

**THE RULES, REGULATIONS  
AND  
BY-LAWS  
OF  
THE HONG KONG BAR ASSOCIATION**

**First adopted on 1 March 1968  
With amendments up to 14 November 2018**

Bar Council  
Hong Kong Bar Association  
LG2, High Court  
38 Queensway  
Hong Kong

# **THE RULES AND REGULATIONS OF THE HONG KONG BAR ASSOCIATION**

## **Interpretation and General Provisions**

1. In these presents, unless the context otherwise requires:-

“The Bar” shall mean the Bar of Hong Kong.

“The Bar Association” shall mean the Hong Kong Bar Association as constituted by these presents.

“The Bar Council” shall mean the Executive Committee of the Bar Association.

“These presents” shall mean these regulations or other regulations for the time being of the Bar Association.

“The Chairman” shall mean the Chairman of the Bar Association and shall include the Acting Chairman, if any.

“The Vice-Chairman” shall mean the Vice-Chairman or one of the Vice-Chairmen of the Bar Association.

“The Honorary Secretary” shall include any person elected to perform or actually performing the duties of Secretary and Treasurer.

“The Deputy Honorary Secretary” shall mean any person appointed or elected to perform or actually performing the duties of Deputy Honorary Secretary.

“Extraordinary Resolution” shall mean a resolution passed by a majority of not less than three-fourths of Members as, being present in person or by proxy (as provided in Regulation 40A hereof) and entitled so to do, vote at a General Meeting of the Bar Association of which notice specifying the intention to propose the resolution as an Extraordinary Resolution has been duly given.

“Practising Barrister” shall mean a barrister who has been admitted to practise in Hong Kong and who is entitled and holds himself out as willing to do so, not being otherwise employed in a full-time occupation.

“Employed Barrister” shall mean a barrister who has been admitted to practise in Hong Kong and is engaged to provide legal advice or services for his employer under a contract of employment.

“Member” shall mean a practising barrister or an employed barrister who is a Member of the Bar Association.

“Associate Member” shall mean a barrister not being a Member who is an Associate Member of the Bar Association.

“The By-Laws” shall mean the By-Laws of the Bar Association as herein contained, including such amendments and additions as may from time to time be duly made.

“In writing” shall mean written, printed or lithographed, or partly one and partly another, and other modes of representing or reproducing words in a visible form.

Where by any provision of these presents a certain number of days’ or clear days’ notice of a matter is to be given, Saturdays and general holidays (as listed in the Schedule to the General Holidays Ordinance (Cap. 149) from time to time) shall not be included in calculating the sufficiency of the length of notice where the number is seven or less, and Saturdays and such general holidays shall be included in calculating the sufficiency of the length of notice where the number is eight or more.

Words importing the singular number only shall include the plural, and vice versa.

Words importing the masculine gender shall also import the feminine.

- 1A. References herein to a barrister or a Member of a number of years of standing at the Bar shall mean a barrister or a Member having been in full practice at the Bar in a total cumulative period or periods of that number of years.
- 1B. Seniority between Members for all purposes shall be measured, in regard to the Inner Bar, by the order of appointment as a Queen’s Counsel or Senior Counsel in Hong Kong and, in regard to the Outer Bar, by the order of admission in Hong Kong as a barrister.

## Objects

2. The objects for which the Bar Association is established are to consider all matters affecting the profession and the administration of justice and to take such action thereon as it deems proper.

Without prejudice to the generality of the foregoing, such matters include:-

- (a) the maintenance of the honour and independence of the Bar and the defence of the Bar in its relations with the Judiciary and the Executive;
- (b) the defence, maintenance, upholding and improvement, in Hong Kong, of the independence of the Judiciary, the Rule of Law, the Basic Law, the Hong Kong Bill of Rights, the administration of justice, procedure, the arrangement of business, law reporting, and trial by jury;
- (c) the establishment and maintenance of a system of prompt and efficient legal advice and aid for those persons in need thereof, irrespective of their capacity to pay;
- (d) the promotion and support of law reform;
- (e) the prescribing of rules of professional conduct, discipline and etiquette;
- (f) the furtherance of good relations and co-operation between the two branches of the legal profession;
- (g) the furtherance of good relations and understanding between the Bar and (a) the Judiciary, (b) the Law Officers of the Department of Justice, (c) the public;
- (h) the furtherance of good relations between the Bar and lawyers of other countries; and
- (i) the protection of the public right of access to the courts and of representation by Counsel before courts and tribunals; and
- (j) the encouragement of legal education, and the study of jurisprudence;

- (k) to raise funds by means of public or private appeals or otherwise and to make charitable donations and donations generally for the education, support, assistance and welfare of law students and law graduates, pupils, barristers and other persons who qualify for assistance or benefit under any Fund established under the auspices of the Hong Kong Bar Association.
- (l) to establish and maintain a Fund to be known as “The Hong Kong Barristers’ Benevolent Fund” (which name was changed on the 20<sup>th</sup> day of January, 2011 to, and has since then been known as, “The Hong Kong Bar Association – Brook Bernacchi Barristers’ Benevolent Fund”) for the purpose of giving financial assistance to the needy and deserving members of the Hong Kong Bar Association who are or have been in practice in Hong Kong and to their husbands, wives, widows, widowers, children and dependants and to raise money for such Fund and to operate the same in such manner and subject to such Rules as the Bar Council shall determine.
- (m) to establish and maintain such other funds and scholarships as the Bar Council deems appropriate for the purpose of giving assistance to the needy and/or deserving Members, pupils, law graduates, law students, or any other persons the Bar Council deems appropriate or necessary, to raise money for such funds and scholarships, and to operate the same in such manner and subject to such Rules as the Bar Council shall determine.

