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10 March 2000

Mrs Percy Ma  
Clerk to Bills Committee  
Legislative Council Building,  
8 Jackson Road,  
Central, Hong Kong.

**Fax No. 2509 9055**

via Mr Michael Scott, SASG/GAU

Dear Mrs Ma,

**Re : Legal Practitioners (Amendment) Bill 1999**

Thank you for your letter to us dated 29 February 2000. Our reply to the matters raised at the meeting dated 28 February 2000 is as follows:-

**(a) To consider redrafting new section 8AAA on “Appointment and powers of a prosecutor”, having regard to members’ views and the Law Society’s letter dated 26 February 2000 tabled at the last meeting.**

The Law Society has accepted the views of the members and we are now preparing the relevant CSA in relation to the new section 8AAA.

**(b) To provide more information regarding the right of the Law Society in England and Wales to appeal against the decision of a disciplinary tribunal, e.g. when and why was the right provided and whether the right is similar to that proposed under the Bill. To advise why such a right has not been provided to the Law Society of Hong Kong in the past.**

Our consideration of this matter is continuing and we are attempting to obtain more information in this regard. We shall revert to you as soon as possible.

**(c) To advise the Administration's position on the Bar Association's proposal to repeal existing section 27A and Schedule 1 of the Legal Practitioners Ordinance.**

The Administration considers that section 27A should be repealed so as to create a level playing field for admission as a barrister for lawyers qualified in other jurisdictions.

We are still considering the appropriate transitional arrangements to be provided for counsel in the department affected by the repeal and will let you have our reply in this respect as soon as possible.

Schedule 1 to the Legal Practitioners Ordinance needs to be retained since there are cross references to Schedule 1 in various other Ordinances (see Annex A for the relevant sections of the Ordinances).

**(d) To respond to a member's view that the distinction between medical practitioners and legal practitioners as set out in the Administration's letter dated 15 February 2000 (the last paragraph under item (c) of the letter) is misleading and should be clarified.**

We are grateful for the member's comments on para. 4 of item (c) of our letter dated 15 February 2000. Accordingly, we withdraw our statement that medical practitioners, unlike legal practitioners, have a common convention in their practice, and with knowledge that can be applied universally without the need to adapt to local conditions. We also apologise for any misunderstanding arising from the statement.

We would however like to reiterate our view, which is similar to the view of the Bar Association, that it is more desirable for foreign law graduates to familiarize themselves with Hong Kong's local conditions and environment before they are admitted as barristers. We consider therefore that it is to the benefit of these foreign law graduates to return to Hong Kong and attend the PCLL course. It is confirmed by both the University of Hong Kong, the City University and SPACE that the admission of PCLL students is based on merits. In the same way, a person offered a place in a UK law school may not necessarily be able to secure a place in the institution for the Bar vocational course. This is unlike the case of a person offered a place in the medical school in UK, whereby he can continue his study in the same University until he finishes the medical degree and then register as a medical

practitioner in the UK.

Further, we take the view that there is no justification for giving favourable treatment to persons embarking in the study of law in UK and then to discriminate those who are not studying at a UK university e.g. those who are doing an external LLB in Hong Kong. A person who studies law in Hong Kong can always go to UK to study at the Bar school. The fact that they are now engaged in study at a UK university should not be treated more favourably than the others. We would also like to mention that the Steering Committee on Legal Education (consisting representatives of the two law schools, Law Society and Bar Association and our Department) unanimously considers that a deferred commencement of the new section 27 is appropriate. By so doing, UK law students in their first or second year will still have the option of attending the PCLL course in Hong Kong after they graduate from their universities. This contrasts with the case of UK medical graduates who do not have the choice of attending a course similar to the PCLL in Hong Kong. We would like to emphasize that it is only the English Bar examinations that will cease to be recognised, and not an English law degree. There is therefore only the need to cater for those who are studying for, or about to study for, those exams at the time of enactment.

It is our plan that massive advertising of the changes in the law can be done by the Economic and Trade Offices and by notifying individual law schools in the UK. The Bar examination system in England will be changed next year and the last complete examination will take place in May 2001 and the last re-sit will take place in September 2001. This will tie in with the changes in our law which is proposed to commence not earlier than November 2001.

**(e) To provide the estimated number of Hong Kong students who are currently studying law in other commonwealth countries.**

We are attempting to obtain an estimate of the number of Hong Kong students who are currently studying law in other Commonwealth countries from our Economic and Trade Offices and the respective consulates in Hong Kong. We shall let you have the best information we can obtain as soon as possible.

**(f) To illustrate by way of a flow chart how the following categories of overseas law students will be affected by the new mechanism for admission of barristers (assuming that the commencement date is not earlier than 1 November 2001):**

- (i) **those who will commence the first year of the LLB in 2000/2001 or thereafter,**
- (ii) **those who are in the first, second and third year of the LLB in 1999/2000, and**
- (iii) **those who will embark or enrol on the Bar vocational course in 2000/2001.**

The flow chart is at Annex B.

**(g) On the Administration's letter dated 15 February 2000 relating to new section 27(2)(b) on admission of barristers, to advise**

- (i) **the meaning or definition of the following:**
  - **“permanent resident”,**
  - **“has resided in Hong Kong”,**
  - **“has been ordinarily resident in Hong Kong”,**
  - **“has been physically present in Hong Kong”, and**
- (ii) **whether the above expressions have been used in other laws relating to admission of professionals, apart from admission of solicitors under section 4 of the Legal Practitioners Ordinance.**

“Has resided in Hong Kong” for at least three consecutive months immediately before the date of application indicates continuous residence, i.e. without departing from Hong Kong, but without any indication that the residence is of a continuing or permanent nature. We have looked at the term in the context of the Adoption Ordinance and concluded in that context that even quite short absences of Hong Kong could break a period of continuous residence.

“Has been ordinarily resident in Hong Kong” is a term for which there is a common law interpretation derived from the House of Lords' decision in R v. Secretary of State for Education Ex parte

Shah. The definition is set out in the Immigration Department's Right of Abode Booklet as follows-

“A person is ordinarily resident in Hong Kong if he remains in Hong Kong legally, voluntarily and for a settled purpose (such as for education, business, employment or residence etc.), whether of short or long duration.”

“Has been physically present in Hong Kong” – “physically” is clearly tautologous, a natural person can only be present “physically”. Mere presence is in both nationality and tax legislation and is usually only defined to make it clear whether days on which a person is present for only part of the day is to be included or excluded. The present section 4(1A)(d) suggests to me that only whole days are to be counted (“for at least 180 days”); for part days to count reference would be made to presence in Hong Kong “on at least 180 days”. The meaning of being “present in Hong Kong” is self-evident and necessarily connotes actual presence but without any quality attached to that presence.

