

《海外律師 ( 認許資格 ) 規則》  
( 第 159 章，附屬法例 Q)

**Overseas Lawyers (Qualification for Admission) Rules**  
(Cap. 159 sub. leg. Q)

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### 制定史

本為 1994 年第 467 號法律公告 —— 1995 年第 524 號法律公告，1996 年第 (C)79 號法律公告 ( 中文真確本 )，1997 年第 21 號法律公告，1998 年第 23 號，1998 年第 25 號，1999 年第 325 號法律公告，2010 年第 2 號，2014 年第 57 號法律公告，2015 年第 1 號編輯修訂紀錄

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## 《海外律師 ( 認許資格 ) 規則》

## ( 第 159 章，附屬法例 Q)

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## Overseas Lawyers (Qualification for Admission) Rules

## (Cap. 159 sub. leg. Q)

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## 《海外律師（認許資格）規則》

(第 159 章第 73 條)

(略去制定語式條文——2015 年第 1 號編輯修訂紀錄)

[1994 年 8 月 12 日]

(格式變更——2015 年第 1 號編輯修訂紀錄)

## 1. 釋義

在本規則中——

**申請人** (applicant) 指根據本條例第 4(1)(b) 條謀求認許為律師的人；(2014 年第 57 號法律公告)**考試** (Examination) 指海外律師資格考試，該考試是對應考人在本規則所指明的科目的能力的評核，並以本規則所指明的方式評核；**非普通法司法管轄區** (non-common law jurisdiction) 指一個並非普通法司法管轄區的司法管轄區；(2010 年第 2 號第 10 條)**海外律師** (overseas lawyer) 指有權從事一個外地司法管轄區的法律執業的人；(1998 年第 23 號第 2 條)**獲認許的司法管轄區** (jurisdiction of admission) 就任何海外律師而言，指該海外律師有權從事某外地司法管轄區的法律執業的該外地司法管轄區。(1998 年第 23 號第 2 條)

(2010 年第 2 號第 10 條)

## 2. 根據本條例第 4(1)(b) 條獲認許的一般資格

任何人如——

## Overseas Lawyers (Qualification for Admission) Rules

(Cap. 159, section 73)

(Enacting provision omitted—E.R. 1 of 2015)

[12 August 1994]

(Format changes—E.R. 1 of 2015)

## 1. Interpretation

In these Rules—

**applicant** (申請人) means a person who seeks admission as a solicitor under section 4(1)(b) of the Ordinance; (L.N. 57 of 2014)**Examination** (考試) means the Overseas Lawyers Qualification Examination which is an assessment of competence in the subjects specified, assessed in the manner specified, in these Rules;**jurisdiction of admission** (獲認許的司法管轄區) means, in relation to an overseas lawyer, the foreign jurisdiction the law of which the overseas lawyer is entitled to practise;**non-common law jurisdiction** (非普通法司法管轄區) means a jurisdiction that is not a common law jurisdiction; (2 of 2010 s. 10)**overseas lawyer** (海外律師) means a person entitled to practise the law of a foreign jurisdiction.

(2 of 2010 s. 10)

## 2. General qualifications for admission under section 4(1)(b) of the Ordinance

- (a) 是海外律師；
  - (b) 在該人獲認許的每個司法管轄區內，均有良好聲譽；及 (2014 年第 57 號法律公告)
  - (c) 符合本規則第 4 或 5 條所指明的規定，
- 即有資格根據本條例第 4(1)(b) 條獲認許為律師。