### **Constitution**

3. The Bar Association shall consist of Members and Associate Members.
  - (a) Any practising barrister or employed barrister shall be entitled, upon payment of the prescribed annual fee, to be a Member and so long as he pays the said annual fee shall remain a Member until he resigns his membership or ceases to be a practising barrister or an employed barrister.
  - (b) Any barrister admitted to practise in Hong Kong, not being a Member nor a member of the Judiciary, shall, and any barrister admitted to practise only in jurisdictions other than Hong Kong may with the approval of the Bar Council, upon payment of the prescribed annual fee be, and so long as he pays the said annual fee, remain, an Associate Member until he resigns his membership or ceases to be a barrister.

4. The Chairman shall be elected at the Annual General Meeting. The person so elected shall hold office from the conclusion of the Annual General Meeting at which he is elected until the vacation of his office under Regulation 14, or the conclusion of the corresponding meeting in the next year when he shall be eligible for re-election, provided that no person shall hold such office for more than three such consecutive terms. Only Members of 10 years' standing or above at the Bar shall be eligible for election to the office of Chairman. Only practising barristers shall be eligible for election to the office of Chairman.
  
- 4A.
  - (1) There shall be at least one but not more than two Vice-Chairmen who shall be elected at the Annual General Meeting. If more than one candidate is proposed for the office of the Vice-Chairman, there shall be two Vice-Chairmen elected at the Annual General Meeting.
  
  - (2) Each person so elected shall hold office from the conclusion of the Annual General Meeting at which he is elected until the vacation of his office under Regulation 14 or 14A, or the conclusion of the corresponding meeting in the next year when he or they shall be eligible for re-election provided that no person shall hold such office for more than three such consecutive terms and subject to Regulation 6(2).
  
  - (3) Only Members of 10 years' standing or above at the Bar shall be eligible for election to the office of Vice-Chairman. Only practising barristers shall be eligible for election to the office of Vice-Chairman.
  
  - (4) If and so long as the Chairman is incapacitated or disqualified from acting for reasons of health or otherwise or is absent from Hong Kong, the Vice-Chairman (if there is only one Vice-Chairman) or the Senior Vice-Chairman (if there is more than one Vice-Chairman) shall be the Acting Chairman of the Bar Association. In the latter case if the Senior Vice-Chairman is in turn incapacitated or disqualified or absent as aforesaid, the other Vice-Chairman shall be the Acting Chairman of the Bar Association.
  
  - (5) The Vice-Chairman or Vice-Chairmen shall also assist the Chairman in the discharge of such of his duties and functions, including duties and functions performed ex officio, as the Chairman may from time to time request.
  
5. There shall be an Honorary Secretary of the Bar Association who shall be elected at the Annual General Meeting. The Member so elected shall hold office from the

conclusion of the Annual General Meeting at which he is elected until the vacation of his office under Regulation 14, or the conclusion of the corresponding meeting in the next year when he shall be eligible for re-election, subject to Regulation 6(2). The Honorary Secretary shall also fulfill the functions and duties of Treasurer.

- 5A. There shall be a Deputy Honorary Secretary of the Bar Association who shall be elected at the Annual General Meeting. The Member so elected shall hold office from the conclusion of the Annual General Meeting at which he is elected until the vacation of his office under Regulation 14 or 14C, or the conclusion of the corresponding meeting in the next year when he shall be eligible for re-election, subject to Regulation 6(2). The Deputy Honorary Secretary shall assist the Honorary Secretary in the discharge of such of his duties and functions, including duties and functions performed ex officio, as the Chairman, Vice-Chairmen and Honorary Secretary may from time to time request.

### **Bar Council**

6. (1) There shall be an Executive Committee which shall be known as the Bar Council. The Bar Council shall consist of the Chairman, who shall ex officio be chairman of the Bar Council, the Vice-Chairman or Vice-Chairmen, the Honorary Secretary elected under Regulation 5 hereof, the Deputy Honorary Secretary elected under Regulation 5A hereof, and eleven other Members (hereinafter referred to as "the Elected Members") six of whom shall be of not less than five years' standing at the Bar and five of whom may be of less than five years' standing at the Bar. Not more than two of the Elected Members shall be an employed barrister. The proportion herein set forth shall as far as practicable be maintained in filling up vacancies in the Elected Members.
- (2) Subject to Sub-regulation (3) hereof, no person shall be eligible to be a member of the Bar Council for more than 6 consecutive years (whether holding the same office or different offices during the 6 years in question, and whether elected, appointed or co-opted).
- (3) For the avoidance of doubt, a person eligible under Regulation 4 to be elected as Chairman shall remain eligible to be so elected, to hold office and to be re-elected in accordance with the aforesaid Regulation even though he may have held office on the Bar Council as Vice-Chairman, Honorary Secretary, Deputy Honorary Secretary, Elected or Co-opted

Members for 6 consecutive years immediately prior to his election as Chairman notwithstanding the provisions of Sub-regulation (2) hereof.

7. (1) At each Annual General Meeting, the following Elected Members shall retire:
  - (a) those who are to vacate office by reason of Regulation 6(2);
  - (b) those who have been appointed under Regulation 14F; and
  - (c) those who have given not less than four clear weeks' notice in writing to the Chairman of their intention to retire from office as from the conclusion of the Annual General Meeting.
- (1A) If the total number of Elected Members retiring at an Annual General Meeting under Sub-Regulation (1) is, or exceeds, the number being one-half of all the Elected Members (or if their number is not a multiple of two, then the number nearest to but not exceeding one-half) ("the number of required retirements"), no other Elected Members shall retire at that Annual General Meeting. If the total number is less than the number of required retirements, then such other number of Elected Members shall retire so as to bring the number of retiring Elected Members to the number of required retirements. Those who shall retire in addition to those under Sub-Regulation (1) shall be those who have been longest in office since their last election. As between Members of equal length of service the Members to retire shall, in the absence of agreement, be selected from them by lot.
- (2) Elected Members retiring from office shall be eligible for re-election subject to Regulation 6(2).
- (3) An election shall be held at each Annual General Meeting for the office of Elected Members to fill the vacancies left by members who are retiring under Sub-Regulations (1) and (1A) hereof. Each Member so elected shall hold office from the conclusion of the Annual General Meeting at which he is elected until the vacation of his office under Regulation 14 or 14B or 14D or 14E or his retirement in accordance with Sub-Regulation (1) or (1A) hereof.

