

《大律師 (高級法律進修規定) 規則》
(第 159 章，附屬法例 AB)

Barristers (Advanced Legal Education Requirement) Rules
(Cap. 159 sub. leg. AB)

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制定史

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《大律師 (高級法律進修規定) 規則》

(第 159 章，附屬法例 AB)

目錄

條次		頁次
1.	(已失時效而略去)	1
2.	釋義	1
3.	高級法律進修計劃	3
4.	完成進修計劃的規定	5
5.	實習大律師須備存紀錄及呈交資料	7
6.	就於實習期前開始修讀的課程授予學分	7
7.	沒有參與和完成進修計劃的後果	7
8.	豁免	9
9.	修讀紀錄	9
10.	覆核	11
11.	適用範圍	11

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Contents

Section	Page
1. (Omitted as spent)	2
2. Interpretation	2
3. Advanced Legal Education Programme	4
4. Requirements for completing Programme	6
5. Pupil to keep record and submit information	8
6. Accreditation of courses begun before pupillage	8
7. Consequence of failure to undertake and complete Programme	8
8. Exemptions	10
9. Attendance record	10
10. Review	12
11. Application	12

《大律師 (高級法律進修規定) 規則》

(第 159 章第 72AA 條)

(略去制定語式條文——2019 年第 2 號編輯修訂紀錄)

[2003 年 3 月 28 日] 2003 年第 91 號法律公告

(格式變更——2019 年第 2 號編輯修訂紀錄)

1. (已失時效而略去——2019 年第 2 號編輯修訂紀錄)

2. 釋義

在本規則中，除文意另有所指外——

具限定範圍的執業證書 (limited practising certificate) 指執委會根據本條例第 30 條向根據本條例第 31(2) 條合資格在限定範圍內執業為大律師的人發出的證書；**符合資格為實習大律師證明書** (certificate of eligibility for pupillage) 指《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) 所指的符合資格為實習大律師證明書；**進修計劃** (Programme) 指第 3 條所提述的高級法律進修計劃；**進修課程** (ALE course) 指——

- (a) 由執委會根據第 3(2)(a) 條提供的課程；
- (b) 由獲授權人依據第 3(2)(b) 條所指的授權而提供的課程；
- (c) 由任何人按照第 3(2)(c) 條所指的批准而提供的課程；

進修學分 (ALE points) 指因圓滿地完成任何進修課程而授予實習大律師的學分；

Barristers (Advanced Legal Education Requirement) Rules

(Cap. 159, section 72AA)

(Enacting provision omitted—E.R. 2 of 2019)

[28 March 2003] L.N. 91 of 2003

(Format changes—E.R. 2 of 2019)

1. (Omitted as spent—E.R. 2 of 2019)

2. Interpretation

In these Rules, unless the context otherwise requires—

ALE course (進修課程) means a course provided by—

- (a) the Bar Council under section 3(2)(a);
- (b) an authorized person pursuant to an authorization under section 3(2)(b);
- (c) any person in accordance with an approval under section 3(2)(c);

ALE points (進修學分) means the points awarded to a pupil for the satisfactory completion of any ALE course;**authorized person** (獲授權人) means any person who is authorized under section 3(2)(b) to provide ALE courses;**certificate of eligibility for pupillage** (符合資格為實習大律師證明書) means a certificate of eligibility for pupillage for the purpose of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC);

實習大律師 (pupil) 指在認可實習大律師實習期內擔任實習大律師的人；

認可實習大律師實習期 (period of approved pupillage) 指《大律師 (資格) 規則》(第 159 章，附屬法例 E) 第 9 條或《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) 第 9 條所述的認可實習大律師實習期；

課程 (course) 指任何研習班、講座、研討會、課程或其他形式的教導；

獲授權人 (authorized person) 指根據第 3(2)(b) 條獲授權提供進修課程的人。

(2019 年第 2 號編輯修訂紀錄)

3. 高級法律進修計劃

- (1) 執委會須按照本規則為實習大律師設立及舉辦一項強制法律進修計劃，名為“高級法律進修計劃”。
- (2) 在設立及舉辦進修計劃時，執委會具有權力——
 - (a) 提供課程；
 - (b) 授權任何人提供課程，以及撤銷該等授權；
 - (c) 批准由任何人提供的任何課程，以及撤銷該等批准；
 - (d) 決定任何進修課程獲授予的學分數目，以及撤銷、更改或修訂該等決定；
 - (e) 指明就本規則而言如何才構成修讀任何進修課程；
 - (f) 指明修讀進修課程的實習大律師在何種情況下沒有資格獲取該課程獲授予的進修學分；
 - (g) 規定實習大律師修讀任何進修課程，

course (課程) means any workshop, lecture, seminar, course or other mode of instruction;

limited practising certificate (具限定範圍的執業證書) means a certificate issued by the Bar Council under section 30 of the Ordinance to a person who is qualified to practise as a barrister to a limited extent under section 31(2) of the Ordinance;

period of approved pupillage (認可實習大律師實習期) means the period of approved pupillage mentioned in rule 9 of the Barristers (Qualification) Rules (Cap. 159 sub. leg. E) or section 9 of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC);

Programme (進修計劃) means the Advanced Legal Education Programme referred to in section 3;

pupil (實習大律師) means a person serving a period of approved pupillage.

