

**《大律師 ( 資格 ) 規則》**  
**( 第 159 章，附屬法例 E )**  
**Barristers (Qualification) Rules**  
**(Cap. 159 sub. leg. E)**

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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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**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」(<https://www.elegislation.gov.hk>) 閱覽。

**Provisions / Amendments not yet in operation ——**

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### 制定史

本為 1973 年第 9 號法律公告 —— 1973 年第 27 號法律公告，1975 年第 92 號，1976 年第 202 號法律公告，1983 年第 226 號法律公告，1983 年第 420 號法律公告，1985 年第 97 號法律公告，1986 年第 136 號法律公告，1986 年第 244 號法律公告，1986 年編正版，1990 年第 101 號法律公告，1990 年第 220 號法律公告，1991 年第 387 號法律公告，1996 年第 (C)79 號法律公告 (中文真確本)，1997 年第 362 號法律公告，1998 年第 25 號，1999 年第 11 號，2002 年第 23 號，2003 年第 9 號法律公告，2007 年第 136 號法律公告，2007 年第 191 號法律公告，2008 年第 178 號法律公告，2019 年第 2 號編輯修訂紀錄

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**《大律師 (資格) 規則》**  
**(第 159 章，附屬法例 E)**

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**(Cap. 159 sub. leg. E)**

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**《大律師 (資格) 規則》**

(第 159 章第 72 及 72A 條)

[1973 年 1 月 19 日]

(格式變更——2019 年第 2 號編輯修訂紀錄)

**1. 引稱**

本規則可引稱為《大律師 (資格) 規則》。

**1A. 適用範圍**

本規則適用於——

- (a) 根據經《2000 年法律執業者 (修訂) 條例》(2000 年第 42 號)(《修訂條例》)修訂的本條例第 74C 條，選擇根據本條例第 27 條 (按該條緊接在被《修訂條例》廢除前的規定) 獲認許的人；或
- (b) 謀求根據經《修訂條例》修訂的本條例第 74D 條獲認許的人。

(2003 年第 9 號法律公告)

**2. 1986 年 6 月 1 日前的全面認許：實際執業的資格檢定期**

- (1) 凡任何人在 1986 年 6 月 1 日前根據本條例第 27(1)(a)(i) 或 (ii) 條獲全面認許為大律師，則就本條例第 31 條而言，實際執業的資格檢定期，須為該人在英格蘭或北愛爾蘭獲認許為大律師或在蘇格蘭獲認許為訟辯人的日期後，在英聯邦的任何部分作為大律師或訟辯人的不少於 12 個月的實際執業期，或如任何人在英格蘭或北愛爾蘭獲認許為大律師前或在蘇格蘭獲認許為訟辯人前，已在英聯邦的任何部分獲認許為大律師或訟辯人，則實

**Barristers (Qualification) Rules**

(Cap. 159, sections 72 and 72A)

[19 January 1973]

(Format changes—E.R. 2 of 2019)

**1. Citation**

These rules may be cited as the Barristers (Qualification) Rules.

**1A. Application**

These rules shall apply to—

- (a) persons who elect under section 74C of the Ordinance as amended by the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) (*the amending Ordinance*) to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending Ordinance; or
- (b) persons who seek admission under section 74D of the Ordinance as amended by the amending Ordinance.

(L.N. 9 of 2003)

**2. General admission before 1 June 1986: qualifying period of active practice**

- (1) Where a person is admitted as a barrister generally under section 27(1)(a)(i) or (ii) of the Ordinance before 1 June 1986, the qualifying period of active practice for the purposes of section 31 of the Ordinance shall be a period of not less than 12 months of active practice as a barrister or advocate in any part of the Commonwealth after the date of that person's call to the Bar in England or Northern Ireland or his admission

際執業的資格檢定期，為該人獲如此認許的日期後不少於 12 個月的實際執業期；上述實際執業期可包括以下期間——(2008 年第 178 號法律公告)

