

香港事務律師專業數字與實況 (直至 2013 年 11 月底*)

1.	香港律師			
	香港律師會會員			8,954
	持有執業證書會員			7,847
	(a) 在律師事務所執業律師 (“私人執業”) –		6,047	
	獨資執業	366		
	合夥執業	2,060		
	顧問	1,084		
	助理律師	<u>2,537</u>		
		<u>6,047</u>		
	(b) 不從事私人執業律師		1,800	
	未持有執業證書會員			1,107
2.	受聘於商業機構 / 政府部門 / 非政府組織的律師會會員 (當中包括持有執業證書及未持有執業證書會員)			1,772
3.	實習律師			920
4.	香港本地律師事務所			816
		數目	%	
	律師事務所 –			
	獨資經營	366	45	
	合夥經營			
	(a) 2-5 名合夥人	363	45	
	(b) 6-10 名合夥人	50	6	
	(c) 11-20 名合夥人	28	3	
	(d) 超過 20 名合夥人	<u>9</u>	<u>1</u>	
		<u>816</u>	<u>100</u>	
5.	香港律師事務所僱用的非律師人員			14,780
	外地律師事務所僱用的非律師人員			448
6.	外地律師事務所 / 外地律師			(見附頁)

7.	<p>香港律師事務所於內地設有代表處</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">北京</td><td style="text-align: right;">25</td></tr> <tr><td>成都</td><td style="text-align: right;">1</td></tr> <tr><td>重慶</td><td style="text-align: right;">1</td></tr> <tr><td>福州</td><td style="text-align: right;">1</td></tr> <tr><td>廣州</td><td style="text-align: right;">17</td></tr> <tr><td>濟南</td><td style="text-align: right;">1</td></tr> <tr><td>昆山</td><td style="text-align: right;">1</td></tr> <tr><td>南京</td><td style="text-align: right;">2</td></tr> <tr><td>寧波，浙江</td><td style="text-align: right;">1</td></tr> <tr><td>上海</td><td style="text-align: right;">21</td></tr> <tr><td>瀋陽</td><td style="text-align: right;">1</td></tr> <tr><td>深圳</td><td style="text-align: right;">4</td></tr> <tr><td>天津</td><td style="text-align: right;">1</td></tr> <tr><td>西安</td><td style="text-align: right;"><u>1</u></td></tr> <tr><td></td><td style="text-align: right;">78</td></tr> <tr><td></td><td style="text-align: right;"><u><u>78</u></u></td></tr> </table>	北京	25	成都	1	重慶	1	福州	1	廣州	17	濟南	1	昆山	1	南京	2	寧波，浙江	1	上海	21	瀋陽	1	深圳	4	天津	1	西安	<u>1</u>		78		<u><u>78</u></u>	78
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12.	中國委托公證人協會有限公司會員	387																				
13.	香港國際公證人協會會員 (截至 2013 年 6 月止)	391																				
14.	香港律師會婚姻監禮人	1,902																				
15.	安老按揭輔導法律顧問	354																				
16.	訟辯律師	14																				

* 另有註明者除外

註：(1) 2013 年，127 名香港居民在港報名參加國家司法考試，在全部報名人士中 40.6% 持法學學位，27.3% 從事法律工作。在香港完成考試的 114 名香港居民中，其中 6 名考獲合格成績，14 名在內地完成考試的香港居民考獲合格成績。(資料來源：律政司)

(2) 2012 年 10 月版 The American Lawyer (美國律師) 公布的 The Am Law Global 100 (全球 100 強律師事務所名單) 中 (按收入計算)，有 65 所經已在港設所，當中 50 間在香港以香港律師事務所名義註冊經營。

A. 註冊外地律師事務所所屬司法管轄區分佈 (至 2013 年 11 月 30 日)

	司法管轄區	數目	%
1	美國	18	24.00%
2	中國內地	14	18.67%
3	英格蘭及威爾斯	6	8.00%
4	開曼群島	4	5.33%
5	法國	4	5.33%
6	英屬維爾京群島	3	4.00%
7	加拿大	3	4.00%
8	瑞典	3	4.00%
9	比利時	2	2.67%
10	百慕達	2	2.67%
11	德國	2	2.67%
12	根西島	2	2.67%
13	意大利	2	2.67%
14	盧森堡	2	2.67%
15	瑞士	2	2.67%
16	菲律賓	2	2.67%
17	澳洲	1	1.33%
18	愛爾蘭	1	1.33%
19	日本	1	1.33%
20	韓國	1	1.33%
		#75	100.00%

- (1) # 總數應為 71 家：
- 其中一家註冊外地律師事務所登記於香港從事開曼及英屬維爾京群島法律事務；
 - 一家註冊外地律師事務所登記於香港從事開曼及根西島法律事務；
 - 一家註冊外地律師事務所登記於香港從事百慕達及英屬維爾京群島法律事務；
 - 一家註冊外地律師事務所登記於香港從事英國及美國法律事務。
- (2) 由外地律師事務所及香港律師事務所在香港組成的聯營組織共有 34 個。

B. 在外地律師事務所及香港律師事務所工作的註冊外地律師所屬司法管轄區分佈
(至 2013 年 11 月 30 日)

	司法管轄區	人數	%
1	美國	557	41.26%
2	英格蘭及威爾斯	313	23.19%
3	中國內地	162	12.00%
4	澳洲	118	8.74%
5	百慕達	28	2.07%
6	新加坡	22	1.63%
7	紐西蘭	21	1.56%
8	加拿大	18	1.33%
9	英屬維爾京群島	17	1.26%
10	法國	11	0.81%
11	日本	9	0.67%
12	意大利	8	0.59%
13	德國	7	0.52%
14	盧森堡	7	0.52%
15	比利時	6	0.44%
16	開曼群島	6	0.44%
17	菲律賓	6	0.44%
18	瑞典	5	0.37%
19	荷蘭	5	0.37%
20	印度	4	0.30%
21	愛爾蘭	3	0.22%
22	韓國	3	0.22%
23	蘇格蘭	3	0.22%
24	瑞士	3	0.22%
25	根西島	2	0.15%
26	巴西	1	0.07%
27	馬來西亞	1	0.07%
28	馬爾他	1	0.07%
29	泰國	1	0.07%
30	馬恩島	1	0.07%
31	越南	1	0.07%
		1,350	100.00%

註: 以上註冊外地律師中, 在註冊外地律師事務所工作的註冊外地律師人數為 314 名, 在香港律師事務所工作的註冊外地律師人數為 914 未有在任何律師事務所工作的註冊外地律師人數則為 122 名。



THE LAW SOCIETY OF HONG KONG

INFORMATION FOR REGISTRATION AS A FOREIGN LAW FIRM

A. INTRODUCTION

Since 9th September 1994, all foreign law firms have been required to register with the Law Society of Hong Kong following the implementation of the *Legal Practitioners Ordinance* and the *Foreign Lawyers Registration Rules*.

A firm may submit application for registration as a foreign law firm if all partners who intend to practise in Hong Kong are foreign lawyers or the sole practitioner is a foreign lawyer **and** the firm intends to have within 2 months after registration, a place of business in Hong Kong for the purpose of practising or advising on foreign law [s.39B (1) of the Ordinance]. If sufficient intention is not demonstrated by the firm in paragraph 3(a) and (b) of Part A of the attached application form (Form FF), the application will be rejected and the firm will be advised to apply again, if it wishes, in 3 months' time.

If the foreign law firm fails to establish a place of business in Hong Kong within 2 months after its registration, the Society may cancel the firm's registration [s.39B (2) of the Ordinance].

A registered foreign law firm is able to practise the law of the jurisdiction(s) in which their partners and associates are qualified, and third jurisdictions in which they are competent to practise. Such firms are precluded from practising Hong Kong law or employing and/or taking Hong Kong solicitors into partnership.

The name of a registered foreign law firm, its letterhead, supervision of office, sharing an office and staff are some aspects of the practice of foreign firms which are regulated by the *Foreign Lawyers Practice Rules* ("FLPR"). Rule 9A of the FLPR requires sole principals of foreign firms which are not branch offices of overseas firms to provide information to the Law Society regarding the location of their wills and the identities and contact details of their executors and the foreign lawyer appointed to manage their practices upon their death, pending disposal or cessation of the practice.

A registered foreign law firm can establish a Hong Kong practice so long as all of the partners in the Hong Kong firm are Hong Kong qualified solicitors and the required ratios of Hong Kong solicitors to foreign lawyers are observed. If the registered foreign law firm is a branch of an overseas firm, it may use the name of the overseas firm only if certain criteria are met; for example, there must be a substantial connection between the proposed Hong Kong office and the overseas firm. The Hong Kong firm must comply with the requirements of the *Legal Practitioners Ordinance* and subsidiary legislation.

B. LEGISLATION FOR REGISTRATION

The relevant provisions are:

1. Legal Practitioners Ordinance 1994, ss.39B and 50B.
2. Foreign Lawyers Registration Rules, rules 2, 6, 7, 9, 10 and 11.
3. Foreign Lawyers Registration (Fees) Rules, rule 2.

C. NOTES FOR COMPLETING THE APPLICATION FORM (Form FF) FOR REGISTRATION AS A FOREIGN LAW FIRM

1. The **original form** (Form FF) approved by the Council of the Law Society must be used and completed precisely. Form FF is attached with this information package.
2. The intended senior resident partner or the sole practitioner of the proposed firm is the applicant for this application and should complete Form FF.
3. In Part A, Nos.5 and 6 – If the persons have not already been registered as a registered foreign lawyer, their Application for Registration as a Foreign Lawyer (Form FL) should be completed and filed with this Form FF.
4. In Part C - Qualification for Registration, please complete either No.12 or 13, whichever is appropriate.
5. Documentary evidence stated in Part C should be enclosed with the application.
6. **Declaration of Applicant** (attached with Form FF) must be declared before a Notary Public, Commissioner, or other person authorised by the Oaths and Declarations Ordinance to take declarations.

