

《2021 年法律執業者（修訂）條例草案》

Legal Practitioners (Amendment) Bill 2021

A BILL

To

Amend section 31A of the Legal Practitioners Ordinance so that a person (not being a barrister) who holds office as a legal officer is eligible to be appointed as a Senior Counsel.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance 2021.

2. Legal Practitioners Ordinance amended

The Legal Practitioners Ordinance (Cap. 159) is amended as set out in section 3.

3. Section 31A amended (appointment of Senior Counsel)

(1) Section 31A(1)—

Repeal

everything after “appoint”

Substitute

“any of the following persons who satisfies the eligibility requirements set out in subsection (2) as a Senior Counsel—

- (a) a barrister;
- (b) a person (not being a barrister) who holds office as a legal officer.”.

(2) Section 31A(2)—

Repeal

“barrister is eligible for appointment as a Senior Counsel if he”

Substitute

“person is eligible for appointment as a Senior Counsel if the person”.

(3) Section 31A(2)(a), after “barrister”—

Add

“or legal officer”.

(4) Section 31A(2)(c)—

Repeal

everything after “while”

Substitute

“holding office as a legal officer.”.

(5) Section 31A(2), Chinese text—

Repeal

“則該大律師”

Substitute

“則該人士”.

(6) Section 31A(3)—

Repeal

“barrister has the requisite experience for appointment as a Senior Counsel if he”

Substitute

“person has the requisite experience for appointment as a Senior Counsel if the person”.

- (7) Section 31A(3)(b)—

Repeal

everything after “while”

Substitute

“holding office as a legal officer.”.

- (8) After section 31A(3)—

Add

“(3A) If the Chief Justice appoints a person mentioned in subsection (1)(b) as a Senior Counsel, the person is entitled to use the title, and to enjoy the status, of Senior Counsel only while holding office as a legal officer.”.

- (9) After section 31A(5)—

Add

“(6) In this section—

legal officer (律政人員) has the meaning given by section 2 of the Legal Officers Ordinance (Cap. 87), and includes a person deemed to be a legal officer for the purposes of that Ordinance.”.

Explanatory Memorandum

Currently, under section 31A of the Legal Practitioners Ordinance (Cap. 159) (**LPO**), only a barrister (within the meaning of the LPO) is eligible to be appointed as a Senior Counsel.

2. The sole object of this Bill is to amend section 31A of the LPO so that a person (not being a barrister) who holds office as a legal officer (as defined by section 2 of the Legal Officers Ordinance (Cap. 87) (**LOO**) and including a person deemed to be a legal officer for the purposes of the LOO) is eligible to be appointed as a Senior Counsel.
3. The Bill does not otherwise change the eligibility requirements or other aspects relating to the appointment of Senior Counsel under the LPO.