

香港大律師公會的信頭

Letterhead of HONG KONG BAR ASSOCIATION

14th July, 1999

Ms. Jane Yin,

Dear Ms. Yin,

Re: Legal Practitioners (Amendment) Bill 1999

I refer to your letter dated 30th June, 1999 enclosing a copy of your letter of the same date to the Hon. Ms. Margaret Ng, the Chairman of the LegCo Panel on Administration of Justice and Legal Services. Your letter with enclosure was not received by the Bar Association until 14th July, 1999.

The Bar Council has always been of the view that there should be an appropriate transitional provision in the Bill because legislative changes should not affect the rights of those who seek admission to the Bar on the basis of their U.K. qualifications before the new admission requirements are to take effect. Whether the saving clause should be for 2 years as suggested by you is a more debatable matter. We have written to the Department of Justice on 26th May, 1999 expressing our concern over the lack of an appropriate transitional provision in the Bill. A copy of our letter was provided to the LegCo Panel on Administration of Justice and Legal Services prior to the meeting of the Panel on 27th May, 1999.

The response of the Department of Justice is that it is unnecessary to make express provision of a savings clause in the Bill other than Clause 16, because it is provided in Clause 1(2) of the Bill that the provisions of the Bill, except for Clause 15, will become effective on a date to be appointed by the Secretary for Justice by notice in the gazette. Clause 15 of the Bill relates to the power of the Bar Council to make subsidiary legislation including the admission of persons on the basis of qualifications acquired outside Hong Kong. Clause 15 will become effective upon the enactment of the amendment ordinance. The rest of the provisions in the Bill will become effective on a date to be appointed by the Secretary for Justice when the relevant subsidiary legislation is in place.

As it would take some time for the relevant subsidiary legislation to be in place, there will be an intervening period before the existing provision of admission via the U.K. route is to be abolished. I cannot be specific about the time. My best estimate is that it would probably take 1 year.

Yours sincerely,

Susan Kwan
Hon. Secretary

c.c. The Hon. Ms. Margaret Ng
Chairman of the Panel on Administration of Justice and Legal Services
The Legislative Council
8 Jackson Road
Central
Hong Kong