### 3. 如申請人看來合資格律師會須發出證明書

- (1) 申請人須向律師會提供律師會要求的證據，以顯示他是看來合資格按照本規則獲認許的人，但就須在考試的任何部分考取合格的任何規定則除外。 (2014 年第 57 號法律公告)
- (2) 除第 (2A) 款另有規定外，律師會如信納申請人看來是如此合資格的，須發出一張證明書，其內容說明根據本規則申請人需要在考試中考取合格的科目。 (1999 年第 325 號法律公告；2014 年第 57 號法律公告)
- (2A) 如申請人 ——
  - (a) 正被律師會根據第 10(1)(a) 或 (1A)(a) 條禁止參加考試；或
  - (b) 先前已根據第 (2) 款獲發證明書，但該證明書已根據第 10(1)(b) 或 (1A)(b) 條被撤銷，
 則律師會可拒絕根據第 (2) 款發出證明書。 (1999 年第 325 號法律公告)
- (3) 根據第 (2) 款發出的證明書，由律師會發出的日期起計，須保持有效 12 個月，除非律師會另有決定或該證明書在該段期間屆滿前根據第 10 條被撤銷。 (1995 年第 524 號法律公告)
- (4) 沒有持有根據第 (2) 款發出的現行證明書的申請人，不可參加考試。 (2014 年第 57 號法律公告)

A person is qualified for admission as a solicitor under section 4(1)(b) of the Ordinance if—

- (a) he is an overseas lawyer;
- (b) he is a person of good standing in each jurisdiction in which he has been admitted; and (L.N. 57 of 2014)
- (c) he satisfies the requirements specified in section 4 or 5 of these Rules.

### 3. Society to issue certificate if applicant appears to be qualified

- (1) An applicant must provide to the Society such evidence as the Society may require showing that he is a person who appears to be qualified for admission in accordance with these Rules except as regards any requirement to have passed any part of the Examination. (L.N. 57 of 2014)
- (2) Subject to subsection (2A), if the Society is satisfied that an applicant appears to be so qualified it must issue a certificate to that effect stating any subjects in the Examination which the applicant is required to pass under these Rules. (L.N. 325 of 1999)
- (2A) The Society may refuse to issue a certificate under subsection (2) where the applicant—
  - (a) is subject to a prohibition from attempting the Examination under section 10(1)(a) or (1A)(a); or
  - (b) has previously been issued a certificate under subsection (2) and that certificate has been revoked by the Society under section 10(1)(b) or (1A)(b). (L.N. 325 of 1999)
- (3) A certificate issued under subsection (2) shall remain current for 12 months from the date of its issue by the Society, unless the Society determines otherwise or the certificate is revoked before the expiry of that period under section 10. (L.N. 524 of 1995)

- (5) 凡根據第 (3) 款申請延長根據第 (2) 款發出的證明書的有效期間，該申請須連同訂明費用。（1997 年第 21 號法律公告）

#### 4. 對來自普通法司法管轄區的申請人的規定

- (1) 為施行第 2(c) 條，除律師會另有決定外，任何申請人的獲認許的司法管轄區是一個普通法司法管轄區，而該申請人已具備不少於 5 年從事任何普通法司法管轄區的法律執業的經驗，該申請人須——（2014 年第 57 號法律公告）
- (a) 已完成——
- (i) 在某普通法司法管轄區取得的法律學士學位；或
  - (ii) 一項達致某資格的研修課程，而該資格是實質上相等於由一間香港大專院校所頒授的資格，再加上相等於香港大學香港法律專業共同試證書的考試；或
  - (iii) 作為實習律師或見習律師的期間不少於 5 年，而申請人在該過程中，或除在該過程外，另須已完成合約法、侵權法、財產法、刑事法、衡平法，以及憲制與行政法的課程，或實質上類似的科目或範圍，或須已有合約法、侵權法、財產法、刑事法、衡平法，以及憲制與行政法，或實質上類似科目或範圍的實際經驗；或
- (b) 實質上已完成 (a) 段指明的規定項目，並已在律師會為個別個案而規定的其他考試中考取合格，並須在考試中的第 7(1)(a)(i)、(iii)、(iv) 及 (v) 條所提述的科目考取合格。

- (4) An applicant who does not hold a current certificate issued under subsection (2) may not take the Examination. (L.N. 57 of 2014)
- (5) An application under subsection (3) for extension of the validity period of the certificate issued under subsection (2) shall be accompanied by the prescribed fee. (L.N. 21 of 1997)

