

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 08-81 (FA) 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.