

[附屬法例]

[Subsidiary]

# 大律師 (認許資格及實習) 規則

# BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES

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[附屬法例]

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## 大律師 (認許資格及實習) 規則

## BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES

(第 159 章第 72AA 條)

(Cap. 159, section 72AA)

[本規則 (第 5(4) 條除外) } 2003 年 3 月 28 日 2003 年第 92 號法律公告  
第 5(4) 條 } 2004 年 1 月 1 日 2003 年第 92 號法律公告]

[The Rules (except section 5(4)) } 28 March 2003 L.N. 92 of 2003  
Section 5(4) } 1 January 2004 L.N. 92 of 2003]

## 第 1 部

## PART 1

## 生效日期及釋義

## COMMENCEMENT AND INTERPRETATION

## 1. (已失時效而略去)

## 1. (Omitted as spent)

## 2. 釋義

## 2. Interpretation

在本規則中，除文意另有所指外——

In these Rules, unless the context otherwise requires—

“行為守則”(Code of Conduct) 指不時有效的《香港大律師公會行為守則》；

“Advanced Legal Education Programme” (高級法律進修計劃) means the

“考試”(Examination) 指大律師資格考試，該考試是對應考人在本規則所指明的科目的能力的評核，並以本規則所指明的方式評核；

Advanced Legal Education Programme referred to in the Barristers (Advanced Legal Education Requirement) Rules (Cap. 159 sub. leg. AB);

“具備認許資格證明書”(certificate of qualification for admission) 指根據第 8 條向謀求獲認許為大律師的人發出的具備認許資格證明書；

“approved pupillage” (認可實習大律師實習) means a pupillage approved in accordance with section 12;

“海外律師”(overseas lawyer) 指有權從事一個外地司法管轄區的法律執業的人；

“certificate of eligibility for admission” (符合資格獲認許證明書) means the certificate of eligibility for admission issued to an overseas lawyer under section 6 in respect of his eligibility to be admitted as an overseas lawyer;

“高級法律進修計劃”(Advanced Legal Education Programme) 指《大律師 (高級法律進修規定) 規則》(第 159 章，附屬法例 AB) 所提述的高級法律進修計劃；

“certificate of eligibility for pupillage” (符合資格為實習大律師證明書) means the certificate of eligibility for pupillage issued under section 12;

“符合資格為實習大律師證明書”(certificate of eligibility for pupillage) 指根據第 12 條發出的符合資格為實習大律師證明書；

“certificate of qualification for admission” (具備認許資格證明書) means the certificate of qualification for admission issued to a person seeking to be admitted as a barrister under section 8;

“符合資格獲認許證明書”(certificate of eligibility for admission) 指根據第 6 條就某海外律師符合獲認許為海外律師的資格一事而向該海外律師發出的符合資格獲認許證明書；

“Code of Conduct” (行為守則) means the Code of Conduct of the Hong Kong Bar Association as in force from time to time;

“普通法司法管轄區”(common law jurisdiction) 指一個司法管轄區，其法律在實質上是以普通法為基礎的；

“common law jurisdiction” (普通法司法管轄區) means a jurisdiction in which the law is substantially based on the common law;

“Examination” (考試) means the Barristers Qualification Examination which is an assessment of competence in the subjects specified, assessed in the manner specified, in these Rules;

“認可實習大律師實習”(approved pupillage)指按照第 12 條獲批准的實習大律師實習；

“獲認許所在的司法管轄區”(jurisdiction of admission)就任何海外律師而言，指該海外律師有權從事某外地司法管轄區的法律執業的該外地司法管轄區。

### 3. 適用範圍

本規則不適用於——

- (a) 根據經《2000 年法律執業者 (修訂) 條例》(2000 年第 42 號) (“《修訂條例》”) 修訂的本條例第 74C 條，選擇根據本條例第 27 條 (按該條緊接在被《修訂條例》廢除前的規定) 獲認許的人；或
- (b) 謀求根據經《修訂條例》修訂的本條例第 74D 條獲認許的人。

## 第 2 部

### 認許資格

#### 4. 根據本條例第 27(1) 條獲認許所須具備的資格

(1) 在符合第 (3) 款的規定下，任何人如——

- (a) 已取得法學專業證書；
- (b) 在緊接其認許申請的日期前，或在任何情況下，在該日期前不超過 12 個月內，已在香港獲認許為律師至少 3 年，而他在該段期間是在香港執業為律師或在政府的公職服務中受僱為《律政人員條例》(第 87 章) 所指的律政人員的；或
- (c) 是符合第 (2) 款所指明的規定的海外律師，

即合資格根據本條例第 27(1) 條獲認許為大律師。

(2) 為施行第 (1)(c) 款，任何海外律師如——

- (a) 持有由他獲認許所在的司法管轄區的適當主管當局所發出的法律執業者認許證書，而該證書是當時有效和具有效力的；
- (b) 曾在他獲認許所在的司法管轄區執業至少 3 年；
- (c) 在他獲認許所在的司法管轄區有良好聲譽；及

“jurisdiction of admission”(獲認許所在的司法管轄區), in relation to an overseas lawyer, means the foreign jurisdiction the law of which the overseas lawyer is entitled to practise;

“overseas lawyer”(海外律師) means a person who is entitled to practise the law of a foreign jurisdiction.

### 3. Application

These Rules shall not apply to—

- (a) persons who elect under section 74C of the Ordinance as amended by the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) (“the amending Ordinance”) to be admitted under section 27 of the Ordinance as that section existed before its repeal by the amending Ordinance; or
- (b) persons who seek admission under section 74D of the Ordinance as amended by the amending Ordinance.

## PART 2

### QUALIFICATION FOR ADMISSION

#### 4. Qualification for admission under section 27(1) of Ordinance

(1) Subject to subsection (3), a person is qualified for admission as a barrister under section 27(1) of the Ordinance if he—

- (a) has obtained a Postgraduate Certificate in Laws;
- (b) has been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of his application for admission and during that time he was in practice as a solicitor in Hong Kong or was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87); or
- (c) is an overseas lawyer who satisfies the requirements specified in subsection (2).