- (i) The expression “permanent resident of the Hong Kong Special Administrative Region” is defined in Schedule 1 of the Immigration Ordinance (Cap.115) which is at Annex C.
- (ii) According to our research, no reference is made to the expressions of “physically present in Hong Kong” or “permanent resident” in relation to the admission of professionals. Tables of the relevant provisions in Ordinances having references to the expressions “ordinarily resident” and “resided” are at Annex D. The relevant provisions of the Ordinances with references to “ordinarily resident” and “resided” are at Annex E and F respectively.

Yours sincerely,

(Ms Kitty Fung)  
Government Counsel  
Legal Policy Division

Chapter:	87	Title:	LEGAL OFFICERS ORDINANCE	Gazette Number:	
Section:	2A	Heading:	<b>Appointment qualification</b>	Version Date:	30/06/1997

No person shall be appointed as a legal officer unless he has been admitted as a legal practitioner in Hong Kong, the United Kingdom or in a jurisdiction listed in Schedule 1 of the Legal Practitioners Ordinance (Cap 159).

(Added 47 of 1989 s. 2)

Chapter:	6	Title:	BANKRUPTCY ORDINANCE	Gazette Number:	
Section:	75	Heading:	<b>Appointment of Official Receiver and other officers</b>	Version Date:	30/06/1997

(1) The Governor may appoint an Official Receiver and such other officers to hold any of the offices specified in Schedule 2 as may be required to assist the Official Receiver in the performance of his duties.

(2) No person shall be appointed Official Receiver or to any of the offices specified in Part I of Schedule 2 unless on the date of such appointment he is qualified to practise as a legal practitioner in Hong Kong, the United Kingdom or in a jurisdiction listed in Schedule 1 to the Legal Practitioners Ordinance (Cap 159).

(3) The Official Receiver and the holder of an office specified in Part I of Schedule 2 shall be deemed to be legal officers for the purpose of the Legal Officers Ordinance (Cap 87) and shall have all rights conferred upon legal officers by that Ordinance.

(4) The holder of an office specified in Schedule 2 may, subject to subsection (5) and any instructions of the Official Receiver, exercise the powers or perform the duties of the office of the Official Receiver.

(5) The holder of an office specified in Part II of Schedule 2 shall not exercise any right conferred by subsection (3) on the holder of an office specified in Part I of Schedule 2.

(6) The Official Receiver shall act under the general authority and direction of the Governor and shall also be an officer of the court.

(7) The Governor may, by order published in the Gazette, amend Schedule 2.

(Replaced 39 of 1992 s. 3)

Chapter:	91	Title:	LEGAL AID ORDINANCE	Gazette Number:	79 of 1995; 26 of 1999
Section:	3	Heading:	<b>Appointment</b>	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

(1) The Chief Executive may appoint a person to be the Director of Legal Aid and may also appoint such number of Deputy Directors of Legal Aid, Assistant Directors of Legal Aid and Legal Aid Officers as he may think fit. (Amended 24 of 1983 s.3; 26 of 1999 s. 3)

(2) No person shall be appointed to be, or shall act temporarily as, the Director of Legal Aid or a Deputy Director of Legal Aid or an Assistant Director of Legal Aid or a Legal Aid Officer unless he is qualified to practise as a legal practitioner in Hong Kong, the United Kingdom or in a jurisdiction listed in Schedule 1 to the Legal Practitioners Ordinance (Cap 159). (Amended 24 of 1983 s. 3; 27 of 1991 s. 3)

(3) Every person holding an appointment under subsection (1) shall, when performing any duty or exercising any power under this Ordinance or under rules made pursuant to section 9A of the Criminal Procedure Ordinance (Cap 221), have all the rights, powers, privileges, and duties of a barrister and solicitor duly admitted under the Legal Practitioners Ordinance (Cap 159), including a right of audience before any court or the Court of Final Appeal: (Amended 79 of 1995 s. 50)

Provided that no such person shall undertake or conduct as counsel the case for a defendant at the trial of such defendant in any criminal cause or matter or conduct any appeal on behalf of any such defendant in any criminal cause or matter. (Replaced 58 of 1972 s.2. Amended 48 of 1983 s.2)

(4) Notification in the Gazette to the effect that a person has been appointed to any of the offices referred to in subsection (1), or has ceased to hold any such office, shall be sufficient proof of the facts stated in the notice. (Added 58 of 1972 s.2)

Chapter:	412	Title:	DIRECTOR OF INTELLECTUAL PROPERTY (ESTABLISHMENT) ORDINANCE	Gazette Number:	
Section:	2	Heading:	<b>Interpretation</b>	Version Date:	30/06/1997

In this Ordinance, unless the context otherwise requires-

“Director” (署長) means the Director of Intellectual Property appointed under section 3,

“legally qualified” (具有專業法律資格) means qualified to practise as a legal practitioner in Hong Kong, the United Kingdom or in a jurisdiction listed in Schedule 1 to the Legal Practitioners Ordinance (Cap 159);

“Registrar General” (註冊總署署長) means the Registrar General appointed under section 2(1) of the Registrar General (Establishment) Ordinance (Cap 100).

(Enacted 1990)

