

BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES

(Made by the Bar Council under section 72AA of the
Legal Practitioners Ordinance (Cap. 159) with the prior
approval of the Chief Justice)

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. Citation and commencement

- (1) These Rules may be cited as the barristers (Qualification for Admission and Pupillage) Rules.
- (2) These Rules shall come into operation on 1 November 2001.

2. Interpretation

In these Rules, unless the context otherwise requires- “Code of Conduct” means the Code of Conduct of the Hong Kong Bar Association as in force from time to time;

“Examination” means the Barristers Qualification Examination specified in section 4;

“jurisdiction of admission” means, in relation to an overseas lawyer, the foreign jurisdiction the law of which the overseas lawyer is entitled to practise;

“overseas lawyer” means a person who is entitled to practise the law of a foreign jurisdiction.

PART II

QUALIFICATION FOR ADMISSION

3. Qualification for admission under section 27(1) of the Ordinance

(1) Subject to subsection (3), a person is qualified for admission as a barrister under section 27(1) of the Ordinance if he-

- (a) has obtained a Postgraduate Certificate in Laws;
- (b) has been admitted as a solicitor in Hong Kong for at least 3 years immediately before or within 12 months of the date of his application for admission and during that time was in practice as a solicitor in Hong Kong or employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87); or
- (c) has met the requirements prescribed in subsection (2).

(2) Subject to subsection (3), an overseas lawyer is qualified for admission as a barrister under section 27(1) of the Ordinance if he-

- (a) holds a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission and such certificate of admission is valid and currently in force;
- (b) has practised for at least 3 years in his jurisdiction of admission;
- (c) is a person of good standing in his jurisdiction

of admission; and,

- (d) has passed the General and Special Parts of the Examination specified in sections 4(2) and (3) respectively.
- (3) In addition to the requirements in subsections (1) and (2), a person who seeks admission as a barrister must have completed at least 6 months of the period of approved pupillage required under section 9 or, if the period of approved pupillage has been reduced to less than 6 months under section 15, such reduced period of approved pupillage.

4. The Examination

- (1) The Examination shall consist of-
 - (a) a General Part which shall comprise 3 examination papers known as General Papers I, II and III; and
 - (b) a Special Part which shall comprise 2 examination papers known as Special Papers I and II.
- (2) (a) The General Part shall cover one or more of the following subjects-
 - (i) Contract;
 - (ii) Tort;
 - (iii) Property Law (including Real and Personal Property);
 - (iv) Criminal Law;
 - (v) Equity (including the Law of Trusts); and
 - (vi) Evidence.
- (b) The Bar Council shall determine from time to time the specific subjects from the list in paragraph

- (a) to be examined in General Papers I, II and III.
- (3) (a) The Special Part shall cover one or more of the following subjects-
- (i) Hong Kong Legal System;
 - (ii) Constitutional and Administrative Law;
 - (iii) Civil and Criminal Procedure;
 - (iv) Professional Conduct;
 - (v) Land Law and Conveyancing; and
 - (vi) Advocacy.
- (b) The Bar Council shall determine from time to time the specific subjects from the list in paragraph (a) to be examined in Special Papers I and II.
- (4) The Bar Council shall administer the Examination as it may in its absolute discretion deem fit.
- (5) The General and Special Parts of the Examination shall be held at such times as the Bar Council may determine.
- (6) A person shall not be eligible to sit the Examination or any part of it unless he-
- (a) holds a valid certificate of eligibility issued by the Bar Council pursuant to section 5(2); and
 - (b) has paid the fees prescribed in Schedule 1.

5. Certificate of eligibility for admission as an overseas lawyer

- (1) An application for a certificate of eligibility for admission as an overseas lawyer shall be made to the Bar Council in accordance with Form 1 in Schedule 2.
- (2) If the Bar Council is satisfied that an applicant-

- (a) fulfils the requirements in sections 3(2) (a) - (c); and
 - (b) has paid the fees prescribed in Schedule 1,
- it may issue to that person a certificate of eligibility for admission as an overseas lawyer which shall be in accordance with Form 2 in Schedule 2.
- (3) A certificate issued under subsection (2) shall remain valid for a period of 12 months from the date of its issue by the Bar Council, unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16.
 - (4) A person may apply to the Bar Council in writing for the extension of the validity of the certificate issued under subsection (2).
 - (5) An application under subsection (4) for the extension of the validity of the certificate issued under subsection (2) shall be:-
 - (a) made not less than 2 months before the expiry of the certificate; and,
 - (b) accompanied by the fees prescribed in Schedule 1.

