

THE LAW SOCIETY OF HONG KONG

INFORMATION FOR REGISTRATION AS A FOREIGN LAWYER

A. INTRODUCTION

Under the *Legal Practitioners Ordinance* with the implementation of the *Foreign Lawyers Registration Rules* on 9th September 1994, a person who offers his services to the public as a practitioner of foreign law, other than a solicitor or barrister is required to register with the Law Society as a Foreign Lawyer.

A registered foreign lawyer is prohibited from practising Hong Kong law and from employing or joining into partnership with Hong Kong solicitors. A registered foreign lawyer can be employed as a foreign legal consultant by a Hong Kong solicitor so long as the number of foreign lawyers in the firm is not greater than the number of Hong Kong solicitors.

A registered foreign lawyer may practise the law of the jurisdiction in which he is qualified or the law of a third jurisdiction. An applicant will not be required to provide proof of competency in the third jurisdiction(s). Instead, he will be subject to a Code of Conduct which makes it a disciplinary offence for a lawyer to practise in an area of the law in which he or she is not competent.

A registered foreign lawyer must submit to the jurisdiction of the Law Society and is bound by the *Legal Practitioners Ordinance*, subsidiary legislation and the Code of Conduct.

B. LEGISLATION FOR REGISTRATION

The relevant provisions are:-

1. Legal Practitioners Ordinance 1994, ss.39A and 50B.
2. Foreign Lawyers Registration Rules, rules 2, 3, 4, 5, 6, 9, 10 and 11.
3. Foreign Lawyers Registration (Fees) Rules, rule 2.
4. Legal Practitioners (Risk Management Education) Rules.

C. NOTES FOR COMPLETING THE APPLICATION FORM (FORM FL) FOR REGISTRATION AS A FOREIGN LAWYER

1. The **original form (Form FL)** approved by the Council must be used and completed precisely. Form FL is attached with this information package.

2. A certified copy of your **passport** and **Hong Kong Identity Card** (if any) should be enclosed with the application (please refer to Part A, Nos.5 and 7 of Form FL).
3. A passport size **photo** of yourself taken within 3 months of the date of this application should be attached at the appropriate place provided.
4. A certified copy of your current **practising certificate** should be enclosed (please refer to Part C, No.14 of Form FL).
5. A certified copy of your **Certificate of Good Standing** issued by the relevant Law Society or Governing Body must be attached (please refer to Part C, No.16 of Form FL). The Certificate of Good Standing is **not valid** for the purpose of this application if **the date of its issue is more than 4 months from the date received by the Secretariat of this Society**.
6. The **documentary evidence** in Part D of Form FL refers to a certified copy of the insurance policy that the firm subscribes. Confirmation from the firm specifying that you are covered by the insurance policy (if only the firm's name but not your name appears on the policy) is required.
7. A **confirmation letter of employment** from your employer indicating your intended date of commencement of practice should be enclosed (please refer to Part G, No.38 of Form FL).
8. **Two references** in the form approved by the Society must be provided if you wish to establish a foreign firm which is not a branch of a firm whose principal place of business is outside Hong Kong. One of the referees must be a member in good standing of the legal profession in the jurisdiction in which you were admitted. The other referee must satisfy either one of the following requirements:-
 - (a) a member in good standing of the Law Society of Hong Kong; or
 - (b) a member in good standing of the legal profession in the jurisdiction in which you were admitted; or
 - (c) a member of the judiciary in the jurisdictions specified in (a) or (b) (please refer to Part F of Form FL).

No reference is required if you wish to establish a foreign firm that is a branch of a firm whose principal place of business is outside Hong Kong or you will be employed by a Hong Kong firm.

9. **Declaration of Applicant** (attached with Form FL) must be declared before a Notary Public, Commissioner, or other person authorised by the Oaths and Declarations Ordinance to take declarations.

[If the declaration is declared outside Hong Kong, it must be done before a Notary Public.]

10. **Applicant's undertaking and authorization** (attached with Form FL) must also be completed by the applicant.
11. A crossed cheque for the registration fee should be made payable to **"The Law Society of Hong Kong"** and attached to this application.

- The registration fee for FIRST TIME registration as a foreign lawyer is as follows:-

For those foreign lawyers whose Certificate of Registration is valid from a date that falls between –

- 1 July and 31 March inclusive, HK\$9,000.00.
 - 1 April and 14 May inclusive, HK\$4,500.00.
 - 15 May and 30 June inclusive, HK\$13,500.00.
- The fee for RENEWAL of registration as a foreign lawyer is always HK\$9,000.00, irrespective of the commencement date of the validity of the Certificate of Registration.

The registration shall be valid until 30 June next following the date of issue or, where the date of issue is a date between 15 May and 30 June in any year, until 30 June in the year following.

The registration fee includes the issue of a Certificate of Registration.

12. You must provide certified English translations of all documents submitted in support of your application which are not in English or Chinese.
13. Hong Kong firms and foreign firms must submit supervision proposals for those applicants who do not have at least 2 years of post-qualification experience in the full time practice of foreign law pursuant to Rule 5 of the Foreign Lawyers Registration Rules. The proposal should be signed by you and the supervising solicitor or foreign lawyer. It must also include the information required in Circular 10-66 (SD).
14. If the space provided for any answer is insufficient, your answer can be completed on a separate sheet. Please sign the sheet and staple it to this application form.
15. The Consents Committee may investigate or verify any information supplied on the application form, and may require further explanation from you.
16. Omissions or inaccuracies in your answers may delay or result in the rejection of the application.

17. It will take approximately 4 weeks to issue the Certificate of Registration provided that all documents are in order.

When completed, this form should be returned to the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

**GUIDELINES FOR CONSIDERATION OF
APPLICATIONS FOR REGISTRATION AS FOREIGN LAWYERS**

1. An applicant is required to submit a Certificate of Good Standing from the jurisdiction in which he was admitted confirming the date of his admission and whether there has been any disciplinary proceeding or action now pending or taken against the applicant since his date of admission.
2. If an applicant was admitted in more than one jurisdiction, he has to submit a Certificate from each jurisdiction.
3. For applicants not admitted in the PRC, the Certificate of Good Standing has to be issued by the relevant professional body or court.
4. For applicants admitted in the PRC, the Certificate of Good Standing has to be issued by either the relevant local bureau of justice or the relevant lawyers' association. Where there has been relocation, the applicant has to produce Certificate of Good Standing from each of the local bureau of justice or lawyers' association by which his records have been kept unless the bureau or the lawyers' association confirms that the records have been transferred out of its jurisdiction because of the lawyer's relocation.