(2) For the purposes of subsection (1)(c), an overseas lawyer is qualified for admission as a barrister under section 27(1) of the Ordinance if he—

- (a) holds a certificate of admission as a legal practitioner from the appropriate authority in his jurisdiction of admission and such certificate is currently valid and in force;
- (b) has practised for at least 3 years in his jurisdiction of admission;
- (c) is a person of good standing in his jurisdiction of admission; and

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(d) 已在考試 (不包括該人依據第 (4) 及 (5) 款已獲豁免應考的任何試卷) 中合格，  
即合資格根據本條例第 27(1) 條獲認許為大律師。

(3) 任何人在謀求獲認許為大律師之前，必須已完成至少 6 個月第 10 條所指明的認可實習大律師實習期，或如認可實習大律師實習期已根據第 16 條被扣減至少於 6 個月，則必須已完成該段經扣減後的認可實習大律師實習期。

(4) 凡執委會信納由於某人作為執業律師而在考試所涵蓋的一個或多於一個法律範圍方面具有豐富的經驗，應該豁免該人應考考試的一張或多於一張試卷，則執委會可豁免該人使他無須應考該等試卷。

(5) 在不損害第 (4) 款的一般性的原則下，除執委會在個別個案中另作決定外，如任何人獲認許所在的司法管轄區屬普通法司法管轄區，則該人須獲豁免應考考試的卷 I。

## 5. 考試

(1) 考試由 5 張試卷組成，分別稱為卷 I、II、III、IV 及 V。

(2) 考試須涵蓋以下科目——

(a) 就卷 I 而言——

- (i) 合約法；及
- (ii) 侵權法；

(b) 就卷 II 而言——

- (i) 財產法 (包括土地財產及非土地財產)；
- (ii) 物業轉易；及
- (iii) 衡平法 (包括信託法)；

(c) 就卷 III 而言——

- (i) 刑事法；及
- (ii) 刑事法律程序及刑事證據；

(d) 就卷 IV 而言——

- (i) 香港法律制度及憲制與行政法；及
- (ii) 公司法；及

(e) 就卷 V 而言——

- (i) 民事法律程序及民事證據；
- (ii) 專業操守；及
- (iii) 訟辯。

(3) 執委會須按它運用其絕對酌情決定權認為是適當的方式主辦考試。

(4) 考試須每年至少舉行一次，時間由執委會決定。

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(d) has passed the Examination (excluding any examination paper which such person has been exempted from sitting pursuant to subsections (4) and (5)).

(3) A person must have completed not less than 6 months of the period of approved pupillage specified in section 10 or, if the period of approved pupillage has been reduced to less than 6 months under section 16, such reduced period of approved pupillage, before he seeks admission as a barrister.

(4) Where the Bar Council is satisfied that, by reason of his substantial experience as a practising lawyer in one or more of the areas of law covered by the Examination, a person should be exempted from sitting one or more examination papers of the Examination, it may exempt such person from sitting such examination paper or papers.

(5) Without prejudice to the generality of subsection (4), unless the Bar Council otherwise determines in a particular case, a person whose jurisdiction of admission is a common law jurisdiction shall be exempted from sitting Paper I of the Examination.

## 5. Examination

(1) The Examination shall consist of 5 examination papers known as Papers I, II, III, IV and V respectively.

(2) The Examination shall cover the following subjects——

(a) Paper I——

- (i) Contract; and
- (ii) Tort;

(b) Paper II——

- (i) Property Law (including real and personal property);
- (ii) Conveyancing; and
- (iii) Equity (including the Law of Trusts);

(c) Paper III——

- (i) Criminal Law; and
- (ii) Criminal Procedure and Criminal Evidence;

(d) Paper IV——

- (i) Hong Kong Legal System and Constitutional and Administrative Law; and
- (ii) Company Law; and

(e) Paper V——

- (i) Civil Procedure and Civil Evidence;
- (ii) Professional Conduct; and
- (iii) Advocacy.

(3) The Bar Council shall administer the Examination in the manner as it may in its absolute discretion deem fit.

(4) The Examination shall be held at least once every year at such time as the Bar Council may determine.

(5) 除非某人——

- (a) 持有有效的符合資格獲認許證明書；及
- (b) 已繳付附表 1 所訂明的有關費用，

否則他沒有資格參加考試或考試的任何部分。

## 6. 符合資格獲認許證明書

(1) 任何海外律師如謀求參加考試，須——

- (a) 按照第 (2) 款向執委會申請符合資格獲認許證明書；及
- (b) 繳付附表 1 所訂明的有關費用。

(2) 第 (1) 款所指的申請須按照附表 2 表格 1 提出。

(3) 執委會如信納申請人——

- (a) 符合第 4(2)(a)、(b) 及 (c) 條的規定；及
- (b) 已繳付附表 1 所訂明的有關費用，

須按照附表 2 表格 2 向該申請人發出符合資格獲認許證明書。

(4) 如某人憑藉第 4(4) 或 (5) 條獲豁免參加整項考試或考試的任何部分，則向該人發出的符合資格獲認許證明書須載有一項表明此意的陳述。

(5) 符合資格獲認許證明書在自其發出日期起計的 12 個月期間內有效，但如執委會運用其酌情決定權延長該段期間，或該證明書在其有效期屆滿前根據第 17 條被撤銷，則屬例外。

(6) 任何人可以書面向執委會申請延長其符合資格獲認許證明書的有效期。

(7) 第 (6) 款所指的申請須——

- (a) 在有關的證明書有效期屆滿前的 2 個月之前或在執委會運用其酌情決定權容許的其他期間內提出；及
- (b) 連同附表 1 所訂明的有關費用。

## 7. 在考試中考取合格的規定

(1) 除第 (2) 款及第 4(4) 及 (5) 條另有規定外，任何人必須在同一次考試中的卷 I、II、III、IV 及 V 合格，方屬在考試中合格。

(2) 任何人如在任何一次考試中有不超過 2 張試卷不合格，則只需重考該等不合格的試卷，但該人必須在 3 年的期間內在考試 (不包括他已獲豁免應考的任何試卷) 中合格。

(5) A person shall not be eligible to sit the Examination or any part of it unless he—

- (a) holds a valid certificate of eligibility for admission; and
- (b) has paid the relevant fee prescribed in Schedule 1.

## 6. Certificate of eligibility for admission

(1) An overseas lawyer seeking to sit the Examination shall—

- (a) apply to the Bar Council for a certificate of eligibility for admission in accordance with subsection (2); and
- (b) pay the relevant fee prescribed in Schedule 1.

(2) An application under subsection (1) shall be made in accordance with Form 1 in Schedule 2.

(3) If the Bar Council is satisfied that an applicant—

- (a) complies with the requirements in section 4(2)(a), (b) and (c); and
- (b) has paid the relevant fee prescribed in Schedule 1,

it shall issue to that applicant a certificate of eligibility for admission in accordance with Form 2 in Schedule 2.

(4) Where a person is exempted from sitting all or any part of the Examination by virtue of section 4(4) or (5), the certificate of eligibility for admission issued to that person shall contain a statement to that effect.

(5) A certificate of eligibility for admission shall remain valid for a period of 12 months from its date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 before its expiry.

(6) A person may apply to the Bar Council in writing for extension of the validity of his certificate of eligibility for admission.

(7) An application under subsection (6) shall be—

- (a) made not later than 2 months before the expiry of the certificate or within such other period of time as the Bar Council may in its discretion allow; and
- (b) accompanied by the relevant fee prescribed in Schedule 1.