6. Requirements for passing the Examination

- (1) In order to pass the General Part of the Examination, a person must pass General Papers I, II and III in one sitting.
- (2) In order to pass the Special Part of the Examination, a person must pass Special Papers I and II in one sitting.
- (3) A person shall not sit the Special Part of the

Examination unless he has first passed the General Part of the Examination.

- (4) A person shall not sit any part of the Examination if he has previously sat and failed any part or parts of it for a total of 4 times.

7. Certificate of qualification for admission as a barrister

- (1) A person seeking to be admitted as a barrister on the basis of compliance with section 3 shall-
 - (a) apply to the Bar Council for a certificate of qualification for admission as a barrister in accordance with subsection (2); and
 - (b) pay the fees prescribed in Schedule 1.
- (2) An application under subsection (1) shall be in accordance with Form 3 in Schedule 2.
- (3) The Bar Council, if it is satisfied that a person making an application and paying the prescribed fees under subsection (1) is qualified for admission as a barrister on the basis of compliance with section 3, may issue to that person a certificate of qualification which shall be in accordance with Form 4 in Schedule 2.
- (4) A certificate issued under subsection (3) shall remain valid for a period of 12 months from the date of its issue by the Bar Council, unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16.
- (5) A person may apply to the Bar Council in writing for the extension of the validity of the certificate issued

under subsection (3).

- (6) An application under subsection (5) for the extension of the validity of the certificate issued under subsection (3) shall be:-
- (a) made not less than 2 months before the expiry of the certificate; and,
 - (b) accompanied by the fees prescribed in Schedule 1.

PART III

PUPILLAGE

8. Qualifying period of active practice

Where a person seeks admission or is admitted as a barrister under section 27(1) or 27A of the Ordinance, the qualifying period of active practice for the purposes of section 31 of the Ordinance shall be the period of approved pupillage under section 9.

9. Requirements of approved pupillage

- (1) The period of approved pupillage under these Rules shall be-
- (a) a period of not less than 1 year in the chambers of a practising barrister (of not less than 5 years standing as a barrister) in Hong Kong; or
 - (b) a period of not less than 9 months in the Department of Justice, which may include a period not exceeding 3 months on secondment to the Legal Aid Department, so long as he has also spent a period of not less than 3 months in such service as is described in paragraph (a).

- (2) The period of approved pupillage mentioned in subsection (1) shall be reduced by any period not exceeding one month spent by a person as a judge's marshall in Hong Kong after the issue to that person of a certificate of eligibility for pupillage specified in section 11.
- (3) A person undertaking pupillage shall be subject to the Code of Conduct.
- (4) A person shall not be regarded as having completed the period of approved pupillage, or any part of it, under these Rules unless he has-
 - (a) obtained a certificate from those of whom he has been a pupil stating that-
 - (i) he has diligently served his period of pupillage with such practising barrister; and
 - (ii) in the opinion of such practising barrister, he is a fit and suitable person to practise as a barrister in Hong Kong; and
 - (b) satisfied the Bar Council that he has complied with the requirements of pupillage stipulated in the Code of Conduct.
- (5) A person may not commence the period of approved pupillage specified in subsection (1) unless he holds a valid certificate of eligibility for pupillage issued by the Bar Council pursuant to section 11(1).
- (6) The Bar Council may at its absolute discretion accept any period of work in the nature of pupillage undertaken in Hong Kong in-
 - (a) the Department of Justice; or

(b) the chambers of a practising barrister (of not less than 5 years standing as a barrister),

by a person after obtaining a certificate of eligibility for pupillage specified in section 11(1), as a period of approved pupillage, or part of it, as required by these Rules.

10. Application for pupillage in Hong Kong

- (1) A person seeking to become a pupil in Hong Kong shall apply to the Bar Council for a certificate of eligibility for pupillage in accordance with subsection (2) not less than 3 weeks before he proposes to commence pupillage.
- (2) An application under subsection (1) shall be in accordance with Form 5 in Schedule 2.