Year

1997/1998

1998/1999

1999/2000

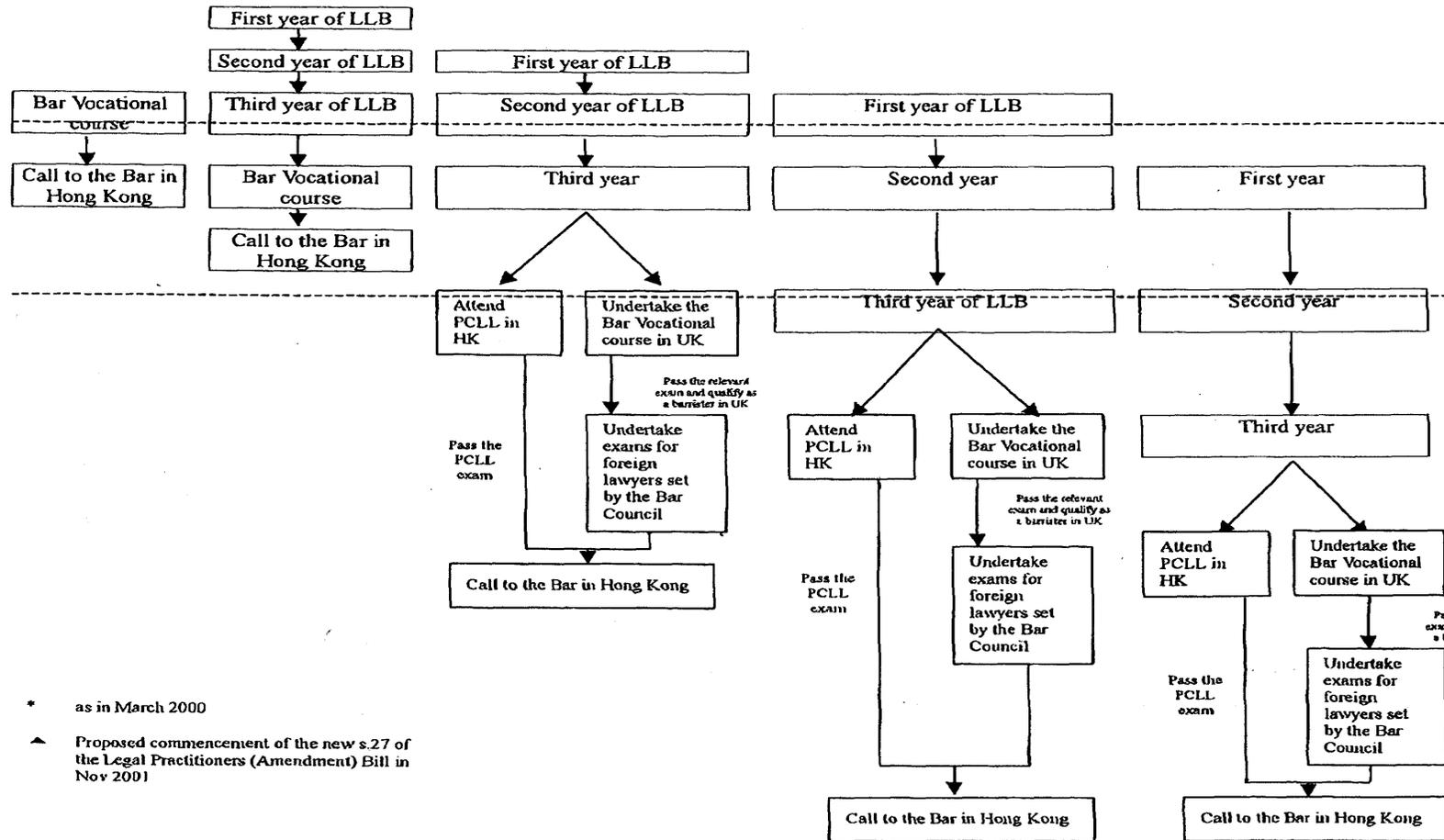
2000/2001

2001/2002

2002/2003

2003/2004

Law Students studying in the UK



\* as in March 2000

▲ Proposed commencement of the new s.27 of the Legal Practitioners (Amendment) Bill in Nov 2001

Chapter:	115	Title:	IMMIGRATION ORDINANCE	Gazette Number:	L.N. 192 of 1999
Section:	1	Heading:	<b>PERMANENT RESIDENTS OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION</b>	Version Date:	17/07/1999

[sections 2(1) & 59A]

## 1. Interpretation

- (1) In this Schedule, unless the context otherwise requires-  
“Chinese citizen”(中國公民) means a person of Chinese nationality under the Nationality Law of the People’s Republic of China, as implemented in the Hong Kong Special Administrative Region pursuant to Article 18 of and Annex III to the Basic Law and interpreted in accordance with the Explanations of Some Questions by the Standing Committee of the National People’s Congress Concerning the Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region adopted at the 19th meeting of the Standing Committee of the National People’s Congress at the 8th National People’s Congress on 15 May 1996; (Replaced 28 of 1998 s. 2(2))
- “new born infant”(初生嬰兒) means a child under the age of 12 months or a child who appears to the Director to be under the age of 12 months.
- (2) The relationship of parent and child is taken to exist as follows-
- (a) of a parent and child, between a person and a child born to such person in or out of wedlock; (Replaced L.N. 192 of 1999)
  - (b) (Repealed L.N. 192 of 1999)
  - (c) of a parent and adopted child, between a parent and a child adopted only in Hong Kong under an order made by a Court in Hong Kong under the Adoption Ordinance (Cap 290).
- (3) For an abandoned new born infant found within Hong Kong,-
- (a) a new born infant, who appears to the Director to be of Chinese descent, is taken, in the absence of evidence to the contrary, to be the legitimate child of a Chinese citizen who was a permanent resident of the Hong Kong Special Administrative Region at the time of birth of the child;
  - (b) a new born infant, who appears to the Director to be not of Chinese descent, is taken, in the absence of evidence to the contrary, to be the legitimate child of a parent not of Chinese nationality who had the right of abode in Hong Kong under paragraph 2(d) at the time of birth of the child.
- (4) For the purposes of calculating the continuous period of 7 years in which a person has ordinarily resided in Hong Kong, the period is reckoned to include a continuous period of 7 years-
- (a) for a person under paragraph 2(b), at any time before or after the establishment of the Hong Kong Special Administrative Region; and
  - (b) for a person under paragraph 2(d), before or after the establishment of the Hong Kong Special Administrative Region but immediately before the date when the person applies to the Director for the status of a permanent resident of the Hong Kong Special Administrative Region.
- (5) A person is settled in Hong Kong if-
- (a) he is ordinarily resident in Hong Kong; and
  - (b) he is not subject to any limit of stay in Hong Kong.

## 2. Permanent resident of the Hong Kong Special Administrative Region

A person who is within one of the following categories is a permanent resident of the Hong Kong Special Administrative Region-

- (a) A Chinese citizen born in Hong Kong-
  - (i) before 1 July 1987; or
  - (ii) on or after 1 July 1987 if his father or mother was settled or had the right of abode in Hong Kong at the time of his birth or at any later time. (Replaced L.N. 192 of 1999)
- (b) A Chinese citizen who has ordinarily resided in Hong Kong for a continuous period of not less than 7 years before or after the establishment of the Hong Kong Special Administrative Region.
- (c) A person of Chinese nationality born outside Hong Kong before or after the establishment of the Hong Kong Special Administrative Region to a parent who, at the time of birth of that person, was a Chinese citizen falling within category (a) or (b). (Replaced L.N. 192 of 1999)
- (d) A person not of Chinese nationality who has entered Hong Kong with a valid travel document, has ordinarily resided in Hong Kong for a continuous period of not less than 7 years and has taken Hong Kong as his place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region.
- (e) A person under 21 years of age born in Hong Kong to a parent who is a permanent resident of the Hong Kong Special Administrative Region in category (d) before or after the establishment of the Hong Kong Special Administrative Region if at the time of his birth or at any later time before he attains 21 years of age, one of his parents has the right of abode in Hong Kong.
- (f) A person other than those residents in categories (a) to (e), who, before the establishment of the Hong Kong Special Administrative Region, had the right of abode in Hong Kong only.