[If the declaration is declared outside Hong Kong, it must be done before a Notary Public.]

7. **Applicant's undertaking and authorization** (attached with Form FF) must also be completed by the applicant.
8. A cheque for HK\$35,000.00 being the first registration fee of a foreign law firm (including the issuing of the Certificate of Registration as a Foreign Law Firm) should be made payable to "The Law Society of Hong Kong" and submitted to the Society with the application.

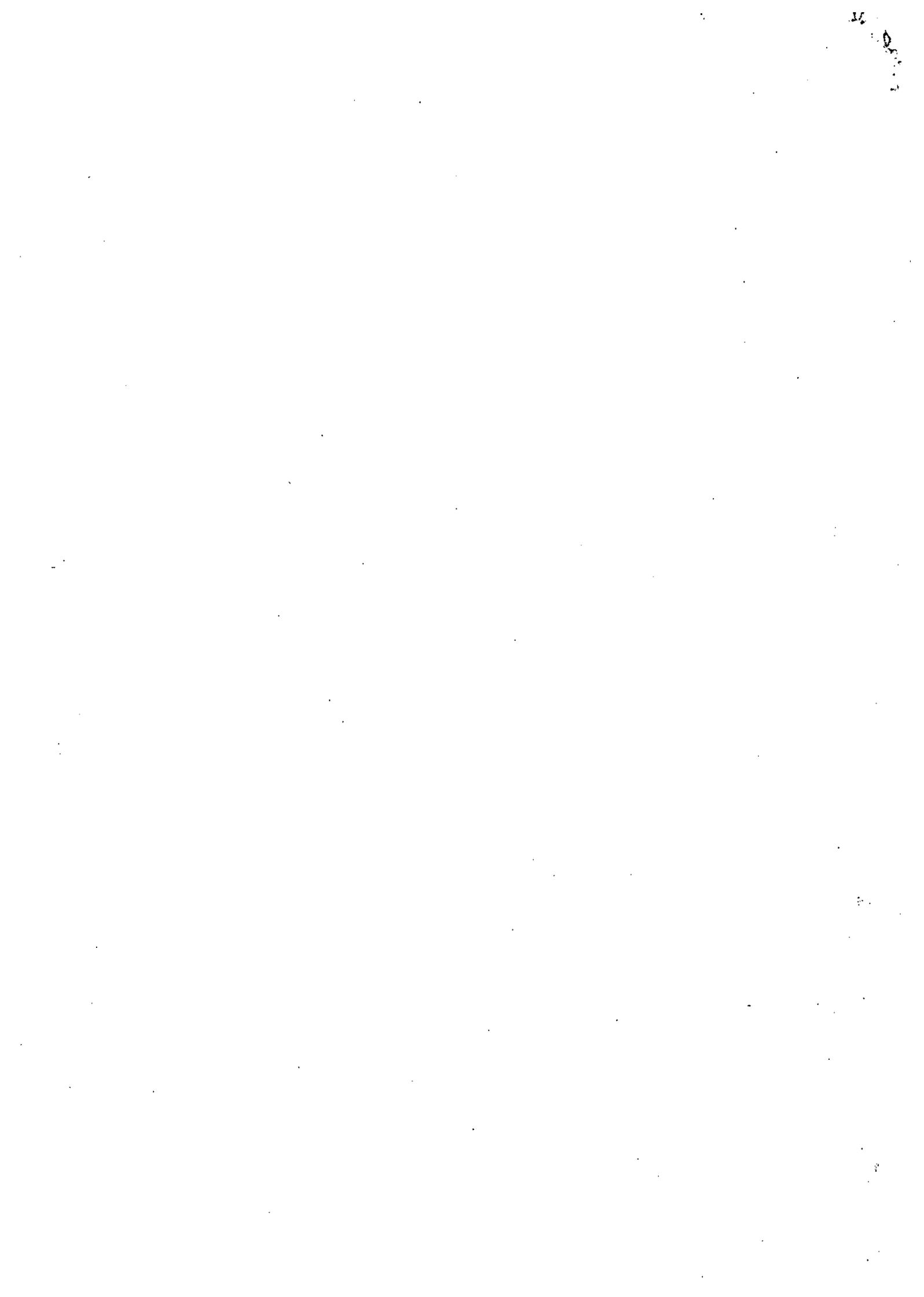
[Note : The prescribed registration fee under Rule 9 of the Foreign Lawyers Registration Rules in respect of any registration pursuant to Part IIIA of the Ordinance is payable upon application. No refund either in full or in part of the fees paid can be made after the application has been lodged with the Law Society.]

9. Applicants must provide certified English translations of all documents submitted in support of their applications which are not in English or Chinese.
10. If the space provided for any answer is insufficient, the applicant can complete the answer on a separate sheet and sign and staple it to this application form.
11. The Council may investigate or verify any information supplied on the application form, and may require further explanation from the applicant.
12. The average time taken to process an application is 4-6 weeks upon receipt of all the requisite documents. Omissions or inaccuracies in the answers provided in Form FF may delay or result in the rejection of the application.

D. INTRODUCTION OF A NEW JURISDICTION IN ADDITION TO THE JURISDICTION(S) NOTIFIED TO THE LAW SOCIETY IN SUPPORT OF THE FIRST APPLICATION FOR REGISTRATION

If a registered foreign firm wishes to add another jurisdiction in addition to the jurisdiction(s) previously notified to the Law Society in support of its first registration, it should provide the Law Society with all documents required of it to establish that it complies with all the registration requirements for that jurisdiction, which documents should be documents of the same nature as the supporting documents provided to establish that it complied with the registration requirements for the jurisdiction(s) in support of its first registration. The application fee is HK\$35,000.00.

When completed, this form should be returned to the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.



參考資料：

條：	7	註冊為外地律師行的資格	23 of 1998 s. 2	01/07/1997
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附註：

具追溯力的修訂—見1998年第23號第2條

(1) 除第(2)款另有規定外，如屬下列情況者，本條例第39B條適用的律師行有資格註冊為外地律師行—

(a) 如屬海外律師行的分行的律師行—

(i) 該海外律師行合法地在其外地司法管轄區內進行法律執業；

(ii) 該海外律師行已令律師會信納，在過去5年內的任何時間在其進行法律執業的每個

司法管轄區，該海外律師行均有良好聲譽；及

(iii) 該律師行有意在香港執業的合夥人當中至少有一名合夥人—

(A) 是該海外律師行的合夥人；

(B) 在申請註冊的日期，已於緊接該日期前的12個月期間，以全職方式與該海外律師行有聯繫；並於緊接該段期間開始之前的4年內，已與該海外律師行如此聯繫一段不少於12個月的額外期間；及

(C) 已從事法律執業不少於5年；或

(b) 如屬任何其他情況—

(i) 該律師行的每名有意在香港執業的合夥人，已令律師會信納，在他有資格從事法律執業的外地司法管轄區，以及在過去5年內的任何時間他曾從事法律執業的每個司法管轄區合夥人，他均有良好聲譽；

(ii) 其中一名有意在香港執業的合夥人，在他有資格從事法律執業的外地司法管轄區，或在之前5年內他曾從事該法律執業的一個司法管轄區，他有相當聲譽；及

(iii) 每名有意在香港執業的合夥人，已在一個他有資格執業的外地司法管轄區從事該司法管轄區的法律執業不少於3年。(1998年第23號第2條)

(2) 凡理事會認為個別個案適合時，可寬免遵從第(1)款的任何規定。

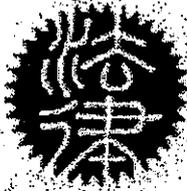
條：	8	註冊為聯營組織	23 of 1998 s. 2	01/07/1997
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附註：

具追溯力的修訂—見1998年第23號第2條

一間外地律師行與一間香港律師行同為一個聯營組織的一方時，該外地律師行在沒有理事會的同意下，即沒有資格與任何其他香港律師行註冊為一個聯營組織。

(1998年第23號第2條)



THE
LAW SOCIETY
OF HONG KONG
香港律師會

3/F WING ON HOUSE, 71 DES VOEUX ROAD
CENTRAL, HONG KONG DX-009100 CENTRAL 1
香港中環德輔道中 71 號
永安集團大廈 3 字樓

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Index Reference :

Regulations: Legal
Practitioners Ordinance,
Practice Directions and Rules

CIRCULAR 07-767 (SD)

17 December 2007

ASSOCIATION WITH LOCAL FIRMS, FOREIGN FIRMS AND OVERSEAS FIRMS

1. Concerns with confidentiality and conflict of interest can arise where a close working relationship develops between two firms of solicitors through the sharing of premises, personnel and facilities.
2. The Legal Practitioners Ordinance, its subsidiary legislation and the Society's Practice Directions contain provisions specifying the permissible types of working relationships which involve sharing between firms in different forms and the measures that have to be taken by the firms to address the concerns on confidentiality and conflict of interest.

