

**L.N. 178 of 2008****OFFICIAL LANGUAGES (ALTERATION OF TEXT UNDER SECTION 4D) (ADVOCATE AND ADVOCACY) ORDER****CONTENTS**

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**OFFICIAL LANGUAGES (ALTERATION OF TEXT  
UNDER SECTION 4D) (ADVOCATE AND  
ADVOCACY) ORDER**

(Made by the Law Draftsman under section 4D of the Official Languages Ordinance (Cap. 5) on the authority of the Secretary for Justice pursuant to section 7 of the Legal Officers Ordinance (Cap. 87))

**PART 1**

**COMMENCEMENT**

**1. Commencement**

This Order shall come into operation on 1 January 2009.

**PART 2**

**CHINESE EQUIVALENT OF “ADVOCATE”**

**The Rules of the High Court**

**2. Interpretation**

Order 62, rule 1(1) of the Rules of the High Court (Cap. 4 sub. leg. A) is amended, in the Chinese text, in the definition of “爭議事務”, by repealing “出庭代訟人” and substituting “訟辯人”.

**3. Examination of witnesses and other persons**

Order 75, rule 30(3)(d) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

**Landlord and Tenant (Consolidation) Ordinance**

**4. Power to exclude application of this Part**

Section 4(5) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) is amended, in the Chinese text, by repealing “代言人” and substituting “訟辯人”.

## Legal Practitioners Ordinance

### 5. Interpretation

Section 2(1) of the Legal Practitioners Ordinance (Cap. 159) is amended, in the Chinese text, in the definition of “爭訟事務”, by repealing “出庭代訟人” and substituting “訟辯人”.

### 6. Qualifications for practising as a barrister

Section 31(1)(c) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

### 7. Appointment of Senior Counsel

(1) Section 31A(2)(c) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(2) Section 31A(3)(b) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(3) Section 31A(5) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

### 8. Students already enrolled in legal studies in the United Kingdom

Section 74C(i) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## Admission and Registration Rules

### 9. Forms

The Schedule to the Admission and Registration Rules (Cap. 159 sub. leg. B) is amended—

- (a) in Form 3, in the Chinese text, by repealing “出庭代訟人” where it twice appears and substituting “訟辯人”;
- (b) in Form 5, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## **Barristers (Qualification) Rules**

### **10. General admission before 1 June 1986: qualifying period of active practice**

(1) Rule 2(1) of the Barristers (Qualification) Rules (Cap. 159 sub. leg. E) is amended, in the Chinese text, by repealing “出庭代訟人” wherever it appears and substituting “訟辯人”.

(2) Rule 2(2)(a) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(3) Rule 2(2)(b) is amended, in the Chinese text, by repealing “出庭代訟人” wherever it appears and substituting “訟辯人”.

(4) Rule 2(2)(c) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(5) Rule 2(3) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

### **11. Admission for particular cases: qualifying period of active practice**

Rule 2A is amended, in the Chinese text, by repealing “出庭代訟人” wherever it appears and substituting “訟辯人”.

### **12. Requirements of pupillage**

Rule 9(4) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## **Trainee Solicitors Rules**

### **13. Exemption of disbarred barrister from employment under a trainee solicitor contract**

Rule 20(1)(b) of the Trainee Solicitors Rules (Cap. 159 sub. leg. J) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## **International Organizations and Diplomatic Privileges Ordinance**

### **14. Immunities and privileges of judges of and suitors to, the International Court of Justice**

Section 4(1) of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) is amended, in the Chinese text, by repealing “代訟人” and substituting “訟辯人”.

## **The United Nations**

### **15. Article amended**

Article 15 of The United Nations (Cap. 190 sub. leg. H) is amended, in the Chinese text, by repealing “代訟人” wherever it appears and substituting “訟辯人”.

