



D. 7. **CESSATION OF PRACTICE**

- (1) Where a firm intends to cease practice, the firm must notify the Society of the intended cessation in writing in a form approved by the Society at least 8 weeks prior to the date of cessation.
- (2) Where a firm intends to cease practice, the firm must appoint a firm of solicitors with at least 2 partners as its agent to deal with all consequential matters. The firm shall notify the Society of the names and contact details of its sole practitioner or all of its partners and of the agent appointed when it notifies the Society of its intended cessation pursuant to subparagraph (1). Any change to the contact details must be notified by the person to whom the change relates to the Society in writing within 7 days of such change.
- (3) A solicitor who was a principal of the firm as at the date of cessation shall ensure that:
  - (a) where an existing appointment of the agent is for any reason terminated, another firm of solicitors with at least 2 partners (the “substitute agent”) is to be appointed within 7 days; and
  - (b) any change to the particulars of the agent or the substitute agent is notified to the Society in writing within 7 days of such change.
- (4)
  - (a) The agent whose appointment as such is terminated shall within 7 days of such termination apply in writing to the Council for directions to be given pursuant to Rule 8(2) of the Solicitors’ Accounts Rules on the unclaimed balances on its clients’ accounts pertaining to its appointment as the firm’s agent.
  - (b) The agent whose appointment as such is terminated and the substitute agent to whom any unclaimed balances on clients’ accounts have been transferred from the former agent shall notify the Society in writing the total aggregate amount in the clients’ accounts so transferred within 7 days of the transfer.
- (5) Notwithstanding the requirement in section 5(3) of the Solicitors’ Practice Rules to furnish a declaration in respect of the relevant calendar year, a solicitor who was a principal of the firm as at the date of cessation shall advise the Society in writing in a form approved by the Society within 14 days of the date of cessation of any change in the employment of staff of the firm that occurred as a result of the cessation.
- (6) It is a mandatory requirement that all old physical files must be stored in Hong Kong in order to ensure inter alia the preservation of confidentiality and easy retrieval (see Circular no. 12-475 (PA)).
- (7) This Practice Direction came into effect on 16 June 1997 and was amended on 2 August 2004, 16 October 2006 and 25 June 2012.
- (8) Other than in respect of subparagraph (6) above, the Council may, in a particular case, waive in writing any provision of this Practice Direction, subject to such conditions as it may impose.