Between Hong Kong firms

3. It is common for two or more Hong Kong firms to have one or more common solicitors. This situation is referred to as "association" in the Solicitors' Practice Rules (rule 1A of the Solicitors' Practice Rules).
4. To ensure that the public is made aware of the existence of an association relationship, the firms involved must make reference to it on their respective letterheads in the manner as stipulated in rule 2B(2)(c) of the Solicitors' Practice Rules.
5. Further, to minimise the risk of any possible conflict of interest, subject to certain exceptions, two or more solicitors practising in association must not act for both the vendor and the purchaser in a sale or other disposition of land for value (rule 5C of the Solicitors' Practice Rules).
6. Where at least one of the solicitors in common is an equity partner common to each of the firms in association, the firms will be permitted to share premises, personnel and facilities (Practice Direction D 5(3)(iii)). However, the firms should only do so where:

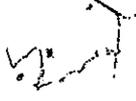
- (a) they are prepared to treat themselves as one firm for the purpose of any rules of conduct relating to confidentiality and conflict of interest; and
- (b) they will inform their respective clients accordingly.

Between a Hong Kong firm and a registered foreign firm

7. A close working relationship may also develop between a Hong Kong firm and a registered foreign firm. Sharing of fees, profits, premises, management, employees and facilities between a Hong Kong firm and a registered foreign firm is permissible provided that they demonstrate a commitment to the working relationship by
- (a) entering into an Association with each other;
 - (b) registering the Association with the Society; and
 - (c) entering into an agreement under which fees, profits, premises, management or employees are shared between the two firms within 2 months after registration of the Association (section 39C of the Legal Practitioners Ordinance).
8. To ensure that the public is made aware of the existence of an Association relationship, the firms involved must make reference to it on their respective letterheads in the manner as stipulated in rule 2B(2)(c) of the Solicitors' Practice Rules and rule 5(2) of the Foreign Lawyers' Practice Rules.
9. Where the firms in an Association wish to share premises, management or employees, they should only do so where:
- (a) they are prepared to treat themselves as one firm for the purpose of any rules of conduct relating to confidentiality and conflict of interest; and
 - (b) they will inform their respective clients accordingly.

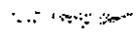
Between a Hong Kong firm and an overseas firm with no place of business in Hong Kong

10. A Hong Kong firm may also develop a close working relationship with an overseas firm which has no place of business in Hong Kong whereby there is:
- (a) mutual referral of clients;
 - (b) secondment of staff between the firms; or
 - (c) exchange of know how or information.

- 
11. Provided that such a working relationship is an ongoing contractual relationship between the firms that has been in existence for or is likely to remain in existence for at least two years, the Hong Kong firm may make reference to such kind of association on its letterhead in the manner as stipulated in rule 2B(3)(h) of the Solicitors' Practice Rules.
 12. This circular is regarded as mandatory.

Circular 03-169 is superseded.

Any enquiries can be directed at the Assistant Director, Regulation and Guidance on 2846-0503.



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THE LAW SOCIETY OF HONG KONG

INFORMATION FOR REGISTRATION AS AN ASSOCIATION BETWEEN A HONG KONG SOLICITORS' FIRM AND A REGISTERED FOREIGN LAW FIRM

A. INTRODUCTION

Under the *Legal Practitioners Ordinance* with the implementation of the *Foreign Lawyers Registration Rules* on 9th September 1994, where a Hong Kong firm and a foreign firm have or intend to have within 2 months after the registration, an agreement under which fees, profits, premises, management or employees are shared, the Hong Kong firm and the foreign firm are required to register with the Society. The partners or the sole practitioner of each firm will commit an offence if the firms do not register with the Society as an Association.

Where the firms fail to enter into such an agreement within 2 months after registration of the Association, the Society may cancel the Association's registration.

After registration as an Association, only the Hong Kong firm can practise Hong Kong law. The number of foreign lawyers in the Association cannot be greater than the number of Hong Kong lawyers. A foreign firm that is a party to an Association with a Hong Kong firm shall not, without the consent of the Council of the Society, be eligible to be registered with any other Hong Kong firm as an Association.

Although the firms in an Association are allowed to share fees, profits, premises, management or employees, they are not allowed to use their respective clients accounts. Their staff are also not allowed to supervise and be in charge of the practice of the other firm in the Association.

B. LEGISLATION FOR REGISTRATION

The relevant provisions are :

1. Legal Practitioners Ordinance 1994, ss. 39C and 50B.
2. Foreign Lawyers Registration Rules, rules 2, 8, 9, 10 and 11.
3. Foreign Lawyers Registration (Fees) Rules, rule 2.

**C. NOTES FOR COMPLETING THE APPLICATION FORM (FORM AS)
FOR REGISTRATION OF AN ASSOCIATION**

1. Form AS is attached with this information package.
2. The senior partner/sole practitioner of the Hong Kong firm and the senior resident partner/sole practitioner of the foreign firm are the applicants.
3. A cheque for HK\$15,000.00, being the first registration fee of an Association, should be made payable to **The Law Society of Hong Kong** and submitted to the Society with the application.

[Note: The prescribed registration fee under Rule 9 of the Foreign Lawyers Registration Rules in respect of any registration pursuant to Part IIIA of the Ordinance is payable upon application. No refund, either in full or in part, of the fees paid can be made after the application has been lodged with the Law Society.]

4. A sample of the letterheads of the Hong Kong firm and the foreign firm should be attached with the application for approval by the Consents Committee. Please refer to Rule 2B(2)(c) of the Solicitors' Practice Rules and Rule 5(2) of the Foreign Lawyers Practice Rules on the manner in which the firms' letterheads should make reference to the Association.
5. The application form includes a section on the details of the Agreement for Association. The Law Society will request for a certified copy of the Association Agreement when it is signed for verification.
6. So far as the Association relates to the practice of law in Hong Kong, the Law Society strongly encourages parties to the Association Agreement to stipulate Hong Kong law as the governing law and Hong Kong as the venue for mediation or other forms of resolution of any disputes arising from the Agreement.
7. If the space provided for any answer is not sufficient, the answer can be completed on a separate sheet. Please sign the sheet and staple it to Form AS.
8. The Consents Committee may investigate or verify any information supplied on Form AS. Further explanation may also be required.
9. Omissions or inaccuracies may delay the application process or result in the application being rejected.

When completed, this form should be returned to the Law Society of Hong Kong – 3/F,
Wing On House, 71 Des Voeux Road Central, Hong Kong.

THE LAW SOCIETY OF HONG KONG

FOR OFFICE USE ONLY	
Application No.:	_____
Date received :	_____
Fees received :	_____

**APPLICATION FOR REGISTRATION AS AN ASSOCIATION
BETWEEN A HONG KONG SOLICITORS' FIRM
AND A REGISTERED FOREIGN FIRM**

Applicant should read the "Information for Registration as an Association between a Hong Kong Solicitors' Firm and a Registered Foreign Law Firm" before completing this form.

PART A – DETAILS OF THE HONG KONG FIRM

1. Name : _____
2. Name(s) of all partners _____
or sole practitioner : _____
3. Address of the firm where the Certificate of Association will be sent to :

4. Is the firm a party to any other registered Association?
 Yes No
5. If yes, please state the names of the party or parties in that Association.

PART B – DETAILS OF THE REGISTERED FOREIGN FIRM

6. Name : _____
7. Name(s) of all partners _____
or sole practitioner : _____
8. Address : _____

PART C – DETAILS OF THE AGREEMENT FOR ASSOCIATION

9. Please tick the appropriate boxes

The Hong Kong firm in Part A and the foreign firm in Part B have an agreement to share :

- fees
 - profits
 - premises
 - management
 - employees
 - other - please specify
-

PART D – DECLARATION

We, _____ and
(names in full)

_____ apply for registration of an Association between our firms and undertake that we are the individuals responsible in Hong Kong for compliance by the Association with the Foreign Lawyers Registration Rules.

Signature of the Applicant

Signature of the Applicant

Date

Date

Personal Information Collection Statement

1. Your personal data collected using this form ("the data") will be used by the Law Society for the purposes of exercising its powers under the Legal Practitioners Ordinance and its subsidiary legislation (Chapter 159) and administering or enforcing the relevant provisions of the said Ordinance and its subsidiary legislation, and for any other legitimate purposes as may be required, authorized or permitted by law.
2. The data may be disclosed to relevant government departments and related organizations and to persons in the Law Society with responsibility for carrying out the purposes mentioned in paragraph 1 above.
3. You have a right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

THE LAW SOCIETY OF HONG KONG

INFORMATION FOR REGISTRATION AS A FOREIGN LAWYER

A. INTRODUCTION

Under the *Legal Practitioners Ordinance* with the implementation of the *Foreign Lawyers Registration Rules* on 9th September 1994, a person who offers his services to the public as a practitioner of foreign law, other than a solicitor or barrister is required to register with the Law Society as a Foreign Lawyer.

A registered foreign lawyer is prohibited from practising Hong Kong law and from employing or joining into partnership with Hong Kong solicitors. A registered foreign lawyer can be employed as a foreign legal consultant by a Hong Kong solicitor so long as the number of foreign lawyers in the firm is not greater than the number of Hong Kong solicitors.

A registered foreign lawyer may practise the law of the jurisdiction in which he is qualified or the law of a third jurisdiction. An applicant will not be required to provide proof of competency in the third jurisdiction(s). Instead, he will be subject to a Code of Conduct which makes it a disciplinary offence for a lawyer to practise in an area of the law in which he or she is not competent.

A registered foreign lawyer must submit to the jurisdiction of the Law Society and is bound by the *Legal Practitioners Ordinance*, subsidiary legislation and the Code of Conduct.

B. LEGISLATION FOR REGISTRATION

The relevant provisions are:-

1. Legal Practitioners Ordinance 1994, ss.39A and 50B.
2. Foreign Lawyers Registration Rules, rules 2, 3, 4, 5, 6, 9, 10 and 11.
3. Foreign Lawyers Registration (Fees) Rules, rule 2.
4. Legal Practitioners (Risk Management Education) Rules.