## **Elections**



8. Every candidate for the office of Chairman, Vice-Chairman, Elected Member, Honorary Secretary and Deputy Honorary Secretary shall be proposed in writing signed by at least two Members. The proposal form shall be endorsed by the candidate that he is prepared to serve in the capacity proposed if elected and shall be addressed to the Honorary Secretary so as to reach him not less than three, nor more than five, clear weeks before the date fixed for the Annual General Meeting at which such election is to take place.
9. A list of candidates duly proposed shall, not less than ten clear days before each Annual General Meeting, be circulated to each Member by the Honorary Secretary.
10. If more candidates are proposed than are to be elected to fill the office of Chairman, Vice-Chairmen, the Elected Members, the Honorary Secretary or the Deputy Honorary Secretary, the election shall be by secret ballot.
- 10A. In case of an election for the office of Chairman, Vice-Chairmen, the Elected Members, the Honorary Secretary or the Deputy Honorary Secretary under Regulation 10, the Bar Council shall not less than seven clear days before the Annual General Meeting appoint an Election Committee which shall consist of a Senior Counsel (who shall be the chairman thereof) together with two other Members of not less than five years' standing at the Bar. Members of the Bar Council, and the candidates referred to in Regulation 8, are not eligible to be appointed to the Election Committee.
11. Only Members shall be entitled to vote on such a ballot. Every Member entitled to vote may cast one vote in person or by proxy for every vacancy in the office to be filled.
12. The Election Committee shall determine matters arising from Regulations 40A(5) and (8) and the number of votes (cast personally and by proxy) for each candidate for each office for which an election is held, and to make an official return thereof, to be signed by the members of the Election Committee, to the Chairman. The Election Committee shall determine all questions which may arise as to the validity of any vote. The names of the persons so elected shall be published forthwith in such manner as the Chairman may determine.
13. If not more than one candidate each to the office of Chairman, Honorary Secretary and Deputy Honorary Secretary to be elected be proposed for election

in accordance with the provisions of these presents those candidates who have been duly so proposed shall be deemed to be elected. If not more than two candidates to the office of Vice-Chairmen to be elected be proposed for election in accordance with the provisions of these presents, that candidate who has been, or those candidates who have been, duly so proposed shall be deemed to be elected. If not more than the full number of Elected Members to be elected be proposed for election in accordance with the provisions of these presents those candidates who have been duly so proposed shall be deemed to be elected.

### **Vacation of Office**

14. The office of the Chairman, a Vice-Chairman, the Honorary Secretary, the Deputy Honorary Secretary, and an Elected Member of the Bar Council shall be vacated:-

- (a) If he ceases to be a Member.
  - (b) If by notice in writing to the Honorary Secretary (or in the case of the Honorary Secretary, to the Chairman) he resigns his office.
  - (c) If he absents himself from meetings of the Bar Council or of the Committees to which he may be appointed by the Bar Council, for 4 consecutive meetings without special leave of absence from the Bar Council.
- 14A. Where the office of the Chairman is vacated under Regulation 14, the Vice-Chairman (if there is only one Vice-Chairman), or the Senior Vice-Chairman (if there is more than one Vice-Chairman), shall assume the office of Chairman until the conclusion of the next Annual General Meeting following such assumption (unless Regulation 14 applies before). The Vice-Chairman who has assumed the office of the Chairman as aforesaid shall vacate his office as Vice-Chairman upon such assumption and he shall thereupon be deemed “the Chairman” for all purposes of these presents.
- 14B. Where the office of the Vice-Chairman (if there is only one Vice-Chairman), or of both Vice-Chairmen (if there is more than one Vice-Chairman, and whether at the same time or otherwise), is vacated under Regulation 14, or by reason of the only (or only remaining) Vice-Chairman assuming the office of the Chairman under Regulation 14A, the Bar Council shall appoint an Elected Member of the Bar Council to assume the office of Vice-Chairman until the conclusion of the next Annual General Meeting following such assumption (unless Regulation 14 or 14A

- applies before). The Elected Member who has assumed the office of the Vice-Chairman as aforesaid shall vacate his office as Elected Member upon such assumption and he shall thereupon be deemed “the Vice-Chairman” for all purposes of these presents.
- 14C. Where the office of the Honorary Secretary is vacated under Regulation 14, the Deputy Honorary Secretary shall assume the office of Honorary Secretary until the conclusion of the next Annual General Meeting following such assumption (unless Regulation 14 applies before). The Deputy Honorary Secretary who has assumed the office of the Honorary Secretary as aforesaid shall thereupon vacate his office as Deputy Honorary Secretary upon such assumption and he shall thereupon be deemed “the Honorary Secretary” for all purposes of these presents.
- 14D. Where the office of the Deputy Honorary Secretary is vacated under Regulation 14, or by reason of him assuming the office of the Honorary Secretary under Regulation 14C, the Bar Council shall appoint an Elected Member to the office of the Deputy Honorary Secretary until the conclusion of the next Annual General Meeting following such assumption (unless Regulation 14 or 14C applies before). The Elected Member who has assumed the office of the Deputy Honorary Secretary as aforesaid shall vacate his office as Elected Member upon such assumption and he shall thereupon be deemed “the Deputy Honorary Secretary” for all purposes of these presents.
- 14E. Where the offices of the Honorary Secretary and the Deputy Honorary Secretary are vacated at the same time under Regulation 14, the Bar Council shall appoint an Elected Member to the office of the Honorary Secretary, and shall appoint another Elected Member to the office of the Deputy Honorary Secretary, until the conclusion of the next Annual General Meeting following such assumption (unless Regulation 14 or 14C applies before). The Elected Member who has assumed the office of the Honorary Secretary or the Deputy Honorary Secretary as aforesaid shall vacate his office as Elected Member upon such assumption and he shall thereupon be deemed “the Honorary Secretary” or “the Deputy Honorary Secretary”, as the case may be, for all purposes of these presents.
- 14F. Where the office of an Elected Member is vacated under Regulation 14, or by reason of him assuming the office of the Vice Chairman, the Honorary Secretary or the Deputy Honorary Secretary under Regulation 14B, 14D or 14E, the Bar Council shall appoint a Member to fill the vacancy and the Member so appointed shall retain his office until the conclusion of the next Annual General Meeting following such appointment (unless Regulation 14 applies before). Subject to the