- (a) 如該人已取得由法律教育理事會 \* 發出的證明書，證明他已圓滿修畢該理事會的深造實習課程 #，則包括該課程的期間；
  - (b) 在一名在英格蘭或北愛爾蘭的執業大律師或在蘇格蘭的訟辯人學院的執業會員的辦事處任實習大律師的任何期間；
  - (c) 在一名在香港的執業大律師的辦事處任實習大律師的任何期間；
  - (d) 在律政司任實習大律師的任何不超過 9 個月的期間，而該段期間可包括借調法律援助處的不超過 3 個月的期間。(1997 年第 362 號法律公告)
- (2) 第 (1) 款所指明的 12 個月期間須扣減以下期間——
- (a) 在英格蘭或北愛爾蘭獲認許為大律師或在蘇格蘭獲認許為訟辯人的日期前已修畢的該款 (a) 段所提述的任何課程的期間；
  - (b) 如實習大律師在所有有關的考試中考取合格，取得在英格蘭或北愛爾蘭獲認許為大律師或在蘇格蘭獲認許為訟辯人的資格，並於緊接實習大律師實習期開始日期後的下一屆獲認許為大律師或訟辯人(視屬何情況而定)，則扣減在一名在英格蘭或北愛爾蘭的執業大律師或在蘇格蘭的訟辯人學院的執業會員的辦事處任實習大律師的任何期間；
  - (c) 在英格蘭或北愛爾蘭獲認許為大律師或在蘇格蘭獲認許為訟辯人的日期後任何不超過 1 個月任大法官的執行官的期間。
- (3) 凡任何人在 1986 年 6 月 1 日前根據本條例第 27(1)(a)(iii) 或 (iv) 條獲全面認許為大律師，則就本條例第 31 條而言，實際執業的資格檢定期，須為本規則所訂的認可實習大

as an advocate in Scotland or, in the case of a person who, prior to his call to the Bar in England or Northern Ireland or admission as an advocate in Scotland, had been admitted as a barrister or advocate in any part of the Commonwealth, after the date of his being so admitted, which period may include—

- (a) if the person has obtained a certificate issued by the Council of Legal Education that he has satisfactorily completed the Council's Post Final Practical Course, the period of such course;
  - (b) any period spent as a pupil in the chambers of a practising barrister in England or Northern Ireland or of a practising member of the Faculty of Advocates in Scotland;
  - (c) any period spent as a pupil in the chambers of a practising barrister in Hong Kong;
  - (d) any period not exceeding 9 months spent as a pupil in the Department of Justice, which period may include a period not exceeding 3 months on secondment to the Legal Aid Department. (11 of 1999 s. 3)
- (2) The period of 12 months specified in paragraph (1) shall be reduced—
- (a) by the period of any course referred to in subparagraph (a) of that paragraph completed before the date of call to the Bar in England or Northern Ireland or admission as an advocate in Scotland;
  - (b) by any period spent as a pupil in the chambers of a practising barrister in England or Northern Ireland or of a practising member of the Faculty of Advocates in Scotland after taking all the examinations the passing of which qualifies a person for call to the Bar in England or Northern Ireland or for admission as an advocate

律師實習期，而實際執業的資格檢定期可包括在一名在英格蘭或北愛爾蘭的執業大律師或在蘇格蘭訟辯人學院的執業會員的辦事處任實習大律師的任何期間。

(1986 年第 136 號法律公告；2008 年第 178 號法律公告)

編輯附註：

\* “法律教育理事會”乃“Council of Legal Education”之譯名。

# “深造實習課程”乃“Post Final Practical Course”之譯名。

## 2A. 為個別個案而認許：實際執業的資格檢定期

凡任何人根據本條例第 27 條為任何一個或多於一個個別個案而獲認許為大律師，則就本條例第 31 條而言，實際執業的資格檢定期，須為該人在英格蘭或北愛爾蘭獲認許為大律師或在蘇格蘭獲認許為訟辯人的日期後，在英聯邦的任何部分作為大律師或訟辯人的不少於 12 個月的實際執業期，或如任何人在英格蘭或北愛爾蘭獲認許為大律師前或在蘇格蘭獲認許為訟辯人前，已在英聯邦的任何部分獲認許為大律師或訟辯人，則實際執業的資格檢定期，須為該人獲如此認許的日期後不少於 12 個月的實際執業期。

(1986 年第 136 號法律公告；2008 年第 178 號法律公告)

in Scotland if the pupil passes those examinations and is called to the Bar or is admitted, as the case may be, on the next occasion immediately following the commencement of the pupillage;

(c) by any period not exceeding one month spent as a judge's marshal after the date of call to the Bar in England or Northern Ireland or admission as an advocate in Scotland.