11. Approval of pupillage and issue of a certificate of eligibility for pupillage

- (1) The Bar Council, if it is satisfied that-
 - (a) the applicant-
 - (i) is a fit and suitable person to be a barrister;
 - (ii) would, but for service of the period of pupillage or reduced pupillage specified in section 3(3), be qualified for admission as a barrister under section 3 of these Rules or section 27A of the Ordinance;
 - (iii) is not ineligible by virtue of section 13; and

- (iv) has paid the fees prescribed in Schedule 1; and
- (b) where the applicant wishes to serve his pupillage with a practising barrister, the practising barrister with whom he wishes to serve his pupillage has obtained the approval of the Bar Council to the pupillage under section 12, may approve the application for pupillage and issue to the applicant a certificate of eligibility for pupillage which shall be in accordance with Form 6 in Schedule 2.
- (2) A certificate issued under subsection (1) shall remain valid for a period of 12 months from the date of its issue by the Bar Council, unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16.
- (3) A person may apply to the Bar Council in writing for the extension of the validity of the certificate issued under subsection (1).
- (4) An application under subsection (3) for the extension of the validity of the certificate issued under subsection (1) shall be:-
- (a) made not less than 2 months before the expiry of the certificate; and,
- (b) accompanied by the fees prescribed in Schedule 1.

12. Approval of the Bar Council

- (1) A practising barrister shall not receive a pupil into his chambers unless he has first obtained the approval of the Bar Council to the pupillage.
- (2) The Bar Council may at any time-
 - (a) revoke its approval of a pupillage; or
 - (b) approve the transfer of pupillage from one practising barrister to another or from a practising barrister to the Department of Justice or from the Department of Justice to a practising barrister.

13. Disqualification from pupillage

A person shall not be eligible to become a pupil for the purposes of these Rules if he-

- (1) is an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6);
- (2) has been convicted of an offence of such a nature that, in the opinion of the Bar Council, he is unsuitable to be a pupil;
- (3) is engaged in any occupation which, in the opinion of the Bar Council, is incompatible with pupillage; or
- (4) is for any other reason considered by the Bar Council to be unsuitable as a pupil.

14. Termination or suspension of pupillage

- (1) A pupil who, while serving pupillage, is-
 - (a) adjudicated bankrupt within the meaning of the Bankruptcy Ordinance (Cap.6);

- (b) convicted of an offence; or
- (c) engaged, employed or enrolled in contravention of any declaration and undertaking given to the Bar Council in connection with an application made under section 10(2),

shall forthwith inform the Bar Council in writing.

- (2) The Bar Council may order the termination or suspension of a pupillage-
 - (a) if it is satisfied that-
 - (i) the pupil is guilty of misconduct; or
 - (ii) the pupil has notified, or fails to notify the Bar Council of the occurrence of any of the matters referred to in subsection (1); or
 - (b) if it has revoked its approval of a pupillage.
- (3) For the purposes of this section, “misconduct” means any conduct which would be regarded as professional misconduct if committed by a practising barrister.

15. Reduction of approved pupillage

- (1) The Chief Judge may, after consulting the Bar Council, reduce the period of approved pupillage mentioned in section 9 where he is satisfied that a person seeking admission under section 27(1) or 27A of the Ordinance has substantial experience of court advocacy: Provided that-
 - (a) in the case of a person seeking admission under section 27(1) of the Ordinance, the period of a reduced pupillage shall not be less than 3 months; and

- (b) in the case of a person seeking admission under section 27A of the Ordinance, the period of a reduced pupillage shall not be less than 1 month.
- (2) The Chief Judge may make the reduction of the period of approved pupillage subject to such conditions as he may in his absolute discretion specify.

PART IV

GENERAL

16. Revocation of certificates

The Bar Council may at any time vary or revoke a certificate issued under section 5, 7 or 11.

17. Review

Any person who is aggrieved by an order or decision of the Bar Council under these Rules may, within one month of the date of the order or decision and upon payment of the fees prescribed in Schedule 1, apply in writing for the order or decision to be reviewed by the Bar Council.

18. Appeal

- (1) Any person who is aggrieved by any decision of the Bar Council on a request for review under section 15 may, within 1 month of the date of the decision, appeal to the Court of Appeal against such decision by notice of motion.
- (2) The notice of motion shall state the grounds of the appeal and shall be served on the Bar Council and the

Secretary for Justice as respondents.

- (3) On the hearing of the motion by the Court of Appeal, the appellant, the Bar Council and the Secretary for Justice may be represented by counsel and adduce evidence.
- (4) The Court of Appeal may confirm, vary or quash the decision and make such order as to costs as it thinks fit.

