



## ***Index Reference :***

**Regulations:                      Legal  
Practitioners                    Ordinance,  
Practice Directions and Rules**

**CIRCULAR 08-361 (SD)**

**30 June 2008**

## **PRACTICE DIRECTION P**

1. On 24 June 2008, the Council resolved to revise paragraphs 24 and 86 of Practice Direction P in the manner as underlined below:-

“24. All files, including all documents relating to the transactions and records obtained or compiled for client identification and due diligence, should be retained in order to facilitate the retrieval of information relating to client identification and due diligence. The recommendations contained in the existing Circular 02-384 should be observed. The retention period for the following types of transactions is as follows:-

- 24.1 conveyancing matters – 15 years;
- 24.2 tenancy matters – 7 years;
- 24.3 other matters, except criminal cases – 7 years; and
- 24.4 criminal cases – 3 years from expiration of any appeal period.

The above retention periods also apply to copies of the individual client's identification documents including the Hong Kong identity cards and passports collected in relation to the files or transactions.

“86. **Original documents** (e.g. identity card or passport of an individual, certificate of incorporation or registration of a company or other legal entity) should be inspected whenever possible for verification purpose. Where originals are not available, copies of such documents from a reliable independent source (e.g. copies certified by appropriately regulated professional) should be obtained. Law firms, solicitors and foreign lawyers are required to take or collect copies of individual client's identification documents. Copies of the individual client's identification documents include Hong Kong identity cards and passports. Copies of all such documents must be kept as a record. It is also advisable to note down when the original document(s) was/were inspected and when the copy(ies) was/were taken.”

2. The Practice Direction P as revised will take effect on 1 July 2008.
3. Replacement pages of the relevant paragraphs of Practice Direction P for insertion in the Hong Kong Solicitors' Guide to Professional Conduct Volume 2 are attached to Circular 08-363 (SD).