme" (高級法律進修計劃) means the Advanced Legal Education Programme referred to in the Barristers (Advanced Legal Education Requirement) Rules (L.N. 8 of 2003);

"approved pupillage" (認可實習大律師實習) means a pupillage approved in accordance with section 12;

"certificate of eligibility for admission" (符合資格獲認許證明書) means the certificate of eligibility for admission issued to an overseas lawyer under section 6 in respect of his eligibility to be admitted as an overseas lawyer;

"certificate of eligibility for pupillage" (符合資格為實習大律師證明書) means the certificate of eligibility for pupillage issued under section 12;

"certificate of qualification for admission" (具備認許資格證明書) means the certificate of qualification for admission issued to a person seeking to be admitted as a barrister under section 8;

"Code of Conduct" (行為守則) means the Code of Conduct of the Hong Kong Bar Association as in force from time to time;

"common law jurisdiction" (普通法司法管轄區) means a jurisdiction in which the law is substantially based on the common law;

"Examination" (考試) means the Barristers Qualification Examination which is an assessment of competence in the subjects specified, assessed in the manner specified, in these Rules;

"jurisdiction of admission" (獲認許所在的司法管轄區), in relation to an overseas lawyer, means the foreign jurisdiction the law of which the overseas lawyer is entitled to practise;

"overseas lawyer" (海外律師) means a person who is entitled to practise the law of

a foreign jurisdiction.

3. Application

These Rules shall not apply to---

- (a) persons who elect under section 74C of the Ordinance as amended by the Legal Practitioners (Amendment) Ordinance 2000 (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 as amended by the amending Ordinance.

PART 2

Qualification for Admission

4. Qualification for admission under section 27(1) of 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 he was in practice as a solicitor in Hong Kong or was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87); or
- (c) is an overseas lawyer who satisfies the requirements specified in subsection (2).

(2) For the purposes of subsection (1)(c), 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 is currently valid and 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 Examination (excluding any examination paper which such person has been exempted from sitting pursuant to subsections (4) and (5)).

(3) A person must have completed not less than 6 months of the period of approved pupillage specified in section 10 or, if the period of approved pupillage has been reduced to less than 6 months under section 16, such reduced period of approved pupillage, before he seeks admission as a barrister.

(4) Where the Bar Council 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 Examination, a person should be exempted from sitting one or more examination papers

of the Examination, it 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 sitting Paper I of the Examination.

5. Examination

(1) The Examination shall consist of 5 examination papers known as Papers I, II, III, IV and V respectively.

(2) The 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) Hong Kong Legal System and Constitutional and Administrative Law; and

(ii) Company Law; and

(e) Paper V---

(i) Civil Procedure and Civil Evidence;

(ii) Professional Conduct; and

(iii) Advocacy.

(3) The Bar Council shall administer the Examination in the manner as it may in its absolute discretion deem fit.

(4) The Examination shall be held at least once every year at such time as the Bar Council may determine.

(5) A person shall not be eligible to sit the Examination or any part of it unless he---

(a) holds a valid certificate of eligibility for admission; and

(b) has paid the relevant fee prescribed in Schedule 1.

6. Certificate of eligibility for admission

(1) An overseas lawyer seeking to sit the Examination shall---

(a) apply to the Bar Council for a certificate of eligibility for admission in accordance with subsection (2); and

(b) pay the relevant fee prescribed in Schedule 1.

(2) An application under subsection (1) shall be made in accordance with Form 1 in Schedule 2.

(3) If the Bar Council is satisfied that an applicant---

(a) complies with the requirements in section 4(2)(a), (b) and (c); and

(b) has paid the relevant fee prescribed in Schedule 1,

it shall issue to that applicant a certificate of eligibility for admission in accordance with Form 2 in Schedule 2.

(4) Where a person is exempted from sitting all or any part of the Examination by virtue of section 4(4) or (5), the certificate of eligibility for admission issued to that person shall contain a statement to that effect.

(5) A certificate of eligibility for admission shall remain valid for a period of 12 months from its date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 before its expiry.

(6) A person may apply to the Bar Council in writing for extension of the validity of his certificate of eligibility for admission.

(7) An application under subsection (6) shall be---

(a) made not later 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 relevant fee prescribed in Schedule 1.

