

《大律師 (認許) 規則》
(第 159 章，附屬法例 AA)
Barristers (Admission) Rules
(Cap. 159 sub. leg. AA)

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經核證文本
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(《法例發布條例》(第 614 章) 第 5 條)
 (Legislation Publication Ordinance (Cap. 614), section 5)

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條文 Provision	頁數 Page number	最後更新日期 Last updated date
主體 Main	1—8	29.1.2015
附表 1 Schedule 1	S1-1—S1-2	29.1.2015
附表 2 Schedule 2	S2-1—S2-4	29.1.2015

尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<http://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation ——

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制定史

本為 2003 年第 5 號法律公告——2005 年第 168 號法律公告，2014 年第 18 號，2015 年第 1 號編輯修訂紀錄

Enactment History

Originally L.N. 5 of 2003 — L.N. 168 of 2005, 18 of 2014, E.R. 1 of 2015

《大律師 (認許) 規則》
(第 159 章，附屬法例 AA)

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Barristers (Admission) Rules
(Cap. 159 sub. leg. AA)

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《大律師 (認許) 規則》

(第 159 章第 72 條)

(略去制定語式條文——2015 年第 1 號編輯修訂紀錄)

[2003 年 3 月 28 日] 2003 年第 88 號法律公告

(格式變更——2015 年第 1 號編輯修訂紀錄)

1. (已失時效而略去——2015 年第 1 號編輯修訂紀錄)
2. **申請認許為大律師**
 - (1) 任何謀求獲認許為大律師的人須向司法常務官送交一份動議通知書存檔，亦須向司法常務官繳付附表 1 所列出的費用。
 - (2) 司法常務官須在接獲動議通知書後，定出聆訊該動議的日期，而——
 - (a) (如有關的人是謀求獲全面認許的) 該日期不得在該動議通知書送交存檔後的 14 天之內；或 (2005 年第 168 號法律公告)
 - (b) (如有關的人是謀求就任何一宗或多於一宗特定案件而獲認許的) 該日期不得在該動議通知書送交存檔後的 14 天之內。
 - (3) 每份關於謀求根據本條例第 27(1) 條獲認許為大律師的人的動議通知書，須連同——
 - (a) 由執委會根據《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) 第 8(3) 條發出的具備認許資格證明書；
 - (b) 就本條例第 27(2) 條所列出而該人必須證明的每項事宜作見證的誓章；及

Barristers (Admission) Rules

(Cap. 159, section 72)

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

[28 March 2003] L.N. 88 of 2003

(Format changes—E.R. 1 of 2015)

1. (Omitted as spent—E.R. 1 of 2015)
2. **Application for admission as a barrister**
 - (1) Any person seeking to be admitted as a barrister shall file with the Registrar a notice of motion and pay to the Registrar the fee set out in Schedule 1.
 - (2) On receipt of the notice of motion, the Registrar shall fix a date for the hearing of the motion, which shall not be less than—
 - (a) 14 days after the filing of the notice of motion, if the person concerned is seeking to be admitted generally; or (L.N. 168 of 2005)
 - (b) 14 days after the filing of the notice of motion, if the person concerned is seeking to be admitted for the purpose of any particular case or cases.
 - (3) Every notice of motion in respect of a person seeking to be admitted as a barrister under section 27(1) of the Ordinance shall be accompanied by—
 - (a) a certificate of qualification for admission issued by the Bar Council under section 8(3) of the Barristers

- (c) 採用附表 2 表格 1 作出的身分誓章。
- (4) 每份關於謀求根據本條例第 27(4) 條獲認許為大律師的人的動議通知書，須連同 ——
- (a) 由在該人獲認許的司法管轄區內的適當主管當局發出的法律執業者認許證書，並須連同證明該認許證書當時有效和具有效力的證據；
- (b) 就該人根據本條例第 27(2)(a) 及 (4) 條必須證明的每項事宜作見證的誓章；及
- (c) 採用附表 2 表格 1 作出的身分誓章。
- (5) 在向司法常務官送交動議通知書存檔時，須將一份該動議通知書的副本以及每份附連於該動議通知書的文件的副本，送達律政司司長及執委會。

3. 認許

- (1) 在法院聆訊根據第 2 條送交存檔的動議時，須由律政司司長或任何大律師向法院動議有關的人獲認許和登記為大律師。 (2005 年第 168 號法律公告)
- (2) 法院在聆聽律政司司長或上述大律師後，並在聆聽由或代律政司司長及執委會作出的任何申述後 —— (2005 年第 168 號法律公告)
- (a) 在信納有關的人有資格獲認許為大律師的情況下，可命令該人獲認許為大律師；或

- (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC);
- (b) an affidavit attesting to each of the matters which the person must establish as set out in section 27(2) of the Ordinance; and
- (c) an affidavit of identity in Form 1 in Schedule 2.
- (4) Every notice of motion in respect of a person seeking to be admitted as a barrister under section 27(4) of the Ordinance shall be accompanied by—
- (a) a certificate of admission as a legal practitioner from the appropriate authority in the jurisdiction in which he was admitted, together with evidence that the certificate of admission is currently valid and in force;
- (b) an affidavit attesting to each of the matters which the person must establish as set out in section 27(2)(a) and (4) of the Ordinance; and
- (c) an affidavit of identity in Form 1 in Schedule 2.
- (5) A copy of the notice of motion and of every document accompanying the notice of motion shall be served on the Secretary for Justice and the Bar Council at the time when such notice of motion is filed with the Registrar.