3. Advanced Legal Education Programme

- (1) The Bar Council shall, in accordance with these Rules, institute and organize for pupils a programme of compulsory legal education to be known as the “Advanced Legal Education Programme”. (*E.R. 2 of 2019*)
- (2) In instituting and organizing the Programme, the Bar Council shall have the power to—
 - (a) provide courses;
 - (b) authorize a person to provide courses, and revoke any such authorization;
 - (c) approve any course provided by any person, and revoke any such approval;

而執委會在行使 (b)、(c) 或 (d) 段所賦予的權力時，可施加執委會認為需要的條件。

- (3) 執委會須將完成進修計劃的規定通知申請符合資格為實習大律師證明書的每名人士，及令該規定可提供予所有在認可實習大律師實習期內擔任實習大律師的人，並須向該等人士提供關於以下事項的資料——
- (a) 在當時有效的進修計劃，包括實習大律師為完成進修計劃而必須獲取的進修學分數目和必須修讀的進修課程，以及第 5 條的規定；及
 - (b) 在進修計劃下不時提供的進修課程，包括擬提供該等課程日期以及每一課程獲授予的進修學分數目。

4. 完成進修計劃的規定

- (1) 為完成進修計劃，實習大律師必須——
- (a) 修讀根據第 3(2)(g) 條規定的進修課程；及
 - (b) 藉其修讀進修課程而獲取總共 14 個進修學分。

- (d) determine the number of points to be accredited to any ALE course, and revoke, vary or amend any such determination;
 - (e) specify what shall constitute attendance at any ALE course for the purposes of these Rules;
 - (f) specify the circumstances under which a pupil who attends an ALE course will not be entitled to be awarded the ALE points accredited to that course;
 - (g) require pupils to attend any ALE course, and in exercising any power conferred by paragraph (b), (c) or (d), the Bar Council may impose such conditions as it considers necessary.
- (3) The Bar Council shall inform every person applying for a certificate of eligibility for pupillage, and make available to all pupils undergoing a period of approved pupillage, of the requirement to complete the Programme and shall provide such person with information regarding—
- (a) the Programme as in force at that time, including the number of ALE points which a pupil must obtain and the ALE courses which a pupil must attend to complete the Programme, and the requirements under section 5; and
 - (b) the ALE courses being offered from time to time under the Programme, including the dates on which such courses are intended to be offered and the number of ALE points accredited to each such course.

4. Requirements for completing Programme

- (1) In order to complete the Programme, a pupil must—
- (a) attend such ALE courses as may be required under section 3(2)(g); and

- (2) 除第 6 條另有規定外，實習大律師必須在其認可實習大律師實習期內開始和完成進修計劃。

5. 實習大律師須備存紀錄及呈交資料

- (1) 實習大律師必須以執委會認可的格式，就他所修讀的所有進修課程備存紀錄。
- (2) 實習大律師須以執委會認為需要的方式並在執委會指明的期間內，向執委會呈交該等紀錄和執委會認為需要的關乎他參加進修計劃的其他資料。

6. 就於實習期前開始修讀的課程授予學分

- (1) 如任何實習大律師在開始其認可實習大律師實習期前，已修讀任何性質與進修課程類似的課程，則他可向執委會提出就該課程授予適當數目的進修學分的書面申請，而執委會可酌情就該課程授予他適當數目的進修學分。
- (2) 如任何實習大律師在開始其認可實習大律師實習期前，已修讀任何性質與進修課程類似的課程的部分，而他在開始其認可實習大律師實習期後修讀該課程餘下的部分，則他可向執委會提出就該課程授予適當數目的進修學分的書面申請，而執委會可酌情就該課程授予他適當數目的進修學分。

7. 沒有參與和完成進修計劃的後果

- (1) 凡實習大律師沒有按照本規則參與和完成進修計劃，執

- (b) obtain a total of 14 ALE points by his attendance at ALE courses.

- (2) Except as provided in section 6, a pupil must both begin and complete the Programme within his period of approved pupillage.

5. Pupil to keep record and submit information

- (1) A pupil must keep a record in a form approved by the Bar Council of all the ALE courses he has attended.
- (2) A pupil shall submit to the Bar Council the record and such other information relating to his participation in the Programme in such manner and within such period as the Bar Council considers necessary.