7. Requirements for passing Examination

(1) Subject to subsection (2) and section 4(4) and (5), a person must pass Papers I, II, III, IV and V at the same sitting in order to pass the Examination.

(2) A person who has failed no more than 2 examination papers at any one sitting of the Examination need only resit the examination paper or papers which he has failed, but such person must pass the Examination (excluding any examination paper 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 Examination; or

(b) who has failed to pass the Examination (excluding any examination paper which he has been exempted from sitting) within a period of 3 years as provided in subsection (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 pursuant to section 4(4) or (5), all those papers for which he has not been exempted (as the case may be), in accordance with subsections (1) and (2).

8. Certificate of qualification for admission

(1) A person seeking to be admitted as a barrister on the basis of compliance of section 4 shall---

(a) apply to the Bar Council for a certificate of qualification for admission in accordance with subsection (2); and

(b) pay the relevant fee prescribed in Schedule 1.

(2) An application under subsection (1) shall be made in accordance with Form 3 in Schedule 2.

(3) If the Bar Council is satisfied that an applicant---

(a) complies with the requirements in section 4 and is qualified for admission as a barrister; and

(b) has paid the relevant fee prescribed in Schedule 1,

it shall issue to that applicant a certificate of qualification for admission in accordance with Form 4 in Schedule 2.

(4) A certificate of qualification for admission shall remain valid for a period of 12 months from its date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 before its expiry.

(5) A person may apply to the Bar Council in writing for extension of the validity of his certificate of qualification for admission.

(6) An application under subsection (5) shall be---

(a) made not later than 2 months before the expiry of the current certificate or within such other period of time as the Bar Council may in its discretion allow; and

(b) accompanied by the relevant fee prescribed in Schedule 1.

PART 3

Pupillage

9. 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(1)(a) of the Ordinance shall be the period of approved pupillage under section 10.

10. Approved pupillage

(1) The period of approved pupillage 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.

(3) A person undertaking pupillage is 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 unless he has---

(a) obtained a certificate from the practising barrister of whom he has been a pupil stating that---

(i) he has diligently served his period of pupillage with the practising barrister; and

(ii) in the opinion of the 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 marshall;

(c) (subject to such exemption as the Bar Council may grant under section 8 of the Barristers (Advanced Legal Education Requirement) Rules (L.N. 8 of 2003)) 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 shall not commence the period of approved pupillage specified in subsection (1) unless he holds a valid certificate of eligibility for pupillage pursuant to section 12(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 chambers of a practising barrister (of not less than 5 years standing as a barrister); or

(b) the Department of Justice,

by a person after obtaining a certificate of eligibility for pupillage, as a period of approved pupillage or part of it, as required by these Rules.

11. 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 made in accordance with Form 5 in Schedule 2.

12. Approval of pupillage and issue of 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 the requirement to serve the period of approved pupillage or reduced period of approved pupillage under section 4(3), be qualified for admission as a barrister under section 4;

(iii) is not ineligible by virtue of section 14; and

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

(b) the practising barrister with whom the applicant wishes to serve his pupillage has obtained the approval of the Bar Council to the pupillage under section 13, shall approve the application for pupillage and issue to the applicant a certificate of eligibility for pupillage in accordance with Form 6 in Schedule 2. (2) A certificate of eligibility for pupillage shall remain valid for a period of 12 months from its date of issue, unless the Bar Council stipulates or determines otherwise or the certificate is revoked under section 17 before its expiry.

(3) A person may apply to the Bar Council in writing for extension of the validity of his certificate of eligibility for pupillage.

(4) An application under subsection (3) shall be---

(a) made not later than 2 months before the expiry of the current certificate or within such other period of time as the Bar Council may in its discretion allow; and

(b) accompanied by the relevant fee prescribed in Schedule 1.

13. Approval of 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.

14. Ineligibility for pupillage

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

(a) is an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6);

(b) 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;

(c) is engaged in any occupation which, in the opinion of the Bar Council, is

incompatible with pupillage; or

(d) is for any other reason considered by the Bar Council to be unsuitable as a pupil.

(2) If the Bar Council has made a decision that a person is ineligible for pupillage under subsection (1), it should notify that person of its decision and the reasons for the decision within 28 days of the application made under section 11(1).