#### 4. Requirements for applicant from common law jurisdiction

- (1) For the purpose of section 2(c), unless the Society otherwise determines, an applicant whose jurisdiction of admission is a common law jurisdiction and who has had not less than 5 years of experience in the practice of the law of any common law jurisdiction must have— (L.N. 57 of 2014)
- (a) completed—
- (i) a bachelor's degree in law obtained from a common law jurisdiction; or
  - (ii) a course of study leading to a qualification which is substantially equivalent to that granted by a Hong Kong tertiary institution and in addition an examination equivalent to the Common Professional Examination Certificate of the University of Hong Kong; or
  - (iii) a period of not less than 5 years as a trainee solicitor or articled clerk, in the course of which, or in addition to which, the applicant must have completed courses in, or had practical experience in, Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law or substantially similar subjects or areas; or



- (2) 為施行第 2(c) 條，除律師會另有決定外，任何申請人的獲認許的司法管轄區是一個普通法司法管轄區，而該申請人具備少於 5 年從事任何普通法司法管轄區的法律執業的經驗，該申請人須 —— (2014 年第 57 號法律公告)
- (a) 符合第 (1)(a) 款 ( 第 (iii) 節除外 ) 或第 (1)(b) 款所指明之規定；
- (b) 符合以下其他規定中的任何一項，即 ——
- (i) 申請人已完成在其獲認許的司法管轄區內獲認許所需的、作為實習律師或見習律師的服務，或如此獲認許所需的、律師會接納為可代替該等服務的法律實務訓練課程，而該服務或課程為期不少於 2 年；
- (ii) 申請人具備不少於 2 年的、在獲認許後在其獲認許的司法管轄區內從事法律執業 ( 擔任實習大律師除外 ) 的經驗；或
- (iii) 申請人 ——
- (A) 已完成在其獲認許的司法管轄區內獲認許所需的、作為實習律師或見習律師的服務，或如此獲認許所需的、律師會接納為可代替該等服務的法律實務訓練課程，而該服務或課程為期少於 2 年；及
- (B) 具備在獲認許後，在其獲認許的司法管轄區內從事法律執業 ( 擔任實習大律師除外 ) 的經驗，而該經驗為期少於 2 年，且該等期間合計不少於 2 年；及
- (c) 在考試中所有第 7(1)(a) 條提述的科目考取合格。(2014 年第 57 號法律公告)
- (3) 為斷定第 (1) 及 (2) 款所指的、申請人從事任何普通法司法管轄區的法律執業的經驗的為期，如申請人在緊接提出參加考試或豁免考試的申請前 10 年內 ——

- (b) substantially completed the requirements specified in paragraph (a), and passed such other examinations as the Society may require in the particular case, and must have passed the Examination in the subjects referred to in section 7(1)(a)(i), (iii), (iv) and (v).
- (2) For the purpose of section 2(c), unless the Society otherwise determines, an applicant whose jurisdiction of admission is a common law jurisdiction and who has had less than 5 years of experience in the practice of the law of any common law jurisdiction must have— (L.N. 57 of 2014)
- (a) satisfied the requirements specified in subsection (1)(a) (except subparagraph (iii)) or subsection (1)(b);
- (b) satisfied any one of the following further requirements, that is to say— (L.N. 57 of 2014)
- (i) the applicant has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is not less than 2 years;
- (ii) the applicant has had not less than 2 years of post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission; or
- (iii) the applicant—
- (A) has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is less than 2 years; and

- (a) 已完成在該申請人獲認許的司法管轄區內獲認許所需的、作為實習律師、見習律師或實習大律師的服務，或如此獲認許所需的、律師會接納為可代替該等服務的法律實務訓練課程；
- (b) 以從事任何普通法司法管轄區的法律執業的律師的身分，向公眾人士提供法律服務；或
- (c) 以從事任何普通法司法管轄區的法律執業的律師的身分，向公眾人士以外的服務對象提供法律服務，而律師會認為該等服務的性質與 (b) 段所指的服務相若，