(3) Where a person is admitted as a barrister generally under section 27(1)(a)(iii) or (iv) of the Ordinance before 1 June 1986, the qualifying period of active practice for the purposes of section 31 of the Ordinance shall be the period of approved pupillage under these rules, which period may include any period spent as a pupil in the chambers of a practising barrister in England or Northern Ireland or of a practising member of the Faculty of Advocates in Scotland.

(L.N. 136 of 1986)

## 2A. Admission for particular cases: qualifying period of active practice

Where a person is admitted as a barrister for the purpose of any particular case or cases under section 27 of the Ordinance, the qualifying period of active practice for the purposes of section 31 of the Ordinance shall be a period of not less than 12 months of active practice as a barrister or advocate in any part of the Commonwealth after the date of that person's call to the Bar in England or Northern Ireland or his admission as an advocate in Scotland or, in the case of a person who, prior to his call to the Bar of England or Northern Ireland or admission as an advocate in Scotland, had been admitted as a barrister or advocate in any part of the Commonwealth, after the date of his being so admitted.

(L.N. 136 of 1986)



**2B. 1986 年 6 月 1 日或之後的全面認許：實際執業的資格檢定期**

凡任何人在 1986 年 6 月 1 日或之後根據本條例第 27 或 27A 條獲全面認許為大律師，則就本條例第 31 條而言，實際執業的資格檢定期，須為本規則所訂的認可實習大律師實習期。

*(1986 年第 136 號法律公告；1990 年第 101 號法律公告)*

**3. 申請在香港任實習大律師**

任何人意欲在香港成為實習大律師，須 ——

- (a) 就他在香港任實習大律師的意向，給予執委會秘書不少於 3 個星期的書面通知，述明他希望以下列何種方式任實習大律師 ——
  - (i) 跟隨一名執業大律師；或
  - (ii) 在律政司，*(1997 年第 362 號法律公告)*
 而如跟隨一名執業大律師，則須述明該大律師的姓名及執業地址；*(1976 年第 202 號法律公告)*
- (b) 將下列存放於執委會：由高等法院司法常務官所發出的證書，證明有關申請人已在香港獲認許為大律師，以及分別由兩名已認識他 1 年或多於 1 年並有機會判斷他品格的負責任的人所發出的良好品格證明書；*(1976 年第 202 號法律公告；1998 年第 25 號第 2 條)*
- (c) 將一份書面聲明及承諾存放於執委會，表示 ——
  - (i) 他並沒有在香港或其他地方的任何律師行以獨自執業或以合夥人或僱員身分執業為律師，而只要他繼續任實習大律師，他並無意在香港或其他地方的任何律師行以獨自執業或以合夥人或僱員身分執業為律師；

**2B. General admission on or after 1 June 1986: qualifying period of active practice**

Where a person is admitted as a barrister generally under section 27 or 27A of the Ordinance on or after 1 June 1986, the qualifying period of active practice for the purposes of section 31 shall be the period of approved pupillage under these rules.

*(L.N. 136 of 1986; L.N. 101 of 1990)*

**3. Application for pupillage in Hong Kong**

A person desiring to become a pupil in Hong Kong shall——

- (a) give to the Secretary to the Bar Council not less than 3 weeks' notice in writing of his intention to serve a pupillage in Hong Kong, stating whether he wishes to serve his pupillage—
  - (i) with a practising barrister; or
  - (ii) in the Department of Justice, *(11 of 1999 s. 3)*
 and if with a practising barrister, stating the name and professional address of that barrister; *(L.N. 202 of 1976)*
- (b) deposit with the Bar Council a certificate from the Registrar of the High Court that the applicant has been admitted as a barrister in Hong Kong and separate certificates of good character from two responsible persons who have known him for one year or more and have had opportunity of judging his character; *(L.N. 202 of 1976; 25 of 1998 s. 2)*
- (c) deposit with the Bar Council a written declaration and undertaking that—
  - (i) he is not in practice as a solicitor either on his own account or as a partner or employee in any legal firm whether in Hong Kong or elsewhere and that