## 7. Requirements for passing Examination

(1) Subject to subsection (2) and section 4(4) and (5), a person must pass Papers I, II, III, IV and V at the same sitting in order to pass the Examination.

(2) A person who has failed no more than 2 examination papers at any one sitting of the Examination need only resit the examination paper or papers which he has failed, but such person must pass the Examination (excluding any examination paper which he has been exempted from sitting) within a period of 3 years.

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(3) 任何人如——

- (a) 在任何一次考試中有超過 2 張試卷不合格；或
- (b) 未能在第 (2) 款所規定的 3 年的期間內在考試 (不包括他已獲豁免應考的任何試卷) 中合格，

必須按照第 (1) 及 (2) 款，就卷 I、II、III、IV 及 V 或 (如任何人已依據第 4(4) 或 (5) 條獲豁免應考任何試卷) 所有他未獲豁免應考的試卷 (視屬何情況而定)，重新應考。

## 8. 具備認許資格證明書

- (1) 基於遵從第 4 條而謀求獲認許為大律師的人，須——
  - (a) 按照第 (2) 款向執委會申請具備認許資格證明書；及
  - (b) 繳付附表 1 所訂明的有關費用。
- (2) 第 (1) 款所指的申請須按照附表 2 表格 3 提出。
- (3) 執委會如信納申請人——
  - (a) 符合第 4 條的規定而有資格獲認許為大律師；及
  - (b) 已繳付附表 1 所訂明的有關費用，

須按照附表 2 表格 4 向該申請人發出具備認許資格證明書。

(4) 具備認許資格證明書在自其發出日期起計的 12 個月期間內有效，但如執委會酌情決定延長該段期間，或該證明書在其有效期屆滿前根據第 17 條被撤銷，則屬例外。

- (5) 任何人可以書面向執委會申請延長其具備認許資格證明書的有效期。
- (6) 第 (5) 款所指的申請須——
  - (a) 在現行證明書有效期屆滿前的 2 個月之前或在執委會運用其酌情決定權容許的其他期間內提出；及
  - (b) 連同附表 1 所訂明的有關費用。

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(3) A person—

- (a) who has failed more than 2 examination papers at any one sitting of the Examination; or
- (b) who has failed to pass the Examination (excluding any examination paper which he has been exempted from sitting) within a period of 3 years as provided in subsection (2),

must present himself for examination afresh in respect of Papers I, II, III, IV and V or, where a person has been exempted from sitting any examination paper pursuant to section 4(4) or (5), all those papers for which he has not been exempted (as the case may be), in accordance with subsections (1) and (2).

## 8. Certificate of qualification for admission

(1) A person seeking to be admitted as a barrister on the basis of compliance of section 4 shall—

- (a) apply to the Bar Council for a certificate of qualification for admission in accordance with subsection (2); and
- (b) pay the relevant fee prescribed in Schedule 1.

(2) An application under subsection (1) shall be made in accordance with Form 3 in Schedule 2.

(3) If the Bar Council is satisfied that an applicant—

- (a) complies with the requirements in section 4 and is qualified for admission as a barrister; and
- (b) has paid the relevant fee prescribed in Schedule 1,

it shall issue to that applicant a certificate of qualification for admission in accordance with Form 4 in Schedule 2.

(4) A certificate of qualification for admission shall remain valid for a period of 12 months from its date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 before its expiry.

(5) A person may apply to the Bar Council in writing for extension of the validity of his certificate of qualification for admission.

(6) An application under subsection (5) shall be—

- (a) made not later than 2 months before the expiry of the current certificate or within such other period of time as the Bar Council may in its discretion allow; and
- (b) accompanied by the relevant fee prescribed in Schedule 1.

## 第 3 部

## 實習大律師實習

## 9. 實際執業的資格檢定期

凡任何人根據本條例第 27(1) 條獲認許為大律師，或謀求根據該條獲認許為大律師，則就本條例第 31(1)(a) 條而言，實際執業的資格檢定期，須為第 10 條所指的認可實習大律師實習期。

## 10. 認可實習大律師實習

(1) 認可實習大律師實習期須為——

- (a) 在一名在香港的執業大律師 (具有不少於 5 年大律師資歷者) 的辦事處不少於 1 年的期間；或
- (b) 在律政司不少於 9 個月的期間，而該段期間可包括借調至法律援助署的不超過 3 個月的期間，只要他亦已如 (a) 段所描述般服務不少於 3 個月。

(2) 在執委會的批准下，第 (1) 款所述的認可實習大律師實習期，可包括某人在獲發符合資格為實習大律師證明書後任何不超過一個月的在香港任法官的執行官的期間。

(3) 任實習大律師的人須受行為守則所規限。

(4) 任何人除非符合以下規定，否則不得被視為已完成認可實習大律師實習期或其任何部分——

- (a) 該人已從收納他為實習大律師的有關執業大律師取得證明書，述明——
  - (i) 該人在跟隨該名執業大律師實習期間已勤勉從事實習大律師的工作；及
  - (ii) 該名執業大律師認為該人是一名適合在香港執業為大律師的人；
- (b) (如該人曾有一段期間任某法官的執行官) 該人已向該法官取得證明書，述明他在任執行官期間已勤勉從事執行官的工作；
- (c) (除獲執委會根據《大律師 (高級法律進修規定) 規則》(第 159 章，附屬法例 AB) 第 8 條批准豁免外) 該人已圓滿地完成高級法律進修計劃，並已向執委會取得證明他已圓滿地完成高級法律進修計劃的證書；及

## PART 3

## PUPILLAGE

## 9. Qualifying period of active practice

Where a person seeks admission or is admitted as a barrister under section 27(1) of the Ordinance, the qualifying period of active practice for the purposes of section 31(1)(a) of the Ordinance shall be the period of approved pupillage under section 10.

## 10. Approved pupillage

(1) The period of approved pupillage shall be—

- (a) a period of not less than 1 year in the chambers of a practising barrister (of not less than 5 years standing as a barrister) in Hong Kong; or
- (b) a period of not less than 9 months in the Department of Justice, which may include a period not exceeding 3 months on secondment to the Legal Aid Department, so long as he has also spent a period of not less than 3 months in such service as is described in paragraph (a).

(2) The period of approved pupillage mentioned in subsection (1) may, with the Bar Council's approval, include any period not exceeding one month spent by a person as a judge's marshal in Hong Kong after the issue to that person of a certificate of eligibility for pupillage.

(3) A person undertaking pupillage is subject to the Code of Conduct.