aforesaid, and save that the Member who is so appointed is not eligible to assume the office of the Vice Chairman, the Honorary Secretary or the Deputy Honorary Secretary under Regulation 14B, 14D or 14E, the Member who is so appointed shall be deemed an Elected Member for all purposes of these presents.

- 14G. An Elected Member may only assume the office of the Vice Chairman under Regulation 14B if he is eligible to be elected to such offices under Regulation 4A.
- 14H. In appointing a Member to fill a vacancy in the office of Elected Member under Regulation 14F, the Bar Council shall maintain the requirements as to the composition of the Bar Council under Regulation 6(1).
- 14I. Where the offices of the Chairman and of the Vice-Chairman (if there is only one Vice-Chairman), or of both Vice-Chairmen (if there is more than one Vice-Chairman), are vacated at the same time under Regulation 14, or where there is no person eligible to assume any of the offices of the Chairman, Vice-Chairman, Honorary Secretary and Deputy Honorary Secretary, as the case may be, that is or are vacant, under Regulation 14A, 14B, 14C, 14D or 14E, the Bar Council shall convene an Extraordinary General Meeting for the purpose of electing a Member or Members to fill the vacant office or offices within two weeks of the date of the vacancy or vacancies arising, and all the provisions of these presents concerning the election of office shall apply *mutatis mutandis* save that the Bar Council may abridge any time prescribed under these presents. Every Member so elected to an office shall hold the same until the conclusion of the next Annual General Meeting (unless Regulation 14, 14A or 14C applies before). Provided where the vacancy arises not more than three weeks before next third Thursday of January, no such election shall be held. Where the offices of Chairman and of Vice-Chairman are both vacant, the Bar Council shall appoint one of its Members to act as chairman of the Extraordinary General Meeting, unless an Election Committee is appointed under Regulation 10A in which case the chairman of the Election Committee shall act as chairman of the Extraordinary General Meeting. Where the office of Honorary Secretary is vacant, the Bar Council shall appoint one of its Members to act as the Honorary Secretary (but only for the purpose of performing all acts and duties in conducting the said election or elections).

## **Powers and Proceedings of the Bar Council**

15. The Bar Council shall carry into effect the objects for which the Bar Association is constituted as hereinbefore set forth in such manner and by such means as it may determine, subject nevertheless to any regulation of these presents and to such rules and directions not inconsistent with the aforesaid regulations as may be prescribed by the Bar Association in General Meeting, but no rules or direction made or given by the Bar Association in General Meeting shall invalidate any prior act of the Bar Council which would have been valid if such rule or direction had not been made or given.
16. In particular but without prejudice to the generality of the immediately preceding Regulation the Bar Council shall have power:-
  - (1) to appoint (with or without salaries) and remove such Assistants, Clerks, Employees or Agents of the Bar Association as may be deemed necessary or desirable;
  - (2) to apply the funds of the Bar Association for the purposes of assisting or benefitting law students, law graduates, pupils, barristers and other persons who qualify for assistance or benefit under any Fund established under the auspices of the Hong Kong Bar Association.
17. The Chairman shall preside at all meetings of the Bar Council at which he shall be present, but if he is incapacitated or disqualified from acting for reasons of health or otherwise or is absent from Hong Kong, the Vice-Chairman (if there is only one Vice-Chairman) or the Senior Vice-Chairman (if there is more than one Vice-Chairman) shall act as the chairman of such meeting. In the latter case if the Senior Vice-Chairman is in turn incapacitated or disqualified or absent as aforesaid, the other Vice-Chairman shall act as the chairman of the meeting. If the Vice-Chairman (if there is only one Vice-Chairman) or both Vice-Chairmen (if there is more than one Vice-Chairman) are in turn incapacitated or disqualified or absent as aforesaid, the Bar Council shall appoint a Member of the Bar Council to act as chairman of such Meeting.
18. The Bar Council may hold meetings, adjourn or otherwise regulate its meetings as it thinks fit provided that the Bar Council shall meet at least once in every calendar month at such time and place as the Chairman shall direct save and except during the Long Vacation during which no meeting need be held. Six Members of the Bar Council shall constitute a quorum. Questions arising at any meeting shall be decided by a majority of votes cast by the Chairman, Vice-Chairman or Vice-Chairmen, Honorary Secretary, Deputy Honorary Secretary,

Elected and co-opted Members present and voting. In case of an equality of votes the chairman of the meeting shall have a second or casting vote.