- (ii) 他並沒有登記為香港律師會的學生、實習律師或會員，而只要他繼續任實習大律師，他將不會登記為學生、實習律師或香港律師會的會員。

(1976 年第 202 號法律公告；1986 年第 136 號法律公告；1991 年第 387 號法律公告)

#### 4. 執委會的批准

除非執業大律師已首先取得執委會對收納實習大律師事宜的批准，否則他不得收納任何人在他的辦事處任實習大律師。

(1991 年第 387 號法律公告)

#### 5. 喪失資格

就本規則而言，任何人如——

- (a) 是一名未獲解除破產的破產人；
- (b) 被裁定犯了一項刑事罪行，而執委會認為該刑事罪行的性質令該人不適宜獲認許為實習大律師；
- (c) 從事執委會認為與任實習大律師有抵觸的任何職業；或
- (d) 因任何其他理由而被執委會認為不適合任實習大律師，

則無資格成為實習大律師。

(1991 年第 387 號法律公告)

#### 6. 任實習大律師的批准

執委會如信納申請人已符合第 3 條的規定，是一名適當的人

he does not intend, so long as he remains a pupil, to practise as a solicitor either on his own account or as a partner or employee in any firm in Hong Kong or elsewhere;

- (ii) he is not enrolled and, so long as he remains a pupil, will not be enrolled as a student, trainee solicitor or member of The Law Society of Hong Kong.

(L.N. 202 of 1976; L.N. 136 of 1986; L.N. 387 of 1991)

#### 4. Approval of Bar Council

A practising barrister shall not receive a pupil into his chambers unless he has first obtained the approval of the Bar Council to the pupillage.

(L.N. 387 of 1991)

#### 5. Disqualification

A person shall not be eligible to become a pupil for the purposes of these rules if he—

- (a) is an undischarged bankrupt;
- (b) has been convicted of a criminal offence of such a nature as, in the opinion of the Bar Council, makes his admission as a pupil undesirable;
- (c) is engaged in any occupation which, in the opinion of the Bar Council, is incompatible with pupillage; or
- (d) is for any other reason considered by the Bar Council to be unsuitable as a pupil.

(L.N. 387 of 1991)

#### 6. Approval of pupillage

The Bar Council shall, if it is satisfied that the applicant has

而憑藉第 5 條他並非無資格，又如他希望跟隨一名執業大律師任實習大律師，則他希望跟隨任實習大律師的執業大律師亦已根據第 4 條向執委會取得對收納實習大律師事宜的批准，則執委會須批准該人任實習大律師。

(1976 年第 202 號法律公告；1991 年第 387 號法律公告)

## 7. 任實習大律師的終止

- (1) 任何實習大律師在任實習大律師時 ——
  - (a) 被判定破產；
  - (b) 被裁定犯了任何刑事罪行；或
  - (c) 違反他的書面聲明及承諾而從事任何工作、受僱或登記，
 須隨即以書面通知執委會。
- (2) 執委會可批准任何實習大律師從跟隨一名執業大律師轉往跟隨另一名執業大律師，或從跟隨一名執業大律師轉往律政司，或從律政司轉往跟隨一名執業大律師。(1976 年第 202 號法律公告；1997 年第 362 號法律公告)
- (3) 執委會如信納 ——
  - (a) 某實習大律師曾犯有不當行為；或
  - (b) 某實習大律師已將第 (1) 款所提述的任何事宜的發生通知執委會，或沒有將該事宜通知執委會，
 則可命令終止或暫時停止該實習大律師任實習大律師。
- (4) 為施行本條，**不當行為** (misconduct) 指如由一名執業大律師所犯即會被視為專業方面的不當行為的任何行為。

(1991 年第 387 號法律公告)

complied with the requirements of rule 3 that he is a fit and suitable person and is not ineligible by virtue of rule 5, and if he wishes to serve his pupillage with a practising barrister, that the practising barrister with whom he wishes to serve his pupillage has obtained the approval of the Bar Council to the pupillage under rule 4, approve him as a pupil.