(4) A person shall not be regarded as having completed the period of approved pupillage or any part of it unless he has—

- (a) obtained a certificate from the practising barrister of whom he has been a pupil stating that—
  - (i) he has diligently served his period of pupillage with the practising barrister; and
  - (ii) in the opinion of the practising barrister, he is a fit and suitable person to practise as a barrister in Hong Kong;
- (b) (where he has spent a period as a judge's marshal) obtained a certificate from those for whom he has served as marshal stating that he has diligently served his period as marshal;
- (c) (subject to such exemption as the Bar Council may grant under section 8 of the Barristers (Advanced Legal Education Requirement) Rules (Cap. 159 sub. leg. AB)) satisfactorily completed the Advanced Legal Education Programme and obtained a certificate from the Bar Council to that effect; and



## [附屬法例]

(d) 該人已令執委會信納他已符合行為守則所訂定的對實習大律師實習的規定。

(5) 任何人除非持有依據第 12(1) 條發出的有效的符合資格為實習大律師證明書，否則不得展開第 (1) 款所指明的認可實習大律師實習期。

(6) 執委會可運用其絕對酌情決定權，接納某人在取得符合資格為實習大律師證明書後在——

(a) 一名執業大律師 (具有不少於 5 年大律師資歷者) 的辦事處；或

(b) 律政司，

從事實習大律師實習性質的工作的任何期間，為本規則所規定的認可實習大律師實習期或其中部分。

## 11. 申請在香港作實習大律師實習

(1) 謀求在香港成為實習大律師的人，須在他擬開始實習大律師實習前的 3 個星期前，按照第 (2) 款向執委會申請符合資格為實習大律師證明書。

(2) 第 (1) 款所指的申請須按照附表 2 表格 5 提出。

## 12. 批准實習大律師實習及發出符合資格為實習大律師證明書

(1) 執委會如信納——

(a) 申請人——

(i) 是一名適合作為大律師的人；

(ii) 若非第 4(3) 條所指的在認可實習大律師實習期或經扣減的認可實習大律師實習期從事實習大律師的工作的規定，則本會根據第 4 條合資格獲認為大律師；

(iii) 並未有憑藉第 14 條而致沒有資格；及

(iv) 已繳付附表 1 所訂明的有關費用；及

(b) 申請人擬跟隨某執業大律師實習而該大律師已根據第 13 條取得執委會對該實習大律師實習事宜的批准，

即須批准實習大律師實習申請，並按照附表 2 表格 6 向申請人發出符合資格為實習大律師證明書。

(2) 符合資格為實習大律師證明書在自其發出日期起計的 12 個月期間內有效，但如執委會另有指定或決定，或該證明書在其有效期屆滿前根據第 17 條被撤銷，則屬例外。

## [Subsidiary]

(d) satisfied the Bar Council that he has complied with the requirements of pupillage stipulated in the Code of Conduct.

(5) A person shall not commence the period of approved pupillage specified in subsection (1) unless he holds a valid certificate of eligibility for pupillage pursuant to section 12(1).

(6) The Bar Council may in its absolute discretion accept any period of work in the nature of pupillage undertaken in Hong Kong in—

(a) the chambers of a practising barrister (of not less than 5 years standing as a barrister); or

(b) the Department of Justice,

by a person after obtaining a certificate of eligibility for pupillage, as a period of approved pupillage or part of it, as required by these Rules.

## 11. Application for pupillage in Hong Kong

(1) A person seeking to become a pupil in Hong Kong shall apply to the Bar Council for a certificate of eligibility for pupillage in accordance with subsection (2) not less than 3 weeks before he proposes to commence pupillage.

(2) An application under subsection (1) shall be made in accordance with Form 5 in Schedule 2.

## 12. Approval of pupillage and issue of certificate of eligibility for pupillage

(1) The Bar Council, if it is satisfied that—

(a) the applicant—

(i) is a fit and suitable person to be a barrister;

(ii) would, but for the requirement to serve the period of approved pupillage or reduced period of approved pupillage under section 4(3), be qualified for admission as a barrister under section 4;

(iii) is not ineligible by virtue of section 14; and

(iv) has paid the relevant fee prescribed in Schedule 1; and

(b) the practising barrister with whom the applicant wishes to serve his pupillage has obtained the approval of the Bar Council to the pupillage under section 13,

shall approve the application for pupillage and issue to the applicant a certificate of eligibility for pupillage in accordance with Form 6 in Schedule 2.

(2) A certificate of eligibility for pupillage shall remain valid for a period of 12 months from its date of issue, unless the Bar Council stipulates or determines otherwise or the certificate is revoked under section 17 before its expiry.

## [附屬法例]

- (3) 任何人可以書面向執委會申請延長其符合資格為實習大律師證明書的有效期限。
- (4) 第 (3) 款所指的申請須——
- (a) 在現行證明書有效期屆滿前的 2 個月之前或在執委會運用其酌情決定權容許的其他期間內提出；及
  - (b) 連同附表 1 所訂明的有關費用。

## 13. 執委會的批准

- (1) 除非執業大律師已首先取得執委會對實習大律師實習事宜的批准，否則他不得在他的辦事處收納有關的實習大律師。
- (2) 執委會可隨時——
- (a) 撤銷它對實習大律師實習事宜的批准；或
  - (b) 批准任何實習大律師從跟隨一名執業大律師實習轉往跟隨另一名執業大律師實習，或從跟隨一名執業大律師實習轉至律政司實習，或從律政司實習轉往跟隨一名執業大律師實習。

## 14. 沒有資格作實習大律師實習的情況

- (1) 就本規則而言，任何人如有以下情況，即無資格成為實習大律師——
- (a) 是一名《破產條例》(第 6 章) 所指的未獲解除破產的破產人；
  - (b) 曾被裁定犯了某項罪行，而執委會認為該罪行的性質令該人不適合為實習大律師；
  - (c) 正從事執委會認為與實習大律師實習有抵觸的任何職業；或
  - (d) 因任何其他理由而被執委會認為不適合作為實習大律師。
- (2) 如執委會根據第 (1) 款作出某人沒有資格作實習大律師實習的決定，它應在第 11(1) 條所指的申請提出後 28 天內，將它的決定及該項決定的理由通知該人。

## 15. 終止或暫時停止實習大律師實習

- (1) 任何實習大律師在實習大律師實習期間——
- (a) 被判定破產；
  - (b) 被裁定犯了任何罪行；或

## [Subsidiary]

- (3) A person may apply to the Bar Council in writing for extension of the validity of his certificate of eligibility for pupillage.
- (4) An application under subsection (3) shall be—
- (a) made not later than 2 months before the expiry of the current certificate or within such other period of time as the Bar Council may in its discretion allow; and
  - (b) accompanied by the relevant fee prescribed in Schedule 1.

## 13. Approval of Bar Council

- (1) A practising barrister shall not receive a pupil into his chambers unless he has first obtained the approval of the Bar Council to the pupillage.
- (2) The Bar Council may at any time—
- (a) revoke its approval of a pupillage; or
  - (b) approve the transfer of pupillage from one practising barrister to another, or from a practising barrister to the Department of Justice, or from the Department of Justice to a practising barrister.