REPEAL AND CONSEQUENTIAL AMENDMENTS

BARRISTERS (QUALIFICATION) RULES

19. Repeal

- (1) Save in respect of persons who elect under section 17 of the Legal Practitioners (Amendment) Ordinance (Ord. No. x of 2000) (“the amending ordinance”) to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending ordinance, the Barristers (Qualification) Rules (Cap. 159 sub leg.) is repealed.
- (2) The Barristers (Qualification) Rules (Cap 159 sub leg.) shall continue to regulate the admission of persons who elect under section 17 of the amending ordinance to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending ordinance

SCHEDULE 1

FEES PAYABLE UNDER THE BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES

[ss. 4, 5, 7 and 11]

Item	Section	Description	Payee	Fees
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1.	4(6)	Application to sit the General Part of the Examination	Hong Kong Bar Association
2.	4(6)	Application to sit the Special Part of the Examination	Hong Kong Bar Association
3.	5(2)	Application for certificate of eligibility as an overseas lawyer	Hong Kong Bar Association
4.	5(4)	Extension of validity of certificate of eligibility as an overseas lawyer	Hong Kong Bar Association
5.	7(1)	Application for certificate of qualification for admission as a barrister	Hong Kong Bar Association
6.	7(5)	Extension of validity of certificate of qualification for admission as a barrister	Hong Kong Bar Association
7.	11(1)	Application for certificate of eligibility for pupillage	Hong Kong Bar Association
8.	11(3)	Extension of validity of certificate of eligibility for pupillage	Hong Kong Bar Association
9.	17	Application for review	Hong Kong Bar Association

SCHEDULE 2
FORM 1

**APPLICATION FOR CERTIFICATE OF ELIGIBILITY
FOR ADMISSION AS AN OVERSEAS LAWYER**

[s.5(1)]

FORM 2

CERTIFICATE OF ELIGIBILITY FOR ADMISSION AS AN OVERSEAS LAWYER

[s.5(2)]

FORM 3

**APPLICATION FOR CERTIFICATE OF QUALIFICATION
FOR ADMISSION AS A BARRISTER**

[s.7(2)]

FORM 4

CERTIFICATE OF QUALIFICATION FOR ADMISSION AS A BARRISTER

[s.7(3)]

FORM 5

APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

[s.10(2)]

FORM 6

CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

[s.11(1)]

Approved thisday of, 2000

[Signed]
Chief Justice

Made this..... day of..... , 2000

[Bar Council Members]

Explanatory Note

BARRISTERS (ADMISSION) RULES

(Made under section 72 of the
Legal Practitioners Ordinance (Cap.159))

1. Commencement

These Rules shall come into operation on 1 November 2001.

2. Application for admission as a barrister

- (1) Any person seeking to be admitted as a barrister shall file with the Registrar a motion paper to move the Court on such date as shall be fixed by the Registrar, which shall not be less than-
 - (a) 30 days after the filing of the motion paper, if he is seeking to be admitted generally; or
 - (b) 14 days after the filing of the motion paper, if he is seeking to be admitted for the purpose of any particular case or cases,and shall pay to the Judiciary Administrator the fees prescribed in Schedule 1.
- (2) Every motion paper in respect of an applicant seeking to be admitted as a barrister under section 27(1) of the Ordinance shall be accompanied by-
 - (a) a certificate of qualification of admission as a barrister issued by the Bar Council under section 7(3) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap.159, sub. leg.);
 - (b) an affidavit attesting to each of the matters which an applicant must establish as set out in section 27(2) of the Ordinance; and
 - (c) an affidavit of identity by an officer of the Court

in Form 1 in Schedule 2.

- (3) Every motion paper in respect of an applicant seeking to be admitted as a barrister under section 27(4) of the Ordinance shall be accompanied by-
- (a) a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission, together with evidence that the certificate of admission is currently valid and in force;
 - (b) an affidavit attesting to each of the matters which an applicant must establish under section 27(2) (a) and (4) of the Ordinance; and
 - (c) an affidavit of identity by an officer of the Court in Form 1 in Schedule 2.
- (4) Every motion paper in respect of an applicant seeking to be admitted a barrister under section 27A of the Ordinance shall be accompanied by-
- (a) a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission, together with evidence that the certificate of admission is currently valid and in force;
 - (b) an affidavit attesting to each of the matters which an applicant must establish under section 27A of the Ordinance as the case may be;
 - (c) a certificate from the Secretary for Justice stating the period during which the applicant has been employed in the Department of Justice of the Government as a legal officer within the meaning of

the Legal Officers Ordinance (Cap.87); and

- (d) an affidavit of identity by an officer of the Court in accordance with Form 1 in Schedule 2.
- (5) A copy of the motion paper referred to in subsection (1) and of every document accompanying the motion paper in accordance with subsections (2), (3) and (4) shall be served on the Secretary for Justice and the Bar Council at the time when such motion paper is filed with the Registrar.