C. NOTES FOR COMPLETING THE APPLICATION FORM (FORM FL) FOR REGISTRATION AS A FOREIGN LAWYER

1. The original form (Form FL) approved by the Council must be used and completed precisely. Form FL is attached with this information package.

2. A certified copy of your **passport and Hong Kong Identity Card** (if any) should be enclosed with the application (please refer to Part A, Nos.5 and 7 of Form FL).
3. A passport size **photo** of yourself taken within 3 months of the date of this application should be attached at the appropriate place provided.
4. A certified copy of your current **practising certificate** should be enclosed (please refer to Part C, No.14 of Form FL).
5. A certified copy of your **Certificate of Good Standing** issued by the relevant Law Society or Governing Body must be attached (please refer to Part C, No.16 of Form FL). The Certificate of Good Standing is **not valid** for the purpose of this application if the date of its issue is more than 4 months from the date received by the Secretariat of this Society.
6. The **documentary evidence** in Part D of Form FL refers to a certified copy of the insurance policy that the firm subscribes. Confirmation from the firm specifying that you are covered by the insurance policy (if only the firm's name but not your name appears on the policy) is required.
7. A **confirmation letter of employment** from your employer indicating your intended date of commencement of practice should be enclosed (please refer to Part G, No.38 of Form FL).
8. **Two references** in the form approved by the Society must be provided if you wish to establish a foreign firm which is not a branch of a firm whose principal place of business is outside Hong Kong. One of the referees must be a member in good standing of the legal profession in the jurisdiction in which you were admitted. The other referee must satisfy either one of the following requirements:-
 - (a) a member in good standing of the Law Society of Hong Kong; or
 - (b) a member in good standing of the legal profession in the jurisdiction in which you were admitted; or
 - (c) a member of the judiciary in the jurisdictions specified in (a) or (b) (please refer to Part F of Form FL).

No reference is required if you wish to establish a foreign firm that is a branch of a firm whose principal place of business is outside Hong Kong or you will be employed by a Hong Kong firm.

9. **Declaration of Applicant** (attached with Form FL) must be declared before a Notary Public, Commissioner, or other person authorised by the Oaths and Declarations Ordinance to take declarations.

[If the declaration is declared outside Hong Kong, it must be done before a Notary Public.]

10. **Applicant's undertaking and authorization** (attached with Form FL) must also be completed by the applicant.
11. A crossed cheque for the registration fee should be made payable to "The Law Society of Hong Kong" and attached to this application.

— The registration fee for FIRST TIME registration as a foreign lawyer is as follows:-

For those foreign lawyers whose Certificate of Registration is valid from a date that falls between –

- 1 July and 31 March inclusive, HK\$9,000.00.
 - 1 April and 14 May inclusive, HK\$4,500.00.
 - 15 May and 30 June inclusive, HK\$13,500.00.
- The fee for RENEWAL of registration as a foreign lawyer is always HK\$9,000.00, irrespective of the commencement date of the validity of the Certificate of Registration.

The registration shall be valid until 30 June next following the date of issue or, where the date of issue is a date between 15 May and 30 June in any year, until 30 June in the year following.

The registration fee includes the issue of a Certificate of Registration.

12. You must provide certified English translations of all documents submitted in support of your application which are not in English or Chinese.
13. Hong Kong firms and foreign firms must submit supervision proposals for those applicants who do not have at least 2 years of post-qualification experience in the full time practice of foreign law pursuant to Rule 5 of the Foreign Lawyers Registration Rules. The proposal should be signed by you and the supervising solicitor or foreign lawyer. It must also include the information required in Circular 10-66 (SD).
14. If the space provided for any answer is insufficient, your answer can be completed on a separate sheet. Please sign the sheet and staple it to this application form.
15. The Consents Committee may investigate or verify any information supplied on the application form, and may require further explanation from you.
16. Omissions or inaccuracies in your answers may delay or result in the rejection of the application.

17. It will take approximately 4 weeks to issue the Certificate of Registration provided that all documents are in order.

When completed, this form should be returned to the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

**GUIDELINES FOR CONSIDERATION OF
APPLICATIONS FOR REGISTRATION AS FOREIGN LAWYERS**

1. An applicant is required to submit a Certificate of Good Standing from the jurisdiction in which he was admitted confirming the date of his admission and whether there has been any disciplinary proceeding or action now pending or taken against the applicant since his date of admission.
2. If an applicant was admitted in more than one jurisdiction, he has to submit a Certificate from each jurisdiction.
3. For applicants not admitted in the PRC, the Certificate of Good Standing has to be issued by the relevant professional body or court.
4. For applicants admitted in the PRC, the Certificate of Good Standing has to be issued by either the relevant local bureau of justice or the relevant lawyers' association. Where there has been relocation, the applicant has to produce Certificate of Good Standing from each of the local bureau of justice or lawyers' association by which his records have been kept unless the bureau or the lawyers' association confirms that the records have been transferred out of its jurisdiction because of the lawyer's relocation.



PART B - ADDRESSES

9. Present Business Address: _____
 (including Firm's Name, if any) _____
 Fax No: _____ Telephone No: _____
10. Present Residential Address: _____

 Fax No: _____ Telephone No: _____
11. (a) Correspondence Address: _____

 (b) Email Address: _____

PART C - PROFESSIONAL STANDING AND EXPERIENCE

12. List chronologically each Law Society or other Governing Body of which you are now, or ever have been a member.

Law Society or Governing Body	Address	Date of Call or Admission	Present Status		
			Active	Retired, honorary or non-practising	if ceased, date of cessation
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

13. State the jurisdiction on which the application is based: _____
14. Are you qualified to practise the law of the jurisdiction on which the application is based? Yes No

Please enclose a certified copy of your current Practising Certificate from that jurisdiction.

15. Do you have at least 2 years of post-qualification experience in the full-time practice of the law of that jurisdiction?
 Yes No I will be supervised by _____
 (name of the supervisor), qualified in _____ (jurisdiction) with
 attached supervision proposal containing particulars as stated in Circular 10-66 (SD).
16. Are you a member in good standing of that jurisdiction?
 Yes No

Please enclose a certified copy of your Certificate of Good Standing issued by the relevant Law Society or Governing Body. The Certificate of Good Standing is not valid for the purpose of this application if the date of its issue is more than 4 months from the date at the time received by the Secretariat of this Society. If you were admitted in more than one jurisdiction, you must submit a Certificate of Good Standing from each jurisdiction.

17. State your complete employment history whether as an employee or self-employed for the 10-year period* immediately preceding the date of this application:

Name of Law Firm or other Employer	Address	Position	The law of the jurisdiction in which you practised	Month & Year of Employment	
				From	To
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

* Please provide the reasons for any gap between periods of employment.

18. It is intended that you be employed:

- (a) by a Hong Kong firm
- (b) by a foreign firm

19. Have you ever been refused admission to, been disciplined by or been disbarred or struck off from membership in a Law Society or other Governing Body?

Yes No

20. Have you ever resigned from a Law Society or other Governing Body in exchange for disciplinary proceedings not being taken against you?

Yes No

21. Are you aware of any complaint or charge or disciplinary proceeding pending against you in your professional capacity, which has not yet come to the attention of your Law Society or Governing Body, which might result in disciplinary action being taken against you? Yes No

PART D - PROFESSIONAL LIABILITY INSURANCE

The Council of the Law Society has resolved that with effect from 1 July 2006 the policy will be required to provide indemnity of not less than HK\$10 million in respect of each and every claim (inclusive of costs) and with no aggregate limit. Indemnity shall also be provided against loss brought about by the fraud or dishonesty of employees of the firm or the indemnified other than that occurring as a result of recklessness or dishonesty or a fraudulent act or fraudulent omission on the part of the principal in the conduct or management of the practice.

22. Name of Insurer: _____
23. Address of Insurer: _____
24. Policy No: _____
25. Policy Period: From _____, _____ to _____, 20____.

[Under Rule 6 of the Foreign Lawyers Registration Rules, a foreign lawyer's Certificate of Registration shall be deemed to have been suspended if his or her professional liability insurance coverage is discontinued or reduced. A foreign lawyer who has been issued a registration certificate has a continuing obligation to inform the Law Society of the cancellation of, or any significant change to, his

or her liability insurance coverage.]

26. Limits of Liability:
- (a) for each claim arising from the same act or omission: HK\$ _____
- (b) inclusive of costs? Yes No
- (c) aggregate limit nil Yes No
27. Amount of deductible per claim: HK\$ _____
28. Does the insurance coverage extend to cover dishonesty and fraud committed by all employees of the firm? Yes No

Please enclose with your application documentary evidence that you are insured as set out above for services rendered by you while acting as a foreign lawyer in Hong Kong.

PART E - GOOD CHARACTER

If you answer "yes" to any of the questions in this Part, **give full particulars** on a separate sheet, including the applicable dates, places, nature of acts or offence, and penalties.