19. [Deleted]
20.
  - (a) The Bar Council may at any time and from time to time co-opt any Member as an Additional Member thereof provided that the number of persons so co-opted shall not exceed nine and provided that not more than half of the number of such Additional Members shall be of less than five years' standing. Not more than one Additional Member shall be an employed barrister who may be of more or less than 5 years' standing at the Bar. Any person so co-opted shall retain office only until the conclusion of the Annual General Meeting next following the date of his appointment.
  - (b) The Bar Council shall have power at any time to cancel such co-option.
21. The Bar Council may appoint Committees consisting of such Members and other barristers as it thinks fit, and any Committee so formed shall, in the execution of its duties, conform to any directions imposed on it by the Bar Council.
22.
  - (a) The Bar Council may at any time co-opt to its body any person or persons honoris causa, provided that notice of a proposal to co-opt a named person to be given at one of its meetings and decision by vote or otherwise be made at a succeeding meeting.
  - (b) Such co-opted persons shall have no right to vote at meetings, but may be invited to attend meetings of the Bar Council or be asked to offer such services as may from time to time be determined by the Bar Council.
  - (c) The Bar Council shall have power to cancel the co-option honoris causa of such persons.
  - (d) Regulation 14 (a) and (c) shall not apply to such persons.
23. The Bar Council shall cause proper minutes to be made of all appointments and co-options by the Bar Council and of the proceedings of all meetings of the Bar Association, the Bar Council, and the Committees of the Bar Association, and of all business transacted at such meetings, and any such minutes of any meeting, if purporting to be signed by the chairman of such meeting or by the chairman of the

next succeeding meeting, shall be sufficient evidence without further proof of the facts therein stated.

24. The continuing Members of the Bar Council may act notwithstanding any vacancy in their body; provided always that in case the Members of the Bar Council shall at any time be reduced to less than six, such continuing Member or Members may act only for the purpose of summoning a General Meeting of the Bar Association to elect a Member or Members to fill the vacancies in the office of Elected Members, but not for any other purpose. All the provisions of these presents concerning the election of office shall apply *mutatis mutandis* save that the Bar Council may abridge any time prescribed under these presents. Every Member so elected to an office shall hold the same until the vacation of his office under Regulation 14 or 14B or 14D or 14E or his retirement in accordance with Regulation 7(1) or (1A). Provided where the vacancy arises not more than three weeks before next third Thursday of January, no such election shall be held.

#### **General Meeting of the Bar Association**

25. A General Meeting of the Bar Association shall be held once in every calendar year on the Third Thursday in January, or on such other dates in the same week, and at such place and time as the Bar Council may determine. Such General Meetings shall be called Annual General Meetings. All other General Meetings of the Bar Association shall be called Extraordinary General Meetings.
26. The Bar Council may, whenever it thinks fit, and it shall, upon a request made in writing to the Honorary Secretary by not less than twenty Members, convene an Extraordinary General Meeting of the Bar Association. If the Bar Council does not within twenty-one days after the receipt by the Honorary Secretary of such request duly convene any such meeting, any twelve of those making the request may themselves convene an Extraordinary General Meeting. The request must state the precise objects of the meeting (including any resolution intended to be moved thereat) and must be signed by those making it, and may consist of several documents in like form each signed by one or more of such Members.
27. Not less than fourteen clear days' notice of any Annual or Extraordinary General Meeting shall be given to all Members entitled to receive notice of such meeting and shall be posted on the notice board in the Robing Room of the High Court. Such notice shall specify the place, the date and time of such meeting but it shall not be necessary to specify in any such notice the nature of any business to be transacted or resolution to be proposed. The notice sent to Members shall in the

case of special business shall state the nature of such business. The accidental omission to give notice of a meeting, or of any business proposed to be transacted thereat, to, or the non-receipt of such notice by, any such Member shall not invalidate the proceedings of any General Meeting. The place, date or time of any such meeting given by a notice may be changed, by order of the Bar Council, by the giving and posting of another notice as aforesaid not less than two days before the time stated in the first-mentioned notice, to another place, or to another date (provided the new date complies with Regulation 25) or to another time, irrespective of whether fourteen clear days' notice is given for the new place, date or time.

28. All business shall be deemed special business that is transacted at an Extraordinary General Meeting, and all that is transacted at an Annual General Meeting shall also be deemed special with the exception of the Accounts, Balance Sheet, the Annual Statement and the election of the Chairman, Vice-Chairman or Vice-Chairmen, Elected Members, the Honorary Secretary and the Deputy Honorary Secretary.
29. Any Member shall be at liberty to move the adoption of any resolution at any General Meeting provided that written notice thereof, shall have been delivered in writing to the Honorary Secretary not less than ten clear days before the day of the Meeting. The Honorary Secretary shall, within seven clear days before the day of the Meeting, send a copy of such proposed resolution to each Member.
30. No business shall be transacted at any General Meeting unless a quorum is present at the time when the Meeting proceeds to business and, save as herein otherwise provided, a quorum shall be not less than twenty Members personally present and entitled to vote.
31. If within a quarter of an hour from the time appointed for a General Meeting a quorum be not present, the Meeting, if convened upon request pursuant to these presents, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week at the same time and place or at such other time and place as the chairman of the Meeting shall appoint; and if at such adjourned Meeting a quorum be not present within a quarter of an hour after the time appointed for the Meeting, those Members who are personally present shall constitute a quorum.
32. The Chairman shall preside as chairman at all General Meetings at which he shall be present, but if he is incapacitated or disqualified from acting for reasons of health or otherwise or is absent from Hong Kong, the Vice-Chairman (if there is



only one Vice-Chairman), or the Senior Vice-Chairman (if there is more than one Vice-Chairman), shall act as the chairman of such Meeting. If the Senior Vice-Chairman is in turn incapacitated or disqualified or absent as aforesaid, the other Vice-Chairman shall act as the chairman of the Meeting. If the Vice-Chairman (if there is only one Vice-Chairman) or both Vice-Chairmen (if there is more than one Vice-Chairman) are in turn incapacitated or disqualified or absent as aforesaid, the Bar Council shall appoint a Member of the Bar Council to act as chairman of such Meeting.