6. Accreditation of courses begun before pupillage

- (1) If a pupil has before the commencement of his period of approved pupillage attended any course that is similar in nature to an ALE course he may, on application in writing to the Bar Council and at the discretion of the Bar Council, be awarded with an appropriate number of ALE points in respect of the course.
- (2) If after the commencement of his period of approved pupillage a pupil attends the remainder of any course that he had attended in part before commencing his period of approved pupillage, being a course that is similar in nature to an ALE course, he may, on application in writing to the Bar Council and at the discretion of the Bar Council, be awarded with an appropriate number of ALE points in respect of the course.

7. Consequence of failure to undertake and complete Programme

- (1) Where a pupil has failed to undertake and complete the

委會可 ——

- (a) 拒絕將他所持有的任何具限定範圍的執業證書的有效期限延長至他的認可實習大律師實習期終結之後；
 - (b) 拒絕向他發出新的具限定範圍的執業證書；及
 - (c) 押後向他發出執業證書，直至他已完成進修計劃為止。
- (2) 凡實習大律師已按照本規則完成進修計劃，執委會須向他發出證明他已完成進修計劃的證書。

8. 豁免

- (1) 凡實習大律師的認可實習大律師實習期已根據《大律師 (資格) 規則》(第 159 章，附屬法例 E) 第 10 或 12 條或《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) 第 16 條獲扣減，執委會可應他作出的書面申請，豁免他使他無須遵從第 4 或 5 條所訂的任何或全部規定。
- (2) 執委會如應任何實習大律師作出的書面申請而信納豁免他使他無須遵從第 4 或 5 條所訂的任何或全部規定屬公正合理，可批予該項豁免。
- (3) 執委會如根據第 (1) 或 (2) 款批予豁免，可施加執委會認為需要的條件。

9. 修讀紀錄

- (1) 獲授權人及提供執委會根據第 3(2)(c) 條批准的課程的任何人須按照執委會所發出的指引，為每名修讀有關進修課程的實習大律師保留修讀紀錄。

Programme in accordance with these Rules, the Bar Council may—

- (a) refuse to extend the validity of any limited practising certificate beyond the end of the pupil's period of approved pupillage;
 - (b) refuse to issue a new limited practising certificate; and
 - (c) defer issuing a practising certificate until such time as the pupil has completed the Programme.
- (2) Where a pupil has completed the Programme in accordance with these Rules, the Bar Council shall issue to the pupil a certificate to that effect.

8. Exemptions

- (1) Where the period of approved pupillage of a pupil has been reduced under rule 10 or 12 of the Barristers (Qualification) Rules (Cap. 159 sub. leg. E) or section 16 of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC), the Bar Council may, on application by the pupil in writing, exempt the pupil from any or all of the requirements under section 4 or 5.
- (2) The Bar Council may, on application by a pupil in writing, exempt the pupil from any or all of the requirements under section 4 or 5 if it is satisfied that it is fair and reasonable to grant the exemption.
- (3) Where exemption is granted under subsection (1) or (2), the Bar Council may impose such conditions as it considers necessary.

9. Attendance record

- (1) An authorized person and any person who provides a course approved by the Bar Council under section 3(2)(c) shall, in accordance with guidelines issued by the Bar Council, retain

- (2) 執委會可規定獲授權人及提供執委會根據第 3(2)(c) 條批准的課程的任何人，在任何實習大律師修讀有關進修課程後的一段合理期間內，向執委會提交該實習大律師的修讀紀錄。

10. 覆核

- (1) 對由執委會根據第 3、4、5、6、7、8 或 9 條就進修計劃的實施所作出的決定感到受屈的人，可在獲悉該決定後 1 個月內，以書面向執委會申請覆核該決定。
- (2) 執委會須考慮有關申請，並可確認或更改執委會所作出的有關決定。

11. 適用範圍

本規則適用於在本規則生效日期 * 當日或其後開始其認可實習大律師實習期的實習大律師。

編輯附註：

* 生效日期：2003 年 3 月 28 日。

an attendance record of each pupil who has attended the ALE course.

- (2) The Bar Council may require an authorized person and any person who provides a course approved by the Bar Council under section 3(2)(c) to produce the attendance record of a pupil to the Bar Council within a reasonable period after the pupil has attended the ALE course.

10. Review

- (1) A person aggrieved by a decision made by the Bar Council under section 3, 4, 5, 6, 7, 8 or 9 in respect of the operation of the Programme may apply in writing to the Bar Council for a review of the decision within 1 month after being informed of the decision.
- (2) The Bar Council shall consider the application and may confirm or vary its decision.

11. Application

These Rules apply to pupils who commence their period of approved pupillage on or after the date when these Rules enter into force*.

Editorial Note:

* Commencement date: 28 March 2003.