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## ***24. PRACTICE DIRECTIONS 1990***

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### **PREFACE**

Under article 18(h) of the Articles of Association of the Society the Council is empowered to issue Practice Directions relating to the professional practice, conduct and discipline of solicitors. Article 6 provides that every solicitor shall be absolutely bound by all Practice Directions issued from time to time by the Society.

The Council has issued a number of Practice Directions. Some of the Directions are advisory only but some are mandatory, breach of which will be treated as professional misconduct in respect of which disciplinary action may be taken.

These Practice Directions replace all previous Directions made by the Council. They have been edited but there are no new Directions and no amendments of substance.

In a number of Directions reference is made to particular sums of money. These have been reviewed and some have been revised and are effective from the date of publication of this document.

Practice Directions which dealt with publicity have been repealed and a new Solicitors' Practice Promotion Code is published separately.

The date on which the original Direction came into effect is referred to in those Directions where it may be important to the obligations of solicitors before and after a particular date. Otherwise reference can be made to the table at Appendix 1.

January 1990

Note: These consolidated Practice Directions were first issued on 8 January 1990.

This revised print is current as at 24 November 2003

**A. CONVEYANCING**

1. [Repealed]
2. Sale of flats in uncompleted developments by way of grant or sale of sub-leases
3. Solicitors' Accounts Rules
4. Rule 5C of the Solicitors' Practice Rules - sale of flats in uncompleted developments
5. Management of buildings - deeds of mutual covenant
6. Standard provisions for payment of purchase money in Consent and Non-Consent Schemes
7. Sale and purchase of partitioned residential flats
8. Certified copies of title deeds.
9. Rule 5C(1) of the Solicitors' Practice Rules
- 9A. Rule 5C(1) of the Solicitors' Practice Rules - Home Ownership Scheme and Private Sector Participation Scheme Conveyancing Transactions
- 9B. Rule 5C(1) of the Solicitors' Practice Rules - Financial Secretary Incorporated Lease Extension Cases
10. Rule 5C(1) of the Solicitors' Practice Rules
11. Rule 5C(1) of the Solicitors' Practice Rules
12. Rule 5C of the Solicitors' Practice Rules  
Approved Forms A1 and A2 (for Consent Scheme)  
Approved Forms B1 and B2 (for non-Consent Scheme)

**B. COSTS**

1. Solicitors' bills of costs
2. Solicitors (General) Costs Rules - equitable mortgage and legal charge
3. Solicitors (General) Costs Rules - assignment between subsidiary / associate companies

**C. CRIMINAL CASES**

1. [Repealed]
2. [Repealed]
3. Steps to be taken in criminal matters
4. Video evidence of children

- (b) any lawyer qualified in his own jurisdiction who has satisfied the requirements of section 4 or 5 of the Overseas Lawyers (Qualification for Admission) Rules and has satisfied the requirements as to residence and who is so authorised by the firm;
- (c) any of the following who is an employee of the firm, in relation to matters within such persons competence in each case but not otherwise:
  - (i) a foreign lawyer;
  - (ii) a Chartered Accountant or Certified Public Accountant;
  - (iii) a member of the United Kingdom Institute of Trademark Agents or the Hong Kong Institute of Trademark Practitioners;
  - (iv) a United Kingdom Chartered Patent Agent who has entered on the United Kingdom register of Patent Agents under the provisions of the Register of Patent Agents Rules 1982 administered under the United Kingdom Patents Act 1977;
  - (v) a fellow of the Institute of Chartered Secretaries and Administrators or the Hong Kong Institute of Company Secretaries;
  - (vi) a person of comparable qualification and/or experience approved by the Council on application to it, subject to such conditions as the Council may think fit.
- (3) Where a person is approved to issue such electronic communications by virtue only of (2)(b) or (c) above:
  - (a) that persons authority shall be in writing signed by the sole practitioner or a partner in the firm for the time being;
  - (b) the sole practitioner or, as the case may be, all partners of the firm or a partner designated in writing for that purpose shall be responsible for ensuring that the person:
    - (i) does not exceed his/her authority; and
    - (ii) complies with all relevant professional requirements; and
  - (c) the name of the approved person must appear at the end of the communication together with that person's status within the firm.
- (4) This Practice Direction is without prejudice to other Practice Directions, in particular Practice Direction D.2.
- (5) This Practice Direction came into effect on 1 January 1998.

## 9. BANKRUPTCY

- (1) A solicitor shall notify the Society in writing within 7 days:
  - (a) after he has filed a bankruptcy petition against himself with the Registry of the High Court; or
  - (b) after he has been served with a sealed copy of a bankruptcy petition by his creditor.
- (2) A solicitor shall notify the Society in writing within 7 days after the date of a bankruptcy order against him.
- (3) This Practice Direction came into effect on 24 November 2003.

## **E. TRAINEE SOLICITORS AND ADMISSION**

1. [Repealed]

### **2. TRAINEE SOLICITOR CONTRACTS - APPROVED FORMS**

- (1) Pursuant to rule 8 of the Trainee Solicitors Rules the following forms of trainee solicitor contract have been adopted:
  - (a) form A (appendix 2) applies to trainee solicitors employed by solicitors in private practice;
  - (b) form B (appendix 3) applies to trainee solicitors working for the Government; and
  - (c) form C (appendix 4) applies to trainee solicitors employed in commerce and industry.

These forms must be used in all cases.

- (2) A trainee solicitor contract in form A, that is the form applicable to trainee solicitors employed by solicitors in private practice, must provide for a salary of not less than \$6,000 per month for the first year of the contract and \$7,500 for the second year.
- (3) Trainee solicitor contracts which do not provide for salaries of at least these amounts will not be accepted for registration.

### **3. TRAINEE SOLICITORS - ABSENCES FROM THE OFFICE**

[Replaced by rule 9(2) of the Trainee Solicitors Rules which came into effect on 18 March 1994.]

This Practice Direction came into effect on 4th December 1989.