3. Establishing permanent residence under paragraph 2(d)

- (1) For the purposes of paragraph 2(d), the person is required-
  - (a) to furnish information that the Director reasonably requires to satisfy him that the person has taken Hong Kong as his place of permanent residence. The information may include the following-
    - (i) whether he has habitual residence in Hong Kong;
    - (ii) whether the principal members of his family (spouse and minor children) are in Hong Kong;
    - (iii) whether he has a reasonable means of income to support himself and his family;
    - (iv) whether he has paid his taxes in accordance with the law;
  - (b) to make a declaration in the form the Director stipulates that he has taken Hong Kong as his place of permanent residence; the declaration for a person under the age of 21 years must be made by one of his parents or by a legal guardian; and
  - (c) to be settled in Hong Kong at the time of the declaration.
- (2) A person claiming to have the status of a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(d) does not have the status of a permanent resident in the Hong Kong Special Administrative Region until he has applied to the Director and the application has been approved by the Director.
- (3) For the purposes of paragraph 2(d), a person is taken to have entered Hong Kong on a valid travel document-
  - (a) if he entered Hong Kong before 1 July 1997 with an expired travel document or with a travel document that was not a valid travel document but was permitted to remain by an immigration officer or an immigration assistant; or
  - (b) if he was born in Hong Kong and was permitted to remain in Hong Kong by an immigration officer or an immigration assistant.

#### 4. Establishing permanent residence under paragraph 2(e)

(1) For the purposes of paragraph 2(e), the person on attaining the age of 21 years ceases to be a permanent resident of the Hong Kong Special Administrative Region and may apply to the Director for the status of a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(d) at any time.

(2) Section 2AAA applies in relation to a person who ceases to have the status of a permanent resident of the Hong Kong Special Administrative Region under this paragraph. (Amended 28 of 1998 s. 2(2))

#### 5. Establishing permanent residence under paragraphs 2(f)

(1) For the purposes of paragraph 2(f), the person is required-

(a) to furnish information that the Director may reasonably require to determine whether that person had the right of abode only in Hong Kong immediately before the establishment of the Hong Kong Special Administrative Region; and

(b) to make a declaration that he had the right of abode only in Hong Kong immediately before the establishment of the Hong Kong Special Administrative Region; the declaration for a person under the age of 21 years must be made by one of his parents or by a legal guardian.

(2) If the person claims that he had no right of abode in a place that the Director reasonably believes that he had, the onus of proving that he did not have the right of abode in the place lies on the person.

(3) A person under 21 years of age born in Hong Kong on or after 1 July 1997 to a parent who is a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(f) at the time of the birth of the person is taken to have the status of a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(f) if, but for this subparagraph, the person has no right of abode in any place including Hong Kong.

(4) The person on attaining the age of 21 years ceases to be a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(f) and may apply to the Director for the status of a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(d) at any time.

(5) Section 2AAA applies in relation to a person who ceases to have the status of a permanent resident of the Hong Kong Special Administrative Region under this paragraph. (Amended 28 of 1998 s. 2(2))

#### 6. Transitional

(1) A person who is not of Chinese nationality and who was a permanent resident of Hong Kong before 1 July 1997 is taken to be a permanent resident of the Hong Kong Special Administrative Region under paragraph 2(d) and exempt from the requirements under paragraph 3 if-

(a) he was settled in Hong Kong immediately before 1 July 1997;

(b) after he ceased to be settled in Hong Kong immediately before 1 July 1997 he returns to settle in Hong Kong within the period of 18 months commencing on 1 July 1997; or

(c) after he ceased to be settled in Hong Kong immediately before 1 July 1997 he returns to settle in Hong Kong after the period of 18 months commencing on 1 July 1997 but only if he has not been absent from Hong Kong for a continuous period of not less than 36 months.

(2) A person who is a Chinese citizen and was a Hong Kong permanent resident immediately before 1 July 1997 under this Ordinance as then in force shall, as from 1 July 1997, be a permanent resident of the Hong Kong Special Administrative Region as long as he remains a Chinese citizen. (Replaced 28 of 1998 s. 2(2))

#### 7. Loss of the status as a permanent resident

A permanent resident of the Hong Kong Special Administrative Region loses the status of such resident only if- (Amended 28 of 1998 s. 2(2))

- (a) being a person falling within the category in paragraph 2(d) or (e) has been absent from Hong Kong for a continuous period of not less than 36 months since he ceased to have ordinarily resided in Hong Kong; or
- (b) being a person falling within the category in paragraph 2(f), has been absent from Hong Kong for a continuous period of not less than 36 months after he obtained the right of abode in any place other than Hong Kong and has ceased to have ordinarily resided in Hong Kong.

(Replaced 122 of 1997 s. 5)

**Provisions having references to the expression “Ordinarily Resident”**

<b>Ordinances</b>	<b>Provisions in the Ordinance</b>
Professional Accountants Ordinance (Cap 50)	s. 29A
Admission and Registration Rules (Cap 159B)	Rule 8
Architects Registration Ordinance (Cap 408)	ss. 13,20
Engineers Registration Ordinance(Cap 409)	ss. 4, 12,19
Surveyors Registration Ordinance (Cap 417)	ss. 12,19
Planners Registration Ordinance (Cap 418)	ss. 12, 19
Social Workers Registration Ordinance (Cap 505)	ss. 17,22
Landscape Architects Registration Ordinance (Cap 516)	ss. 12,19
Housing Managers Registration Ordinance (Cap 550)	ss. 12, 19
Hong Kong Court of Final Appeal Ordinance (Cap 484)	s. 12

**Provisions having references to the expressions “reside” or “residing”**

<b>Ordinances</b>	<b>Provisions in the Ordinance</b>
Engineers Registration Ordinance (Cap 409)	s. 19
Architects Registration Ordinance (Cap 408)	s. 20
Surveyors Registration Ordinance (Cap 417)	s. 19
Planners Registration Ordinance (Cap 418)	s. 19
Social Workers Registration Ordinance (Cap 505)	s. 22
Landscape Architects Registration Ordinance (Cap 516)	s. 19
Dentists Registration Ordinance (Cap 156)	s. 30

Chapter:	50	Title:	PROFESSIONAL ACCOUNTANTS ORDINANCE	Gazette Number:	
Section:	29A	Heading:	<b>Requirements for issue of a practising certificate</b>	Version Date:	30/06/1997

(1) Subject to subsections (1A) and (2), a practising certificate shall not be issued to a professional accountant unless the Council is satisfied that he- (Amended 96 of 1994 s. 14)

- (a) has, after becoming a member of an accountancy body accepted by the Council under section 24(1A), or after registration as a professional accountant, had not less than a total of 30 months full time approved accounting experience in the office of- (Amended 96 of 1994 s. 14)
  - (i) a professional accountant holding a practising certificate issued under this Ordinance; or (Replaced 96 of 1994 s. 14)
  - (ii) a person practising public accountancy under the jurisdiction of an accountancy body accepted by the Council under section 24(1A); or (Replaced 96 of 1994 s. 14)
  - (iii) (Repealed 96 of 1994 s. 14)
- (b) has had a period of not less than 4 years full time approved accounting experience in an office or offices referred to in subparagraph (i) or (ii) of paragraph (a) or any combination thereof of which at least 1 year shall have been acquired after he has become a member of a body accepted by the Council under section 24(1A) or after his registration as a professional accountant. (Replaced 96 of 1994 s. 14)

(1A) For the purpose of subsection (1) the Council may require the whole or any part of the 30 months of full time accounting experience under subsection (1)(a) or the 4 years of full time accounting experience under subsection (1)(b) to have been acquired within such period preceding the application for a practising certificate as may from time to time be specified by the Council. (Added 96 of 1994 s. 14)

(2) A practising certificate shall not be issued to an applicant unless he satisfies the Council that he-

- (a) is ordinarily resident in Hong Kong; and
- (b) possesses such local experience and knowledge of local law and practice as the Council may consider necessary.