3. Admission

- (1) On the hearing of the motion under section 2 by the Court, counsel shall move the Court that the applicant be admitted and enrolled as a barrister.
- (2) The Court, upon hearing such counsel and upon hearing any representation which may be made by or on behalf of the Secretary for Justice and the Bar Council and
 - (a) upon being satisfied that the applicant is eligible for admission as a barrister, may order that the applicant be admitted as a barrister; or
 - (b) if the Court is not so satisfied, may dismiss the application upon such terms as regards costs or otherwise as the Court may think appropriate.

4. Roll of barristers and certificate of admission

- (1) The roll of barristers shall be in accordance with Form 2 in Schedule 2.
- (2) The Registrar shall deliver to every person who is

admitted as a barrister under section 27(1) or 27A of the Ordinance, as soon as practicable after the admission of such person, a certificate of such admission.

5. Exemption

The Court may, on special grounds and upon such conditions as it may consider necessary, exempt any person from any of the formalities prescribed by these Rules, either absolutely or for any specified period, and may on its own motion or upon application reduce or abridge any of the periods of notice prescribed by these Rules upon any such conditions.

REPEAL AND CONSEQUENTIAL AMENDMENTS

ADMISSION AND REGISTRATION RULES

6. Application for admission as a barrister

Subject to section 9 of these Rules, Rule 8 of the Admission and Registration Rules (Cap. 159 sub leg.) is repealed.

7. Admission

Subject to section 9 of these Rules, Rule 9 of the Admission and Registration Rules (Cap. 159 sub leg.) is repealed.

8. Form of roll of barristers

Rule 10 of the Admission and Registration Rules (Cap. 159 sub leg.) is repealed.

9. Saving

Rules 8 and 9 of the Admission and Registration Rules (Cap. 159 sub leg.) shall continue to govern the admission of those persons who elect under section 17 of the Legal Practitioners (Amendment) Ordinance (Ord. No. x of 2000) (“the amending ordinance”) to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending ordinance.

LEGAL PRACTITIONERS (FEES) RULES

10. Fees payable under the Admission and Registration Rules

Item 3 of Schedule 3 of the Legal Practitioners (Fees) Rules (Cap. 159 sub leg.) is repealed.

SCHEDULE 1

FEES PAYABLE UNDER THE BARRISTERS (ADMISSION) RULES

[s.2]

Item	Rule	Description	Payee	Fee
1.	2(1)	Notice of motion for admission as a barrister	Judiciary Administrator	

SCHEDULE 2

FORMS 1 AND 2

[ss.2, 4]

Approved this..... day of....., 2000

[Signed]
Chief Justice

PRACTISING CERTIFICATE (BARRISTERS) (AMENDMENT) RULES

(Made by the Bar Council under section 72AA of the
Legal Practitioners Ordinance (Cap.159) with the prior
approval of the Chief Justice)

1. Commencement

These rules shall come into operation on 1 November 2001.

2. Application for a practising certificate

Rule 2 of the Practising Certificate (Barristers) Rules (cap. 159 sub. leg.) is amended-

(a) by adding-

“(1A) An application by an employed barrister under section 31C of the Ordinance for an employed barrister’s certificate shall be in accordance with Form 1C in the Schedule.”; and

(b) by repealing “such application” in subsection (2) and substituting “an application under subsection (1) or (1A)”.

3. Barristers’ practising certificates

Rule 3 is amended by adding-

“(4) An employed barrister’s certificate shall be in accordance with Form 5 in the Schedule.”

4. Schedule amended

The Schedule is amended-

(a) by adding-

“FORM 1C”

(b) by adding-

”FORM 5”

Approved this..... day of..... , 2000

[Signed]

Chief Justice

Made this.....day of , 2000

[Bar Council Members]

Explanatory Note

LEGAL PRACTITIONERS (FEES) (AMENDMENT) RULES

(Made by the Bar Council under section 72AA of the
Legal Practitioners Ordinance (Cap. 159) with the prior
approval of the Chief Justice)

1. Commencement

These rules shall come into operation on 1 November 2001.

