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LEGAL PRACTITIONERS (AMENDMENT) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Justice

Clause

Amendment Proposed

- 1 (a) In subsection (2) by deleting “section 15” and substituting “sections 7, 8, 9, 10(b), 11(a), 15 and 16”.
- (b) By adding -
- ”(3) Sections 7, 8, 9, 10(b), 11(a) and 16 shall come into operation on a day to be appointed by the Secretary for Justice by notice in the Gazette, which shall not be before 1 November 2001.”.
6. In the proposed section 13A -
- (a) in subsection (1) by deleting “The” and substituting “Unless, on application by the solicitor, the Solicitors Disciplinary Tribunal or a court, on an appeal under

section 13, otherwise orders, the”;

(b) by deleting subsection (2).

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By deleting the proposed section 27(4) and substituting -

“(4) Notwithstanding that a person does not satisfy all the requirements specified in subsections (1) and (2)(b), where the Court considers that he is a fit and proper person to be a barrister and is satisfied that he has -

(a) the qualification acquired outside Hong Kong to engage in work that would, if undertaken in Hong Kong, be similar to that undertaken by a barrister in the course of ordinary practice as a barrister in the High Court or Court of Final Appeal; and

(b) substantial experience in advocacy in a court,

the Court may admit such person as a barrister under this section for the purpose of any particular case or cases and may impose such restrictions and conditions on him as it may see fit.”.

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By deleting paragraph (b) and substituting -

“(b) by repealing subsection (3) and substituting -

“(3) A practising certificate may only be issued to an applicant who has paid to the Hong Kong Bar Association -

(a) except where the Bar Council has exempted the applicant therefrom, the membership subscription; and

(b) except where the applicant has been admitted as a barrister under section 27(4) and the Bar Council has exempted him therefrom, the premium prescribed for insurance of the applicant under the current master policy for professional

indemnity insurance effected by the Hong
Kong Bar Association,

in respect of the period for which the practising
certificate is to be issued.

(3A) On application by a barrister admitted under
section 27(4), the Bar Council may waive part of the
membership subscription.”;”.

12 In the proposed section 31C by adding -

“(3A) The publication in the Gazette by the Bar Council of
a list of the names and addresses of those barristers who have
obtained employed barrister’s certificates for the period therein
stated shall be prima facie evidence that each person named therein
is the holder of such a certificate for the period specified in such
list, and the absence from any such list of the name of any person
shall be prima facie evidence that the person does not hold such a
certificate.”.

15 By adding -

“72AAA. Conflict between rules made

by Chief Justice and Bar Council

Where power is given to -

- (a) the Chief Justice; and
- (b) the Bar Council,

to make rules in respect of the same matter, rules made by either or both of them in respect of such a matter shall be valid unless there is a direct conflict between such rules, in which case the rules made by the Chief Justice shall be given precedence to the extent of such conflict.”.

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- (a) By deleting “(i) and (ii)” and substituting “(i), (ii) and (v)”.
- (b) By deleting “as long as he qualifies to practise as a barrister under section 31 of the principal Ordinance” and substituting “because of such repeal”.