

L.N. 142 of 2005**BARRISTERS (QUALIFICATION FOR ADMISSION
AND PUPILLAGE) (AMENDMENT) RULES 2005**

(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)

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. Application for certificate of eligibility for admission

Form 1 in Schedule 2 to the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) is amended—

- (a) by repealing the paragraphs beginning with “I am a [nationality]” and ending with “as Attachment 1.” and substituting—

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

Certified copies of the pages of my Hong Kong Identity Card {OR* [name of passport or other travel document]}, giving particulars of myself are attached to this application as Attachment 1.”;

- (b) by adding “{OR* [legislation governing oaths and declarations in the jurisdiction in which the declaration is made]#}” after “Declarations Ordinance (Cap. 11)”;
- (c) by adding “{OR* [other place in which the declaration is made]#}” after “HONG KONG”;
- (d) by adding “[title of the person administering the declaration outside Hong Kong]#*” after “Commissioner for Oaths/Solicitor”;
- (e) in the footnote, by adding—

“#An applicant who is unable to make the declaration in Hong Kong should make a declaration before a person who is authorized to administer an oath or to take a declaration under the laws of the jurisdiction in which the declaration is made.”

after—
“*Delete whichever is inapplicable.”.

3. Application for certificate of qualification for admission

Form 3 in Schedule 2 is amended by repealing the paragraphs beginning with “I am a [nationality]” and ending with “as Attachment 1.” and substituting—

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

Certified copies of the pages of my Hong Kong Identity Card {OR* [name of passport or other travel document]}, giving particulars of myself are attached to this application as Attachment 1”.

4. Application for certificate of eligibility for pupillage

Form 5 in Schedule 2 is amended—

(a) by repealing the paragraph beginning with “My Hong Kong” and ending with “[HKID number].” and substituting—

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

(b) by repealing the paragraph beginning with “4. I have resided in Hong Kong” and ending with “application as Attachment 3.”;

(c) by adding “{OR* [legislation governing oaths and declarations in the jurisdiction in which the declaration is made][#]}” after “Declarations Ordinance (Cap. 11)”;

(d) by adding “{OR* [other place in which the declaration is made][#]}” after “HONG KONG”;

(e) by adding “/[title of the person administering the declaration outside Hong Kong]^{#*}” after “Commissioner for Oaths/Solicitor”;

(f) in the footnote, by adding—

“[#]An applicant who is unable to make the declaration in Hong Kong should make a declaration before a person who is authorized to administer an oath or to take a declaration under the laws of the jurisdiction in which the declaration is made.”

after—
 “*Delete whichever is inapplicable.”.

Approved this 2nd day of August 2005.

Andrew LI
 Chief Justice

Made this 1st day of September 2005.

Philip DYKES, S.C.
 Chairman

Andrew BRUCE, S.C.
 Vice Chairman

Rimsky YUEN, S.C.
 Vice Chairman

Lisa WONG
 Hon. Secretary &
 Treasurer

Peter DUNCAN, S.C. Kumar RAMANATHAN

Leo REMEDIOS

Anthony ISMAIL

Joseph TSE

Valentine YIM

Keith YEUNG

Robert PANG

Andrew MAK

Simon LEUNG

Lawrence NG

Giles SURMAN

Jennifer TSANG

Linda CHAN

Glenys NEWALL

Lin FENG

Donald LEO

Abraham CHAN

Elaine LIU

Explanatory Note

These Rules are made by the Council of the Hong Kong Bar Association pursuant to section 72AA of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice. The objects of these Rules are to amend the prescribed forms in the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC), to provide that—

- (a) in an application for the issue of a certificate of eligibility for admission (Form 1), certificate of qualification for admission (Form 3) and certificate of eligibility for pupillage (Form 5), the document required to identify the applicant is either a Hong Kong Identity Card, a passport or other travel document (see sections 2(a), 3 and 4(a));
- (b) an overseas lawyer who applies for a certificate of eligibility for admission (Form 1), or a person who applies for a certificate of eligibility for pupillage (Form 5) may make the requisite declaration in a place outside Hong Kong (see sections 2(b) to (e) and 4(c) to (f));
- (c) an applicant for the issue of a certificate of eligibility for pupillage is not required to include in the application (Form 5) his residency particulars (see section 4(b)).