2. Payment of fees

Rule 3(2) of the Legal Practitioners (Fees) Rules (cap. 159 sub. leg.) is amended
by repealing “section 30(1)” and substituting “sections 30(1), 31(2) and 31C”.

3. Schedule amended

Schedule 1 is amended by adding-

4B.	31C	Employed barrister's certificate	Hong Kong Bar Association	[Fee]
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Approved this..... day of..... , 2000

[Signed]
Chief Justice

Made this.....day of , 2000

[Bar Council Members]

Explanatory Note

FORM 1

[s.2]

BARRISTERS (ADMISSION) RULES

AFFIDAVIT OF IDENTITY

I, of ,
Hong Kong, Solicitor, make oath and say (or solemnly an sincerely declare and affirm) as follows:-

1. The photograph attached hereto and marked “.....” is a true likeness ofof, Hong Kong, the applicant herein.
2. I have examined [Hong Kong Identity Card No.] [passport No.]* of the saidand am satisfied that he is the applicant in these proceedings.

SWORN/ DECLARED at, Hong Kong }
this day of, 20 }

Before me

Commissioner for Oaths/ Solicitors

FORM 2

[s.4]

ROLL OF BARRISTERS

.....was admitted as a barrister of the High Court of Hong Kong on the day of, 20..

.....
Registrar
High Court
Hong Kong

FORM 1

[s. 5(1)]

APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR ADMISSION
AS AN OVERSEAS LAWYER

To: The Bar Council
Hong Kong Bar Association

I, [full name] of [current residential address] apply for the issue to me of a certificate of eligibility for admission as an overseas lawyer in accordance with section 5(2) of the Barristers (Qualification for Admission and Pupillage) Rules (“the Rules”).

I am a [nationality], the holder of passport {OR* [name of travel document] no. [number]}. My Hong Kong Identification Card No. is [HKID number]. Certified copies of the pages of my passport {OR* travel document} giving particulars of myself and of my Hong Kong Identification Card are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows-

1. I hold a certificate of admission as a legal practitioner from the [name of authority issuing certificate] (“the issuing authority”) in [applicant’s jurisdiction of admission] (“my jurisdiction of admission”). My certificate of admission is valid and currently in force. A certified copy of my certificate of admission is

attached to this application as Attachment 2.

2. I have practised for at least 3 years in my jurisdiction of admission. More specifically, I have been in full-time practice in my jurisdiction of admission during the following periods:-

[Set out periods of practice.]

A certified copy/ Certified copies* of certificate(s) from the issuing authority {OR* [name of the relevant institution]} evidencing my active practice during such periods is/are* attached to this application as Attachment 3.

3. I am currently a person of good standing in my jurisdiction of admission. A letter from the [name of the relevant institution], which is the body having supervision over the conduct of legal practitioners in my jurisdiction of admission, certifying my good standing is attached to this application as Attachment 4.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap.11),

DECLARED at }

HONG KONG this day of }

....., 20.. }

Before me,

Commissioner for Oaths/

Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of eligibility for admission as an overseas lawyer must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 2

[s.5(2)]

CERTIFICATE OF ELIGIBILITY FOR ADMISSION
AS AN OVERSEAS LAWYER

THIS IS TO CERTIFY THAT [full name] of [current residential address]:-

1. on the..... day of [date], 20.....applied under section 5(1) of the Barristers (Qualification for Admission and Pupillage) Rules (“the Rules”) for the issue of a certificate of qualification for admission as an overseas lawyer;
2. has satisfied the Bar Council of the Hong Kong Bar Association that-
 - (1) he holds a certificate of admission as a legal practitioner from [name of authority issuing certificate] in [applicant’s jurisdiction of admission] (“the jurisdiction of admission”) which is valid and currently in force;
 - (2) has practised for at least 3 years in the jurisdiction of admission; and
 - (3) is currently a person of good standing in the jurisdiction of admission;and
3. has paid the fees prescribed in Schedule 1 of the Rules for this certificate.

Dated this day of....., 20.....

(Sgd.).....
for the Bar Council
Hong Kong Bar Association

Notes:-

- A. This certificate is valid for a period of 12/[number]* months from the date of issue unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16 of the Rules.

