



Index Reference :

Trainee Solicitors

CIRCULAR 23-363 (SD)

15 June 2023

23-363 (SD) TRAINEE SOLICITOR TRAINING

1. The Law Society regularly receives enquiries concerning different aspects of trainee solicitor training such as the terms and conditions in the trainee solicitor contract, provisions in the Trainee Solicitors Rules Cap. 159J, training experience, the conduct of the principals or trainees and problems and/or difficulties in training.
2. Members may find the following information useful if they encounter any questions and problems in training.

General Information

3. General information on (i) the recruitment of trainee solicitors, (ii) the terms and conditions of the 3 standard forms of trainee solicitor contract prescribed by the Law Society, Forms A, B and C (together the “Trainee Solicitor Contracts”), (iii) registration of Trainee Solicitor Contracts and (iv) provisions in the Trainee Solicitors Rules Cap. 159J, is set out in the Package entitled “[Information for Trainee Solicitors](#)”.
4. General information on admission as Hong Kong solicitors is set out in the Package entitled “[Admission as A Solicitor: Trainee Solicitors](#)”.

Common areas of concern

5. Provision and supervision of training

- (a) The Law Society has developed a [Training Checklist for Trainee Solicitors](#) which provides general guidance on the types of training which a trainee could undergo and the target outcomes of such training.
- (b) The Trainee Solicitor Contracts prescribe the basic skills and areas of practice on which a principal must provide training to the trainee.
- (c) When a trainee applies for admission as a Hong Kong solicitor, the principal and the trainee are required to submit the Application for A Certificate of Eligibility for Admission as a Solicitor (Form 4) under which the principal and trainee must declare on oath the types of skills and areas of practice on which the trainee has been provided with training.



- (d) [Circular 20-472\(SD\)](#) provides guidelines on supervision and training of trainee solicitors during the COVID-19 pandemic.
- (e) If a solicitor has employed or is acting as the principal of a trainee solicitor under a trainee solicitor contract, the solicitor must make suitable alternative arrangement for the trainee solicitor to be properly supervised by another solicitor within the firm who is eligible to act as principal under Section 20(1) of the Legal Practitioners Ordinance Cap. 159 (“LPO”) during a prolonged period of absence of the solicitor from the office. If no other solicitor is eligible under Section 20(1) of the LPO within the firm, the solicitor may consider making alternative arrangement pursuant to rule 9(3) of the Trainee Solicitors Rules Cap. 159J for the trainee solicitor to be employed in the office of another solicitor or qualified person who is eligible under Section 20(1) of the LPO to act as the principal of the trainee. A new Commentary 4 is added to Principle 2.05 of the Hong Kong Solicitors’ Guide to Professional Conduct, Volume 1 (“the Guide”) with immediate effect to reflect such a requirement on a sole principal. Please click [here](#) for the updated Chapter 2 of the Guide incorporating the said new Commentary.
- (f) In view of the above statutory obligations imposed on the solicitor who has employed or is acting as the principal of a trainee solicitor by section 20(1) of the LPO, in case of a period of prolonged absence of the employer or principal of a trainee solicitor and no suitable alternative arrangement of the proper supervision of the trainee solicitor has been made, the trainee solicitor should notify Assistant Director, Regulation and Guidance at adrg@hklawsoc.org.hk. Failure on the part of the trainee solicitor to give the above notice to the Law Society will be taken into account at the time of the trainee solicitor’s application for admission as a solicitor in consideration of whether he/she has been duly employed as a trainee solicitor for the whole of the period of the trainee solicitor contract.

6. Difficulties and disputes in training

The Trainee Solicitor Contracts prescribe that any dispute and difficulty concerning the provisions in the Trainee Solicitor Contracts or the training may be referred to the Council for a determination and the decision of the Council is binding on the parties.

7. Termination of Trainee Solicitor Contract

- (a) The trainee solicitor contract cannot be terminated except by (i) mutual agreement of the principal and the trainee or (ii) by the Law Society in the exercise of its powers under Section 22 of the LPO.
- (b) Under Section 22 of the LPO, the principal or the trainee may apply to the Council to terminate the trainee solicitor contract on such terms as it shall think fit and the Council shall determine any period of employment as effective period of training.



8. Conduct of the principal or the trainee

- (a) The LPO and the Articles of Association of the Law Society empower the Council:
 - (i) To investigate any charge of misconduct against any solicitor or employee of a solicitor and institute any disciplinary proceedings;
 - (ii) To investigate any conduct of a solicitor, trainee solicitor, employee of a solicitor as a result of complaint being made and to submit the matter to the Tribunal Convenor of the Solicitors Disciplinary Tribunal Panel.
- (b) Information and procedures on filing a complaint with the Law Society are set out in the [Notes to Parties to a Complaint](#) on the website of the Law Society and [the Hong Kong Solicitors' Guide to Professional Conduct, Volume 1](#).

Enquiries

- 9. For further enquiries, members may contact Assistant Director, Regulation and Guidance at adrg@hklawsoc.org.hk.