則任何如此完成的服務或訓練或如此提供的服務，均須視為從事任何普通法司法管轄區的法律執業的經驗。(2014 年第 57 號法律公告)

- (4) 為斷定第 (2)(b)(ii) 或 (iii)(B) 款所指的、申請人在獲認許後在其獲認許的司法管轄區內從事法律執業的經驗的為期，如申請人在緊接提出參加考試的申請前 10 年內——
  - (a) 以從事該司法管轄區的法律執業的律師的身分，向公眾人士提供法律服務；或
  - (b) 以從事該司法管轄區的法律執業的律師的身分，向公眾人士以外的服務對象提供法律服務，而律師會認為該等服務的性質與 (a) 段所指的服務相若，

則任何如此提供的服務，均須視為該申請人在獲認許後，在其獲認許的司法管轄區內從事法律執業的經驗。(2014 年第 57 號法律公告)

(1999 年第 325 號法律公告；2014 年第 57 號法律公告)

- (B) has had post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission, the period of which is less than 2 years, and the aggregate of those periods is not less than 2 years; and
- (c) passed the Examination in all the subjects referred to in section 7(1)(a). (*L.N. 57 of 2014*)
- (3) For the purpose of determining the length of an applicant's experience in the practice of the law of any common law jurisdiction under subsections (1) and (2), if an applicant has, during the 10 years immediately preceding an application for taking the Examination or for exemption from taking the Examination—
  - (a) completed service as a trainee solicitor, articled clerk or pupil, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission;
  - (b) provided legal services to the public in the capacity of a lawyer practising the law of any common law jurisdiction; or
  - (c) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of any common law jurisdiction, the nature of which is regarded by the Society as being similar to those under paragraph (b),
 any service or training so completed or any services so provided are to be treated as experience in the practice of the law of any common law jurisdiction. (*L.N. 57 of 2014*)
- (4) For the purpose of determining the length of an applicant's post-admission experience in the practice of the law of



**5. 對來自非普通法司法管轄區的申請人的規定**

- (1) 為施行第 2(c) 條，除律師會另有決定外，任何申請人的獲認許的司法管轄區是一個非普通法司法管轄區，而該申請人已具備不少於 5 年從事任何非普通法司法管轄區的法律執業的經驗，該申請人須 —— (2014 年第 57 號法律公告)
- (a) 在考試中的所有筆試科目考取合格；及
- (b) 在考試中的普通法原則的口試科目考取合格。
- (2) 為施行第 2(c) 條，除律師會另有決定外，任何申請人的獲認許的司法管轄區是一個非普通法司法管轄區，而該申請人具備少於 5 年從事任何非普通法司法管轄區的法律執業的經驗，該申請人須 —— (2014 年第 57 號法律公告)

the applicant's jurisdiction of admission under subsection (2)(b)(ii) or (iii)(B), if the applicant has, during the 10 years immediately preceding an application for taking the Examination—

- (a) provided legal services to the public in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission; or
- (b) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission, the nature of which is regarded by the Society as being similar to those under paragraph (a),

any services so provided are to be treated as post-admission experience in the practice of the law of the applicant's jurisdiction of admission. (*L.N. 57 of 2014*)

(*L.N. 325 of 1999; L.N. 57 of 2014*)

**5. Requirements for applicant from non-common law jurisdiction**

- (1) For the purpose of section 2(c), unless the Society otherwise determines, an applicant whose jurisdiction of admission is a non-common law jurisdiction and who has had not less than 5 years of experience in the practice of the law of any non-common law jurisdiction must have— (*L.N. 57 of 2014*)
  - (a) passed the Examination in all written subjects; and
  - (b) passed the Examination in the oral subject of Principles of Common Law.
- (2) For the purpose of section 2(c), unless the Society otherwise determines, an applicant whose jurisdiction of admission is a non-common law jurisdiction and who has had less than 5 years of experience in the practice of the law of any non-common law jurisdiction must have— (*L.N. 57 of 2014*)