- B. The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not less than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 3

[s.7(2)]

APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR ADMISSION
AS A BARRISTER

To: The Bar Council
Hong Kong Bar Association

I, [full name] of [current residential address] apply for the issue to me of a certificate of qualification for admission as a barrister in accordance with section 7(3) of the Barristers (Qualification for Admission and Pupillage) Rules (“the Rules”).

I am a [nationality], the holder of passport {OR* [name of travel document]} no. [number]. My Hong Kong Identity Card No. is [HKID number]. Certified copies of:-

1. the pages of my passport {OR* travel document} giving particulars of myself; and
2. the front and reverse sides of my Hong Kong Identity Card, are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows-

3. I obtained a Postgraduate Certificate in Laws.

A certified copy of such a certificate is attached to this application as Attachment 2.

{OR*

I have been admitted as a solicitor in Hong Kong for at least 3 years immediately or recently before the date of my application for admission and during that time I was {in practice as a solicitor in Hong Kong} {OR* employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87)}.

{A certificate from the Registrar certifying the date(s) of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2. During the period(s) identified in the said certificate, I was in practice as follows:-

[Particulars of practice during the relevant period]}.

{OR*

A certificate from the Secretary for Justice/ Director of Legal Aid/ [name of the relevant Government officer]* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.}}

{OR*

I am an overseas lawyer as defined in section 2 of the

Rules. A copy of the Certificate of Eligibility for Admission as an Overseas Lawyer issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

I sat the General and Special Parts of the Examination specified in sections 4(2) and (3) of the Rules on [date] and [date] respectively and have passed both parts of the Examination in accordance with section 6 of the Rules. A letter from the Bar Council certifying that I have passed the General and Special Parts of the Examination is attached to this application as Attachment 2A.}

4. I have completed at least 6 months of the period of the approved pupillage specified in section 9 of the Rules. In particular, I have completed pupillage as follows:-

Name of pupil master

Period of pupillage

A certificate/ Certificates* from the abovementioned pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently is attached to this application as Attachment 3.

OR*

My period of approved pupillage was been reduced to [number] months (being a period of less than 6 months) under section 15 of the Rules and I have completed such reduced period of approved pupillage. In particular, I

have undertaken pupillage as follows:-

Name of pupil master

Period of pupillage

A certificate/ Certificates* from the abovementioned pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently is attached to this application as Attachment 3.

5. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.
6. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR*

I have been ordinarily resident in Hong Kong for at least 7 years.}

{OR*

I have been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date of this application.}

Details of my periods of residence are set out below:-

Address

Period of residence

A certified copy of the relevant pages from my passport {OR* travel document} evidencing the above periods of residence in Hong Kong is attached to this application as Attachment 4.

7. I am a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap.27). Two letters of reference attesting to my good character are attached to this application as Attachment 5.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap.11),

DECLARED at }
HONG KONG thisday of }
....., 20.. }

Before me,

Commissioner for Oaths/
Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of qualification for admission as a barrister must be paid at the time of submission of this

application.

*Delete whichever is inapplicable.

CERTIFICATE OF QUALIFICATION FOR ADMISSION
AS A BARRISTER

THIS IS TO CERTIFY THAT [full name] of [current residential address]:-

1. on the day of [date], 20.. applied under section 7(2) of the Barristers (Qualification for Admission and Pupillage) Rules (“the Rules”) for the issue of a certificate of qualification for admission as a barrister;

2. has satisfied the Bar Council of the Hong Kong Bar Association that:-

he has obtained a Postgraduate Certificate in Laws.

{OR*

he has been admitted as a solicitor in Hong Kong for at least 3 years immediately or recently before the date of his application for admission and during that time was in practice as a solicitor in Hong Kong {OR* employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87)}.

{OR*

he is an overseas lawyer as defined in section 2 of the Rules and has met the requirements for admission to the Hong Kong Bar in section 3(2) of the Rules};

3. has completed at least 6 months of the period of the approved pupillage specified in section 9 of the Rules;

{OR*

has had his period of approved pupillage reduced to [number] months under section 15 of the Rules and has completed such reduced period of approved pupillage;}

4. is not currently in practice as a solicitor either on his own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong;

5. has resided in Hong Kong for [number] consecutive months immediately before the date of this certificate;

{OR*

has been ordinarily resident in Hong Kong for at least 7 years;}

{OR*

has been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date hereof;}

6. is a fit and proper person to be called to the Hong Kong

Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap.27); and

7. has paid the fees prescribed in Schedule 1 of the Rules for this certificate.

Dated this day of, 20..