15. Termination or suspension of pupillage

(1) A pupil who, while serving pupillage, is---

(a) adjudicated bankrupt;

(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 11, shall forthwith inform the Bar Council in writing.

(2) The Bar Council may order the termination or suspension of a pupillage if---

(a) 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) it has revoked its approval of a pupillage.

(3) If the Bar Council has made an order to terminate or suspend a pupillage under subsection (2), it should notify the pupil of its order and the reasons for the order within 28 days of the order.

(4) For the purposes of this section, "misconduct" (失當行爲) means any conduct which would be regarded as professional misconduct if committed by a practising barrister.

16. Reduction of period of approved pupillage

(1) The Chief Judge may, after consulting the Bar Council, reduce the period of approved pupillage mentioned in section 10 where he is satisfied that a person seeking admission under section 27(1) of the Ordinance has substantial experience of court advocacy, but 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 4

General

17. Variation or revocation of certificates

(1) The Bar Council may at any time vary or revoke a certificate issued under section 6, 8 or 12 for good cause.

(2) The Bar Council should notify with reasons the person affected by the variation or revocation made under subsection (1) within 28 days of such variation

or revocation.

18. 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 relevant fee 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 one month of the date of the decision, appeal to the Court of Appeal against the 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.

PART 5

Consequential Amendments

Barristers (Qualification) Rules

19. Rule added

The Barristers (Qualification) Rules (Cap. 159 sub. leg.) are amended by adding---

"1A. Application

These rules shall apply to---

(a) persons who elect under section 74C of the Ordinance as amended by the Legal Practitioners (Amendment) Ordinance 2000 (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 as amended by the amending Ordinance."

Schedule 1 [ss. 5, 6, 8, 12 &
18 & Sch. 2]

Fees Payable under Barristers

(Qualification for Admission and Pupillage) Rules

Item	Section	Description	Payee	Fees
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1.	5(5)	Application to sit Examination	Hong Kong Bar	\$2,000 per
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Association examination

paper

2. 6(1) & (3) Application for certificate of eligibility Hong Kong Bar
\$3,500
for admission Association
3. 6(7) Extension of validity of certificate of Hong Kong Bar \$250
eligibility for admission Association
4. 8(1) & (3) Application for certificate of Hong Kong Bar \$750
qualification for admission Association
5. 8(6) Extension of validity of certificate of Hong Kong Bar \$250
qualification for admission Association
6. 12(1) Application for certificate of eligibility Hong Kong Bar \$250
for pupillage Association
7. 12(4) Extension of validity of certificate of Hong Kong Bar \$250
eligibility for pupillage Association
8. 18(1) Application for review Hong Kong Bar \$3,000
Association

SCHEDULE 2 [ss. 6, 8, 11 & 12]

Forms

FORM 1 [s. 6(2)]

Application for Certificate of Eligibility for Admission

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of eligibility for admission in accordance with section 6(3) of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) ("Rules").

I am a [nationality], the holder of passport {OR* [name of other travel document]} no. [number]. My Hong Kong Identity Card No. is [HKID number].

Certified copies of the pages of my passport {OR* [name of other travel document]} giving particulars of myself and of my Hong Kong Identity 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] ("issuing authority") in [applicant's jurisdiction of admission] ("my jurisdiction of admission"). My certificate of admission is

currently valid and in force.

A certified copy of my certificate of admission is attached to this application as Attachment 2.

2. My jurisdiction of admission is/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 period(s)---

[Set out period(s) 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 period(s) 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 4(4) {AND/OR* (5)} of the Rules from sitting the following examination paper(s) of the Barristers Qualification Examination---

[Identify any examination paper(s) for which exemption is sought.]

My ground(s) for seeking exemption is/are*---

[Set out ground(s) for seeking exemption. Where necessary, separate sheet(s) may be used. The ground(s) should be supported by documentary evidence 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 eligibility for admission must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

Certificate of Eligibility for Admission

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]---

1. on the day of 20 applied under section 6(2) of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) ("Rules") for the issue of a certificate of eligibility for admission;
2. has satisfied the Council of the Hong Kong Bar Association that he---
 - (1) holds a certificate of admission as a legal practitioner from the [name of authority issuing certificate] in [applicant's jurisdiction of admission] ("jurisdiction of admission") which is currently valid and 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 paper(s) of the Barristers Qualification Examination---

Dated this day of 20

(Sgd.)

for the Council of the
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 under section 17 of the Rules before its expiry.
- (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 later than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 3 [s. 8(2)]

Application for Certificate of Qualification for Admission

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of qualification for admission in accordance with section 8(3) of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) ("Rules").