(3) For the purposes of subsection (2)(b) the Council may require an applicant to sit such examinations as it may prescribe which shall include an examination in local law and taxation, and may require an applicant to have had not less than 1 year full time approved accounting experience in Hong Kong.

(4) If the Council considers that an applicant has acquired substantial experience in accountancy, either in Hong Kong or elsewhere over a considerable period of time the Council may dispense with the requirements of subsection (2).

(5) For the purposes of this section-

- (a) "approved accounting experience" (認可會計經驗) means such professional accountancy experience as the Council may approve from time to time as sufficient practical experience; and
- (b) a person shall be treated as ordinarily resident if he has been present in Hong Kong for not less than 180 days in the preceding 12 months.

(Added 22 of 1977 s. 8. Amended 14 of 1985 s. 7)

Chapter:	159B	Title:	ADMISSION AND REGISTRATION RULES	Gazette Number:	L.N. 362 of 1997
Section:	8	Heading:	<b>Application for admission as a barrister</b>	Version Date:	01/07/1997

### PART III

#### BARRISTERS

(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 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 Registrar the prescribed fee.

(2) Every motion paper in respect of a person seeking to be admitted under section 27 of the Ordinance as a barrister generally shall be accompanied by- (L.N. 100 of 1990)

- (a) (i) his certificate of call to the Bar in England or Northern Ireland;
  - (ia) (Repealed L.N. 121 of 1993)
  - (ii) his certificate of admission as an advocate in Scotland;
  - (iii) his Bachelor of Laws degree certificate awarded by the University of Hong Kong, the City University of Hong Kong or the City Polytechnic of Hong Kong and his Postgraduate Certificate in Laws; (L.N. 658 of 1994)
  - (iv) his Postgraduate Certificate in Laws, together with satisfactory evidence that he is a Hong Kong permanent resident within the meaning of the Immigration Ordinance (Cap 115), or is a Commonwealth citizen or citizen of the Republic of Ireland who has been ordinarily resident in Hong Kong for a period of at least 7 years; or (31 of 1987 s. 28; L.N. 28 of 1992)
  - (v) a certificate from the Registrar in accordance with Form 10 in the Schedule setting out the date of admission of the applicant as a solicitor in Hong Kong and, where the applicant has been admitted on more than one occasion, the date of each such admission and stating the period or periods, as the case may be, during which his name has been on the roll of solicitors; (L.N. 121 of 1993)
- (b) an affidavit of identity in accordance with Form 5 in the Schedule completed by an officer of the Court; and
- (c) an affidavit showing the manner in which he satisfies the requirements of section 27(1) of the Ordinance, and, if applicable, section 27(1A) of the Ordinance. (L.N. 100 of 1990)

(3) (a) Every motion paper in respect of a person seeking to be admitted as a barrister for the purpose of any particular case or cases shall be accompanied by an affidavit showing the manner in which he satisfies the requirements of section 27(1) and, if applicable, (1A) of the Ordinance, other than those mentioned in section 27(1)(e). (L.N. 100 of 1990)

- (b) The Chief Justice may, in circumstances where it appears to him necessary, require that the motion paper in respect of any person referred to in paragraph (a) shall, in addition to the affidavit referred to in that paragraph, be accompanied by-
  - (i) any other document referred to in subrule (2); or
  - (ii) such other proof as the Chief Justice may consider satisfactory, of the matters evidenced by any document referred to in subrule (2).

(3A) Every motion paper in respect of a person seeking to be admitted as a barrister under section 27A of the Ordinance shall be accompanied by-

- (a) a certificate of admission as a barrister or legal practitioner from the appropriate authority in the jurisdiction in which he was admitted, 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 as set out in that section;
- (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 (L.N. 362 of 1997)
- (d) an affidavit of identity in accordance with Form 5 in the Schedule completed by an officer of the Court. (L.N. 100 of 1990)

(4) A copy of the motion paper referred to in subrule (1) and of every document accompanying the motion paper in accordance with subrules (2), (3) and (3A) shall be served on the Secretary for Justice and on the Secretary to the Bar Council by the person seeking to be admitted at the time that such motion paper is filed with the Registrar. (L.N. 41 of 1986; L.N. 386 of 1991; L.N. 362 of 1997)

(L.N. 11 of 1986; L.N. 100 of 1990)

Chapter:	408	Title:	ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	13	Heading:	<b>Qualifications for registration</b>	Version Date:	30/06/1997

- (1) The Board shall not register a person as a registered architect unless-
- (a) he-
    - (i) is a member of the Institute; or
    - (ii) is a member of an architectural body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
    - (iii) has passed such examinations in architecture and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
  - (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
  - (c) he is ordinarily resident in Hong Kong; and
  - (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
  - (e) he satisfies the Board by declaration in writing that he is competent to practise as an architect; and
  - (f) he is a fit and proper person to be registered.
- (2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered architect who-
- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board is satisfied by an applicant that he is competent to practise architecture and the Board is later satisfied that the person is not competent to practise architecture, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 22(1).

Chapter:	408	Title:	ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	<b>20</b>	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered architect from the register if he has notice that the registered architect has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 12(3).

(2) For the purposes of subsection (1)(c), if a registered architect has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 27(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered architect from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered architect and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered architect that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered architect satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered architect properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered architect satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 12(3) and, before the Registrar acts to remove his name from the register, the registered architect takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in a notice under subsection (4).

