

THE LAW SOCIETY OF HONG KONG

INFORMATION FOR REGISTRATION AS AN ASSOCIATION BETWEEN A HONG KONG SOLICITORS' FIRM AND A REGISTERED FOREIGN LAW FIRM

A. INTRODUCTION

Under the *Legal Practitioners Ordinance* with the implementation of the *Foreign Lawyers Registration Rules* on 9th September 1994, where a Hong Kong firm and a foreign firm have or intend to have within 2 months after the registration, an agreement under which fees, profits, premises, management or employees are shared, the Hong Kong firm and the foreign firm are required to register with the Society. The partners or the sole practitioner of each firm will commit an offence if the firms do not register with the Society as an Association.

Where the firms fail to enter into such an agreement within 2 months after registration of the Association, the Society may cancel the Association's registration.

After registration as an Association, only the Hong Kong firm can practise Hong Kong law. The number of foreign lawyers in the Association cannot be greater than the number of Hong Kong lawyers. A foreign firm that is a party to an Association with a Hong Kong firm shall not, without the consent of the Council of the Society, be eligible to be registered with any other Hong Kong firm as an Association.

Although the firms in an Association are allowed to share fees, profits, premises, management or employees, they are not allowed to use their respective clients accounts. Their staff are also not allowed to supervise and be in charge of the practice of the other firm in the Association.

B. LEGISLATION FOR REGISTRATION

The relevant provisions are :

1. Legal Practitioners Ordinance 1994, ss. 39C and 50B.
2. Foreign Lawyers Registration Rules, rules 2, 8, 9, 10 and 11.
3. Foreign Lawyers Registration (Fees) Rules, rule 2.

C. NOTES FOR COMPLETING THE APPLICATION FORM (FORM AS) FOR REGISTRATION OF AN ASSOCIATION

1. Form AS is attached with this information package.
2. The senior partner/sole practitioner of the Hong Kong firm and the senior resident partner/sole practitioner of the foreign firm are the applicants.
3. A cheque for HK\$15,000.00, being the first registration fee of an Association, should be made payable to **The Law Society of Hong Kong** and submitted to the Society with the application.

[Note : The prescribed registration fee under Rule 9 of the Foreign Lawyers Registration Rules in respect of any registration pursuant to Part IIIA of the Ordinance is payable upon application. No refund, either in full or in part, of the fees paid can be made after the application has been lodged with the Law Society.]

4. A sample of the letterheads of the Hong Kong firm and the foreign firm should be attached with the application for approval by the Consents Committee. Please refer to Rule 2B(2)(c) of the Solicitors' Practice Rules and Rule 5(2) of the Foreign Lawyers Practice Rules on the manner in which the firms' letterheads should make reference to the Association.
5. The application form includes a section on the details of the Agreement for Association. The Law Society will request for a certified copy of the Association Agreement when it is signed for verification.
6. So far as the Association relates to the practice of law in Hong Kong, the Law Society strongly encourages parties to the Association Agreement to stipulate Hong Kong law as the governing law and Hong Kong as the venue for mediation or other forms of resolution of any disputes arising from the Agreement.
7. If the space provided for any answer is not sufficient, the answer can be completed on a separate sheet. Please sign the sheet and staple it to Form AS.
8. The Consents Committee may investigate or verify any information supplied on Form AS. Further explanation may also be required.
9. Omissions or inaccuracies may delay the application process or result in the application being rejected.

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.

THE LAW SOCIETY OF HONG KONG

FOR OFFICE USE ONLY

Application No.: _____

Date received : _____

Fees received : _____

APPLICATION FOR REGISTRATION AS AN ASSOCIATION BETWEEN A HONG KONG SOLICITORS' FIRM AND A REGISTERED FOREIGN FIRM

Applicant should read the "*Information for Registration as an Association between a Hong Kong Solicitors' Firm and a Registered Foreign Law Firm*" before completing this form.

PART A – DETAILS OF THE HONG KONG FIRM

1. Name : _____

2. Name(s) of all partners _____

or sole practitioner : _____

3. Address of the firm where the Certificate of Association will be sent to :

4. Is the firm a party to any other registered Association?

Yes No

5. If yes, please state the names of the party or parties in that Association.

PART B – DETAILS OF THE REGISTERED FOREIGN FIRM

6. Name : _____

7. Name(s) of all partners _____

or sole practitioner : _____

8. Address : _____

PART C – DETAILS OF THE AGREEMENT FOR ASSOCIATION

9. Please tick the appropriate boxes

The Hong Kong firm in Part A and the foreign firm in Part B have an agreement to share :

- fees
 - profits
 - premises
 - management
 - employees
 - other - please specify
-

PART D – DECLARATION

We, _____ and
(names in full)

_____ apply for registration of an Association between our firms and undertake that we are the individuals responsible in Hong Kong for compliance by the Association with the Foreign Lawyers Registration Rules.

Signature of the Applicant

Signature of the Applicant

Date

Date

Personal Information Collection Statement

The personal data collected in this Application (“the data”) will be used by the Law Society of Hong Kong (“the Society”) for the following purposes:

- (i) The processing of this Application for registration as an Association between a Hong Kong solicitors’ firm and a registered foreign firm and related matters;
- (ii) The exercise of the powers of the Society conferred upon it under the Legal Practitioners Ordinance (Chapter 159) and its subsidiary legislation; and
- (iii) The performance of the functions of the Society in accordance with its Memorandum and Articles of Association and the attainment of the objects for which the Society is established; and
- (iv) The compilation of The Law List which is published for the purpose of facilitating the public and members of the Society in identifying solicitors, foreign lawyers and law firms registered with the Society and in knowing the services they provide.

In making this Application, it is obligatory for you to supply the Society with all data requested in this form except as otherwise indicated. The consequence for you if you fail to supply such data is that the Society will not be able to process this Application.

The data may be provided to such persons within the Society whose proper business it is to carry out the purposes above mentioned. The data may also be provided to other persons who may help the Society in attaining the purposes above mentioned.

Any data that is provided to anyone outside of the Society will be restricted to what is necessary and not excessive to achieve any intended purpose.

You have the right to request access to and correction of the data. Any such request should be addressed to the Secretary General, the Law Society of Hong Kong, 3/F, Wing On House, 71 Des Voeux Road Central, Hong Kong.

The Privacy Policy Statement of the Society is available on its website at www.hklawsoc.org.hk.