## **Criminal Procedure Ordinance**

### **16. Competence of person charged in criminal cases**

Section 54(1) of the Criminal Procedure Ordinance (Cap. 221) is amended, in paragraph (f)(ii) of the proviso, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## **Legal Aid in Criminal Cases Rules**

### **17. Solicitor and counsel fees**

(1) Rule 21(1)(c) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(2) Rule 21(1)(l) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(3) Rule 21(1)(n) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## **Magistrates Ordinance**

### **18. Interpretation**

Section 2 of the Magistrates Ordinance (Cap. 227) is amended, in the Chinese text, in the definition of “代表律師”, by repealing “代言人” and substituting “訟辯人”.

## **District Court Ordinance**

### **19. Right of audience**

Section 15(1)(c) of the District Court Ordinance (Cap. 336) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

## **The Rules of the District Court**

### **20. Interpretation**

Order 62, rule 1(1) of the Rules of the District Court (Cap. 336 sub. leg. H) is amended, in the Chinese text, in the definition of “爭議事務”, by repealing “出庭代訟人” and substituting “訟辯人”.

## **Supply of Services (Implied Terms) (Exclusion) Order 1995**

### **21. Exclusion**

Section 1(a) of the Supply of Services (Implied Terms)(Exclusion) Order 1995 (Cap. 457 sub. leg. A) is amended, in the Chinese text, by repealing “出庭代言人” and substituting “訟辯人”.

## **Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997**

### **22. Savings and transitional provisions**

Section 2(1)(b) of Schedule 2 to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) is amended, in the Chinese text, by repealing “出庭代訟人” where it twice appears and substituting “訟辯人”.



## PART 3

### CHINESE EQUIVALENT OF “ADVOCACY”

#### **Legal Practitioners Ordinance**

#### **23. Power of Court to admit barristers**

Section 27(4)(b) of the Legal Practitioners Ordinance (Cap. 159) is amended, in the Chinese text, by repealing “代訟” and substituting “訟辯”.

#### **Admission and Registration Rules**

#### **24. Forms**

Paragraph 7(7) in part (a) of the declaration in Form 4 in the Schedule to the Admission and Registration Rules (Cap. 159 sub. leg. B) is amended, in the Chinese text, by repealing “出庭代訟” and substituting “訟辯”.

#### **Barristers (Qualification) Rules**

#### **25. Reduction of pupillage**

Rule 10 of the Barristers (Qualification) Rules (Cap. 159 sub. leg. E) is amended, in the Chinese text, by repealing “代訟” and substituting “訟辯”.

#### **26. Reduction of or dispensation with pupillage of a barrister admitted under section 27A**

Rule 12(1) is amended, in the Chinese text, by repealing “代訟” and substituting “訟辯”.

#### **Legal Aid in Criminal Cases Rules**

#### **27. Solicitor and counsel fees**

(1) Rule 21(3)(a) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) is amended, in the Chinese text, by repealing “出庭代訟” and substituting “訟辯”.

(2) Rule 21(5)(b)(i) is amended, in the Chinese text, by repealing “出庭代訟” and substituting “訟辯”.

Eamonn MORAN  
Law Draftsman

24 June 2008

### **Explanatory Note**

Section 4D of the Official Languages Ordinance (Cap. 5) empowers the Secretary for Justice to make formal alterations to the text of an Ordinance in one official language to achieve consistency between a word, expression or phrase and another word, expression or phrase where both such words, expressions or phrases purport to be the equivalent of the same word, expression or phrase in the other official language in the same context. The Secretary for Justice has authorized the Law Draftsman pursuant to section 7 of the Legal Officers Ordinance (Cap. 87) to make such formal alterations.

2. Part 1 provides for the commencement of this Order.

3. Part 2 makes formal alterations to the Chinese text of various items of legislation by repealing “出庭代訟人”, “代言人”, “代訟人” and “出庭代言人” and substituting “訟辯人”. The alterations will achieve consistency between the Chinese equivalent of “advocate” in the Chinese text of those items of legislation and that in the Chinese text of other items of legislation.

4. Part 3 makes formal alterations to the Chinese text of various items of legislation by repealing “出庭代訟” and “代訟” and substituting “訟辯”. The alterations will achieve consistency between the Chinese equivalent of “advocacy” in the Chinese text of those items of legislation and that in the Chinese text of other items of legislation.