- (a) 已完成一年的合約法、侵權法、財產法、刑事法、衡平法，以及憲制與行政法的全日制課程，或律師會認為性質與該課程相若的兼讀制課程；(2014 年第 57 號法律公告)
- (b) 已在以下考試考取合格，或已取得以下課程的結業證明書或圓滿結業證明書——
  - (i) 法學專業證書，以及律師會可規定的任何其他考試或課程（不論是律師會主辦或認可的）；或
  - (ii) 律師會可規定的任何其他考試或課程（不論是律師會主辦或認可的）；及 (2014 年第 57 號法律公告)
- (c) 符合以下其他規定中的任何一項，即——
  - (i) 申請人已完成在其獲認許的司法管轄區內獲認許所需的、作為實習律師或見習律師的服務，或如此獲認許所需的、律師會接納為可代替該等服務的法律實務訓練課程，而該服務或課程為期不少於 3 年；(2014 年第 57 號法律公告)
  - (ii) 申請人具備不少於 3 年的、在獲認許後在其獲認許的司法管轄區內從事法律執業（擔任實習大律師除外）的經驗；或 (2014 年第 57 號法律公告)
  - (iii) 申請人——
    - (A) 已完成在其獲認許的司法管轄區內獲認許所需的、作為實習律師或見習律師的服務，或如此獲認許所需的、律師會接納為可代替該等服務的法律實務訓練課程，而該服務或課程為期少於 3 年；及
    - (B) 具備在獲認許後，在其獲認許的司法管轄區內從事法律執業（擔任實習大律師除外）的經驗，而該經驗為期少於 3 年，

- (a) completed one year of full-time study in Contract, Torts, Property, Criminal Law, Equity and Constitutional and Administrative Law, or part-time study the nature of which is regarded by the Society as being similar to that full-time study; (L.N. 57 of 2014)
- (b) passed, or received a certificate of completion or certificate of satisfactory completion in—
  - (i) the Postgraduate Certificate in Laws and any other examination or course that the Society may require (whether set by it or approved by it); or
  - (ii) any other examination or course that the Society may require (whether set by it or approved by it); and (L.N. 57 of 2014)
- (c) satisfied any one of the following further requirements, that is to say—
  - (i) the applicant has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission, the period of which is not less than 3 years; (L.N. 57 of 2014)
  - (ii) the applicant has had not less than 3 years of post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission; or (L.N. 57 of 2014)
  - (iii) the applicant—
    - (A) has completed service as a trainee solicitor or articled clerk, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of

且該等期間合計不少於 3 年。(2014 年第 57 號法律公告)

- (3) 為斷定第 (1) 及 (2) 款所指的、申請人從事任何非普通法司法管轄區的法律執業的經驗的為期，如申請人在緊接提出參加考試或豁免考試的申請前 10 年內——

- (a) 已完成在該申請人獲認許的司法管轄區內獲認許所需的、作為實習律師、見習律師或實習大律師的服務，或如此獲認許所需的、律師會接納為可代替該等服務的法律實務訓練課程；
- (b) 以從事任何非普通法司法管轄區的法律執業的律師的身分，向公眾人士提供法律服務；或
- (c) 以從事任何非普通法司法管轄區的法律執業的律師的身分，向公眾人士以外的服務對象提供法律服務，而律師會認為該等服務的性質與 (b) 段所指的服務相若，

則任何如此完成的服務或訓練或如此提供的服務，均須視為從事任何非普通法司法管轄區的法律執業的經驗。(2014 年第 57 號法律公告)

- (4) 為斷定第 (2)(c)(ii) 或 (iii)(B) 款所指的、申請人在獲認許後在其獲認許的司法管轄區內從事法律執業的經驗的為期，如申請人在緊接提出參加考試的申請前 10 年內——

