

L.N. 104 of 2017

Trainee Solicitors (Amendment) Rules 2017

(Made by the Council of The Law Society of Hong Kong under section 73 of the Legal Practitioners Ordinance (Cap. 159) subject to 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. Trainee Solicitors Rules amended

The Trainee Solicitors Rules (Cap. 159 sub. leg. J) are amended as set out in rule 3.

3. Rule 20 amended (exemption of disbarred barrister from employment under a trainee solicitor contract)

(1) Rule 20(1)—

Repeal

“Any person who”

Substitute

“A person may apply to the Society for an exemption from employment under a trainee solicitor contract if the person”.

(2) Rule 20(1)(c)—

Repeal

everything after “certificate”

Substitute

“stating—

- (i) that no resolution has been passed by the Bar Council that the person has been in breach of proper professional standards;
- (ii) that no resolution has been passed by the Bar Council as a result of a complaint being made to it or otherwise that the conduct of the person should be inquired into by a Barristers Disciplinary Tribunal;
- (iii) that no conduct of the person as a barrister is the subject of proceedings being conducted or pending before the Barristers Disciplinary Tribunal or the Court of Appeal;
- (iv) that no order has been made against the person by a Barristers Disciplinary Tribunal under section 37 of the Ordinance; and
- (v) whether there are any outstanding allegations or complaints against the person that are to be dealt with by the Bar Council;”.

(3) Rule 20(1)(d)—

Repeal the comma

Substitute

“; and”.

(4) After rule 20(1)(d)—

Add

- “(e) provided a statutory declaration to the Society stating, to the person’s knowledge, information and belief, as to whether there are any outstanding allegations or complaints against the person to be dealt with by the Bar Council, and if so, the particulars of those allegations or complaints.”.

- (5) Rule 20(1)—

Repeal

“shall be exempted from employment under a trainee solicitor contract.”.

- (6) After rule 20(1)—

Add

“(1A) On an application under paragraph (1) and subject to paragraph (1B), the Society may grant an exemption.

(1B) If there are any outstanding allegations or complaints against the person that are to be dealt with by the Bar Council, the Society may grant an exemption only after the Bar Council notifies the Society of the outcome of its decision or resolution in relation to the allegations or complaints.”.

- (7) Rule 20(2)—

Repeal

“Any such person as is referred to in paragraph (1)”

Substitute

“A person who has been granted by the Society an exemption from employment under a trainee solicitor contract”.

Approved this 25th day of April 2017.

Geoffrey MA
Chief Justice

Made this 11th day of May 2017.

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Explanatory Note

A disbarred barrister who wishes to become a solicitor is required to obtain a certificate from the Council of the Hong Kong Bar Association before applying for exemption from employment under a trainee solicitor contract. These Rules amend the Trainee Solicitors Rules (Cap. 159 sub. leg. J) to set out more specifically the matters to be included in the certificate.