Provided where an Election Committee has been appointed under Regulation 10A the Bar Council may appoint the chairman of the Election Committee to preside as chairman of that part of the Meeting which concerns or deals with any matters or businesses relating to the election or elections under Regulation 10, and for such purposes the chairman of the Election Committee so appointed shall have all the powers of the chairman of the Meeting in the conduct of that part of the Meeting.

33. (a) At a General Meeting no Member shall be permitted, without the consent of the chairman of the Meeting, to speak more than once on the same question, except that the mover, or in his absence, the seconder of any resolution, shall be allowed to speak in reply.
- (b) The mover or seconder of a resolution or of an amendment to a resolution at a General Meeting shall not, without the consent of the chairman of the Meeting, speak for more than ten minutes.
- (c) No other Member shall, without such consent, speak for more than five minutes.
- (d) At any stage after a resolution has been moved and seconded any Member who has not spoken on the resolution may, unless the chairman of the Meeting rules otherwise, move - "That the question be now put." Such motion if formally seconded shall be put forthwith and without debate and the provisions in Regulation 35 for a ballot shall not apply. If this motion is carried the mover of the resolution under debate or his seconder shall immediately proceed to exercise his right of reply and at the conclusion of such reply the resolution shall be put to the vote forthwith and without debate.

- (e) Any Member who has given notice of a resolution pursuant to Regulation 29 may, without the consent of the Meeting, withdraw the resolution at any time before speaking to it. Thereafter he may withdraw it only with the leave of the chairman of the Meeting which shall not be given if any Member present objects and before giving such leave the chairman of the Meeting shall ask the Meeting if there is any such objection.
  - (f) No amendment of a resolution at a General Meeting shall be moved without the consent of the chairman of the Meeting unless notice thereof shall have been given in writing to the Honorary Secretary not less than five clear days before the day of the Meeting.
  - (g) Whenever an amendment of a resolution at a General Meeting has been moved and seconded no second or subsequent amendment shall be moved until the first amendment shall have been disposed of.
  - (h) The chairman of the Meeting may call the attention of the Meeting to any continued irrelevance or repetition or any breach of order on the part of a speaker and may direct such Member to discontinue his speech.
34. The chairman of the Meeting may, with the consent of any General Meeting at which a quorum is present (and shall if so directed by the Meeting), adjourn the Meeting from time to time and from place to place, but no business shall be transacted at any adjourned Meeting other than business which might have been transacted at the Meeting from which the adjournment took place. When a Meeting is adjourned for twenty-one days or more then Regulation 27 shall apply regarding the giving of notice of the adjourned Meeting and any change of the place, date or time of such adjourned Meeting (save that Regulation 25 shall not apply). Save as aforesaid it shall not be necessary to give any notice of an adjourned Meeting or of the business to be transacted thereat.
35. (1) At all General Meetings a resolution put to the vote of the Meeting shall be decided on a show of hands by a majority of those Members present in person or by proxy and entitled to vote, unless before or upon the declaration of the result of a show of hands a ballot be demanded by at least one-half of those Members present in person or by proxy and entitled to vote, or by fifteen of them (whichever number be the less), and, unless a ballot be so demanded, a declaration by the chairman of the Meeting that a resolution has been carried or not carried, or carried or not carried by a particular majority, shall be conclusive, and an entry to that effect in the

Minute Book of the Bar Association shall be conclusive evidence thereof without proof of the number or proportion of the votes recorded in favour of or against such resolution.

- (2) For the purposes of the foregoing sub-paragraph, the chairman of the Meeting shall determine the manner in which proxies (if any) are voted on a show of hands or by ballot.
36. The result of any resolution may be made public if, and in such manner as, the chairman of the Meeting shall direct.
37. No ballot shall be demanded on any question of adjournment.
38. All General Meetings shall be conducted under the direction of the chairman of the Meeting thereof, whose ruling in any matter whatsoever concerning the conduct of the Meeting shall, if not inconsistent with the Regulations, be final.
39. In the case of an equality of votes, whether on a show of hands or on a ballot, the chairman of the Meeting shall be entitled to a second or casting vote.

#### **Voting at General Meeting**

40. Every Member who has paid the annual prescribed fee shall be entitled to notices of and to attend and vote (in person or by proxy as provided for in Regulation 40A hereof) at General Meetings and shall have one vote. A Member who is an employed barrister shall not be entitled to vote on:
  - (a) Any resolution which seeks to rescind, amend, replace or add to any of the Regulations and By-Laws of the Bar Association and
  - (b) Any resolution which in the opinion of the chairman of the Meeting is a resolution which relates to the objects of the Bar Association as set out in Regulation 2(a) hereof.
- 40A. (1) One form of proxy shall be sent by the Bar Council to each Member (in accordance with Regulation 43) together with the Notice convening any General Meeting for use by such Member for the purpose of authorising another Member to vote on his behalf at such General Meeting.

- (2) The Bar Council shall determine the contents of such forms of proxy and may enable the Member by such proxy to authorise the proxy holder to vote as he thinks proper or to vote in a particular manner.
- (3) Each Member may only give one proxy for any one meeting at which he wishes to be represented, using only the form sent to him by the Bar Council for the purpose of that Meeting or an exact copy thereof, provided that such proxy form or such copy is duly signed by such Member and his proxy holder is another Member entitled to attend such meeting.
- (4) Any Member wishing to act as proxy holder for another Member shall:-
  - (a) not more than five days and not less than two days before the time of the Meeting specified in the Notice convening the relevant Meeting (unless an extension of time is permitted by the chairman of the Meeting), lodge all proxies held by him with the persons appointed by the Chairman for verifying such proxies. All such proxies whether in the original form as sent to him by the Bar Council or an exact copy thereof as provided under Sub-regulation (3) hereof shall bear the original signature of the Member giving the proxy;
  - (b) vote such proxies by voting in such manner as the chairman of the Meeting shall determine.
- (5) The chairman of the Meeting shall determine all questions which may arise as to the validity of any form of proxy or of the entitlement of any person claiming to act as proxy holder so to act.

