

L.N. 10 of 2020

**Solicitors (Professional Indemnity) (Amendment) Rules
2020**

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

1. Commencement

These Rules come into operation on 1 May 2020.

2. Solicitors (Professional Indemnity) Rules amended

The Solicitors (Professional Indemnity) Rules (Cap. 159 sub. leg. M) are amended as set out in rules 3 to 6.

3. Rule 2 amended (interpretation)

(1) Rule 2, English text, definition of *Indemnity*—

Repeal

“is”

Substitute

“are”.

(2) Rule 2, definition of *related costs*, paragraph (a)—

Repeal

“Company’s consent”

Substitute

“Company’s prior written consent”.

4. Rule 10 amended (entitlement to Indemnity)

Rule 10(1), after “exclusions, set out in”—

Add

“rule 17(3) and”.

5. Rule 17 amended (panel of firms of solicitors)

After rule 17(2)—

Add

“(3) Unless the contrary has been expressly agreed in writing by the Company—

(a) an indemnified, a former solicitor or any person who was employed or who worked in connection with the Practice (whether as an assistant solicitor, foreign lawyer, consultant, trainee solicitor or otherwise), or their estate and legal representatives are only to be represented by the panel solicitor appointed by the Company to represent them in connection with any claim for which Indemnity is sought under rule 10; and

(b) an indemnified, a former solicitor or any person who was employed or who worked in connection with the Practice (whether as an assistant solicitor, foreign lawyer, consultant, trainee solicitor or otherwise), or their estate and legal representatives must not instruct any other firm of solicitors to represent them in connection with any such claim or be provided with Indemnity in respect of costs incurred by them as a result of instructing any such other firm of solicitors.”.

6. Schedule 3 amended (exclusions and conditions)

(1) Schedule 3, paragraph 3(2)(c)—

Repeal

“he or she”

Substitute

“that person”.

- (2) Schedule 3, English text, paragraph 3(2)(c)—

Repeal

“his or her”

Substitute

“that person’s”.

- (3) Schedule 3, paragraph 3(2)(c)(i)—

Repeal

“him or her”

Substitute

“that person”.

- (4) Schedule 3, paragraph 3(2)(c)(ii)—

Repeal

“him or her”

Substitute

“that person”.

Approved this 2nd day of January 2020.

Geoffrey MA
Chief Justice

Made this 14th day of January 2020.

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Explanatory Note

These Rules amend the Solicitors (Professional Indemnity) Rules (Cap. 159 sub. leg. M) (*principal Rules*) to provide that any person seeking indemnity under rule 10 of the principal Rules is to be represented by the firm of solicitors appointed by Hong Kong Solicitors Indemnity Fund Limited (*Company*) to act on that person's behalf. If that person appoints any other firm of solicitors, that person must obtain the Company's prior written consent or else no such indemnity will be provided in respect of the costs incurred.