- (a) 以從事該司法管轄區的法律執業的律師的身分，向公眾人士提供法律服務；或
- (b) 以從事該司法管轄區的法律執業的律師的身分，向公眾人士以外的服務對象提供法律服務，而律師會認為該等服務的性質與 (a) 段所指的服務相若，

則任何如此提供的服務，均須視為該申請人在獲認許後，在其獲認許的司法管轄區內從事法律執業的經驗。(2014 年第 57 號法律公告)

(1999 年第 325 號法律公告)

admission, the period of which is less than 3 years; and

- (B) has had post-admission experience (other than as a pupil) in the practice of the law of the applicant's jurisdiction of admission, the period of which is less than 3 years,

and the aggregate of those periods is not less than 3 years. (L.N. 57 of 2014)

- (3) For the purpose of determining the length of an applicant's experience in the practice of the law of any non-common law jurisdiction under subsections (1) and (2), if an applicant has, during the 10 years immediately preceding an application for taking the Examination or for exemption from taking the Examination—

- (a) completed service as a trainee solicitor, articled clerk or pupil, or a course of practical legal training that the Society accepts in place of that service, as required for admission as a lawyer in the applicant's jurisdiction of admission;
- (b) provided legal services to the public in the capacity of a lawyer practising the law of any non-common law jurisdiction; or
- (c) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of any non-common law jurisdiction, the nature of which is regarded by the Society as being similar to those under paragraph (b),

any service or training so completed or any services so provided are to be treated as experience in the practice of the law of any non-common law jurisdiction. (L.N. 57 of 2014)

- (4) For the purpose of determining the length of an applicant's post-admission experience in the practice of the law of

the applicant's jurisdiction of admission under subsection (2)(c)(ii) or (iii)(B), if the applicant has, during the 10 years immediately preceding an application for taking the Examination—

- (a) provided legal services to the public in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission; or
- (b) provided legal services otherwise than to the public, in the capacity of a lawyer practising the law of the applicant's jurisdiction of admission, the nature of which is regarded by the Society as being similar to those under paragraph (a),

any services so provided are to be treated as post-admission experience in the practice of the law of the applicant's jurisdiction of admission. (*L.N. 57 of 2014*)

(*L.N. 325 of 1999*)

#### 6. 為施行第 4(1) 及 5(1) 條而須考慮的事宜

為施行第 4(1) 及 5(1) 條，律師會在決定某申請人在考試中僅須在該兩條提述的若干科目考取合格時，須——

- (a) 信納該申請人具備不少於第 4(1) 或 5(1) 條所規定的、5 年從事法律執業的經驗；及
- (b) 考慮——
  - (i) 該申請人的香港法律的實際經驗的性質及範圍；及
  - (ii) 該申請人具備的學術或其他資格。

(2014 年第 57 號法律公告)

#### 6. Matters to be taken into account for purposes of sections 4(1) and 5(1)

For the purposes of sections 4(1) and 5(1), the Society, in determining that an applicant is only required to pass the Examination in some of the subjects referred to in those sections—

- (a) must be satisfied that the applicant has had not less than 5 years of experience in the practice of law as required under section 4(1) or 5(1); and
- (b) must have regard to—
  - (i) the nature and extent of the applicant's practical experience in the law of Hong Kong; and
  - (ii) any academic or other qualifications which the applicant may have.

(*L.N. 57 of 2014*)

**7. 考試**

- (1) 考試所評核的科目如下 ——
- (a) 以筆試評核的 ——
    - (i) 物業轉易；
    - (ii) 民事及刑事法律訴訟程序；
    - (iii) 商業及公司法；
    - (iv) 帳目及專業操守；(2014 年第 57 號法律公告)
    - (v) 香港憲制法；及 (2014 年第 57 號法律公告)
  - (b) 以口試評核的普通法原則。
- (2) 考試將於律師會決定的時間舉行。

