

- (2) No solicitor or foreign lawyer shall in connection with his practice as a solicitor or foreign lawyer employ or remunerate any person who, to his knowledge, is the subject of an order made by a Solicitors Disciplinary Tribunal under section 10(2)(g) whereby the employment of such person by any solicitor or foreign lawyer is prohibited, while such order is in force.
- (3) No solicitor or foreign lawyer shall, in connection with his practice as a solicitor or foreign lawyer, without written permission of the Society, which may be given for such period and subject to such conditions as the Society may think fit, employ or remunerate any person, who, to his knowledge, has been convicted of a criminal offence involving dishonesty.
- (4) A solicitor or foreign lawyer aggrieved by the refusal of the Society to grant any such permission as aforesaid, or by any conditions attached by the Society to the grant thereof, may appeal to the Chief Judge, in such manner as may be prescribed by the Chief Justice, and on any such appeal the Chief Judge may confirm the refusal or the conditions, as the case may be, or may, in lieu of the Society, grant such permission for such period and subject to such conditions as he thinks fit.
- (5) If any solicitor acts in contravention of the provisions of this section or of the conditions subject to which any permission has been given thereunder, his name shall be struck off the roll or he shall be suspended from practice for such period as a Solicitors Disciplinary Tribunal may think fit.
- (5A) If a foreign lawyer acts in contravention of the provisions of this section or of the conditions subject to which any permission has been given, his registration as a foreign lawyer shall be cancelled or shall be suspended for such period as a Solicitors Disciplinary Tribunal may think fit.
- (6) Any person who, while there is in force in respect of him an order made under section 10(2)(g) prohibiting his employment by any solicitor or foreign lawyer, seeks or accepts any employment by or remuneration from a solicitor or foreign lawyer in connection with his practice as a solicitor or foreign lawyer without previously informing the solicitor or foreign lawyer of that order shall be guilty of an offence and shall be liable on summary conviction to a fine of \$500,000.

54. Penalty on failure to disclose fact of having been struck off, etc.

- (1) Any person who, whilst he is disqualified from practising as a solicitor by reason of the fact that he has been struck off the roll or is suspended from practising as a solicitor, seeks or accepts employment by a solicitor in connection with that solicitor's practice without previously informing him that he is so disqualified shall be guilty of an offence and shall be liable on summary conviction to a fine of \$500,000.
- (1A) A person whose registration as a foreign lawyer has been cancelled other than under section 19 or suspended and who seeks or accepts employment by a solicitor or foreign lawyer without previously informing the solicitor or foreign lawyer that his registration has been cancelled or suspended commits an offence and is liable to a fine of \$500,000.
- (2) No proceedings under this section shall be commenced except by or with the consent of the Secretary for Justice.

55. Time limit for commencement of certain proceedings

Notwithstanding anything in the Magistrates Ordinance (Cap. 227), proceedings in respect of any offence against section 46, 47, 48, 50B or 54 may be brought at any time within 2 years next after the commission of the offence.

PART VI

REMUNERATION OF SOLICITORS

Non-contentious Business

56. Agreement for remuneration for non -contentious business

- (1) Whether or not any rules made under section 74 are in force, a solicitor and his client may, either before or after or in the course of the transaction of any non-contentious business by the solicitor, make an agreement as to the remuneration of the solicitor in respect thereof.
- (2) The agreement may provide for the remuneration of the solicitor by a gross sum, or by commission or percentage or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration therein stipulated for either shall or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees or other matters.
- (3) The agreement shall be in writing and signed by the person to be bound thereby or his agent in that behalf.
- (4) The agreement may be sued and recovered on or set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor:

Provided that if on any taxation of costs the agreement is relied on by the solicitor and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the Court, and if on that certificate it appears just to the Court that the agreement should be cancelled, or the amount payable thereunder reduced, the Court may order the agreement to be cancelled, or the amount payable thereunder to be reduced, and may give such consequential directions as it thinks fit.

57. Remuneration of a solicitor who is a mortgagee

- (1) If a mortgage is made to a solicitor, either alone or jointly with any other person, he, or the firm of which he is a member, shall be entitled to recover from the mortgagor in respect of all business transacted and acts done by him or them in negotiating the loan, deducing and investigating the title to the property, and preparing and completing the mortgage, such usual costs as he or they would have been entitled to receive if the mortgage had been made to a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.
- (2) If, whether before or after the commencement of this Ordinance, a mortgage has been made to, or has become vested by transfer or transmission in, a solicitor, either alone or jointly with any other person, and if any business is transacted or acts done by that solicitor, or by the firm of which he is a member, in relation to that mortgage, or the security thereby created or the property comprised thereunder, then he or they shall be entitled to recover from the person on whose behalf the business was transacted or the acts were done, and to charge against the security, such usual costs as he or they would have been entitled to receive if the mortgage had been made to and had remained vested in a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.
- (3) In this section, "mortgage" includes any charge on any property for securing money or money's worth.