- | | <u>Yes</u> | <u>No</u> |
|---|--------------------------|--------------------------|
| 29. Have you ever been convicted, of any crime or offence under a statute or ordinance punishable by imprisonment or a fine over HK\$5,000.00 or its equivalent? | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. Have you ever, or has any company or partnership of which you are or were a director, officer or employee, been the subject of bankruptcy or compulsory winding up proceedings? | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. Have you ever been disqualified as a director of a company? | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. Have you ever been a defendant in any civil action in which allegations of fraud, theft or misrepresentation were made against you? | <input type="checkbox"/> | <input type="checkbox"/> |
| 33. Is there, at the present time, a civil action or a civil judgment outstanding against you? | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. Have you ever failed to obey a Court order? | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. Have you ever been imprisoned for failing to obey a Court Order? | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. Have you ever been denied, or had revoked, a licence or permit the procurement of which required proof of good character? | <input type="checkbox"/> | <input type="checkbox"/> |

PART F - REFERENCES

If you wish to establish a foreign firm which is not a branch of a firm whose principal place of business is outside Hong Kong, two references must be provided on the approved Law Society form:

37. Names of Referees (a)

Name

Address

Position Telephone Fax

(b)

Name

Address

Position Telephone Fax

PART G - FUTURE PLANS

38. If your application is approved, when do you intend to commence practising as a foreign lawyer in Hong Kong? _____

Please enclose a confirmation letter of employment from your employer indicating your intended date of commencement of practice.

39. Address in Hong Kong:

- (a) Name of Firm: _____
- (b) Address: _____
- (c) Telephone: _____
- (d) Fax: _____
- (e) Email address: _____
- (f) Position: _____
(e.g. Registered Foreign Lawyer / Foreign Legal Consultant, etc.)

PART H - ASSOCIATE MEMBERSHIP

Do you wish to apply for associate membership? Yes No

DECLARATION OF APPLICANT

I, (full name) _____, DO
SOLEMNLY DECLARE THAT:

1. I am the applicant described in this Application.
2. I wish to be registered with the Law Society of Hong Kong as a foreign lawyer to practise * _____ law in Hong Kong.
3. I have personal knowledge of the information I have added in completing this Application, and that the information is true, accurate and complete;

and I make this solemn declaration conscientiously believing it to be true and knowing that it has the same legal force and effect as if made under oath.

Declared before me at _____
(City)
_____, this _____ day of
(Country) _____, 20_____.

Notary Public, Commissioner, or other person
authorised by the *Oaths and Declarations Ordinance*
to take declarations.

Signature of Applicant

Name in full: _____

* Insert the jurisdiction on which this application is based.

APPLICANT'S UNDERTAKING AND AUTHORIZATION

I, (full name) _____, the applicant in this Application apply for permission to practise as a foreign lawyer in Hong Kong. I undertake that, if permitted to act as a foreign lawyer in Hong Kong, I shall not offer any legal services which, having regard to all the circumstances of the case, can properly be regarded as a service customarily provided by a solicitor as defined under section 2(1) of the Legal Practitioners Ordinance (Cap. 159) in his capacity as such. I will submit to the jurisdiction of the Law Society of Hong Kong, and will comply with the *Legal Practitioners Ordinance*, the Law Society Rules, the Practice Directions and the Hong Kong Solicitors' Guide to Professional Conduct, I consent to permit the Law Society to make inquiries on the information contained in this form of other lawyers, solicitors, governing bodies, etc.

Date: _____ Signature of Applicant: _____

THE LAW SOCIETY OF HONG KONG
REGISTERED FOREIGN LAWYER
FIRST REFERENCE*

This letter must be completed by a referee who is a member in good standing of the legal profession in the jurisdiction in which the applicant was admitted.

I, (full name of referee) _____;
CERTIFY THAT:

1. I am a member in good standing of the _____
(Law Society or Governing Body)
2. I am well acquainted with _____
(full name of applicant)
and have personally known him or her for _____ years;
3. he or she, in my opinion, is fit to practise in Hong Kong and has the necessary active practice experience.

Provide details of the applicant's work experience including the number of years and areas of practice, his or her fitness to practise in the jurisdiction in which the applicant is qualified to practise and any other information you may think is relevant.

Date _____ Signature _____

Address: _____

Telephone: _____ Fax: _____

* To be completed where the foreign firm with which the applicant will establish is not a branch of a firm whose principal place of business is outside Hong Kong.

THE LAW SOCIETY OF HONG KONG

REGISTERED FOREIGN LAWYER

SECOND REFERENCE*

This letter must be completed by a referee who satisfies either one of the following:

- (a) a member in good standing of the Law Society of Hong Kong; or
- (b) a member in good standing of the legal profession in the jurisdiction in which the applicant was admitted; or
- (c) a member of the judiciary in the jurisdictions specified in (a) or (b)

I, (full name of referee) _____;

CERTIFY THAT:

1. I am a member in good standing of the _____ /
(Law Society or Governing Body)
I am a member of the judiciary of _____
(jurisdiction)
2. I am well acquainted with _____
(full name of applicant)
and have personally known him or her for _____ years;
3. he or she, in my opinion, is fit to practise in Hong Kong and has the necessary active practice experience.

Provide details of the applicant's work experience including the number of years and areas of practice, his or her fitness to practise in the jurisdiction in which the applicant is qualified to practise and any other information you may think is relevant.

_____ Date

_____ Signature

Address: _____

Telephone: _____

Fax: _____

* To be completed where the foreign firm with which the applicant will establish is not a branch of a firm whose principal place of business is outside Hong Kong.

Personal Information Collection Statement

1. Your personal data collected using this form ("the data") will be used by the Law Society for the purposes of exercising its powers under the Legal Practitioners Ordinance and its subsidiary legislation (Chapter 159) and administering or enforcing the relevant provisions of the said Ordinance and its subsidiary legislation, and for any other legitimate purposes as may be required, authorized or permitted by law.
2. The data may be disclosed to relevant government departments and related organizations and to persons in the Law Society with responsibility for carrying out the purposes mentioned in paragraph 1 above.
3. You have a right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.





THE
LAW SOCIETY
OF HONG KONG
香港律師會

百年
100th
誌慶
ANNIVERSARY

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CENTRAL · HONG KONG DX-009100 Central 1
香港中環德輔道中71號
永安集團大廈3字樓

TELEPHONE (電話): (852) 2846 0500
FACSIMILE (傳真): (852) 2845 0387
E-MAIL (電子郵件): sg@hklawsoc.org.hk
HOME PAGE (網頁): <http://www.hklawsoc.org.hk>

关于内地律师事务所来港成立分所 及内地律师来港执业的良好证明书

为符合香港法律执业者条例（第 159 章）的相关规定，现统一内地律师事务所及内地律师在申请注册时需要提交的良好证书的内容和格式，以及该等证明书的内地签发单位，详述如下：

1. 内地律师事务所申请来港成立分所，呈交香港律师会下列三样文件，内容和格式必须与下列附件所载的相同。
 - I. 中华全国律师协会的推荐函（附件一）；
 - II. 该内地律师事务所在内地所有所在地*的：
 - (1) 省级/自治区/直辖市司法厅(局) 及
 - (2) 市级司法局 分别签发的证明（附件二·一）
 - III. 该内地律师事务所在内地所有所在地*的：
 - (1) 省级/自治区/直辖市律师协会 及
 - (2) 地(市)级律师协会 分别签发的证明（附件二·二）
2. 内地律师申请来港执业，呈交香港律师会下列其中一样文件，内容和格式必须与下列附件所载的相同。
 - I. 该内地律师所在地*的：
 - (1) 省级/自治区/直辖市司法厅(局) 或
 - (2) 市级司法局 签发的证明（附件三·一）； 或
 - II. 该内地律师所在地*的：
 - (1) 省级/自治区/直辖市律师协会 或
 - (2) 地(市)级律师协会 签发的证明（附件三·二）

* 所在地包括现在及曾经营业 / 执业的地区。

附件：统一内容及格式的良好证明书样本。

香港律师会
二零零七年八月一日

附件一：由中华全国律师协会签发推荐函予内地律师事务所申请来港成立分所

中华全国律师协会专用纸张

推荐函

函号：

香港律师会：

XX 省/市 XX 律师事务所赴香港特别行政区申请设立分支机构。中华全国律师协会特予推荐。

截止此函日期，XX 律师事务所没有任何违规执业记录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和行政调查。

本推荐函有效期为：XXXX 年 XX 月 XX 日至 XXXX 年 XX 月 XX 日。

签发地 ： 北京
签发人 ： 会长
签名 ：

XXXX 年 XX 月 XX 日

附件二·一：(1) 由司法厅或司法局签发良好纪录证明予内地律师事务所【或其内地分所】作
申请来港设立分所之用

xx 省/自治区/直辖市司法厅(局) 专用纸张

证明

函号：

xx 省/市 xx 律师事务所 (执照证号：xxxx)，【是 xx 律师事
务所在 xx 省/市增设的分所】，成立于 xxxx 年 xx 月 xx 日，地址
是 xxxxxx。

截止此证明发出日期，xx 律师事务所没有任何违规执业记
录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和
行政调查。

特此证明

xx 省/自治区/直辖市司法厅(局)

加印盖章处

xxxx 年 xx 月 xx 日

附件二·一：(2) 由司法局签发良好纪录证明予内地律师事务所【或其内地分所】作申请来港
设立分所之用

xx 市司法局专用纸张

证明

函号：

xx 省/市 xx 律师事务所 (执照证号：xxxx)，【是 xx 律师事
务所在 xx 省/市增设的分所】，成立于 xxxx 年 xx 月 xx 日，地址
是 xxxxxx。

截止此证明发出日期，xx 律师事务所没有任何违规执业记
录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和
行政调查。

特此证明

xx 市司法局

加印盖章处

xxxx 年 xx 月 xx 日

附件二·二：(1) 由律师协会签发良好纪录证明予内地律师事务所【或其内地分所】作申请来港设立分所之用

xx 省级/自治区/直辖市律师协会专用纸张

证明

函号：

xx 省/市 xx 律师事务所 (执照证号：xxxx)，【是 xx 律师事
务所在 xx 省/市增设的分所】，成立于 xxxx 年 xx 月 xx 日，地址
是 xxxxxx。