(6) If the name of a registered architect is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	409	Title:	ENGINEERS REGISTRATION ORDINANCE	Gazette Number:	L.N. 158 of 1998
Section:	4	Heading:	<b>Tenure of office</b>	Version Date:	30/06/1997

Remarks:

Adaptation amendments retroactively made - see 57 of 1999 s. 3

- (1) Members appointed by the Council-
  - (a) shall be appointed for 4 years or such lesser period as may be specified in the terms of his appointment;
  - (b) may resign by giving notice in writing to the Board; and
  - (c) subject to subsection (2) may be reappointed.
- (2) A member-
  - (a) who has been a member of the Board appointed by the Council continuously for 8 years; or
  - (b) whose period of service as a member of the Board appointed by the Council exceeds 8 years in any 10 year period,

may not be reappointed (unless he becomes the President of the Institution) until a period of 2 years since he last served has elapsed when he shall be eligible for reappointment as if he had not previously been appointed.

(3) The member appointed by the Chief Executive shall hold office at the discretion of the Chief Executive. (Amended 57 of 1999 s. 3)

- (4) If the Board is satisfied that a member of the Board appointed by the Council-
  - (a) has become bankrupt or has entered into a voluntary arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap 6); (Amended 76 of 1996 s. 89)
  - (b) has become so incapacitated by physical or mental illness as to be unable to carry out his duties as a member;
  - (c) has ceased to be ordinarily resident in Hong Kong;
  - (d) has been sentenced to imprisonment, whether suspended or not, by any court or magistrate;
  - (e) has been found guilty of a disciplinary offence; or
  - (f) notwithstanding any of the other grounds for removal, is, in the opinion of the Board, unable or unfit to carry out his functions as a member of the Board,

the Board may by notice in writing terminate his appointment.

(5) Where any member of the Board appointed by the Council is precluded by temporary absence or incapacity from carrying out his functions as a member for any period or resigns, the Council may appoint another person to hold office in place of such member-

- (a) in the case of a temporary absence or incapacity, during the period of temporary absence or incapacity; or
- (b) in the case of a resignation, for the balance of the period for which the resigning member was due to serve.

Chapter:	409	Title:	ENGINEERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	12	Heading:	<b>Qualifications for registration</b>	Version Date:	30/06/1997

- (1) The Board shall not register a person as a registered professional engineer unless-
- (a) he-
    - (i) is a member of the Institution within a discipline; or
    - (ii) is a member of an engineering body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institution within a discipline; or
    - (iii) has passed such examination in engineering and other subjects and has received such training experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institution within a discipline; and
  - (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
  - (c) he is ordinarily resident in Hong Kong; and
  - (d) he is not the subject of an inquiry Committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
  - (e) he satisfies the Board by declaration in writing that he is competent to practise in the relevant discipline; and
  - (f) he is a fit and proper person to be registered.
- (2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional engineer who-
- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board is satisfied by an applicant that he is competent to practise engineering in a discipline and the Board is later satisfied that the person is not competent to practise engineering in that discipline, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 21(1).

Chapter:	409	Title:	ENGINEERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	19	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered professional engineer from the register if he has notice that the registered professional engineer has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purposes of subsection (1)(c), if a registered professional engineer has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional engineer from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional engineer and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional engineer that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional engineer satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional engineer properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional engineer satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional engineer takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional engineer is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	417	Title:	SURVEYORS REGISTRATION ORDINANCE	Gazette Number:	
Section:	<b>19</b>	Heading:	<b>Qualifications for registration</b>	Version Date:	30/06/1997

- (1) The Board shall not register a person as a registered professional surveyor unless-
- (a) he-
    - (i) is a member of the Institute within a division; or
    - (ii) is a member of a surveying body the membership of which is accepted by the Board as being of a standard not less than that of the Institute as a member within a division; or
    - (iii) has passed such examination in surveying and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute within a division; and
  - (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
  - (c) he is ordinarily resident in Hong Kong; and
  - (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
  - (e) he satisfies the Board by declaration in writing that he is competent to practise in the relevant division; and
  - (f) he is a fit and proper person to be registered.
- (2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional surveyor who-
- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board is satisfied by an applicant that he is competent to practise surveying in a division and the Board is later satisfied that the person is not competent to practise surveying in that division, the Board may refer the matter to an inquiry committee who shall deal with it as if it were a complaint under section 21(1).

(Enacted 1991)

Chapter:	417	Title:	SURVEYORS REGISTRATION ORDINANCE	Gazette Number:	
Section:	19	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered professional surveyor from the register if he has notice that the registered professional surveyor has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purposes of subsection (1)(c), if a registered professional surveyor has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional surveyor from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional surveyor and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional surveyor that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional surveyor satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional surveyor properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional surveyor satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional surveyor takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional surveyor is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

(Enacted 1991)

Chapter:	418	Title:	PLANNERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	12	Heading:	<b>Qualifications for registration</b>	Version Date:	30/06/1997

- (1) The Board shall not register a person as a registered professional planner unless-
- (a) he-
    - (i) is a member of the Institute; or
    - (ii) is a member of a planning body the membership of which is accepted by the Board as being of a standard not less than that of the Institute; or
    - (iii) has passed such examination in planning and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
  - (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
  - (c) he is ordinarily resident in Hong Kong; and
  - (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
  - (e) he satisfies the Board by declaration in writing that he is competent to practise as a planner; and
  - (f) he is a fit and proper person to be registered.
- (2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional planner who-
- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board is satisfied by an applicant that he is competent to practise planning and the Board is later satisfied that the person is not competent to practise planning, the Board may refer the matter to an inquiry committee who shall deal with it as if it were a complaint under section 21(1).

(Enacted 1991)

Chapter:	418	Title:	PLANNERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	19	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered professional planner from the register if he has notice that the registered professional planner has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purposes of subsection (1)(c), if a registered professional planner has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional planner from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional planner and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional planner that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional planner satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional planner properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional planner satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional planner takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional planner is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

(Enacted 1991)

Chapter:	505	Title:	SOCIAL WORKERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	17	Heading:	<b>Qualifications for registration</b>	Version Date:	30/06/1997

(1) The Board shall not register a person as a registered social worker (category 1) unless he-

- (a) is the holder of a degree or diploma in social work recognized by the Board for the purposes of this subsection; or
- (b) satisfies the Board that he has-
  - (i) occupied a social work post not later than 31 March 1982; and
  - (ii) subsequent to that date, occupied a social work post or posts for not less than 10 years, whether or not continuously.

(2) The Board shall not register a person as a registered social worker (category 2) unless he satisfies the Board that-

- (a) he currently occupies a social work post or has been accepted for such a post; and
- (b) if he is so registered, he proposes to obtain a recognized degree or diploma in social work within a period which is reasonable in all the circumstances.

(3) No person shall be registered as a registered social worker unless at the time of application for registration he is-

- (a) ordinarily resident in Hong Kong;
- (b) a fit and proper person to be registered; and
- (c) not subject to a disciplinary order which precludes him from being

registered.