(L.N. 202 of 1976; L.N. 387 of 1991)

## 7. Termination of pupillage

- (1) A pupil who, while serving pupillage, is—
  - (a) adjudicated bankrupt;
  - (b) convicted of a criminal offence; or
  - (c) engaged, employed or enrolled in contravention of his written declaration and undertaking,
 shall forthwith inform the Bar Council in writing.
- (2) The Bar Council may approve the transfer of pupillage from one practising barrister to another or from a practising barrister to the Department of Justice or from the Department of Justice to a practising barrister. (L.N. 202 of 1976; 11 of 1999 s. 3)
- (3) The Bar Council may order the termination or suspension of a pupillage if it is satisfied that—
  - (a) the pupil has been guilty of misconduct; or
  - (b) the pupil has notified, or failed to notify the Bar Council, of the occurrence of any of the matters referred to in paragraph (1).
- (4) For the purposes of this rule **misconduct** (不當行為) means any conduct which would be regarded as professional misconduct if committed by a practising barrister.

(L.N. 387 of 1991)

**8. 上訴**

- (1) 任何人因高等法院首席法官或執委會根據本規則作出的命令或決定而感到受屈，可針對該命令或決定而藉動議通知書向上訴法庭提出上訴。(1986年第136號法律公告；2002年第23號第115條)
- (2) 動議通知書須述明上訴理由，並須送達作為答辯人的執委會以及送達律政司司長。(1997年第362號法律公告)
- (3) 在上訴法庭席前進行的聆訊中，申請人、執委會及律政司司長均可由大律師作代表，並可提出證據。(1997年第362號法律公告)
- (4) 上訴法庭可確認、更改或推翻該命令或決定，並可就訟費而作出其認為適當的命令。  
(1975年第92號第59條；1991年第387號法律公告；1998年第25號第2條)

**9. 任實習大律師的規定**

- (1) 本規則所訂的認可實習大律師實習期為——
  - (a) 在一名在香港的執業大律師(具有不少於5年大律師資歷者)的辦事處不少於1年的期間；或
  - (b) 在律政司不少於9個月的期間，而該段期間可包括借調法律援助署的不超過3個月的期間，只要他亦已在(a)段所述的辦事處服務不少於3個月的期間。  
(1997年第362號法律公告)
- (2) 第(1)款所述及的認可實習大律師實習期，須扣減在香港獲認許為大律師的日期後任何不超過1個月在香港任法官的執行官的期間。(1998年第25號第2條)
- (3) 任何人不得被視為已經歷本規則所訂的認可實習大律師實習期，除非他已從收納他為實習大律師的各人取得證明書，述明他已於該段期間努力任實習大律師，並且是一名適合在香港執業為大律師的人。

**8. Appeals**

- (1) Any person who is aggrieved by an order or decision of the Chief Judge or the Bar Council under these rules may, by notice of motion, appeal to the Court of Appeal against the order or decision. (*L.N. 136 of 1986; 23 of 2002 s. 115*)
- (2) The notice of motion shall state the grounds of the appeal and shall be served on the Bar Council as Respondents and on the Secretary for Justice. (*L.N. 362 of 1997*)
- (3) At the hearing before the Court of Appeal the applicant, the Bar Council and the Secretary for Justice may be represented by counsel and adduce evidence. (*L.N. 362 of 1997*)
- (4) The Court of Appeal may confirm, vary or quash the order or decision and make such order as to costs as it thinks fit.  
(*92 of 1975 s. 59; L.N. 387 of 1991*)

**9. Requirements of pupillage**

- (1) The period of approved pupillage under these rules shall be—
  - (a) a period of not less than 1 year in the chambers of a practising barrister (of not less than 5 years standing as a barrister) in Hong Kong; or
  - (b) a period of not less than 9 months in the Department of Justice, which may include a period not exceeding 3 months on secondment to the Legal Aid Department, so long as he has also spent a period of not less than 3 months in such service as is described in subparagraph (a). (*11 of 1999 s. 3*)
- (2) The period of approved pupillage mentioned in paragraph (1) shall be reduced by any period not exceeding one month spent as a judge's marshal in Hong Kong after the date of admission as a barrister in Hong Kong.