**8. 在多於一個司法管轄區獲認許的申請人**

如任何申請人是獲多於一個司法管轄區認許的海外律師，則該人可就本規則而言，選擇該等司法管轄區中的其中一個，作為其獲認許的司法管轄區。

(2014 年第 57 號法律公告)

**9. 上訴程序**

任何申請人根據第 3 條謀求律師會發出證明書，可 —— (2014 年第 57 號法律公告)

- (a) 在接獲律師會所發出由該會根據該條而作出的任何決定的通知後 1 個月內和在繳付訂明費用後，要求覆核他的申請；及 (1997 年第 21 號法律公告)

**7. The Examination**

- (1) The subjects assessed by the Examination are—
- (a) by written assessment—
    - (i) Conveyancing;
    - (ii) Civil and Criminal Procedure;
    - (iii) Commercial and Company Law;
    - (iv) Accounts and Professional Conduct; (*L.N. 57 of 2014*)
    - (v) Hong Kong Constitutional Law; and (*L.N. 57 of 2014*)
  - (b) by oral assessment, Principles of Common Law.
- (2) The Examination will be held at such times as the Society may determine.

**8. Applicants admitted in more than one jurisdiction**

If an applicant is an overseas lawyer in respect of more than one jurisdiction, the applicant may, for the purposes of these Rules, elect any one of those jurisdictions as the applicant's jurisdiction of admission.

(*L.N. 57 of 2014*)

**9. Appeal procedure**

An applicant seeking the issue of a certificate by the Society under section 3 may— (*L.N. 57 of 2014*)

- (a) within one month of receiving notification from the Society of any decision of the Society under that section, ask for his application to be reviewed upon payment of the prescribed fee; and (*L.N. 21 of 1997*)



- (b) 在接獲律師會所發出該會對根據 (a) 段作出的覆核要求而作出決定的通知後 3 個月內，向原訟法庭申請，而原訟法庭可 —— (1998 年第 25 號第 2 條)
- (i) 確認律師會的決定；或
- (ii) 作出法院認為適當的其他命令。

# 10. 不適合執業的準律師

- (1) 如律師會在任何時間不信納任何獲該會根據第 3 條發出證明書的申請人適合成為律師，則該會可按其決定的條款而施加以下任何一項制裁，即 —— (2014 年第 57 號法律公告)
- (a) 禁止參加考試；或
- (b) 撤銷該證明書；或
- (c) 反對認許該申請人為律師。 (2014 年第 57 號法律公告)
- (1A) 如律師會在任何時間知悉某參加考試的申請人就該次考試而有不當行為，則該會可按其決定的條款而施加以下任何一項制裁 —— (2014 年第 57 號法律公告)
- (a) 永久禁止該申請人參加考試，或禁止該申請人在該會認為適當的期間內參加考試；
- (b) 撤銷根據第 3 條向該申請人發出的證明書；
- (c) 取消該申請人在該次考試中應考任何或所有科目的資格，及將在該次考試中考獲的任何或所有科目的成績作廢；或
- (d) 反對認許該申請人為律師。 (1999 年第 325 號法律公告；2014 年第 57 號法律公告)
- (2) 如律師會根據第 (1) 或 (1A) 款施加制裁，則有關申請人可 —— (2014 年第 57 號法律公告)

- (b) within 3 months of receiving notification from the Society of its decision on a request for review under paragraph (a), apply to the Court of First Instance which may— (25 of 1998 s. 2)
- (i) affirm the decision of the Society; or
- (ii) make such other order as the Court thinks fit.

