

# HONG KONG BAR ASSOCIATION

## Circular No. 023/16

TO : Pupils of the Bar Association  
CC : All Members  
FROM : Wong Ka-Chun, Director of ALE  
DATE : 8 March 2016

### ALE REQUIREMENT

All pupils and Pupil Masters are reminded of the following:

1. The ALE requirement is a **statutory requirement** as set out in the Barristers (Advanced Legal Education Requirement) Rules.
2. It is the **pupils' own responsibility** to ensure that they obtain the requisite number of ALE points in order to fulfill the statutory requirement, during their period of approved pupillage.
3. **FAILURE** to do so will result in an individual **NOT being able to enter into full practice** at the end of their approved pupillage.
4. Applications for Full Practice Upon an Undertaking to Fulfill the Outstanding ALE Requirements are **rarely granted and only in exceptional circumstances**.
5. Sufficient ALE courses are offered during the year from which pupils' can obtain their points and fulfill the statutory requirement, including Core workshops where each group is limited to 6 pupils.
6. Members of the Judiciary, Department of Justice, Bar and other speakers are generously giving up their own personal time to teach on ALE courses.
7. All ALE events are **arranged at the convenience and availability of the workshop leaders and speakers, and NOT accordingly to the convenience and availability of pupils** (*save that they are held outside of court hours*).
8. Pupils should register and attend ALE courses **when offered**.

9. The following excuses – which are commonly given, are **NOT VALID or ACCEPTABLE REASONS** for failing to attend ALE events and thus, failing to fulfill the statutory ALE requirement during the period of approved pupillage:
- Forgetting the date of the ALE event registered for;
  - The course date was inconvenient;
  - Too busy to attend;
  - Late or absent due to attending a conference with pupil master;
  - Bar Circulars not received;
  - Not realising that the minimum points had not been obtained - due to failing to keep a proper ALE record;
  - Failure to submit reports for Duty Lawyer Service Orientation Visits and Magistrates Marshalling, by the deadline set or at all;
  - The topic of the talk was not of any interest to me.
10. Pupils are required to take note of/adhere to the contents of the following attached Bar Circulars:
- No. 078/03
  - No. 067/04 (extract)
  - No. 081/05 (extract)
  - No. 083/05 (extract)
  - No. 086/05 (extract)
  - No. 060/09 (extract)
  - No. 128/10

# HONG KONG BAR ASSOCIATION

## Circular No. 078/03

TO : Pupils of the Bar Association  
CC : All Members  
FROM : Edward Chan S.C., Chairman  
DATE : 22<sup>nd</sup> September 2003

### ALE EVENTS – Standards of Conduct and Behaviour

ALE events are provided to pupils at the generosity of the Bar Association. Only a small fee is levied upon pupils to cover the cost of photocopying. However, it has been noted that this provision is being taken for granted and abused by some pupils.

For the avoidance of doubt, the standards of conduct and behaviour expected of all pupils in relation to ALE events, are as follows:

1. Pupils are responsible for registering for an ALE event and confirming the successful registration should they receive no notification thereof. The Bar Secretariat will provide notification to you of your registration, save where it is stated that there will not be confirmation of registration. If you do not receive any notification, you should contact the Bar Secretariat to seek clarification.
2. It is the pupil's responsibility to inform the ALE section of the Bar Secretariat of changes to their contact details.
3. All attendees should conduct themselves in a professional manner befitting of the Bar. The requirement of ALE points is an integral part of pupillage, and the same standards of conduct expected in pupillage and in carrying out your future practice as a Barrister should be shown in attending ALE events.
4. It is expected that you will be punctual in attending ALE events. Your attention is drawn to the 10minute policy, as set out in point 5, Annex II of the Pupils ALE Programme Information Package. This will be enforced rigorously without fail.
5. If you are unable to attend an event for which you have registered and reserved a place, it is your responsibility to inform the Bar Secretariat in writing of your absence and the specific reasons therefor. You are also expected to manage your diaries efficiently and vacate other engagements conflicting with ALE events you have registered for.

6. If you have been given instructions to prepare for a workshop, you are expected to do so diligently. Pupils who do not prepare for workshops as required will be refused entry into a workshop and/or will be asked to leave the workshop and/or will not be credited with any ALE points.

7. The Bar Secretariat will keep a full record of all breaches, which will be reviewed from time to time. Serious cases may give rise to misconduct.

