

(2) 附表 2 第 1(1)、2(2) 及 (3)、3、7(1) 及 (5) 及 8(1) 段中對律師或其律師行，或對外地律師或其律師行的提述，在該律師或外地律師已去世的情況下，包括對其遺產代理人的提述。

(由 1998 年第 23 號第 2 條修訂)

[比照由 1990 c. 41 s. 91 U.K. 修訂的 1974 c. 47 Sch. 1 Pt. I U.K.]

(第 IIA 部由 1995 年第 68 號第 12 條代替)

第 III 部

大律師

*27. 法院認許大律師的權力

(1) 在不抵觸第 (2) 款的情況下，法院可按終審法院首席法官訂明的方式，認許法院認為是適當作為大律師並且符合以下規定的人為香港高等法院的大律師——

- (a) 符合執委會所訂明的要求；
- (b) 已在執委會所訂明的考試中考取合格；及
- (c) 已繳付執委會所訂明的費用。

(2) 除非法院信納某人符合以下規定，否則法院不得根據第 (1) 款認許該人——

- (a) 該人並非獨自執業為律師，亦非以某間在香港執業的律師行的合夥人或受薪僱員的身分而執業為律師；及
- (b) 該人符合以下任何一項要求——
 - (i) 在緊接認許申請的日期前的 3 個月內或更長的時間內一直居於香港；
 - (ii) 通常居於香港滿 7 年；
 - (iii) 在緊接認許申請的日期前的 10 年內至少有 7 年是每年至少有 180 天身在香港。

(2) The references to the solicitor or his firm or the foreign lawyer or his firm in sections 1(1), 2(2) and (3), 3, 7(1) and (5) and 8(1) of Schedule 2 include, in any case where the solicitor or foreign lawyer has died, references to his personal representatives.

[cf. 1974 c. 47 Sch. 1 Pt. I U.K. as amended by 1990 c. 41 s. 91 U.K.]

(Part IIA replaced 68 of 1995 s. 12)

PART III

BARRISTERS

*27. Power of Court to admit barristers

(1) Subject to subsection (2), the Court may, in such manner as may be prescribed by the Chief Justice, admit as a barrister of the High Court in Hong Kong, a person whom it considers a fit and proper person to be a barrister, provided such person has—

- (a) complied with the requirements;
- (b) passed the examinations; and
- (c) paid the fees,

prescribed by the Bar Council.

(2) The Court shall not admit a person under subsection (1) unless it is satisfied that that person—

- (a) is not in practice as a solicitor either on his own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong; and
- (b) satisfies one of the following requirements—
 - (i) has resided in Hong Kong for at least 3 consecutive months immediately before the date of his application for admission;
 - (ii) has been ordinarily resident in Hong Kong for at least 7 years;
 - (iii) has been physically present in Hong Kong for at least 180 days of each of at least 7 years within the 10 years immediately preceding the date of his application for admission.

* 請參閱載於 2000 年第 42 號第 17 條的保留條文。該條轉錄於緊接本條例之後。

* Please see the savings provision contained in s. 17 of 42 of 2000, which section is reproduced immediately after the Ordinance.

(3) 如有關的人在根據第(1)款獲認許時是一名律師，則司法常務官須將該人的姓名從律師登記冊上刪除。

(4) 即使某人並不全部符合第(1)及(2)(b)款指明的規定，但如法院認為該人是適當作為大律師的人，且信納該人——

(a) 具有在香港以外地方取得從事某些工作的資格，而該等工作假若是在香港承辦，會與一名大律師作為高等法院或終審法院的大律師的日常執業過程中所承辦的工作類似；以及

(b) 具有豐富的出庭代訟的經驗，

則法院可根據本條就任何一宗或多於一宗個別案件而認許該人為大律師，並可對該人施加法院認為適合的限制及條件。

(5) 法院在認許大律師時，可在內庭開庭。

(由 2000 年第 42 號第 7 條代替)

27A. (由 2000 年第 42 號第 8 條廢除)

28. 認許大律師的正式手續

除終審法院首席法官另有訂明者外，任何人除非已將文件證據連同一份顯示他以何種方式符合第 27(1) 及 (2) 條指明的規定的誓章交予司法常務官存放，否則不得獲認許為大律師。

(由 2000 年第 42 號第 9 條代替)

29. 大律師登記冊

(1) 司法常務官須備存一份獲法院根據第 27 及 27A 條認許的所有大律師的登記冊，須保管該份大律師登記冊及與之有關的所有文件，並須容許任何人在辦公時間內免費查閱該份大律師登記冊。(由 1992 年第 61 號第 15 條修訂)

(2) 由一名法官所簽署的認許證書一經出示，以及在由終審法院首席法官所訂明的費用繳付予司法常務官後，司法常務官須將該名經登記的人的姓名列入大律師登記冊。(由 1994 年第 60 號第 31 條修訂；由 1998 年第 25 號第 2 條修訂)

(2A) 依據第 27(1) 或 27A 條獲認許的大律師——

(a) 可藉動議提出申請，要求將其姓名從大律師登記冊上刪除；及

(3) If at the time of his admission under subsection (1) the person is a solicitor, the Registrar shall remove the person's name from the roll of solicitors.

(4) Notwithstanding that a person does not satisfy all the requirements specified in subsections (1) and (2)(b), where the Court considers that he is a fit and proper person to be a barrister and is satisfied that he has—

(a) the qualification acquired outside Hong Kong to engage in work that would, if undertaken in Hong Kong, be similar to that undertaken by a barrister in the course of ordinary practice as a barrister in the High Court or Court of Final Appeal; and

(b) substantial experience in advocacy in a court,

the Court may admit such person as a barrister under this section for the purpose of any particular case or cases and may impose such restrictions and conditions on him as it may see fit.

(5) The Court may, when admitting a person as a barrister, sit in chambers.

(Replaced 42 of 2000 s. 7)

27A. (Repealed 42 of 2000 s. 8)

28. Formalities for admission as a barrister

Except as may be prescribed by the Chief Justice, no person shall be admitted as a barrister unless he has deposited with the Registrar documentary evidence together with an affidavit showing the manner in which he satisfies the requirements specified in section 27(1) and (2).

(Replaced 42 of 2000 s. 9)

29. Roll of barristers

(1) The Registrar shall keep a roll of all barristers admitted by the Court under sections 27 and 27A and shall have custody of the roll of barristers and of all documents relating thereto and shall allow any person to inspect the roll of barristers during office hours without payment. (Amended 61 of 1992 s. 15)

(2) The Registrar, upon production of a certificate of admission signed by a judge and upon payment to the Registrar of such fee as may be prescribed by the Chief Justice, shall enter upon the roll of barristers the name of the person enrolled. (Amended 60 of 1994 s. 31)

(2A) A barrister who was admitted pursuant to section 27(1) or section 27A may—

(a) apply by motion to have his name removed from the roll of barristers; and