(4) Without limiting the generality of subsection (3)(b), the Board-

- (a) may refuse to register a person as a registered social worker who has been convicted in Hong Kong or elsewhere of any offence which-
  - (i) may bring the profession of social worker into disrepute; and
  - (ii) is punishable with imprisonment (and whether or not the person was sentenced to imprisonment);
- (b) subject to subsection (5), shall refuse to register a person as a registered social worker who has been-
  - (i) convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2; or
  - (ii) convicted elsewhere of any offence where the act or omission constituting the offence, if the act or omission had occurred in Hong Kong, would constitute an offence referred to in subparagraph (i).

(5) A person may be registered as a social worker notwithstanding that he has been convicted of an offence referred to in subsection (4)(b) if, but only if, all the members for the time being of the Board, after considering all the circumstances of the case, resolve that he be so registered.

(6) Subsections (2)(b), (3)(b) and (4)(a) shall apply to a person who was registered before the relevant date as they apply to a person registered on or after that date, and section 20(4) shall be construed accordingly.

Chapter:	505	Title:	SOCIAL WORKERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	22	Heading:	<b>Removal of name from the Register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered social worker from the Register if he has notice that the social worker-

- (a) has died;
- (b) has applied to discontinue his registration;
- (c) has, in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) has failed to renew his registration;
- (e) was not at the time of his registration entitled to be registered;
- (f) failed to notify a change of details required under section 16(3); or
- (g) failed to serve a notice required under section 24.

(2) For the purposes of subsection (1)(c), if a registered social worker has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 31(2), the Registrar shall remove a name from the Register if he receives an order of the Board or the Court of Appeal directing that the name be removed from the Register.

(4) Where the Registrar intends to remove the name of a registered social worker from the Register under subsection (1)(c), (d), (e), (f) or (g), he shall send notice of his intention and the reasons therefor by prepaid registered post to the registered address of the social worker and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered social worker that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the Register, the social worker satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the Register, the social worker properly applies to renew his registration;
- (c) he was not at the time of his registration entitled to be registered and, before the Registrar acts to remove his name from the Register, the social worker satisfies the Board that he was entitled to be registered;
- (d) he has failed to notify a change in particulars required under section 16(3) and, before the Registrar acts to remove his name from the Register, the social worker takes such action as will remedy the defect in the Register; or
- (e) he has failed to serve a notice required under section 24 and, before the Registrar acts to remove his name from the Register, the social worker serves such notice on the Board,

the Registrar shall not remove the name from the Register for the reason set out in a notice under subsection (4).

(6) If the name of a registered social worker is removed from the Register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar not later than 14 days after being notified thereof by the Registrar.

Chapter:	516	Title:	LANDSCAPE ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	12	Heading:	<b>Qualifications for registration</b>	Version Date:	30/06/1997

- (1) The Board shall not register a person as a registered landscape architect unless-
- (a) he-
    - (i) is a member of the Institute; or
    - (ii) is a member of a landscape architectural body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
    - (iii) has passed such examination in landscape architecture and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
  - (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
  - (c) he is ordinarily resident in Hong Kong; and
  - (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
  - (e) he satisfies the Board by declaration in writing that he is competent to practise as a landscape architect; and
  - (f) he is a fit and proper person to be registered.
- (2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered landscape architect who-
- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
  - (b) has committed misconduct or neglect in a professional respect.
- (3) Where the Board is satisfied by an applicant that he is competent to practise landscape architecture and the Board is later satisfied that the person is not competent to practise landscape architecture, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 21(1).

Chapter:	516	Title:	LANDSCAPE ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	<b>19</b>	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered landscape architect from the register if he has notice that the registered landscape architect has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purpose of subsection (1)(c), if a registered landscape architect has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered landscape architect from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered landscape architect and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered landscape architect that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered landscape architect satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered landscape architect properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered landscape architect satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered landscape architect takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered landscape architect is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	550	Title:	HOUSING MANAGERS REGISTRATION ORDINANCE	Gazette Number:	72 of 1999
Section:	12	Heading:	<b>Qualifications for registration</b>	Version Date:	26/11/1999

(1) The Board shall not register a person as a registered professional housing manager unless-

- (a) he-
  - (i) is a member of the Institute; or
  - (ii) is a member of a housing management body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
  - (iii) has passed such examination in housing management and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
- (b) he satisfies the Board that he has had not less than 1 year's relevant professional experience in Hong Kong immediately before the date of his application for registration; and
- (c) he is ordinarily resident in Hong Kong; and
- (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- (e) he satisfies the Board by declaration in writing that he is competent to practise housing management; and
- (f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional housing manager who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise housing management and the Board is later satisfied that the person is not competent to practise as such, the Board may refer the matter to an inquiry committee who shall deal with it as if it were a complaint under section 21(1).

Chapter:	550	Title:	HOUSING MANAGERS REGISTRATION ORDINANCE	Gazette Number:	72 of 1999
Section:	<b>19</b>	Heading:	<b>Removal of name from the register</b>	Version Date:	26/11/1999

(1) The Registrar may remove the name of a registered professional housing manager from the register if he has notice that the registered professional housing manager has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of particulars required under section 11(3).

(2) For the purposes of subsection (1)(c), if it appears to the Board that a registered professional housing manager has been absent from Hong Kong for a continuous period of 2 years or more, the Board need not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional housing manager from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional housing manager and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional housing manager that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional housing manager satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional housing manager properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional housing manager satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional housing manager takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional housing manager is removed from the register, his registration is to be cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	484	Title:	HONG KONG COURT OF FINAL APPEAL ORDINANCE	Gazette Number:	79 of 1995, 120 of 1997 s. 8
Section:	<b>12</b>	Heading:	<b>Qualifications of judges</b>	Version Date:	01/07/1999

(1) A person shall be eligible to be appointed as the Chief Justice or as a permanent judge if he is-

- (a) the Chief Judge of the High Court, a Justice of Appeal or a judge of the Court of First Instance; or (Amended 120 of 1997 s. 8)
- (b) a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years.

(2) Notwithstanding subsection (1) a person shall also be eligible to be appointed as the first Chief Justice to be appointed or as a permanent judge to be appointed prior to the hearing of the first appeal by the Court if he is-

- (a) a retired Chief Judge of the High Court; (Amended 120 of 1997 s. 8)
- (b) a retired Justice of Appeal; or
- (c) a retired judge of the Court of First Instance. (Amended 120 of 1997 s. 8)

(3) A person shall be eligible to be appointed as a non-permanent Hong Kong judge if he is-

- (a) a retired Chief Judge of the High Court; (Amended 120 of 1997 s. 8)
- (b) a retired Chief Justice of the Court;
- (c) a retired permanent judge of the Court;
- (d) a Justice or retired Justice of Appeal; or
- (e) a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years.

whether or not he is ordinarily resident in Hong Kong.