I am a [nationality] {[where the applicant is not a PRC citizen] the holder of passport {OR* [name of other 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* [name of other 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 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 either immediately or in any case not more than 12 months before the date of this application and during that time I was in practice as a solicitor in Hong Kong/I was 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 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 certificate, I was in practice as follows---

[Particulars of practice during the relevant period(s).]

{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 issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

{I was exempted from sitting the following paper(s) of the Barristers Qualification Examination:

[Identify any examination paper(s) for which exemptions were obtained.]}*

I sat the Barristers Qualification Examination {(excluding any examination paper(s) which I was exempted from sitting)}* on [date(s)] and have passed that examination in accordance with section 7 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 approved pupillage specified in section 10 of the Rules. In particular, I have completed pupillage as follows---

Name of pupil master	Period of pupillage
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A certificate/Certificates* from the above pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently and that I am a fit and suitable person to practise as a barrister in Hong Kong is/are* 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---

Name of judge	Period spent as marshall
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A certificate/Certificates* from [name(s) of judge] confirming that I have served my period(s) as marshall with him/them* diligently is/are* attached to this application as Attachment 3A.}

{OR*

My period of approved pupillage has been reduced to [number] months (being a period of less than 6 months) under section 16 of the Rules and I have completed such reduced period of approved pupillage. In particular, I have undertaken pupillage as follows---

Name of pupil master	Period of pupillage
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A certificate/Certificates* from the above pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently and that I am a fit and

suitable person to practise as a barrister in Hong Kong is/are* 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---

Name of judge Period spent as marshall

A certificate/Certificates* from [name(s) of judge] confirming that I have served my period(s) as marshall with him/them* diligently is/are* 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 10 years immediately preceding the date of this application.

Details of my period(s) of residence in Hong Kong are set out below---

Address Period of residence

A certified copy of the relevant pages from my passport {OR* [name of other travel document]} evidencing the above period(s) 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. 159).

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 must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 4 [s. 8(3)]

Certificate of Qualification for Admission

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]---

1. on the day of 20 applied under section 8(2) of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) ("Rules") for the issue of a certificate of qualification for admission;

2. has satisfied the Council of the Hong Kong Bar Association that he---
has obtained a Postgraduate Certificate in Laws;
{OR*

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 as a barrister and during that time he was in practice as a solicitor in Hong Kong/he was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87)*;}

{OR*

is an overseas lawyer as defined in section 2 of the Rules and has met the requirements for admission to the Hong Kong Bar specified in section 4(2) of the Rules;}

3. has completed at least 6 months of the period of approved pupillage specified in section 10 of the Rules;

{OR*

has had his period of approved pupillage reduced to [number] months under section 16 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 his application for admission as a barrister;

{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 of his application for admission as a barrister;}

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. 159); and

7. has paid the fees prescribed in Schedule 1 of the Rules for this certificate.

Dated this day of 20

(Sgd.)

for the Council of the
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 under section 17 of the Rules before its expiry.

(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 later than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 5 [s. 11(2)]

Application for Certificate of Eligibility for Pupillage

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of eligibility for pupillage in accordance with section 11(1) of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) ("Rules").

My Hong Kong Identity 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) I am not an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6).

(2) I have not had any previous criminal conviction.

{OR*

I have been previously convicted as follows---

[Details of previous criminal conviction(s).]}

(3) I am not currently engaged, and during my pupillage undertake not to engage, in any occupation which is incompatible with pupillage.

Two letters of reference attesting to my good character are attached to this application as Attachment 1.

2. I would, but for the service of the period of approved pupillage or reduced period of approved pupillage required under section 4(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap. 159). 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 either immediately or in any case not more than 12 months before the date of this application and during that time I was in practice as a solicitor in Hong Kong/I was 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 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 certificate, I was in practice as follows---
[Particulars of practice during the relevant period(s)].

