

L.N. 163 of 2009**FOREIGN LAWYERS REGISTRATION
(AMENDMENT) RULES 2009**

(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. Commencement

These Rules come into operation on a day to be appointed by the President of The Law Society of Hong Kong by notice published in the Gazette.

2. Foreign lawyer with limited post-qualification experience

(1) Section 5(2) of the Foreign Lawyers Registration Rules (Cap. 159 sub. leg. S) is amended by adding “a foreign firm or” before “a Hong Kong firm”.

(2) Section 5(3)(b) is amended by adding “a foreign firm or” before “a Hong Kong firm”.

(3) Section 5(6) is amended by adding “a foreign firm or” before “a Hong Kong firm”.

(4) Section 5 is amended by adding—

“(7) If the Society specifies under subsection (3)(b) a condition as to supervision under which a person to whom this section applies may practise foreign law, the supervision is to be provided by—

(a) a solicitor who—

(i) is admitted to practise the foreign law to which the application relates, in the foreign jurisdiction concerned; and

(ii) satisfies the Society that the solicitor is competent to provide supervision to that person in the practice of that foreign law; or

(b) a foreign lawyer who—

(i) is admitted to practise the foreign law to which the application relates, in the foreign jurisdiction concerned; and

- (ii) satisfies the Society that the foreign lawyer is competent to provide supervision to that person in the practice of that foreign law.”.

3. Transitional provision

Section 5 of the Foreign Lawyers Registration Rules (Cap. 159 sub. leg. S), as amended by these Rules, applies to any application—

- (a) for a certificate of registration as a foreign lawyer;
- (b) made before the commencement of these Rules by a person to whom that section applies; and
- (c) in respect of which the certificate has not been issued as at that commencement.

Approved this 2nd day of July 2009.

Andrew LI
Chief Justice

Made this 7th day of July 2009.

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Explanatory Note

The main object of these Rules is to amend the Foreign Lawyers Registration Rules (Cap. 159 sub. leg. S) (“principal Rules”) to extend the supervision requirement in section 5 of the principal Rules to a person who practises foreign law as an employee of a foreign firm. At present, under section 5 of the principal Rules, if a person with less than 2 years of post-qualification experience in the practice of foreign law applies to be registered

as a foreign lawyer, The Law Society of Hong Kong may impose conditions as to supervision under which that person may practise foreign law as an employee of a Hong Kong firm. The amendment will extend this supervision requirement to persons practising foreign law as employees of foreign firms.

2. These Rules also specify that a lawyer who provides the required supervision must be a lawyer admitted to practise the foreign law concerned in the same jurisdiction as the foreign lawyer. This applies to practice of a foreign lawyer as an employee of a Hong Kong firm as well as to practice as an employee of a foreign firm.