(4) A person shall be eligible to be appointed as a judge from another common law jurisdiction if he is-

- (a) a judge or retired judge of a court of unlimited jurisdiction in either civil or criminal matters in another common law jurisdiction;
- (b) a person who is ordinarily resident outside Hong Kong; and
- (c) a person who has never been a judge of the High Court, a District Judge or a permanent magistrate, in Hong Kong. (Amended 120 of 1997 s. 8)

(5) In subsections (2) and (3), a reference to a retired Chief Judge of the High Court, Justice of Appeal or judge of the Court of First Instance includes a reference to a retired Chief Justice, Justice of Appeal or judge of the Supreme Court before 1 July 1997. (Added 120 of 1997 s. 8)

(6) In subsection (4), a reference to a person never being a judge of the High Court, a District Judge or a permanent magistrate in Hong Kong includes a reference to a person never being a judge of the Supreme Court, the District Court or a permanent magistrate before 1 July 1997. (Added 120 of 1997 s. 8)

Chapter:	409	Title:	ENGINEERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	19	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered professional engineer from the register if he has notice that the registered professional engineer has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purposes of subsection (1)(c), if a registered professional engineer has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional engineer from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional engineer and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional engineer that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional engineer satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional engineer properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional engineer satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional engineer takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional engineer is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	408	Title:	ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	<b>20</b>	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered architect from the register if he has notice that the registered architect has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 12(3).

(2) For the purposes of subsection (1)(c), if a registered architect has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 27(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered architect from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered architect and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered architect that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered architect satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered architect properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered architect satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 12(3) and, before the Registrar acts to remove his name from the register, the registered architect takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in a notice under subsection (4).

(6) If the name of a registered architect is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	417	Title:	SURVEYORS REGISTRATION ORDINANCE	Gazette Number:	
Section:	<b>19</b>	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered professional surveyor from the register if he has notice that the registered professional surveyor has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purposes of subsection (1)(c), if a registered professional surveyor has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional surveyor from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional surveyor and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional surveyor that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional surveyor satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional surveyor properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional surveyor satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional surveyor takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional surveyor is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

(Enacted 1991)

Chapter:	418	Title:	PLANNERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	19	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered professional planner from the register if he has notice that the registered professional planner has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purposes of subsection (1)(c), if a registered professional planner has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered professional planner from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered professional planner and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered professional planner that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered professional planner satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered professional planner properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered professional planner satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered professional planner takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered professional planner is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

(Enacted 1991)

Chapter:	505	Title:	SOCIAL WORKERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	22	Heading:	<b>Removal of name from the Register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered social worker from the Register if he has notice that the social worker-

- (a) has died;
- (b) has applied to discontinue his registration;
- (c) has, in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) has failed to renew his registration;
- (e) was not at the time of his registration entitled to be registered;
- (f) failed to notify a change of details required under section 16(3); or
- (g) failed to serve a notice required under section 24.

(2) For the purposes of subsection (1)(c), if a registered social worker has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 31(2), the Registrar shall remove a name from the Register if he receives an order of the Board or the Court of Appeal directing that the name be removed from the Register.

(4) Where the Registrar intends to remove the name of a registered social worker from the Register under subsection (1)(c), (d), (e), (f) or (g), he shall send notice of his intention and the reasons therefor by prepaid registered post to the registered address of the social worker and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered social worker that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the Register, the social worker satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the Register, the social worker properly applies to renew his registration;
- (c) he was not at the time of his registration entitled to be registered and, before the Registrar acts to remove his name from the Register, the social worker satisfies the Board that he was entitled to be registered;
- (d) he has failed to notify a change in particulars required under section 16(3) and, before the Registrar acts to remove his name from the Register, the social worker takes such action as will remedy the defect in the Register; or
- (e) he has failed to serve a notice required under section 24 and, before the Registrar acts to remove his name from the Register, the social worker serves such notice on the Board,

the Registrar shall not remove the name from the Register for the reason set out in a notice under subsection (4).

(6) If the name of a registered social worker is removed from the Register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar not later than 14 days after being notified thereof by the Registrar.

Chapter:	516	Title:	LANDSCAPE ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	<b>19</b>	Heading:	<b>Removal of name from the register</b>	Version Date:	30/06/1997

(1) The Registrar may remove the name of a registered landscape architect from the register if he has notice that the registered landscape architect has-

- (a) died;
- (b) applied to discontinue his registration;
- (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
- (d) failed to renew his registration;
- (e) ceased to hold a qualification by virtue of which he was registered; or
- (f) failed to notify a change of details required under section 11(3).

(2) For the purpose of subsection (1)(c), if a registered landscape architect has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.

(3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.

(4) Where the Registrar intends to remove the name of a registered landscape architect from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered landscape architect and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

(5) If the Registrar gives notice to a registered landscape architect that-

- (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered landscape architect satisfies the Board that he is ordinarily resident in Hong Kong;
- (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered landscape architect properly applies to renew his registration;
- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered landscape architect satisfies the Board that he holds the qualification; or
- (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered landscape architect takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).

(6) If the name of a registered landscape architect is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.

(7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

(8) The Registrar may correct any error apparent on the face of the register.

Chapter:	156	Title:	DENTISTS REGISTRATION	Gazette Number:	
			ORDINANCE		
Section:	<b>30</b>	Heading:	<b>Exemptions from sections 9, 10 and 14</b>	Version Date:	30/06/1997

(1) All dentists in the public service of Hong Kong shall, while in the discharge of their duties or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council, be exempt from sections 10(3) and (5) and 14.

(2) All dentists of Her Majesty's navy, army or air force residing in Hong Kong shall, while in the discharge of their duties or while practising dentistry otherwise than for gain in a charitable clinic approved by the Council, be deemed to be registered dentists for the purpose of section 3, and sections 9, 10 and 14 shall not apply to such dentists unless they practise dentistry privately in Hong Kong.

(3) All persons on the full-time teaching staff of the Faculty of Dentistry of the University of Hong Kong shall, while in the discharge of teaching duties or while performing hospital work in the Faculty of Dentistry-

- (a) be deemed to be registered dentists for the purpose of section 3; and
- (b) be exempt from section 14,

unless they practise dentistry privately within Hong Kong. (Replaced 34 of 1995 s. 7)

(4) All dentists in the full-time service of the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113) shall be exempt from sections 10(3) and (5) and 14, unless they practise dentistry privately in Hong Kong. (Added 87 of 1991 s. 2)

(Amended 24 of 1962 s. 4; 79 of 1984 s. 5; 62 of 1987 s. 8; 34 of 1995 s. 7)