{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 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(s) which I was exempted from sitting)}* on [date(s)] and have passed that examination in accordance with section 7 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 10 years immediately preceding the date of this application.

Details of my period(s) of residence in Hong Kong are set out below---

Address Period of residence

A certified copy of the relevant pages from my passport {OR* [name of other travel document]} evidencing the above period(s) 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 eligibility for pupillage must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 6 [s. 12(1)]

Certificate of Eligibility for Pupillage

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]---

1. on the day of 20 applied under section 11(2) of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) ("Rules") for the issue of a certificate of eligibility for pupillage;

2. has satisfied the Council of the Hong Kong Bar Association that he---

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

(2) would, but for the service of the period of approved pupillage {OR* reduced period of approved pupillage} required under section 4(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap. 159);

(3) is not ineligible for pupillage by virtue of section 14 of the Rules; and

(4) has paid the fees prescribed in Schedule 1 of the Rules for this certificate; and

3. is eligible for pupillage.

Dated this day of 20

(Sgd.)

for the Council of the
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 under section 17 of the Rules before its expiry.

(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 later than 2

months before its expiry.

*Delete whichever is inapplicable.

Approved this 17th day of December 2002.

Andrew LI

Chief Justice

Made this 13th day of January 2003.

Alan LEONG, S.C. Edward CHAN, S.C. Michael LUNN, S.C.
Chairman Vice-Chairman Vice-Chairman

Jat Sew Tong, S.C. Andrew MACRAE, S.C. Robert WHITEHEAD,
Hon. Secretary & S.C.
Treasurer

Ambrose HO, S.C. Anselmo REYES, S.C. Malcolm MERRY

Joseph W. Y. TSE Andrew LI Juliana CHOW

CHUA Guan-Hock Andrew MAK Lisa WONG

Selwyn YU Simon LEUNG P. Y. LO

Hectar PUN Herbert AU YEUNG Janine CHEUNG

Jos*-Antonio Donald LEO
MAURELLET

Explanatory Note

These Rules are made by the Council of the Hong Kong Bar Association ("Bar Council") pursuant to section 72AA of the Legal Practitioners Ordinance (Cap. 159) ("Ordinance") with the prior approval of the Chief Justice. They provide for the qualification required for admission as barristers under section 27 of the Ordinance as amended by section 7 of the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) ("amending Ordinance"), the requirements of pupillage and other consequential matters.

2. Section 2 defines the terms used in these Rules.
3. Section 4 sets out the qualification requirements. In addition to holders of the

Postgraduate Certificate in Laws and solicitors admitted in Hong Kong 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 more than 3 years in a jurisdiction of admission will also be eligible for admission upon passing certain examinations prescribed by the Bar Council. All applicants for admission will first have to complete 6 months of approved pupillage or (in certain cases) a reduced period of approved pupillage before admission to the Bar.

4. Section 5 describes the Barristers Qualification Examination ("Examination"). Section 7 sets out the requirements for passing the Examination.

5. An overseas lawyer will only be eligible to sit the Examination if he holds a certificate of eligibility for admission issued by the Bar Council. Section 6 sets out the requirements for the issue of such certificate.

6. Section 8 sets out the requirements for a certificate of qualification for admission to be issued by the Bar Council. Such certificate is required before an applicant may seek admission as a barrister.

7. Sections 9 to 11 set out the requirements of approved pupillage. A certificate of eligibility for pupillage from the Bar Council will be required before commencement of pupillage. Section 12 sets out the criteria for the approved pupillage and the issue of such certificate. Section 14 sets out the circumstances in which a person is ineligible to become a pupil. Circumstances for termination and suspension of pupillage are set out in section 15. Section 16 makes provision for reduction of the period of approved pupillage in appropriate cases.

8. Section 17 deals with variation or revocation of various certificates by the Bar Council.

9. Section 18 enables a person aggrieved by a decision of the Bar Council to seek review of the decision. If still dissatisfied after such review by the Bar Council, the person may appeal to the Court of Appeal within one month.

10. Section 19 makes provision for the Barristers (Qualification) Rules (Cap. 159 sub. leg.) to apply to persons who are admitted under section 27 or 27A of the Ordinance before its amendment by the amending Ordinance.

11. Schedule 1 sets out the fees payable for specific applications. Schedule 2 prescribes the forms to be used for specific applications.