## 14. Ineligibility for pupillage

- (1) A person shall not be eligible to become a pupil for the purposes of these Rules if he—
- (a) is an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6);
  - (b) has been convicted of an offence of such a nature that, in the opinion of the Bar Council, he is unsuitable to be a pupil;
  - (c) is engaged in any occupation which, in the opinion of the Bar Council, is incompatible with pupillage; or
  - (d) is for any other reason considered by the Bar Council to be unsuitable as a pupil.
- (2) If the Bar Council has made a decision that a person is ineligible for pupillage under subsection (1), it should notify that person of its decision and the reasons for the decision within 28 days of the application made under section 11(1).

## 15. Termination or suspension of pupillage

- (1) A pupil who, while serving pupillage, is—
- (a) adjudicated bankrupt;
  - (b) convicted of an offence; or

## [附屬法例]

(c) 違反他向執委會作出的與根據第 11 條提出的申請有關的任何聲明及承諾而從事任何工作、受僱或登記，須隨即以書面通知執委會。

(2) 執委會如——

(a) 信納——

(i) 某實習大律師犯失當行為；或

(ii) 某實習大律師已將第 (1) 款所提述的任何事宜的發生通知執委會，或沒有將該事宜的發生通知執委會；或

(b) 已撤銷它對實習大律師實習事宜的批准，

則可命令終止或暫時停止有關的實習大律師實習。

(3) 如執委會根據第 (2) 款作出命令終止或暫時停止某實習大律師的實習大律師實習，它應該在作出該命令後 28 天內，將該命令及作出該命令的理由通知有關實習大律師。

(4) 就本條而言，“失當行為”(misconduct) 指如由一名執業大律師作出的即會被視為在專業上的失當行為的任何行為。

## 16. 扣減認可實習大律師實習期

(1) 凡高等法院首席法官信納某名謀求根據本條例第 27(1) 條獲認為大律師的人已具有豐富的訟辯經驗，他可在諮詢執委會後，扣減第 10 條所述的認可實習大律師實習期，但經扣減後的實習大律師實習期不得少於 3 個月。

(2) 高等法院首席法官可使對認可實習大律師實習期的扣減，受他運用其絕對酌情決定權指明的條件所規限。

## 第 4 部

## 一般規定

## 17. 證明書的更改或撤銷

(1) 執委會可隨時基於好的因由更改或撤銷根據第 6、8 或 12 條發出的證明書。

(2) 執委會應在根據第 (1) 款作出的更改或撤銷後 28 天內，將該項更改或撤銷連同有關的理由通知受該項更改或撤銷影響的人。

## [Subsidiary]

(c) engaged, employed or enrolled in contravention of any declaration and undertaking given to the Bar Council in connection with an application made under section 11, shall forthwith inform the Bar Council in writing.

(2) The Bar Council may order the termination or suspension of a pupillage if—

(a) it is satisfied that—

(i) the pupil is guilty of misconduct; or

(ii) the pupil has notified, or fails to notify, the Bar Council of the occurrence of any of the matters referred to in subsection (1); or

(b) it has revoked its approval of a pupillage.

(3) If the Bar Council has made an order to terminate or suspend a pupillage under subsection (2), it should notify the pupil of its order and the reasons for the order within 28 days of the order.

(4) For the purposes of this section, “misconduct” (失當行為) means any conduct which would be regarded as professional misconduct if committed by a practising barrister.

## 16. Reduction of period of approved pupillage

(1) The Chief Judge may, after consulting the Bar Council, reduce the period of approved pupillage mentioned in section 10 where he is satisfied that a person seeking admission under section 27(1) of the Ordinance has substantial experience of court advocacy, but the period of a reduced pupillage shall not be less than 3 months.

(2) The Chief Judge may make the reduction of the period of approved pupillage subject to such conditions as he may in his absolute discretion specify.

## PART 4

## GENERAL

## 17. Variation or revocation of certificates

(1) The Bar Council may at any time vary or revoke a certificate issued under section 6, 8 or 12 for good cause.

(2) The Bar Council should notify with reasons the person affected by the variation or revocation made under subsection (1) within 28 days of such variation or revocation.

## 18. 覆核

(1) 任何人如因執委會根據本規則作出的命令或決定而感到受屈，可在該項命令或決定的日期後一個月內，於繳付附表 1 所訂明的有關費用後，以書面申請由執委會覆核該項命令或決定。

(2) 任何人如因執委會應根據第 (1) 款提出的覆核要求所作出的任何決定而感到受屈，可在該項決定的日期後一個月內，針對該項決定而藉動議通知書向上訴法庭提出上訴。

(3) 動議通知書須述明上訴理由，並須送達作為答辯人的執委會及律政司司長。

(4) 在上訴法庭席前進行的動議聆訊中，上訴人、執委會及律政司司長均可由大律師代表，並可提出證據。

(5) 上訴法庭可確認、更改或推翻該項決定，或將該項決定交回執委會重新考慮，並可就訟費而作出上訴法庭認為適當的命令。

## 第 5 部

(已失時效而略去)

## 18. Review

(1) Any person who is aggrieved by an order or decision of the Bar Council under these Rules may, within one month of the date of the order or decision and upon payment of the relevant fee prescribed in Schedule 1, apply in writing for the order or decision to be reviewed by the Bar Council.

(2) Any person who is aggrieved by any decision of the Bar Council on a request for review under subsection (1) may, within one month of the date of the decision, appeal to the Court of Appeal against the decision by notice of motion.

(3) The notice of motion shall state the grounds of the appeal and shall be served on the Bar Council and the Secretary for Justice as respondents.

(4) On the hearing of the motion by the Court of Appeal, the appellant, the Bar Council and the Secretary for Justice may be represented by counsel and adduce evidence.

(5) The Court of Appeal may confirm, vary or quash the decision or remit the same to the Bar Council for reconsideration and make such order as to costs as it thinks fit.