3. Admission

- (1) On the hearing of the motion filed under section 2 by the Court, the Secretary for Justice or any counsel shall move the Court that the person concerned be admitted and enrolled as a barrister. (L.N. 168 of 2005)
- (2) The Court, upon hearing the Secretary for Justice or such counsel and upon hearing any representation which may be made by or on behalf of the Secretary for Justice and the Bar Council, may— (L.N. 168 of 2005)

- (b) 如法院並不如此信納，則可按它認為適當的關於訟費或其他方面的條款而駁回申請。

4. 認許證書

司法常務官須於每名獲認許為大律師的人獲認許後的切實可行的範圍內，盡快向該人交付一份認許證書。

5. 大律師登記冊

大律師登記冊須按照附表 2 表格 2 擬備。

6. 豁免

法院可以特別理由，並在它認為需要的條件下，絕對地豁免或在任何指明的期間豁免任何人，使該人無須辦理本規則所訂明的任何正式手續，並可主動或應申請在任何上述條件下減少或縮短本規則所訂明的任何通知的限期。

7-8. (已失時效而略去——2015 年第 1 號編輯修訂紀錄)

9. 保留條文

儘管《認許及註冊規則》(第 159 章，附屬法例 B) 第 8 及 9 條被廢除，該等條文仍繼續規管根據本條例第 74C 或 74D 條謀求認許的人的認許。

- (a) upon being satisfied that the person concerned is eligible for admission as a barrister, order that the person concerned be admitted as a barrister; or
- (b) if the Court is not so satisfied, dismiss the application upon such terms as regards costs or otherwise as the Court may think appropriate.

4. Certificate of admission

The Registrar shall deliver a certificate of admission to every person who is admitted as a barrister as soon as practicable after the admission of that person.

5. Roll of barristers

The roll of barristers shall be in accordance with Form 2 in Schedule 2.

6. Exemption

The Court may, on special grounds and upon such conditions as it may consider necessary, exempt any person from any of the formalities prescribed by these Rules, either absolutely or for any specified period, and may on its own motion or upon application reduce or abridge any of the periods of notice prescribed by these Rules upon any such conditions.

7-8. (Omitted as spent—E.R. 1 of 2015)

9. Savings

Notwithstanding the repeal of rules 8 and 9 of the Admission and Registration Rules (Cap. 159 sub. leg. B), such rules shall continue to govern the admission of persons who seek admission under section 74C or 74D of the Ordinance.

10. (已失時效而略去——2015 年第 1 號編輯修訂紀錄)

10. (*Omitted as spent—E.R. 1 of 2015*)

S1-1

附表 1

Schedule 1

S1-2

第 159AA 章

Cap. 159AA

附表 1

[第 2 條]

Schedule 1

[s. 2]

費用**Fees**

項	條次	事項	收款人	費用 \$	Item	Section	Description	Payee	Fee \$
1.	2(1)	就認許為大律師而送交動議通知書存檔	司法常務官	1,135	1.	2(1)	Filing of notice of motion for admission as a barrister	Registrar	1,135

S2-1

附表 2

第 159AA 章

Schedule 2

S2-2

Cap. 159AA

附表 2

[第 2 及 5 條]

表格

表格 1

[第 2(3) 及 (4) 條]

身分誓章

本人，地址為香港
，是一名律師，謹宣誓及陳述 (或謹以至誠聲明和
 確認) 如下 ——

1. 標明 “ ” 的本誓章所夾附的
 照片是本誓章內的申請人 的真實肖像，申請人
 的地址為香港

2. 本人已審核上述 的 [香港身分證
 號碼] [護照號碼]*
 並信納他是本程序中的申請人。

此項宣誓／聲明於 年 月 日
 在香港 作出

Schedule 2

[ss. 2 & 5]

Forms

FORM 1

[s. 2(3) & (4)]

AFFIDAVIT OF IDENTITY

I, of, Hong
 Kong, Solicitor, make oath and say (or solemnly and sincerely declare and
 affirm) as follows—

1. The photograph attached hereto and marked “.....” is
 a true likeness of of, Hong
 Kong, the applicant herein.

2. I have examined [Hong Kong Identity Card No.]
 [passport No.]* of the said and I am
 satisfied that he is the applicant in these proceedings.

SWORN/DECLARED at Hong Kong
 this day of

S2-3

附表 2

Schedule 2

S2-4

第 159AA 章

Cap. 159AA

在本人面前作出

Before me

監誓員／律師

Commissioner for Oaths/Solicitor

* 刪去不適用者。

* Delete where inappropriate.

表格 2

[第 5 條]

FORM 2

[s. 5]

大律師登記冊

ROLL OF BARRISTERS

..... 於 年 月 日
獲認許為香港特別行政區高等法院的大律師。

..... was admitted as a barrister of
the High Court of the Hong Kong Special Administrative Region on the
..... day of

.....
香港特別行政區
高等法院
司法常務官

(2014 年第 18 號第 160 條)

.....
Registrar,
High Court,
HKSAR.

(18 of 2014 s. 160)