截止此证明发出日期，xx 律师事务所没有任何违规执业记
录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和
行政调查。

此证明已征求过 xx 省/自治区/直辖市司法厅(局)的同意，并
备案。

特此证明

xx 省级/自治区/直辖市律师协会

加印盖章处

xxxx 年 xx 月 xx 日

附件二·二：(2) 由律师协会签发良好纪录证明予内地律师事务所【或其内地分所】作申请来港设立分所之用

XX 地(市)级律师协会专用纸张

证明

函号：

XX 省/市 XX 律师事务所 (执照证号：XXXX)，【是 XXX 律师事
务所在 XX 省/市增设的分所】，成立于 XXXX 年 XX 月 XX 日，地址
是 XXXXXX。

截止此证明发出日期，XX 律师事务所没有任何违规执业记
录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和
行政调查。

此证明已征求过 XX 市司法局同意，并备案。

特此证明

XX 地(市)级律师协会

加印盖章处

XXXX 年 XX 月 XX 日

附件三·一：(1) 由司法厅或司法局签发良好纪录证明予内地律师作申请来港执业之用

xx 省/自治区/直辖市司法厅(局)专用纸张

证明

函号：

xx 省/市 xx 律师事务所 xxx 律师〔执业证号：xxxx〕于 xxxx 年 xx 月 xx 日取得律师执业资格，xxxx 年 xx 月 xx 日取得律师执业证，【曾在 xx 省/市执业】，自 xxxx 年 xx 月 xx 日起在 xx 省/市执业。目前他/她有权在中国(内地)境内进行律师执业。

截止此证明发出日期，xxx 律师在执业期间没有任何违规执业记录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和行政调查，具有良好的政治素质和职业道德。

特此证明

xxx 省/自治区/直辖市司法厅(局)

加印盖章处

xxxx 年 xx 月 xx 日

附件三·一：(2) 由司法局签发良好纪录证明予内地律师作申请来港执业之用

XX 市司法局专用纸张

证明

函号：

XX 省/市 XX 律师事务所 XXX 律师〔执业证号：XXXX〕于 XXXX 年 XX 月 XX 日取得律师执业资格，XXXX 年 XX 月 XX 日取得律师执业证，【曾在 XX 省/市执业】，自 XXXX 年 XX 月 XX 日起在 XX 省/市执业。目前他/她有权在中国(内地)境内进行律师执业。

截止此证明发出日期，XXX 律师在执业期间没有任何违规执业记录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和行政调查，具有良好的政治素质和职业道德。

特此证明

XX 市司法局

加印盖章处

XXXX 年 XX 月 XX 日

附件三·二：(1) 由律师协会签发良好纪录证明予内地律师作申请来港执业之用

XX 省级/自治区/直辖市律师协会专用纸张

证明

函号：

XX 省/市 XX 律师事务所 XXX 律师〔执业证号：XXXX〕于 XXXX 年 XX 月 XX 日取得律师执业资格，XXXX 年 XX 月 XX 日取得律师执业证，【曾在 XX 省/市执业】，自 XXXX 年 XX 月 XX 日起在 XX 省/市执业。目前他/她有权在中国(内地)境内进行律师执业。

截止此证明发出日期，XXX 律师在执业期间没有任何违规执业记录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和行政调查，具有良好的政治素质和职业道德。

此证明已征求过 XX 省/自治区/直辖市司法厅(局)的同意，并备案。

特此证明

XX 省级/自治区/直辖市律师协会

加印盖章处

XXXX 年 XX 月 XX 日

附件三·二：(2) 由律师协会签发良好纪录证明予内地律师作申请来港执业之用

XX 地(市)律师协会专用纸张

证明

函号：

XX 省/市 XX 律师事务所 XXX 律师〔执业证号：XXXX〕于 XXXX 年 XX 月 XX 日取得律师执业资格，XXXX 年 XX 月 XX 日取得律师执业证，【曾在 XX 省/市执业】，自 XXXX 年 XX 月 XX 日起在 XX 省/市执业。目前他/她有权在中国(内地)境内进行律师执业。

截止此证明发出日期，XXX 律师在执业期间没有任何违规执业记录；未受过任何纪律和行政处分；也不涉及任何未完成的纪律和行政调查，具有良好的政治素质和职业道德。

此证明已征求过 XX 市司法局的同意，并备案。

特此证明

XX 地(市)律师协会

加印盖章处

XXXX 年 XX 月 XX 日

THE LAW SOCIETY OF HONG KONG

FOR OFFICE USE ONLY
Application No: _____
Date received: _____
Fees received: _____

APPLICATION FOR REGISTRATION AS A FOREIGN LAW FIRM

Applicant should read the "Information for Registration as a Foreign Law Firm" before completing this Form

PART A - INFORMATION ABOUT THE PROPOSED REGISTERED FOREIGN LAW FIRM

1. Proposed Name: _____
(in Chinese): _____

2. Proposed Address: _____

3. (a) Intended Date of Establishment: _____

(b) Action taken or being taken by the proposed firm to comply with the intended date of establishment referred to in (a) above. For actions being taken, please set out a timetable for their completion to cover a period not greater than 3 months from the date of application:

4. The law of the following Jurisdiction(s) will be practised by the firm:

5. All resident partners / The sole practitioner of the proposed firm:

Name (surname first)	Passport (Place of Issue & No.)	Hong Kong I.D. No. (if any)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. The proposed firm intends to employ the following registered foreign lawyers:

Name (surname first)	Passport (Place of Issue & No.)	Hong Kong I.D. No. (if any)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B - INFORMATION ABOUT THE APPLICANT (THE APPLICANT IS THE INTENDED SENIOR RESIDENT PARTNER OR THE SOLE PRACTITIONER OF THE PROPOSED FIRM)

7. Name: _____
(surname) (other name)

8. Name of Employer (if any): _____

9. Address of Employer (if any): _____

10. Correspondence Address: _____

11. Tel No.: _____ Fax No.: _____ Email Address: _____
(Please indicate if the telephone no. and fax no. are in countries other than in Hong Kong.)

PART C - QUALIFICATION FOR REGISTRATION

12. **TO BE COMPLETED IF THE PROPOSED FIRM IS A BRANCH OF AN OVERSEAS FIRM**

a. **INFORMATION ABOUT THE OVERSEAS FIRM**

i. Name of the overseas firm is: _____

- ii. Principal place of business is: _____
(Address in full) _____
- iii. No. of Partners: _____
- iv. No. of other qualified staff: _____
- v. Email Address: _____
- vi. Home Page: _____
- vii. No. of branch offices: _____
- viii. Location of each branch office: _____
(City, Country) _____
- ix. Names of the partners in the head office who will be resident partners of the proposed firm

If you answer "No" to any of the questions in this Part, full particulars should be given in a separate sheet.

	<u>Yes</u>	<u>No</u>
b. Is the overseas firm lawfully carrying on the practice of law in its foreign jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the overseas firm in good standing in every jurisdiction in which it has at any time within the past 5 years carried on the practice of law?	<input type="checkbox"/>	<input type="checkbox"/>
d. Is there at least one of the partners of the firm who intends to practise in Hong Kong who:		
i. is a partner in the overseas firm?	<input type="checkbox"/>	<input type="checkbox"/>
ii. has, at the date of the application for registration, been associated on a full-time basis with the overseas firm for the immediately preceding period of 12 months and had, during the 4 years immediately preceding the commencement of that period, been so associated with the overseas firm for an additional period of not less than 12 months? and	<input type="checkbox"/>	<input type="checkbox"/>

- | | | <u>Yes</u> | <u>No</u> |
|------|---|--------------------------|--------------------------|
| iii. | has been in the practice of the law for not less than 5 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| e. i | Will the overseas firm provide financial and logistical support to the proposed firm? | <input type="checkbox"/> | <input type="checkbox"/> |
| ii | If so, will the overseas firm advise the Law Society if the situation changes? | <input type="checkbox"/> | <input type="checkbox"/> |

Please enclose an original letter issued by the relevant Law Society or Governing Body confirming the facts in Nos.12b and c above. Please enclose an original letter issued by the overseas firm confirming the answers to Nos.12d and e above.

13. **TO BE COMPLETED IF THE PROPOSED FIRM IS NOT A BRANCH OF AN OVERSEAS FIRM**

If you answer "No" to any of the questions in this Part, full particulars should be given on a separate sheet.

- | | | <u>Yes</u> | <u>No</u> |
|----|--|--------------------------|--------------------------|
| a. | Is each of the partners of the firm who intends to practise in Hong Kong of good standing in the foreign jurisdiction of which he is qualified to practise the law and in every jurisdiction of which he has at any time within the past 5 years practised the law? | <input type="checkbox"/> | <input type="checkbox"/> |

Please enclose an original letter issued by the relevant Law Society or Governing Body.

- | | | | |
|----|--|--------------------------|--------------------------|
| b. | Has each of the partners who intends to practise in Hong Kong been engaged in the practise of the law of a foreign jurisdiction in which he is qualified to practise for not less than 3 years? | <input type="checkbox"/> | <input type="checkbox"/> |
| c. | Is one of the partners who intends to practise in Hong Kong of substantial reputation in the foreign jurisdiction the law of which he is qualified to practise, or in a jurisdiction of which he has practised that law during the preceding 5 years? | <input type="checkbox"/> | <input type="checkbox"/> |

Please complete the first and second references attached.