Provided where an Election Committee has been appointed under Regulation 10A the Bar Council may appoint the Election Committee to determine all such questions in relation to all proxies whether the proxies are given in relation to an election or elections under Regulation 10 or otherwise

- (6) A proxy given for a particular meeting may be used at any adjournment of that meeting in the absence of the Member giving such proxy.

- (7) Where a proxy gives specific direction as to voting, the proxy holder shall be entitled to vote at his discretion on resolutions put to the meeting which are not dealt with in the proxy.
- (8) Subject to any contrary decision of the Election Committee appointed under Regulation 10A, a proxy lodged under Sub-regulation (4) hereof shall remain valid notwithstanding the fact that the Member giving the proxy personally attends the Meeting, unless the Member giving the proxy gives a notice in writing bearing his original signature to the persons appointed by the Chairman under Sub-regulation (4) hereof of his intention to revoke the proxy not less than six hours before the time of the Meeting specified in the Notice convening the relevant Meeting.
- 40B. All voting by ballot shall be conducted in such manner as the chairman of the Meeting shall direct, whether by ballot paper or by electronic means or otherwise howsoever.
41. An Associate Member shall be entitled to receive notice of any Annual General Meeting of the Bar Association and to attend the same and to receive notice or documents relating to social functions, the annual statement and the result of the elections held at the Annual General Meeting and such other notices or documents as the Bar Council may in its discretion deem desirable. An Associate Member shall not be entitled to vote at any Annual General Meeting or to attend any Extraordinary General Meeting (except by written invitation of the Bar Council) or to vote thereat.

### **Members of the Bar Mess**

42. Any barrister who is a member of the Judiciary in Hong Kong may, upon payment of the prescribed annual fee and so long as he pays the said annual fee, be and remain a Member of the Bar Mess (hereinafter referred to as "Mess Members") until he resigns or ceases to be a member of the Judiciary. A Mess Member shall be entitled only to attend social functions.

### **Academic Members and Student Members**

- 42A. (1) Any academic staff of legal education of any established universities or institutions in Hong Kong ("the Institutions") may, upon payment of the prescribed annual fee and so long as he pays the said annual fee, be and remain an Academic Member of the Bar Association (hereinafter referred

to as “Academic Members”) until he resigns or ceases to be an academic staff of one of the Institutions.

- (2) Any student studying law or law related degrees or courses in Hong Kong or in any jurisdictions as may be recognised by the Bar Council may, upon payment of the prescribed annual fee and so long as he pays the said annual fee, be and remain a Student Member of the Bar Association (hereinafter referred to as “Student Members”) until he ceases to be such a student.
- (3) Academic Members and Student Members shall be entitled only to receive such information as the Bar Council may in its discretion deem desirable, to attend social functions and to participate in seminars, talks and workshops organized by the Bar Association and such activities as from time to time the Bar Council shall decide.

## **Notices**

43. (1) Every Member, Associate Member, Mess Member, Academic Member and Student Member shall give to the Honorary Secretary a physical address in Hong Kong and/or an email address at which notices and documents may be served upon him. In default of providing such an address, no Member shall be entitled to receive notices of general meetings and in the case of Associate Members notices of Annual General Meetings.
- (2) The sending, giving or provision of any notices or documents to Members as stated in these presents may be sent, given or provided by any means deemed appropriate and sufficient by the Honorary Secretary to bring to the attention of Members of the matters the notice of which is to be sent, given or provided, including but not limited to the use of electronic means. Without prejudice to the generality of the foregoing, any notice or document may be served either personally or by leaving it or causing it to be left at such physical address or by sending it through the post in a prepaid envelope addressed to such Member, Associate Member, Mess Member, Academic Member or Student Member at such physical address, provided where an email address has been provided any notice or document may be served solely by sending the same to the email address provided. Where a notice or document is sent by post, service thereof shall be deemed to be effected by properly addressing, prepaying and posting

the same or an envelope containing the same, and to have been effected in the case of a notice of a meeting at the expiration of 48 hours after such notice or the envelope containing the same is posted, and in any other case at the time at which the notice or document or the envelope containing the same would be delivered in the ordinary course of post. Where a notice or document is sent by email, service thereof is deemed to be effected immediately unless a notice is received by the sender that the sending is not effected.

44. All notices or other documents required to be served hereunder may also be posted up at such place or places as the Chairman may direct.

### **Accounts**

45. The Bar Council shall cause a record to be kept:-
- (a) Of all sums of money received and expended by the Bar Association and the matters in respect of which such receipts and expenditure take place.
  - (b) Of the assets and liabilities of the Bar Association.
46. The books of account shall be kept by the Honorary Secretary and shall be open to the inspection of the Members of the Bar Council.
47. Monies of the Bar Association derived from subscriptions or other sources shall be employed in such manner as the Bar Council may from time to time direct.
48. The Bar Council shall at every Annual General Meeting of the Bar Association cause to be produced accounts and a balance sheet in respect of the assets and liabilities of the Bar Association.

### **Operation of these Regulations**

49. These presents came into force on the 1st March, 1968 with amendments up to the 14<sup>th</sup> day of November, 2018.