8. Pupil masters are asked to take note of the above and to accommodate their pupils by giving priority to ALE events.

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# HONG KONG BAR ASSOCIATION

## Circular No. 067/04

TO : All members and pupils of the Bar Association  
FROM : Wong Ka-Chun, Director of Advanced Legal Education  
DATE : 19 July 2004

### ALE REQUIREMENTS

It has recently come to my attention that there are some misconceptions with regard to the operation of the Advanced Legal Education Programme and the Barristers (Advanced Legal Education Requirement) Rules.

For the avoidance of any future doubt and to dispel any misconceptions, please note that it is the responsibility of pupils to ensure that they obtain the requisite number of ALE points. If a pupil fails to complete the required minimum number of points at the end of his period of pupillage, the Bar Council may:

- a. refuse to extend the validity of any limited practising certificate beyond the end of the period of approved pupillage;
- b. refuse to issue a new limited practising certificate; or
- c. defer issuing a full practising certificate until the pupil has satisfactorily completed the programme.

The Bar Council will take a serious view of such a failure. So if a pupil anticipates that he will be unable to complete the required number of points in the given period, he should make an application in writing to the Director of ALE, giving full details of the reasons why he may be unable to comply and providing relevant documentary evidence.

The Director of ALE, together with the Special Committee on Legal Education will consider each case on its own individual merits and make a recommendation to the Bar Council.

**The granting of a full practising certificate on an undertaking is at the absolute discretion of the Bar Council.**

Pupil Barristers are reminded to take note of the above and to make the necessary arrangements to fulfill the ALE requirements. Pupil Masters are reminded of Para.8 of Bar Circular No. 078/03.

Pupil Masters are asked to take note of the *Standards of Conduct and Behaviour at ALE events as set out in the said circular*, and to accommodate their pupils by giving priority to ALE events.

**Bar Code Of Conduct Para 140: Dress in Court**

Pupil Barristers are reminded of the above provision in the Bar Code of Conduct relating to Dress in Court. You are expected to dress appropriately at all times including at ALE events, in particular, at all Advocacy workshops and events held outside of the Bar Association premises, such as Duty Lawyer Orientation Visits and Magistrates Court Marshalling. **Any breaches of the code will be reported to the Bar Council.**

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# Hong Kong Bar Association

## Circular No. 081/05

To : All Members and Pupils of the Bar Association

From: Lisa Wong – Hon. Secretary

Date : 20 September 2005

### **EXTENSION OF CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE (“THE CEP”)**

The Bar Council has recently received a number of applications for extension of the CEP which were not filed within the time stipulated in the statute and one of them was filed even after the current CEP had expired.

Pursuant to section 12(4) of the Barristers (Qualification for Admission and Pupillage) Rules, such an application shall be made not later than 2 months before the expiry of the current certificate. Though the Bar Council may still approve an application which was not filed within such time, this is the Bar Council’s discretion which would not be exercised invariably for excuses such as that the pupils are not aware of the statutory requirement. For an application filed after the certificate has expired, the Bar Council will only consider an extension, if at all, with effect from the date of receipt of the application and the days between the expiry of the current certificate and the approval of the extension shall not be counted towards the pupillage.

Both pupils and pupil masters are under the duty to acquaint themselves with the rules and regulations governing pupillage.

### **Undertaking to file Registrar’s Certificate of Admission**

To enable pupils to apply for commencement of limited practice upon their admission as barristers, the Bar Council requires the pupils to give written declarations of their admission and written undertakings to apply for and to file the Registrar’s Certificates as soon as possible. However, it has come to the Bar Council’s notice that some pupils have failed to proceed with the necessary expediency in obtaining and filing the Registrar’s Certificates. In one case, the Certificate had not been filed even after the completion of pupillage.

Members and pupils are reminded that application for the Registrar’s Certificate may take time. Any delay on the part of the pupil in either applying for or submitting the Registrar’s Certificate would amount to a breach of the pupil’s undertaking to the Bar Council and the Bar Council may consider taking appropriate action against the pupil for such breach.

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# HONG KONG BAR ASSOCIATION

## Circular No. 083/05

TO : All members and pupils of the Bar Association  
FROM : Wong Ka-Chun, Director of Advanced Legal Education  
DATE : 20 September 2005

### **ALE REQUIREMENTS**

Recently, we have received a number of applications for full practising certificates from pupils who have failed to fulfill the ALE requirements during their period of pupillage.

