

Legal Practitioners (Amendment) Bill 1999
Quota of 4 admissions per year

The Administration was asked to explain the criteria for selecting the counsel from the Department of Justice in the event that more than four such counsel seek admission as barrister in Hong Kong pursuant to section 27A of the Legal Practitioners Ordinance at the same time. Concern was expressed about the preservation of fairness and natural justice in the selection process.

2. The concerns of the Members have been raised with the Bar Association and whilst the Administration does not purport to set out the views of the Bar Association in the following paragraphs, the Administration is reasonably confident that they would be endorsed by the Bar Association.

3. The Department of Justice does not select the counsel who would seek admission under section 27A. Counsel are free to seek admission as and when they see fit and the Department is not, apart from supplying necessary confirmation of relevant experience and years of service if requested, involved in the admission process.

4. Applications for admission are made to the High Court. Each application would be assigned a "Miscellaneous Proceedings Number" (the same as for any other applications to the court). This number would be relied on to determine the priority of the applications. A copy of the application, together with supporting documentation, would be served on the Bar Association.

5. The Bar Association would scrutinize the documents submitted in support of the application for admission and ascertain if they comply with the requirements of section 27A. In the event that the conclusion is negative, the Bar Association may take the initiative of opposing the application. This is in the sole discretion of the Bar Association.

6. Counsel within the Department of Justice who may be affected by the proposed repeal of section 27A, the Administration and the Bar Association all accept that the method of determining priority described in paragraph 4 above is fair and in accordance with natural justice.

7. Since the enactment of section 27A in 1989, the quota of four has never been filled for any period of 12 months.

8. The calculation of any period of 12 months is not based on calendar year. The 12 months period for an application submitted on, say, 1 June of any year would be as from 1 June of the previous year. Under the circumstances, unless more than 4 counsel of the Department of Justice should decide to seek admission in the same month, the quota of 4 for any particular period of 12 months is unlikely to be exhausted. If this should happen, priority would depend on the Miscellaneous Proceedings Numbers.

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