

立法會
Legislative Council

LC Paper No. CB(4)214/17-18

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Paper for the House Committee meeting on 17 November 2017

**Report of the Subcommittee on
Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice**

Purpose

This paper reports on the deliberations of the Subcommittee on Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice ("the Subcommittee").

Background

2. The Trainee Solicitors (Amendment) Rules 2017 (L.N. 104 of 2017) ("the Amendment Rules 2017") are 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. The Amendment Rules 2017 amend rule 20 of the Trainee Solicitors Rules (Cap. 159J) mainly to:

- (a) set out more specifically the matters to be included in the certificate that a disbarred barrister who wishes to become a solicitor has to obtain from the Bar Council of Hong Kong Bar Association ("the Bar Council") before applying to the Law Society for exemption from employment under a trainee solicitor contract; and
- (b) require the applicant to provide a statutory declaration to the Law Society stating whether there are any outstanding allegations or complaints against him or her to be dealt with by the Bar Council, and if so, the particulars of those allegations or complaints.

3. The Amendment Rules 2017 were published in the Gazette on 26 May 2017 and tabled at the Council meeting of 31 May 2017. No amendment had been made during the scrutiny period. The Amendment Rules 2017 come into operation on a day to be appointed by the President of the Law Society by notice published in the Gazette.

Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice

4. By the Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice (L.N. 164 of 2017) ("Commencement Notice") made under section 1 of the Amendment Rules 2017, the President of the Law Society appoints 8 January 2018 as the date on which the Amendment Rules 2017 come into operation. The Commencement Notice was published in the Gazette on 6 October 2017 and tabled at the Council meeting of 11 October 2017.

The Subcommittee

5. At the meeting of the House Committee on 13 October 2017, Members agreed to form a subcommittee to study the Commencement Notice. The membership list of the Subcommittee is in the **Appendix**.

6. Under the chairmanship of Dr Hon Priscilla LEUNG Mei-fun, the Subcommittee held one meeting with representatives of the Law Society to examine the Commencement Notice.

7. To allow sufficient time for the Subcommittee to compile a report for consideration by the House Committee, the Chairman moved a motion at the Council meeting of 8 November 2017 to extend the scrutiny period of the Commencement Notice to the Council meeting of 29 November 2017. The motion was passed.

Deliberations of the Subcommittee

8. The Subcommittee supports the commencement of the Amendment Rules 2017 on 8 January 2018. During the deliberations, members have reiterated their support for the Amendment Rules 2017.

9. Members have sought information on whether there is any restriction on the overseas jurisdiction in which an applicant for exemption from employment under a trainee solicitor contract has been engaged in the practice of a barrister or advocate. In response, the Law Society has explained that any person who has been engaged in the practice of a barrister or solicitor advocate in a common law jurisdiction, upon complying with rule 20(1) of Cap. 159J as is applicable to him or her and upon passing the relevant examination(s) (e.g. Overseas Lawyers Qualification Examination and Examination on Accounts and Professional Conduct) may apply to the Law Society for exemption from employment under a trainee solicitor contract.

Recommendation

10. The Subcommittee has no objection to the Commencement Notice. The Subcommittee will not propose any amendment to the Commencement Notice.

Advice sought

11. Members are invited to note the deliberations and recommendation of the Subcommittee.

Council Business Division 4
Legislative Council Secretariat
15 November 2017

**Subcommittee on
Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice**

Membership list

Chairman Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Members Hon Dennis KWOK Wing-hang
Dr Hon Junius HO Kwan-yiu, JP
Hon CHEUNG Kwok-kwan, JP

(Total : 4 members)

Clerk Mr Lemuel WOO

Legal Adviser Miss Rachel DAI