### **Alterations of Regulations**

50. The Bar Association in General Meeting may by Extraordinary Resolution rescind, amend or add to these presents.



**BY-LAWS**  
**OF**  
**THE HONG KONG BAR ASSOCIATION**

**BY-LAWS  
OF  
THE HONG KONG BAR ASSOCIATION**

1. Life Membership
  - (a) The Bar Association may, in General Meeting, confer on any Member the title of Life Member and such person, whilst he is in Hong Kong, shall have all the privileges of a Member.
  - (b) The Bar Association may, in General Meeting, confer on any barrister (not being a Member) or any former or present member of the Judiciary of Hong Kong the title of Honorary Life Member.
  - (c) Life Membership and Honorary Life Membership shall only be conferred by the Bar Association on persons who, in the opinion of the Bar Association, have rendered outstanding service to the Bar Association or to the administration of justice in Hong Kong.
  - (d) No person shall have conferred upon him the title of Life Member or Honorary Life Member unless notice of a proposal to confer such title (which proposal shall be made in writing signed by at least twenty Members of whom at least ten shall be Senior Counsel) has been given to the Honorary Secretary who shall then, subject to any direction of the Bar Council, include in the business of the first General Meeting of the Bar Association convened or to be convened for a date not less than twenty-one clear days after the receipt of the proposal a proposed resolution for the conferral of the title of Life Member or Honorary Life Member as proposed.
  - (e) Notwithstanding the provisions of (d) immediately above, the first Life Member of the Bar Association shall be Mr. Leo d'Almada e Castro, C.B.E., LL.D, Q.C.
  - (f) Life Members and Honorary Life Members shall not be required to pay any subscriptions or other fee to the Bar Association.
  
2. Resolutions [deleted]

3. Subscriptions

(1) The Bar Council is authorized to raise funds for the general purposes of the Bar Association by way of subscriptions from Members, Associate Members, Mess Members, Academic Members and Student Members as hereinafter provided.

(2) For the year 1998 such subscriptions shall be in the following amounts, namely:-

Members

|                                 |          |
|---------------------------------|----------|
| Senior Counsel                  | \$16,500 |
| Juniors over 12 years' standing | \$ 7,150 |
| Juniors 7 to 12 years' standing | \$ 5,280 |
| Juniors 3 to 7 years' standing  | \$ 3,255 |
| Juniors under 3 years' standing | \$ 1,000 |

|   |          |
|---|----------|
| Associate Members (Senior Counsel)                                      | \$ 5,000 |
| Associate Members   | \$ 1,000 |
| Associate Members<br>(previously judges of High Court & District Court) | \$ 300   |

|              |        |
|--------------|--------|
| Mess Members | \$ 300 |
|--------------|--------|

(2A) For the year 2000, subscriptions for Student Members shall be in the amount of \$100 each and subscriptions for Academic Members shall be in the amount of \$345 each.

(3) In each subsequent year, the Bar Council shall be authorized to increase the then current rates of subscription by not more than 15 per cent without reference to the Bar Association in General Meeting.

(4) Every Member, Associate Member, Mess Member, Academic Member and Student Member shall:-

(a) in respect of subscriptions for the calendar year commencing 1st January 1995, pay to the Honorary Secretary his subscription no later than the 10th day of November 1994; and,

- (b) in respect of all subsequent years, no later than the 1st day of November in each year, pay to the Honorary Secretary his subscription for the following calendar year;

in the above mentioned amounts or in such other amounts as the Bar Council or the Bar Association in General Meeting may, from time to time, prescribe, provided that in the case of new Members, Associate Members, Mess Members, Academic Members and Student Members, first payment of subscription may be made within 21 days of their application to join.

- (5) Notwithstanding the foregoing provisions of this By-Law, the Bar Council may at its absolute discretion reduce or waive the amount of such subscriptions payable by any barrister applying for membership of the Bar Association.
- (6) The subscriptions payable by junior members under 3 years' standing for the year 2008 be retrospectively reduced to \$500 and the Bar Council shall be authorized to refund to such members \$550 each from the subscriptions already collected.

#### 4. Appointments and Co-options

Every candidate for co-option by the Bar Council as an Additional Member under Regulation 20 or for appointment to fill a vacancy in the Elected Members under Regulation 14F or for co-option of a person honoris causa under Regulation 22 shall be proposed and seconded by Members of the Bar Council who shall be responsible for obtaining the consent of such person. The fact that an appointment or co-option is to take place must appear on the Agenda Paper.

#### 5. Meetings of the Bar Council

The place and time of meetings of the Bar Council shall be fixed by the Chairman and not less than four days' notice of each meeting shall be given by the Honorary Secretary to each Member of the Bar Council, unless the Chairman, in any case of emergency, shall otherwise direct, or all the Members of the Bar Council agree.

- 6. Notice of any matter to be placed on the Agenda Paper shall be sent to the Honorary Secretary at least three days before the meeting, together with the name of the sender provided that if half the Elected Members present and entitled to vote agree, and the chairman of the meeting consents, any other business may be

discussed and, if thought fit, resolved at such meeting. The Agenda Paper shall be circulated to all Members of the Bar Council at least one day before each meeting of the Bar Council.

7. No previous resolution of the Bar Council shall be rescinded or amended except by a resolution passed by the Bar Council by a majority of two thirds of the Members of the Bar Council present and voting.

8. Standing Committees

[paras. 8 to 16 - deleted]

17. Powers and Proceedings of Standing Committees

[paras. 17 to 23 - deleted]

24. Disqualification of Members of Standing Committees

[paras 24 and 25 - deleted]

26. Receipts and Payments

The Honorary Secretary shall keep a bank account in the name of the Bar Association to which all monies received from the Bar Association shall be paid.

27. All payments shall be made, so far as possible, by cheque.

28. Operation of these By-Laws

These By-Laws came into force on the 1st March, 1968 with amendments up to the 14<sup>th</sup> day of November, 2018.

29. Alteration of By-Laws

No By-Law shall be rescinded or amended and no new By-Law shall be enacted except by a resolution passed by a majority of two-thirds of the Members as, being present in person or by proxy and entitled so to do, vote at a General Meeting of the Bar Association of which fourteen clear days' notice shall have been given specifying the resolution.