## PART 5

(*Omitted as spent*)

## [附屬法例]

附表 1

[第 5、6、8、12 及 18 條及附表 2]

根據《大律師 (認許資格及實習) 規則》  
須繳付的費用

項	條次	事項	收款人	費用
1.	5(5)	申請參加考試	香港大律師公會	每張試卷 \$2,000
2.	6(1) 及 (3)	申請符合資格獲認許證明書	香港大律師公會	\$3,500
3.	6(7)	延長符合資格獲認許證明書的有效期	香港大律師公會	\$250
4.	8(1) 及 (3)	申請具備認許資格證明書	香港大律師公會	\$750
5.	8(6)	延長具備認許資格證明書的有效期	香港大律師公會	\$250
6.	12(1)	申請符合資格為實習大律師證明書	香港大律師公會	\$250
7.	12(4)	延長符合資格為實習大律師證明書的有效期	香港大律師公會	\$250
8.	18(1)	申請覆核	香港大律師公會	\$3,000

附表 2

[第 6、8、11 及 12 條]

表格

表格 1

[第 6(2) 條]

符合資格獲認許證明書的申請表

致：香港大律師公會的執行委員會

本人[英文及中文全名 (如適用的話)]，地址為[現時居住地址]，申請按照《大律師 (認許資格及實習) 規則》(第 159 章、附屬法例 AC) (“《規則》”) 第 6(3) 條發出一張符合資格獲認許證明書予本人。

本人屬 [國籍]，是護照 {或 \* [其他旅行證件名稱]} [號碼] 號的持有人。本人的香港身分證號碼為 [香港身分證號碼]。

現將本人護照 {或 \* [其他旅行證件名稱]} 中載明本人的詳情的各頁的經核證副本及本人的香港身分證的經核證副本夾附於本申請表，作為附件 1。

本人的聯絡電話號碼為 [電話號碼]。此外，亦可透過圖文傳真 [圖文傳真號碼] 或電郵 [電郵地址] 與本人聯絡。

本人謹以至誠鄭重聲明如下——

- 本人持有由 [申請人獲認許所在的司法管轄區] (“本人獲認許所在的司法管轄區”) 的 [發出法律執業者認許證書的主管當局名稱] (“簽發當局”) 發出的法律執業者認許證書。本人的認許證書是現時有效和具有效力的。

現將本人的認許證書的經核證副本夾附於本申請表，作為附件 2。

## [Subsidiary]

SCHEDULE 1

[ss. 5, 6, 8, 12 &amp; 18 &amp; Sch. 2]

FEES PAYABLE UNDER BARRISTERS  
(QUALIFICATION FOR ADMISSION  
AND PUPILLAGE) RULES

Item	Section	Description	Payee	Fees
1.	5(5)	Application to sit Examination	Hong Kong Bar Association	\$2,000 per examination paper
2.	6(1) & (3)	Application for certificate of eligibility for admission	Hong Kong Bar Association	\$3,500
3.	6(7)	Extension of validity of certificate of eligibility for admission	Hong Kong Bar Association	\$250
4.	8(1) & (3)	Application for certificate of qualification for admission	Hong Kong Bar Association	\$750
5.	8(6)	Extension of validity of certificate of qualification for admission	Hong Kong Bar Association	\$250
6.	12(1)	Application for certificate of eligibility for pupillage	Hong Kong Bar Association	\$250
7.	12(4)	Extension of validity of certificate of eligibility for pupillage	Hong Kong Bar Association	\$250
8.	18(1)	Application for review	Hong Kong Bar Association	\$3,000

SCHEDULE 2

[ss. 6, 8, 11 &amp; 12]

FORMS

FORM 1

[s. 6(2)]

APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR ADMISSION

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of eligibility for admission in accordance with section 6(3) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) (“Rules”).

I am a [nationality], the holder of passport {OR\* [name of other travel document]} no. [number]. My Hong Kong Identity Card No. is [HKID number].

Certified copies of the pages of my passport {OR\* [name of other travel document]} giving particulars of myself and of my Hong Kong Identity Card are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows—

- I hold a certificate of admission as a legal practitioner from the [name of authority issuing certificate] (“issuing authority”) in [applicant’s jurisdiction of admission] (“my jurisdiction of admission”). My certificate of admission is currently valid and in force.

A certified copy of my certificate of admission is attached to this application as Attachment 2.

## [附屬法例]

2. 本人獲認許所在的司法管轄區是／不是 \* 一個普通法司法管轄區，即其法律在實質上是以前普通法為基礎的司法管轄區。
3. 本人曾在本人獲認許所在的司法管轄區執業至少 3 年。更明確地說，本人曾在以下期間在本人獲認許所在的司法管轄區全職執業——  
[列出執業期間。]  
現將簽發當局 {或 \* [有關機構的名稱]} 所發出的證明本人在該等期間內實際執業的證書的經核證副本 [數目] 份夾附於本申請表，作為附件 3。
4. 本人現時在本人獲認許所在的司法管轄區有良好聲譽。  
現將 [有關機構的名稱] (該機構是在本人獲認許所在的司法管轄區內負責監督法律執業者的操守的團體) 所發出的證明本人有良好聲譽的信件夾附於本申請表，作為附件 4。
5. 本人希望／不希望 \* 根據《規則》第 4(4) {及／或 \* (5)} 條申請豁免應考大律師資格考試的以下試卷——  
[指出謀求豁免的試卷。]  
本人謀求豁免的理由為——  
[列出謀求豁免的理由。如有需要，可另用紙張填寫。該等理由應有書面證據作為佐證並夾附於本申請表，作為附件 5]。

本人謹憑藉《宣誓及聲明條例》(第 11 章) 衷誠作出此項鄭重聲明，並確信其為真實無訛。

此項聲明於 20 ..... 年 ..... 月 ..... 日 }  
在香港 ..... 作出 }

在本人面前作出，

監督員／律師

註：《規則》附表 1 就符合資格獲認許證明書所訂明的費用，必須於呈交本申請表時繳付。

\* 刪去不適用者。

表格 2

[第 6(3) 條]

符合資格獲認許證明書

茲證明 [英文及中文全名 (如適用的話)]，地址為 [現時居住地址]——

1. 曾於 20 ..... 年 ..... 月 ..... 日根據《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) (“《規則》”) 第 6(2) 條申請發出符合資格獲認許證明書；

## [Subsidiary]

2. My jurisdiction of admission is/is not\* a common law jurisdiction, namely, a jurisdiction in which the law is substantially based on the common law.
3. I have practised for at least 3 years in my jurisdiction of admission. More specifically, I have been in full-time practice in my jurisdiction of admission during the following period(s)—  
[Set out period(s) of practice.]  
A certified copy/Certified copies\* of certificate(s) from the issuing authority {OR\* [name of the relevant institution]} evidencing my active practice during such period(s) is/are\* attached to this application as Attachment 3.
4. I am currently a person of good standing in my jurisdiction of admission.  
A letter from the [name of the relevant institution], which is the body having supervision over the conduct of legal practitioners in my jurisdiction of admission, certifying my good standing is attached to this application as Attachment 4.
5. I wish/do not wish\* to apply to be exempted under section 4(4) {AND/OR\* (5)} of the Rules from sitting the following examination paper(s) of the Barristers Qualification Examination—  
[Identify any examination paper(s) for which exemption is sought.]  
My ground(s) for seeking exemption is/are\*—  
[Set out ground(s) for seeking exemption. Where necessary, separate sheet(s) may be used. The ground(s) should be supported by documentary evidence attached to this application as Attachment 5.]