Each of the partner(s) who holds a current certificate of registration as a foreign lawyer must provide two references in the form approved by the Law Society. One of the referees must be a member in good standing of the legal profession in the jurisdiction in which the partner was admitted. The other referee must satisfy either one of the following requirements:

- (a) *a member in good standing of the Law Society of Hong Kong; or*
- (b) *a member in good standing of the legal profession in the jurisdiction in which the partner was admitted; or*

- (c) a member of the judiciary in the jurisdictions specified in the above (a) or (b).

PART D - PROFESSIONAL LIABILITY INSURANCE

14. The proposed firm will maintain a professional liability insurance policy for all the registered foreign lawyers with:

a. Name of Insurer: _____

b. Address of Insurer: _____

c. Policy No.: _____

Please enclose a certified copy of the insurance policy and complete the attached confirmation.

PART E - ACCOUNTANT'S REPORT

15. The firm's accounting period for the purpose of the Accountant's Report Rules will be:

From _____ to _____ for every year.

DECLARATION OF APPLICANT

I, _____, DO SOLEMNLY DECLARE
(full name as stated in passport)

THAT:

1. I am the applicant of this Application.
2. I wish # _____ to be registered with the Law Society of Hong Kong as a foreign law firm to practise * _____ law in Hong Kong.
3. I have personal knowledge of the information I have submitted in this Application, and confirm that the information is true, accurate and complete;

and I make this solemn declaration conscientiously believing it to be true and knowing that it has the same legal force and effect as if made under oath.

Declared before me at _____, this _____ day of _____, 20_____.
(detailed address)

Notary Public, Commissioner for Oaths, or other person
authorised by the *Oaths and Declarations Ordinance* to
take declarations

Signature of the Applicant

Name of witness: _____

- # Please insert the name of the proposed firm.
- * Please insert the jurisdiction on which this application is based.

APPLICANT'S UNDERTAKING AND AUTHORIZATION

I, _____, the applicant in this Application apply
(full name)
for registration of * _____ as a foreign law firm
in Hong Kong. On behalf of the said foreign law firm, I will submit to the jurisdiction of the Law Society of Hong Kong, and will comply with the *Legal Practitioners Ordinance*, the Law Society Rules, the Practice Directions and the Hong Kong Solicitors' Guide to Professional Conduct, I consent to permit the Law Society to make inquiries on the information contained in this form of other lawyers, solicitors, governing bodies, etc.

Date

Signature of the Applicant

- * Please insert the name of the proposed firm.

FIRST REFERENCE*

This letter must be completed by a referee who is a member in good standing of the legal profession in the jurisdiction in which the partner was admitted.

I, _____;
(full name of referee)

CERTIFY THAT:

1. I am a member in good standing of the _____
(Law Society or Governing Body)
2. I am well acquainted with _____
(full name of the partner)
and have personally known him or her for _____ years;
3. he or she, in my opinion, is fit to practise in Hong Kong and has the necessary active practice experience.

Provide details of the partner's work experience including the number of years and areas of practice, his or her fitness to practise in the jurisdiction in which the partner is qualified to practise and any other information you may think is relevant.

_____ Date

_____ Signature

Address: _____

Telephone: _____

Fax: _____

* To be completed where the foreign firm to be established is not a branch of a firm whose principal place of business is outside Hong Kong.

SECOND REFERENCE*

This letter must be completed by a referee who satisfies either one of the following:

- (a) a member in good standing of the Law Society of Hong Kong; or
- (b) a member in good standing of the legal profession in the jurisdiction in which the partner was admitted; or
- (c) a member of the judiciary of the jurisdictions specified in (a) or (b)

I, _____;
(full name of referee)

CERTIFY THAT:

1. I am a member in good standing of the _____ /
(Law Society or Governing Body)
I am a member of the judiciary of _____
(jurisdiction)

2. I am well acquainted with _____
(full name of the partner)
and have personally known him or her for _____ years;

3. he or she, in my opinion, is fit to practise in Hong Kong and has the necessary active practice experience.

Provide details of the partner's work experience including the number of years and areas of practice, his or her fitness to practise in the jurisdiction in which the partner is qualified to practise and any other information you may think is relevant.

Date

Signature

Address: _____

Telephone: _____

Fax: _____

* To be completed where the foreign firm to be established is not a branch of a firm whose principal place of business is outside Hong Kong.

CONFIRMATION

**PROFESSIONAL INDEMNITY INSURANCE
FOR REGISTERED FOREIGN LAWYERS**

We confirm that the professional indemnity insurance for _____
(Name of Firm)
_____ complies with Rule 6(1) of the Foreign Lawyers

Registration Rules, namely,

- i) the registered foreign lawyers of the firm are entitled to be indemnified for not less than HK\$10 million in respect of each and every claim (inclusive of costs) with no aggregate limit; and
- ii) indemnity is provided against loss brought about by the fraud or dishonesty of the employees of the firm or the indemnified other than that occurring as a result of recklessness or dishonesty or a fraudulent act or fraudulent omission on the part of the principal in the conduct or management of the practice.

Name of Insurance Company

Signature of the Resident Partner

Company Chop & Authorized Signature
of Insurance company

Company Chop of Foreign Law Firm

Name & Title of Authorized Signatory
of Insurance Company

Date

Encl: a complete set of the policy of insurance

Personal Information Collection Statement

1. Your personal data collected using this form ("the data") will be used by the Law Society for the purposes of exercising its powers under the Legal Practitioners Ordinance and its subsidiary legislation (Chapter 159) and administering or enforcing the relevant provisions of the said Ordinance and its subsidiary legislation, and for any other legitimate purposes as may be required, authorized or permitted by law.
2. The data may be disclosed to relevant government departments and related organizations and to persons in the Law Society with responsibility for carrying out the purposes mentioned in paragraph 1 above.
3. You have a right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

**DECLARATION AS TO
PARTICULARS RELATING TO FOREIGN LAW FIRMS**

*[This form is to be completed pursuant to Rule 9(3)
of the Foreign Lawyers Practice Rules]*

I,

(full name as on your Certificate of Registration)

solemnly and sincerely declare as follows -

1. I am engaged in practice (on my own account / in partnership and am providing this return on behalf of my partners*).

2. The name of my / our* firm is

3. The names of all the principals, foreign lawyers and consultants in my / our* firm as at 31 December 20__ are set out in Schedule 1.

4. All of the principals, foreign lawyers and consultants in my / our* firm are not principals or employees of another foreign law firm or firm of solicitors in Hong Kong, or a salaried employee of a service company in Hong Kong, except as set out in Schedule 2.

5. The particulars of every employee who has joined my / our* firm (except employees who are registered as foreign lawyers) since 1 January 20__ to 31 December 20__ are set out in Schedule 3.

6. The particulars of every employee of my / our* firm (except employees who are registered as foreign lawyers) who is not included in Schedule 3 between 1 January 20__ to 31 December 20__ are set out in Schedule 4.

7. My / our* firm engages a service company to provide staff for the firm and details of this company are set out in Schedule 5. The particulars of the employees provided by this company are included in Schedules 3 and 4.

(Delete this paragraph if inapplicable)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declaration Ordinance (Cap. 11).

Declared at Hong Kong this))
day of 20)

Before me

The Declarant

* Delete one of the alternatives.

Notes:

1. If there is not enough space in the attached Schedules, you may copy or reproduce the Schedules so long as the required information is supplied.
2. The particulars required may be given by one principal on behalf of the other principals.

SCHEDULE 5

DETAILS OF SERVICE COMPANY

Name of Service Company:

--

Directors of Service Company:

Note: If your firm engages more than one service company, details of all companies must be given.

This page and the preceding _____ pages are the Schedules referred to in the
declaration of _____ made before me at Hong Kong
this _____ day of _____ 20 ____ .

The Declarant

Commissioner for Oaths / Solicitor / Justice of the Peace.



INFORMATION FOR NEWLY REGISTERED FOREIGN LAW FIRMS

Upon registration as a foreign law firm in Hong Kong there are a number of matters to which you should pay attention. The following is a summary of some of these matters. However, this is not a substitution for a thorough understanding of the relevant sections of the Legal Practitioners Ordinance and in particular the Foreign Lawyers Registration Rules and the Foreign Lawyers Practice Rules.

The Ordinance and subsidiary legislation are contained within The Hong Kong Solicitors' Guide to Professional Conduct (Volume 2), details for the collection of which are contained below. Alternatively the Ordinance and legislation are available from the Government Publications Office.

1. NOTIFICATION TO THE SOCIETY

You are required to notify the Society of office and staff details regarding your firm. The following forms are enclosed for this purpose:

- (i) "Notification of Establishment of Place of Business in Hong Kong by a Registered Foreign Law Firm" [Form 9(1) & 9(1A)];
- (ii) "Notification of Changes Relating to Non-Registered Employees in a Foreign Law Firm" [Form 9(2)(b)]; and
- (iii) "Notification of Changes Relating to Particulars in an Application for Registration as Foreign Firm" [Form 9(2)(a)].

You should complete and return to the Society the form in (i) above **within 14 days of the establishment of a place of business in Hong Kong**. Under s.39(B)(2) of the Ordinance, you must establish a place of business in Hong Kong **within 2 months from the date of your registration, or the Society may cancel the registration**.

You should complete and return to the Society the form in (ii) above when there are any changes to non-registered employees recruited by your firm. Non-Registered employees include all staff who are not registered as foreign lawyers such as secretaries, couriers, consultants etc.

You should complete and return to the Society the form in (iii) above when there are any change in relation to particulars for registration as a foreign law firm, such as information of the firm (including firm's name, address, etc. and partners/foreign lawyers), professional liability insurance, accountant's reports and other changes.