(Sgd.).....
for the Bar Council
Hong Kong Bar Association

Notes:-

- A. This certificate is valid for a period of 12/[number]* months from the date of issue unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16 of the Rules.
- B. The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not less than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 5

[s.10 (2)]

APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

To: The Bar Council
Hong Kong Bar Association

I, [full name] of [current residential address] apply for the issue to me of a certificate of eligibility for pupillage in accordance with section 10(1) of the Barristers (Qualification for Admission and Pupillage) Rules (“the Rules”).

My Hong Kong Identification Card No. is [HKID number].

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I propose to undertake pupillage for the period from [date] to [date] with [name of pupil master] of [chambers address].

I do solemnly and sincerely declare as follows:-

1. I am a fit and proper person to be a barrister. In particular-
 - (1) Two letters of reference attesting to my good character are attached to this application as Attachment 1.
 - (2) I am not an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap.6).

(3) I have not had any previous criminal convictions.

{OR*

I have been previously convicted as follows:- [Details of previous criminal convictions.]}

(4) I am not currently engaged, and during my pupillage undertake not to engage, in any occupation which is incompatible with pupillage.

2. I would, but for service of the period of pupillage or reduced pupillage specified in section 3(3) of the Rules, be qualified for admission as a barrister under section 27(1) or 27A of the Ordinance. In particular-

(1) I have obtained a Postgraduate Certificate in Laws.

A certified copy of such a certificate is attached to this application as Attachment 2.

{OR*

I have been admitted as a solicitor in Hong Kong for at least 3 years immediately or recently before the date of this application for admission and during that time I was {in practice as a solicitor in Hong Kong} {OR* employed in the public service

of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap.87)).

{A certificate from the Registrar setting out the date(s) of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2. During the period(s) identified in the said certificate, I was in practice as follows:-

[Particulars of practice during the relevant period]}.

{OR*

A certificate from the Secretary for Justice/ Director of Legal Aid/ [name of the relevant Government officer]* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.}}

{OR*

I am overseas lawyer as defined in section 2 of the Rules.

A copy of the Certificate of Eligibility for Admission as an Overseas Lawyer issued to me by the

Bar Council on [date] is attached to this application as Attachment 2.

I sat the General and Special Parts of the Examination specified in sections 4(2) and (3) of the Rules on [date] and [date] respectively and have passed both parts of the Examination in accordance with section 6 of the Rules.

A letter from the Bar Council certifying that I have passed the General and Special Parts of the Examination is attached to this application as Attachment 2A.}}

3. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.
4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR*

I have been ordinarily resident in Hong Kong for at least 7 years.}

{OR*

I have been physically present in Hong Kong for [number]

days of each of [number] years within the 10 years immediately preceding the date of this application. }

Details of my periods of residence in Hong Kong are set out below:-

<u>Address</u>	<u>Period of residence</u>
----------------	----------------------------

A certified copy of the relevant pages from my passport {OR* travel document} evidencing the above periods of residence in Hong Kong is attached to this application as Attachment 3.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap.11),

DECLARED at }

HONG KONG this day of }

....., 20.. }

Before me,

Commissioner for Oaths/
Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of qualification for admission as a barrister must be paid at the time of submission of this

application.

*Delete whichever is inapplicable.

CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

THIS IS TO CERTIFY THAT [full name] of [current residential address]:-

1. on the day of [date], 20 .. applied under section 10(2) of the Barristers (Qualification for Admission and Pupillage) Rules (“the Rules”) for the issue of a certificate of eligibility for pupillage;
2. has satisfied the Bar Council that he:-
 - (1) is a fit and suitable person to be a barrister;
 - (2) would, but for service of the period of pupillage {OR* reduced pupillage} specified in section 3(3) of the Rules, be qualified for admission as a barrister under section 27(1) or 27A of the Ordinance;
 - (3) is not ineligible for pupillage by virtue of section 13 of the Rules; and
 - (4) has paid the fees prescribed in Schedule 1 of the Rules for the issue of this certificate; and
3. is eligible for pupillage.

Dated this day of, 20..

(Sgd.).....
for the Bar Council
Hong Kong Bar Association

Notes:-

- A. This certificate is valid for a period of 12/ [number]* months from the date of issue unless the Bar Council stipulates or determines otherwise or the certificate is revoked before the expiry of that period under section 16 of the Rules.

- B. The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not less than 2 months before its expiry.

*Delete whichever is inapplicable.