- (4) 如任何人在英格蘭或北愛爾蘭獲認許為執業大律師，或在蘇格蘭獲認許為訟辯人，或在所有使人有資格在香港獲認許為大律師的考試中考取合格，則該人如此獲認許或如此考試合格後在律政司或在一名在香港的執業大律師(具有不少於 5 年大律師資歷者)的辦事處所經歷的屬實習大律師性質的工作的任何期間，可由執委會酌情接納為本規則所規定的認可實習大律師實習期或其中部分。  
(1990 年第 101 號法律公告；1991 年第 387 號法律公告；1997 年第 362 號法律公告；2008 年第 178 號法律公告)  
(1986 年第 136 號法律公告)

#### 10. 實習大律師實習期的扣減

凡高等法院首席法官信納一名根據本條例第 27 條獲認許的大律師已有豐富的出庭訟辯經驗，則可在諮詢執委會後，扣減第 9 條所述的認可實習大律師實習期：

但所規定的實習大律師實習期不得少於 3 個月。

(1986 年第 136 號法律公告；1990 年第 101 號法律公告；1991 年第 387 號法律公告；1998 年第 25 號第 2 條；2002 年第 23 號第 116 條；2008 年第 178 號法律公告)

#### 11. (由 1990 年第 101 號法律公告廢除)

#### 12. 扣減或免除根據本條例第 27A 條獲認許的大律師的實習大律師實習期

- (3) A person shall not be regarded as having undertaken the period of approved pupillage under these rules unless he has obtained from those of whom he has been a pupil certificates stating he has served his period of pupillage with diligence and that he is a suitable person to practise as a barrister in Hong Kong.
- (4) Any period of work in the nature of pupillage undertaken in the Department of Justice or in the chambers of a practising barrister (of not less than 5 years standing as a barrister) in Hong Kong after being called to the Bar in England or Northern Ireland, begin admitted as an advocate in Scotland or taking all the examinations the passing of which qualifies a person for admission as a barrister in Hong Kong may at the discretion of the Bar Council be accepted, if he is so called or admitted or if he passes those examinations, as a period of approved pupillage, or part thereof, as required by these rules.  
(L.N. 101 of 1990; L.N. 387 of 1991; 11 of 1999 s. 3)  
(L.N. 136 of 1986)

#### 10. Reduction of pupillage

The Chief Judge may, after consulting the Bar Council, reduce the period of approved pupillage mentioned in rule 9 where he is satisfied that a barrister admitted under section 27 of the Ordinance has substantial experience in advocacy in court:

Provided that the period of pupillage required to be served shall not be less than 3 months.

(L.N. 136 of 1986; L.N. 101 of 1990; L.N. 387 of 1991; 23 of 2002 s. 116)

#### 11. (Repealed L.N. 101 of 1990)

#### 12. Reduction of or dispensation with pupillage of a barrister admitted under section 27A

- (1) 凡高等法院首席法官信納一名根據本條例第 27A 條獲認許的大律師已有豐富的出庭訟辯經驗，則可在諮詢執委會及律政司司長後，扣減或免除第 9 條所述的認可實習大律師實習期。(1997 年第 362 號法律公告；2008 年第 178 號法律公告)
- (2) 高等法院首席法官可使對認可實習大律師實習期的扣減或免除，受他所指明的條件所規限。  
(1990 年第 101 號法律公告；1990 年第 220 號法律公告；  
1991 年第 387 號法律公告；1998 年第 25 號第 2 條；2002  
年第 23 號第 117 條)

- (1) The Chief Judge may, after consulting the Bar Council and the Secretary for Justice, reduce or dispense with the period of approved pupillage mentioned in rule 9 where he is satisfied that a barrister admitted under section 27A of the Ordinance has substantial experience in advocacy in court.  
(L.N. 362 of 1997)
- (2) The Chief Judge may make the reduction or dispensation of the period of approved pupillage subject to conditions that he may specify.  
(L.N. 101 of 1990; L.N. 220 of 1990; L.N. 387 of 1991; 23 of 2002  
s. 117)