# 10. Unsuitability of prospective solicitor

- (1) If the Society at any time is not satisfied as to the suitability to become a solicitor of an applicant to whom it has issued a certificate under section 3 it may on such terms as it determines, impose any of the following sanctions, that is it may— (L.N. 57 of 2014)
- (a) prohibit an attempt at the Examination; or
- (b) revoke that certificate; or
- (c) oppose admission as a solicitor.
- (1A) If the Society at any time becomes aware of any misconduct in relation to an Examination committed by an applicant taking the Examination, it may, on such terms as it determines, impose any of the following sanctions, that is it may— (L.N. 57 of 2014)
- (a) prohibit the applicant from attempting the Examination, either permanently or for such period as the Society thinks fit; (L.N. 57 of 2014)
- (b) revoke the certificate issued to him under section 3;
- (c) disqualify the applicant from any or all the subjects in the relevant sitting of the Examination and annul the results of any or all subjects taken in that sitting; or (L.N. 57 of 2014)
- (d) oppose his admission as a solicitor. (L.N. 325 of 1999)



- (a) 在接獲律師會所發出該會的決定的通知後 1 個月內，要求覆核該事宜；及
- (b) 在接獲律師會所發出該會對根據 (a) 段提出的覆核申請而作出決定的通知後 3 個月內，向原訟法庭申請，而原訟法庭可 —— (1998 年第 25 號第 2 條)
  - (i) 確認律師會的決定；或
  - (ii) 作出法院認為適當的其他命令。
- (3) 如律師會已根據第 (1) 或 (1A) 款施加制裁，則有關申請人可 —— (2014 年第 57 號法律公告)
  - (a) 向律師會申請解除該項制裁；
  - (b) 在接獲律師會所發出該會對根據 (a) 段提出的解除制裁申請而作出的決定的通知後 3 個月內，向原訟法庭申請，而原訟法庭可 —— (1998 年第 25 號第 2 條)
    - (i) 確認律師會的決定；或
    - (ii) 作出法院認為適當的其他命令。

(1999 年第 325 號法律公告)

## 11. 格式及費用

- (1) 任何希望參加考試的申請人，須以律師會批准的格式通知律師會，並繳付為該考試而訂明的任何費用。
- (2) 任何希望按照本規則向律師會提出申請或發出通知的申請人，須以律師會批准的格式如此提出或發出，並繳付所訂明的費用。
- (3) 就任何提出的申請或發出的通知，律師會可 ——
  - (a) 規定申請人提供律師會認為需要的其他資料；

- (2) If the Society imposes a sanction under subsection (1) or (1A) the applicant may— (*L.N. 57 of 2014*)
  - (a) within one month of receiving notification from the Society of its decision, ask for the matter to be reviewed; and
  - (b) within 3 months of receiving notification from the Society of its decision on an application for review under paragraph (a), apply to the Court of First Instance which may— (*25 of 1998 s. 2*)
    - (i) affirm the decision of the Society; or
    - (ii) make such other order as the Court thinks fit.
- (3) If the Society has imposed a sanction under subsection (1) or (1A) the applicant may— (*L.N. 57 of 2014*)
  - (a) apply to the Society to remove the sanction;
  - (b) within 3 months of receiving notification from the Society of its decision on an application for the removal of a sanction under paragraph (a), apply to the Court of First Instance which may— (*25 of 1998 s. 2*)
    - (i) affirm the decision of the Society; or
    - (ii) make such other order as the Court thinks fit.

(*L.N. 325 of 1999*)

## 11. Forms and fees

- (1) An applicant wishing to take the Examination must give notice to the Society in a form approved by the Society and pay any fee prescribed for such Examination.
- (2) An applicant wishing to make an application or give notice to the Society in accordance with these Rules must do so in a form approved by the Society and pay the prescribed fee.

- (b) 規定該項申請藉律師會認為必需的證據予以支持，並可規定藉法定聲明證明與任何申請有關的事實，以及可規定申請人為會見而出席。

*(2014 年第 57 號法律公告)*

**12.** (由 2014 年第 57 號法律公告廢除)

- (3) In respect of any application made or notice given, the Society may—
- (a) require the applicant to furnish such further information as it considers necessary;
- (b) require the application to be supported by such evidence as it considers necessary, and may require facts relevant to any application to be deposed to by statutory declaration, and may require the attendance of the applicant for interview.

*(L.N. 57 of 2014)*

**12.** *(Repealed L.N. 57 of 2014)*