

立法會
Legislative Council

LC Paper No. LS69/09-10

**Paper for the House Committee Meeting
on 4 June 2010**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 May 2010**

Date of tabling in LegCo : 2 June 2010

Amendment to be made by : 30 June 2010 (or the 1st meeting of the next session if extended by resolution)

**Legal Practitioners Ordinance (Cap. 159)
Admission and Registration (Amendment) Rules 2010 (L.N. 69)**

The Admission and Registration Rules (Cap. 159 sub. leg. B) (the principal Rules) are made by the Chief Justice under section 72 of the Legal Practitioners Ordinance (Cap. 159) to provide for, amongst other things, applications for admission as solicitors. Under rule 3(4) of the principal rules, an applicant will be issued a Certificate of Eligibility for Admission as a Solicitor (the Certificate) if the Law Society of Hong Kong (Law Society) is satisfied that he is eligible for admission as a solicitor on the basis of compliance with the requirements prescribed in the Trainee Solicitors Rules (Cap. 159 sub. leg. J) with respect to employment as a trainee solicitor, passing of examinations and completion of courses. The form of the Certificate is set out in Form 2 of the Schedule to the principal Rules (Form 2).

2. Rule 9A(3) of the Trainee Solicitors Rules provides that a trainee solicitor may apply for approval from the Law Society for reduction of the period of his trainee solicitor contract by one month when there is a minimum total of three years of relevant work experience, with an additional one month reduction for every additional year of relevant work experience, but the period of reduction shall not exceed six months.

3. The main purpose of L.N. 69 is to amend Form 2 to -

- (a) change the reference to the period in which a person has been employed as a trainee solicitor from in terms of years to months; and

- (b) reflect the reduction of the period of trainee solicitor contract for trainee solicitors with relevant work experience under rule 9A(3) of the Trainee Solicitors Rules.
4. L.N. 69 also replaces gender-specific terms in Form 2 and other forms in the Schedule to the principal Rules with gender-neutral terms.
5. In response to the enquiries made by the Legal Service Division as to whether similar amendments will be made to the references to the period of trainee solicitor contract for trainee solicitors in the Trainee Solicitors Rules, the Law Society has confirmed that it will include the views of the Legal Service Division in the forthcoming amendment exercise of the Trainee Solicitors Rules relating to the Integrated Training Programme for new trainee solicitors.
6. The amendments contained in L.N. 69 have not been referred to the Panel on Administration of Justice and Legal Services.
7. L.N. 69 shall come into operation on a day to be appointed by the President of The Law Society of Hong Kong by notice published in the Gazette.

Employment (Amendment) Ordinance 2010 (9 of 2010)

Employment (Amendment) Ordinance 2010 (Commencement) Notice (L.N. 70)

8. The Employment (Amendment) Ordinance 2010 (9 of 2010) (the Amendment Ordinance), which was enacted in April 2010, creates a new offence against employers failing to make payment under an award of the Labour Tribunal (LT) or the Minor Employment Claims Adjudication Board (MECAB) and provides for matters including prosecution of the offence, liability of directors, partners and responsible persons of the employers and proof of certain matters of the relevant proceedings. Under section 2 of the Amendment Ordinance, it shall come into operation on a day to be appointed by the Secretary for Labour and Welfare (the Secretary) by notice published in the Gazette.
9. By L.N. 70, the Secretary appoints 29 October 2010 as the day on which the Amendment Ordinance shall come into operation.
10. The Employment (Amendment) Bill 2009 (enacted as the Amendment Ordinance) had been scrutinized by a Bills Committee. In the course of scrutiny, some members expressed the concern about whether sufficient time would be allowed for publicity so that employers, especially an employer against whom an LT or MECAB award is made immediately after commencement of the Amendment Ordinance, would be made fully aware of the commencement date. The Administration advised that it would launch publicity upon enactment of the Amendment Ordinance through newspapers and distributing posters and publicity

leaflets to employers' associations, trade unions, the 18 Human Resources Managers Club and nine industry-based tripartite committees. Publicity on the new offence would also be made at premises of branch offices of the Labour Relations Division of the Labour Department, LT and MECAB. Members may refer to the report of the Bills Committee to the House Committee (LC Paper No. CB(2)1297/09-10) for further information.

11. The Panel on Manpower has not been consulted on L.N. 70.
12. No difficulties have been identified in the legal and drafting aspects of the above subsidiary legislation.

Prepared by

Kitty CHENG
Assistant Legal Adviser
Legislative Council Secretariat
2 June 2010