

L.N. 171 of 1999

Trainee Solicitors (Amendment) Rules 1999

(Made by the Council of The Law Society of Hong Kong under section 73 of the Legal Practitioners Ordinance (Cap. 159) with the prior approval of the Chief Justice)

1. Interpretation

Rule 2 of the Trainee Solicitors Rules (Cap. 159 sub. leg.) is amended by adding---
""company" (公司) means a company formed and registered under the Companies Ordinance (Cap. 32) or an existing company;"

2. Employment as a trainee solicitor

Rule 9 is amended---

(a) by adding---

"(3A) A trainee solicitor may apply for approval from the Society that his secondment to a company in Hong Kong is effective employment under his trainee solicitor contract.

(3B) The Society may grant the approval under paragraph (3A) if it is satisfied that the trainee solicitor who submits an application under paragraph (3A)---

(a) is seconded to a company which, in the opinion of the Society, is able to provide suitable training for him;

(b) is supervised during the period of secondment by a solicitor holding a current practising certificate who is qualified under section 20 of the Ordinance to employ a trainee solicitor or act as his principal under the Ordinance;

(c) continues to have access to his principal; and

(d) undertakes work in the company which is similar to that undertaken by trainee solicitors in Hong Kong.";

(b) by repealing paragraph (6) and substituting---

"(6) Unless the Council otherwise allows, the period of secondment for the purposes of paragraphs (3A), (3B), (4) and (5) shall not exceed 6 months, and the total period of secondment during the whole period of the trainee solicitor contract shall not exceed 12 months.";

(c) in paragraph (7)---

(i) by adding "(3A) or" before "(4)";

(ii) by adding---

"(ba) in the case of an application under paragraph (3A), accompanied by a letter from the trainee solicitor's principal about the matters set out in paragraph (3B)(b) to (d);";

(iii) in subparagraph (c), by adding "in the case of an application under paragraph (4)," before "accompanied".

3. Employment prior to entering into a trainee solicitor contract

Rule 9A is amended---

(a) by repealing paragraphs (1) and (2);

(b) in paragraph (3), by repealing ", or a period of employment in England or Wales other than one referred to in paragraph (1),".

4. Rule added

The following is added---

"23. Saving

Notwithstanding the repeal of rule 9A(1) and (2) by the Trainee Solicitors (Amendment) Rules 1999 (L.N. 171 of 1999) ("amending Rules"), any person who has entered into a trainee solicitor contract in England or Wales as at the date on which the amending Rules come into force, may make application for approval that the period of employment as a trainee solicitor in England or Wales be relevant working experience under the repealed rule 9A(1) and (2). The application shall be dealt with under the repealed rule 9A(1) and (2) as if that rule had not been repealed."

Approved this 11th day of May 1999.

Andrew LI

Chief Justice

Made this 21st day of May 1999.

Mark J. Bradley Anthony W. K. Chow

Junius K. Y. Ho Raymond C. K. Ho

Lester Garson Huang Shing Hing Ip

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Roderick B. Woo

Explanatory Note

These Rules amend the Trainee Solicitors Rules (Cap. 159 sub. leg.)---

(a) to allow The Law Society of Hong Kong to approve a period of secondment to a company in Hong Kong as effective employment under a trainee solicitor contract;

(b) to cease to recognize a period of employment as a trainee solicitor in England or Wales prior to entering into a trainee solicitor contract in Hong Kong be relevant working experience.