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at ..... }  
HONG KONG this ..... day of }  
..... 20..... }

Before me,

Commissioner for Oaths/Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of eligibility for admission must be paid at the time of submission of this application.

\*Delete whichever is inapplicable.

FORM 2

[s. 6(3)]

CERTIFICATE OF ELIGIBILITY FOR ADMISSION

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]—

1. on the ..... day of ..... 20 ..... applied under section 6(2) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) (“Rules”) for the issue of a certificate of eligibility for admission;

## [附屬法例]

2. 已令香港大律師公會的執行委員會信納他——
- (1) 持有由 [申請人獲認許所在的司法管轄區] (“獲認許所在的司法管轄區”) 的 [發出法律執業者認許證書的主管當局名稱] 發出的法律執業者認許證書，而該證書是現時有效和具有效力的；
  - (2) 曾在獲認許所在的司法管轄區執業至少 3 年；及
  - (3) 現時在獲認許所在的司法管轄區有良好聲譽；
3. 已繳付《規則》附表 1 就本證明書訂明的費用；及
4. 獲豁免應考大律師資格考試的以下試卷——

日期：20 ..... 年 ..... 月 ..... 日

(簽署) .....

香港大律師公會的  
執行委員會

( ..... 代行)

註：

- (a) 本證明書自發出日期起計的 12/[數目]\* 個月期間內有效，但如大律師公會的執行委員會酌情決定延長該段期間，又或本證明書在其有效期屆滿前根據《規則》第 17 條被撤銷，則屬例外。
- (b) 本證明書的持有人可在本證明書有效期屆滿前不少於 2 個月，以書面向執行委員會提出並繳付《規則》附表 1 所訂明的費用，申請延長本證明書的有效期。

\* 刪去不適用者。

表格 3

[第 8(2) 條]

具備認許資格證明書的申請表

致：香港大律師公會的執行委員會

本人 [英文及中文全名 (如適用的話)]，地址為 [現時居住地址]，申請按照《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) (“《規則》”) 第 8(3) 條發出一張具備認許資格證明書予本人。

本人屬 [國籍] {如申請人並非中華人民共和國公民}，是護照 {或 \* [其他旅行證件名稱]} {號碼} 的持有人。本人的香港身分證號碼為 [香港身分證號碼]。

現將——

1. 本人的香港身分證的正面及背面 {；及}\*
- {2. [在有關的情況下] 本人護照 {或 \* [其他旅行證件名稱]} 中載明本人的詳情的各頁，}\*  
的經核證副本夾附於本申請表，作為附件 1。

## [Subsidiary]

2. has satisfied the Council of the Hong Kong Bar Association that he—
- (1) holds a certificate of admission as a legal practitioner from the [name of authority issuing certificate] in [applicant's jurisdiction of admission] (“jurisdiction of admission”) which is currently valid and in force;
  - (2) has practised for at least 3 years in the jurisdiction of admission; and
  - (3) is currently a person of good standing in the jurisdiction of admission;
3. has paid the fees prescribed in Schedule 1 of the Rules for this certificate; and
4. is exempted from sitting the following examination paper(s) of the Barristers Qualification Examination—

Dated this ..... day of ..... 20 .....

(Sgd.) .....  
for the Council of the  
Hong Kong Bar Association

Notes:

- (a) This certificate is valid for a period of 12/[number]\* months from the date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 of the Rules before its expiry.
- (b) The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not later than 2 months before its expiry.

\*Delete whichever is inapplicable.

FORM 3

[s. 8(2)]

APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR ADMISSION

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of qualification for admission in accordance with section 8(3) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) (“Rules”).

I am a [nationality] {where the applicant is not a PRC citizen} the holder of passport {OR\* [name of other travel document]} no. [number]}. My Hong Kong Identity Card No. is [HKID number].

Certified copies of—

1. the front and reverse sides of my Hong Kong Identity Card {; and}\*
- {2. [if relevant] the pages of my passport {OR\* [name of other travel document]} giving particulars of myself,}\*  
are attached to this application as Attachment 1.

## [附屬法例]

本人的聯絡電話號碼為 [電話號碼]。此外，亦可透過圖文傳真[圖文傳真號碼]或電郵 [電郵地址] 與本人聯絡。

本人謹以至誠鄭重聲明如下——

1. 本人已取得法學專業證書。

現將該證書的經核證副本夾附於本申請表，作為附件 2。

{或 \*

本人在緊接本申請的日期前，或在任何情況下，在該日期前不超過 12 個月內，已在香港獲認許為律師至少 3 年，而本人在該段期間是在香港執業為律師／本人在政府的公職服務中受僱為《律政人員條例》(第 87 章) 所指的律政人員 \*。

現將司法常務官所發出的證明本人在香港獲認許為律師的日期及本人姓名曾列於律師登記冊上的期間的證明書，夾附於本申請表，作為附件 2。

在該證明書所指出的期間內，本人的執業詳情如下——

[在有關期間內的執業詳情。]

{或 \*

現將律政司司長／法律援助署署長／[有關的政府人員姓名]\* 所發出的列明本人在政府的公職服務中受僱為律政人員的日期的證明書，夾附於本申請表，作為附件 2A。}}

{或 \*

本人是《規則》第 2 條所界定的海外律師。

現將執行委員會於 [日期] 發給本人的符合資格獲認許證明書的副本，夾附於本申請表，作為附件 2。

{本人獲豁免應考大律師資格考試的以下試卷：

[指出取得豁免的任何試卷。]}\*

本人於 [日期] 參加大律師資格考試 {(不包括本人獲豁免應考的任何試卷)}，並已按照《規則》第 7 條在該考試中考取合格。

現將執行委員會所發出的證明本人在大律師資格考試中考取合格的信件，夾附於本申請表，作為附件 2A。}

2. 本人已完成至少 6 個月《規則》第 10 條所指明的認可實習大律師實習期。本人尤其已完成以下的實習大律師實習——

實習大律師導師姓名

實習大律師實習期

現將上述實習大律師導師所發出的確認本人在跟隨他實習期間已勤勉從事實習大律師的工作並且是一名適合在香港執業為大律師的人的證明書，夾附於本申請表，作為附件 3。

{及 \*

[在有關的情況下] 本人曾如下有 [不超過 1 個月] 的期間任法官的執行官——

法官姓名

任執行官的期間

現將 [法官姓名] 所發出的確認本人在任其執行官期間已勤勉從事執行官的工作的證明書，夾附於本申請表，作為附件 3A。}

## [Subsidiary]

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows—

1. I have obtained a Postgraduate Certificate in Laws.

A certified copy of such a certificate is attached to this application as Attachment 2.

