

**立法會**  
**Legislative Council**

LC Paper No. LS79/14-15

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 4 September 2015**

**Tabling in LegCo** : Council meeting of 14 October 2015

**Amendment to be made by** : Council meeting of 11 November 2015 (or  
2 December 2015 if extended by resolution)

**Trainee Solicitors (Amendment) Rules 2015** (L.N. 174)

L.N. 174 is made by the Council of The Law Society of Hong Kong (The Law Society) under section 73 of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice to amend rule 14 of the Trainee Solicitors Rules (Cap. 159J) in relation to evidence of results of examinations.

2. Rule 14 of Cap. 159J provides that a certificate or notification issued by or on behalf of certain professional societies or educational institutions as to the results achieved by any candidate in an examination shall be sufficient evidence of whether or not the candidate has passed or failed. Rule 7 provides that a person may only enter into a trainee solicitor contract if he has passed or received a certificate of completion or certificate of satisfactory completion as the case may be in, among others, the Postgraduate Certificate in Laws. L.N. 174 adds The Chinese University of Hong Kong to rule 14 of Cap. 159J as one of the recognised institutions.

3. It is noted that the LegCo Brief provided by The Law Society to the Legislative Council (LegCo) in respect of L.N. 174 lacks important details, which are usually contained in the LegCo Briefs issued by the Administration, such as the background to and justification for making of the subsidiary legislation in question, whether the relevant Panel of LegCo or any stakeholder has been consulted and the result of the consultation, the name of the person and contact details for enquiries on the LegCo Brief, the issuing party and the date

of issue of the LegCo Brief. In order to facilitate Members' consideration of L.N. 174, the Legal Service Division has requested The Law Society to provide a detailed LegCo Brief by reference to the contents and format of LegCo Briefs provided by the Administration. No detailed LegCo Brief is received from The Law Society on the date of this Report.

4. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel has not been consulted on L.N. 174.

5. L.N. 174 comes into operation on a day to be appointed by the President of The Law Society by notice published in the Gazette.

### **Concluding Observations**

6. The Legal Service Division is making enquires with The Law Society in relation to certain legal and drafting aspects of L.N. 174 and has not received a response from The Law Society on the date of this Report. The Legal Service Division will report further if necessary.

Prepared by

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