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Index Reference :

**Legal Practitioners Ordinance,
Practice Directions & Rules**

CIRCULAR 03-29 (SD)

27 January 2003

PRACTISING CERTIFICATE (SPECIAL CONDITION) RULES

1. The Practising Certificate (Special Conditions) Rules (“Rules”) will come into operation on 1 February 2003.
2. The conditions subject to which a practising certificate may be issued are set out in Schedule 1 to the Rules. They include the following:
 - (a) The solicitor shall complete a period of practice (not exceeding 24 months) as specified by the Council under the supervision of a solicitor holding an unconditional practising certificate.
 - (b) The solicitor may only practise in an employment that has been approved by the Council.
 - (c) The solicitor may only practise in a partnership that has been approved by the Council.
 - (d) The solicitor may only practise on his own account with the approval of the Council.
 - (e) The solicitor shall not sign cheques on a client account.
 - (f) The solicitor shall accumulate such CPD accreditation points or undertake and complete one or more courses of the Continuing Professional Development Scheme as specified by the Council.
 - (g) The solicitor shall undertake additional academic or training courses or examinations specified by the Council.

3. The above conditions may be imposed on a practising certificate in accordance with the Rules if:
 - (a) the solicitor is applying for the issue of a practising certificate for the first time;
 - (b) the solicitor has been censured or ordered to pay a penalty or costs by the Solicitors Disciplinary Tribunal since he was last issued a practising certificate;
 - (c) the solicitor has failed or refused to give to the Society a sufficient and satisfactory explanation in respect of any matter relating to his conduct when invited to do so since he was last issued a practising certificate and has been notified in writing by the Society that he has so failed or refused;
 - (d) the solicitor has been suspended from practice since he was last issued a practising certificate and the period of his suspension has expired;
 - (e) the solicitor has had his name removed from or struck off the roll of solicitors since he was last issued a practising certificate and his name has been restored to the roll of solicitors;
 - (f) the solicitor has become bankrupt since he was last issued a practising certificate and has been discharged;
 - (g) the solicitor has had a monetary judgment (not being a judgment excepted in the Rules) given against him since he was last issued a practising certificate;
 - (h) the solicitor has not been in full-time practice of law for two continuous years immediately prior to the giving of notice of intention to apply for a practising certificate; or
 - (i) the solicitor was a principal in or a consultant of a firm at the time of an intervention of the firm by the Society during the preceding 18 months.
4. If a solicitor comes within any of the situations set out in paragraph 3 above, he shall not less than 6 weeks before he applies for a practising certificate give to the Society written notice of his intention to so apply in a specified form, unless the Society or Chief Judge otherwise orders.
5. Accordingly, under the Rules, newly qualified solicitors applying for a practising certificate for the first time will be required to give written notice of intention to apply for a practising certificate not less than 6 weeks before they apply for a practising certificate.

6. There has been a concession given to newly qualified solicitors to backdate their first practising certificate to the date of admission provided they apply within one month of admission. This concession will cease when the Rules come into effect on 1 February 2003.
7. Where a practising certificate has already been issued to a solicitor, the Society may add certain conditions to it, as set out in the Rules, if:
 - (a) the situation in paragraph 3(b),(c),(d),(g) or (i) above arises;
 - (b) the solicitor has entered into a voluntary arrangement with his creditors; or
 - (c) the solicitor has been charged with or convicted of an offence involving dishonesty or deception or an offence which in the opinion of the Council has compromised or impaired or is likely to compromise or impair the reputation of the profession.
8. Consequential amendments have been made to the Practising Certificate (Solicitors) Rules to include, in the form of application for a practising certificate, a requirement to indicate whether the applicant falls within any of the situations in paragraph 3 above and whether prior notice has been given to the Society.
9. The replacement contents page, the Rules and the replacement pages of the Practising Certificates (Solicitors) Rules for insertion into the Hong Kong Solicitors' Guide to Professional Conduct Volume 2 are attached to Circular 03-30 (SD).

Any enquiries can be directed at the Assistant Director, Regulation and Guidance on 2846-0503.