You are reminded that the ALE requirement is a statutory requirement as set out in the Barristers (Advanced Legal Education Requirement) Rules, and that it is the responsibility of pupils to ensure that they obtain the requisite number of ALE points.

If a pupil fails to complete the required minimum number of points at the end of his period of pupillage, the Bar Council may:

- (a) refuse to extend the validity of any limited practising certificate beyond the end of the period of approved pupillage;
- (b) refuse to issue a new limited practising certificate; or
- (c) defer issuing a full practising certificate until the pupil has satisfactorily completed the programme.

**The Bar Council will take a serious view of such a failure.** So if a pupil anticipates that he will be unable to complete the required number of points in the given period, he should make an application in writing to the Director of ALE, giving full details of the reasons why he may be unable to comply and providing relevant documentary evidence.

The Director of ALE, together with the Special Committee on Legal Education will consider each case on its own individual merits and make a recommendation to the Bar Council.

**The granting of a full practising certificate on an undertaking is at the absolute discretion of the Bar Council.**

Pupil Barristers are reminded to take note of the above and to make the necessary arrangements to fulfil the ALE requirements. Pupil Masters are reminded of Para. 8 of Bar Circular No. 078/03, and to accommodate their pupils by giving priority to ALE events.

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# HONG KONG BAR ASSOCIATION

## Circular No. 086/05

TO : All members and pupils of the Bar Association  
FROM : Wong Ka-Chun, Director of Advanced Legal Education  
DATE : 26 September 2005

### ALE REQUIREMENTS

Further to Bar Circulars Nos. 081/05 and 083/05, pupil barristers are reminded that:

1. Unless you secure a Full Practising Certificate upon an undertaking to obtain outstanding ALE points or an extension of your Certificate of Eligibility for Pupillage (“CEP”), pupillage and limited practice, by the end of your approved period of pupillage, you will have no status to practise.
2. Both the issuance of a Full Practising Certificate upon an undertaking to obtain outstanding ALE points and the extension of a CEP are at the absolute discretion of the Bar Council, which discretion will be exercised only on good grounds.
3. Each application will be considered firstly by the Special Committee on Legal Education or the Special Committee on Pupillage and Limited Practice (as the case may be) and then by the Bar Council on its own merits. As this process takes time, applications should be made **in good time well before the end of your approved period of pupillage.**

# HONG KONG BAR ASSOCIATION

## Circular No. 060/09

TO : All members and pupils of the Bar Association  
FROM : Wong Ka-Chun, Director of Advanced Legal Education  
DATE : 27 April 2009

### **KEEPING OF ALE RECORDS – REMINDER**

It is the responsibility of **all pupils** to keep a full record of their attendance at ALE courses on the required form, which can be found at Annex 1 to the Pupils ALE Programme Information Pack. The form can also be downloaded from the Bar's website.

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# HONG KONG BAR ASSOCIATION

## Circular No.128/10

TO : All members and pupils of the Bar Association  
FROM : Wong Ka-Chun, Director of Advanced Legal Education  
DATE : 6 December 2010

### ALE REQUIREMENT

Pupil Barristers are reminded that the ALE requirement is a statutory requirement under the Barristers (Advanced Legal Education Requirement) Rules. It is an integral part of pupillage.

ALE courses are taught by senior and experienced members of the Bar, Judiciary and of the Department of Justice, and who generously give up their own personal time to share their knowledge with you. Courses are held after court hours so as to avoid interrupting your time in court with pupil masters.

Your attention is drawn to Bar Circulars no.078/03 and 067/04, which you will have received in the Pupillage Information Package provided to you at the start of your pupillage (copies attached).

It is the responsibility of pupils to ensure that they obtain the requisite number of ALE points. This includes applying for courses in a timely fashion without having to be reminded to do so.

Where core workshops are offered with sufficient places for all pupils, you should vacate all other engagements and make yourself available to attend these courses.

If a pupil fails to complete the required minimum number of points at the end of his period of pupillage, in the absence of a good explanation, the Bar Council may:

- (a) refuse to extend the validity of any limited practising certificate beyond the end of the period of approved pupillage;
- (b) refuse to issue a new limited practising certificate; or
- (c) defer issuing a full practising certificate until the pupil has satisfactorily completed the programme.

The Bar Council will take a serious view of such a failure.

Pupil Barristers are advised to take note of the above and to make the necessary arrangements to fulfil the ALE requirements.

Pupil Masters are reminded of Para.8 of Bar Circular No. 078/03, and are asked to accommodate their pupils by giving priority to ALE events.