The forms in (ii) and (iii) above should also be completed and returned **within 14 days of any further changes thereafter**.

These notifications may be photo-copied or reproduced so long as the required information is supplied, and one principal may sign on behalf of all principals. If you are a branch of an overseas firm these forms apply only to the Hong Kong branch.

2. OFFICE STATIONERY

All foreign law firms should ensure that their business letters comply with Rule 5 of the Foreign Lawyers Practice Rules and that their employee name cards comply with Rule 8(3) of the Foreign Lawyers Practice Rules. Any questions concerning these matters may be directed to the Assistant Director, Regulation & Guidance.

3. PROFESSIONAL LIABILITY INSURANCE

Under Rule 6(1) of the Foreign Lawyers Registration Rules, a certificate of registration as a foreign lawyer is subject at all times to the condition that the lawyer will be covered by an approved policy of insurance, or the registration may be suspended.

The Council of the Law Society has resolved that the minimum requirements for insurance coverage for foreign lawyers is HK\$10 million each and every claim (inclusive of costs) with no limit in aggregate.

You should notify the Society immediately, by completing the notification in 1.(iii), of any changes in your firm's insurance policy, including the renewal of the insurance coverage.

4. ACCOUNTANT'S REPORTS

Under Rule 12 and the Schedule to the Foreign Lawyers Practice Rules, the Accountant's Report Rules and the Solicitors Accounts Rules are also applicable to foreign lawyers and foreign law firms.

The amended Accountant's Report Rules came into effect on 1st January 1996. New statutory forms have been prescribed and each firm need only submit one accountant's report on behalf of all partners.

All firms which handle, hold or receive client's money must deliver an accountant's reports once in every 12 month period, ending on 31st October each year. The report is due within 6 months of the end of the accounting period used by your firm or 31st October (of the year in which the accounting period ends), whichever is the earlier.

If your firm does not handle, hold or receive client's money, the Rules require that the senior resident partner must prepare a statutory declaration to that effect to be delivered within the period specified above in lieu of an accountant's report.

5. DECLARATION AS TO PARTICULARS RELATING TO FOREIGN LAW FIRMS

All firms must deliver an employees return for each calendar year under Rule 9(3) of the Foreign Lawyers Practice Rules. The return should list details of all principals, foreign lawyers and all non-registered staff. It is similar to the notification in 1.(ii) above and is due on 31st January each year.

A form will be sent to you in early December each year. You must complete the form regardless of when your firm established its office in Hong Kong.

6. RENEWAL OF REGISTRATIONS

Certificates of Registration as a Foreign Lawyer and as a Foreign Law Firm expire on 30th June each year. You must maintain current Certificates of Registration or you may be subject to the penalties under s.50B of the Ordinance.

Applications for renewal of registration should be lodged with the Society on or before **15th May in the year** in which the certificate expires or within such other period as required by the Society upon receipt of the application forms for renewal.

The application forms for renewal of registration will be sent to each registered foreign lawyer in April each year.

7. SOCIETY'S SERVICES TO FOREIGN LAW FIRMS

As a registered foreign law firm in Hong Kong, the following items will be available for collection from the reception of the Law Society upon production of the firm's chop or a partner's signature (if they have not been collected):

- (a) A copy of "The Hong Kong Solicitors' Guide to Professional Conduct" (Volumes 1 and 2); and
- (b) A copy of the annual Law List for each registered foreign lawyer.

In addition, the Society's weekly circulars which provide particulars of rule changes, practice directions and other miscellaneous professional information will be sent to your designated email account with Peernet every Monday. Please refer to the Circular 00-383 (PA) for more details.

Your firm's name, address, telephone and fax numbers, and list of registered foreign lawyers will be included in the Law List, other relevant Society publications, and will be available upon request by the public. You should therefore ensure that these details are kept current with the Society at all times using the notifications in 1 above.



Establishing a Foreign Law Firm in Hong Kong

Registration as a Foreign Law Firm

1. **Together with FORM.FF makes up the information package for foreign law firms**
 - The information package
 - The application form (Form FF)
2. **Information for Registration as a Foreign Lawyer**
 - The information package and the application form (Form FL)
3. **Standardization of Forms Applicable to Mainland China Law Firms**
 - The form (Chinese)
4. **Arrangements on Death of Sole Principal**
 - Circular 00-128(SD)
 - "Particulars Relating to Sole Practitioner - Foreign Firm"
5. **Information for Newly Registered Foreign Law Firms**

A brief summary of some things a foreign law firm should be aware of and distributed to all newly registered foreign law firms

 - The information

Registration of an Association between a Local Law Firm and a Registered Foreign Law Firm

1. The information package and the application form



THE

LAW SOCIETY
OF HONG KONG

香港律師會

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香港中環德輔道中71號
永安集團大廈3字樓

Index Reference:

Legal Practitioners Ordinance,
~~Practice Directions & Rules~~

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CIRCULAR 00-128 (SD)

2 May 2000

ARRANGEMENTS ON DEATH OF SOLE PRINCIPAL

Forthcoming Amendments to Solicitors' Practice Rules and Foreign Lawyers' Practice Rules

1. Principle 2.06 of Volume 1 of "The Hong Kong Solicitors' Guide to Professional Conduct" provides as follows:

"2.06 Arrangements on death of sole principal

A sole principal must make a will containing provisions for the running of his practice after his death.

Commentary

1. Although it is not essential for him to appoint a solicitor as an executor, if he does, this will greatly facilitate the conduct of his practice after his death.
 2. In any event, clear instructions should be left by the sole practitioner to ensure that his executors are able to make arrangements immediately after his death for the continuance of his practice by a solicitor of sufficient seniority, pending the disposal of the practice.
 3. A personal representative of a deceased solicitor has no power to sign cheques on the client accounts of the deceased sole practitioner. This power is vested in the Council under section 4, Schedule 2 of the Legal Practitioners Ordinance.
 4. The Council has power to control a deceased solicitor's practice in certain circumstances: see section 26B of the Legal Practitioners Ordinance."
2. Amendments to the Solicitors' Practice Rules and the Foreign Lawyers Practice Rules are anticipated to come into effect on 1 September 2000. The amendments will, respectively, require "sole practitioner solicitors" and "sole practitioner foreign lawyers" (see paragraphs 4 and 5 below) to provide information to the Law Society regarding the location of their wills and the identity and contact details of their executors and the solicitors or foreign lawyers appointed to manage their practices.
 3. The purpose of the amendments is to avoid a situation where a sole practitioner dies without having appointed a solicitor (or foreign lawyer, as the case may be) to run his practice until its disposal, so that the Council is faced with the prospect of have to intervene into that practice. Interventions are costly and the costs would have to be met by the beneficiaries of the estate.

4. New rule 5AA of the Solicitors' Practice Rules will apply to "sole practitioners", defined as solicitors practising in their own name or under a firm name, as the sole proprietor of the firm. The following categories of solicitors will come within the ambit of the new rule:
 - (a) sole practitioners practising on their own account;
 - (b) sole principals who employ assistant solicitors and/or engage consultants; and
 - (c) solicitors who practise in a partnership in which they have one or more non-equity partners, but in which they are the sole principal, because in the event of death of the sole principal, there would be no other surviving equity partner/s of the firm with full financial and supervisory control of the practice.

5. New rule 9A of the Foreign Lawyers Practice Rules will apply to "sole practitioner foreign lawyers", defined as foreign lawyers practising in their own name or under a firm name, as the sole proprietor of the foreign firm. The rule will not apply to a sole practitioner foreign lawyer of a foreign firm which is registered with the Law Society as a branch office of an overseas firm.

6. Every sole practitioner, or sole practitioner foreign lawyer, to whom the new rules will apply will be required to advise the Law Society, and inform the Society of any changes within 14 days, of the following particulars:
 - (a) the name, address, telephone number, fax number, telex number and DX number, where appropriate, of:
 - (i) the solicitor who holds an unconditional practising certificate, or the foreign lawyer who holds an unconditional certificate of registration, who has given his consent to his appointment to manage the practice of the sole practitioner, or the sole practitioner foreign lawyer, after his death, pending the disposal or cessation of that practice; and
 - (ii) the executors of the will containing the testamentary provision which provides for the management of his practice after his death; and
 - (b) if the will has been lodged with a third party, the name and address of that party.

7. The records of the Law Society are maintained on a confidential basis.

8. When the new rules come into effect the Law Society will issue a form to enable the necessary particulars to be provided to the Society within 14 days. Sole practitioners and sole practitioner foreign lawyers who will be affected by the new rules should therefore ensure that they are able to provide the necessary particulars to the Law Society within 14 days of the commencement of the new rules.

Any enquiries can be directed to the Assistant Director, Regulation and Guidance on 2846-0503.

PARTICULARS RELATING TO SOLE PRACTITIONER — FOREIGN FIRM

[Please put all information as required or put "not applicable"]

1. Name of sole practitioner

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2. Name of firm

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3. Details of the executor(s) of the will which contains the testamentary provision which provides for the management of my practice as a sole practitioner after my death.

Full Name (English & Chinese, if applicable)	Address	Telephone No	Fax No	Telex No	DX No

4. Details of the foreign lawyer holding an unconditional certificate of registration who has consented to manage my practice after my death, pending disposal or cessation of that practice.

Full Name (English & Chinese if applicable)	Address	Telephone No.	Fax No.	FTELEX No.	DX No.

5. Details of where the will containing the testamentary provision which provides for the management of my practice as a sole practitioner is lodged.

Name	Address

6. Signature of principal:

(Print your name clearly underneath your signature)

Date: _____