{OR \*

I have been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of this application and during that time I was in practice as a solicitor in Hong Kong/I was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87)\*.

A certificate from the Registrar certifying the date of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2.

During the period(s) identified in the certificate, I was in practice as follows—

[Particulars of practice during the relevant period(s).]

{OR \*

A certificate from the Secretary for Justice/Director of Legal Aid/[name of the relevant Government officer]\* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.}}

{OR \*

I am an overseas lawyer as defined in section 2 of the Rules.

A copy of the certificate of eligibility for admission issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

[I was exempted from sitting the following paper(s) of the Barristers Qualification Examination:

[Identify any examination paper(s) for which exemptions were obtained.]}\*

I sat the Barristers Qualification Examination {(excluding any examination paper(s) which I was exempted from sitting)}\* on [date(s)] and have passed that examination in accordance with section 7 of the Rules.

A letter from the Bar Council certifying that I have passed the Barristers Qualification Examination is attached to this application as Attachment 2A.}

2. I have completed at least 6 months of the period of approved pupillage specified in section 10 of the Rules. In particular, I have completed pupillage as follows—

Name of pupil master

Period of pupillage

A certificate/Certificates\* from the above pupil master(s) confirming that I have served my period(s) of pupillage with him/them\* diligently and that I am a fit and suitable person to practise as a barrister in Hong Kong is/are\* attached to this application as Attachment 3.

{AND\*

[where relevant] I have spent a period of [time not exceeding 1 month] as judge's marshal as follows—

Name of judge

Period spent as marshal

A certificate/Certificates\* from [name(s) of judge] confirming that I have served my period(s) as marshal with him/them\* diligently is/are\* attached to this application as Attachment 3A.}



## [附屬法例]

{或\*

本人認可實習大律師實習期已根據《規則》第 16 條扣減至[數目]個月(即少於 6 個月的期間)，而本人已完成該段經扣減的認可實習大律師實習期。本人尤其已如下作實習大律師實習——

實習大律師導師姓名實習大律師實習期

現將上述實習大律師導師所發出的確認本人在跟隨他實習期間已勤勉從事實習大律師的工作並且是一名適合在香港執業為大律師的人的證明書，夾附於本申請表，作為附件 3。

{及\*

[在有關的情況下] 本人曾如下有 [不超過 1 個月] 的期間任法官的執行官——

法官姓名任執行官的期間

現將 [法官姓名] 所發出的確認本人在任其執行官期間已勤勉從事執行官的工作的證明書，夾附於本申請表，作為附件 3A。}}

3. 本人現時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。
4. 本人在緊接本申請的日期前的 [數目] 個月內一直居於香港。

{或\*

本人通常居於香港滿 7 年。}

{或\*

本人在緊接本申請的日期前的 10 年內有 [數目] 年是每年有 [數目] 天身在香港。

本人各段在香港居住的期間的詳細資料現列出如下——

地址居住期間

現將本人護照 {或\*[其他旅行證件名稱]} 中證明上述在香港居住的期間的有關各頁的經核證副本，夾附於本申請表，作為附件 4。}

5. 本人是適合獲認許為香港大律師的人，並且根據《法律執業者條例》(第 159 章) 第 27(1) 條符合資格獲認許為大律師。

現將見證本人良好品格的推薦信兩封夾附於本申請表，作為附件 5。

## [Subsidiary]

{OR\*

My period of approved pupillage has been reduced to [number] months (being a period of less than 6 months) under section 16 of the Rules and I have completed such reduced period of approved pupillage. In particular, I have undertaken pupillage as follows—

Name of pupil masterPeriod of pupillage

A certificate/Certificates\* from the above pupil master(s) confirming that I have served my period(s) of pupillage with him/them\* diligently and that I am a fit and suitable person to practise as a barrister in Hong Kong is/are\* attached to this application as Attachment 3.

{AND\*

[where relevant] I have spent a period of [time not exceeding 1 month] as judge's marshal as follows—

Name of judgePeriod spent as marshal

A certificate/Certificates\* from [name(s) of judge] confirming that I have served my period(s) as marshal with him/them\* diligently is/are\* attached to this application as Attachment 3A.}}

3. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.
4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR\*

I have been ordinarily resident in Hong Kong for at least 7 years.}

{OR\*

I have been physically present in Hong Kong for [number] days of each of [number] years within 10 years immediately preceding the date of this application.

Details of my period(s) of residence in Hong Kong are set out below—

AddressPeriod of residence

A certified copy of the relevant pages from my passport {OR\* [name of other travel document]} evidencing the above period(s) of residence in Hong Kong is attached to this application as Attachment 4.}

5. I am a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap. 159).

Two letters of reference attesting to my good character are attached to this application as Attachment 5.

## [附屬法例]

本人謹憑藉《宣誓及聲明條例》(第 11 章) 衷誠作出此項鄭重聲明，並確信其為真實無訛。

此項聲明於 20 ..... 年 ..... 月 ..... 日 }  
在香港 ..... 作出 }

在本人面前作出，

監誓員／律師

註：《規則》附表 1 就具備認許資格證明書所訂明的費用，必須於呈交本申請表時繳付。

\* 刪去不適用者。

## 表格 4

[第 8(3) 條]

## 具備認許資格證明書

茲證明 [英文及中文全名 (如適用的話)]，地址為 [現時居住地址]——

- 曾於 20 ..... 年 ..... 月 ..... 日根據《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) (“《規則》”) 第 8(2) 條申請發出具備認許資格證明書；
- 已令香港大律師公會的執行委員會信納——  
他已取得法學專業證書；  
{或\*  
他在緊接其大律師認許申請的日期前，或在任何情況下，在該日期前不超過 12 個月內，已在香港獲認許為律師至少 3 年，而他在該段期間是在香港執業為律師／他在政府的公職服務中受僱為《律政人員條例》(第 87 章) 所指的律政人員\*；}  
{或\*  
他是《規則》第 2 條所界定的海外律師，並已符合《規則》第 4(2) 條就獲認許為香港大律師所指明的規定；}
- 已完成至少 6 個月《規則》第 10 條所指明的認可實習大律師實習期；  
{或\*  
其認可實習大律師實習期已根據《規則》第 16 條扣減至 [數目] 個月，並已完成該段經扣減的認可實習大律師實習期；}
- 現時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；
- 在緊接其大律師認許申請的日期前的 [數目] 個月內一直居於香港；

## [Subsidiary]

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at ..... }  
HONG KONG this ..... day of }  
..... 20..... }

Before me,

Commissioner for Oaths/Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of qualification for admission must be paid at the time of submission of this application.

\*Delete whichever is inapplicable.

## FORM 4

[s. 8(3)]

## CERTIFICATE OF QUALIFICATION FOR ADMISSION

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]—

- on the ..... day of ..... 20 ..... applied under section 8(2) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) (“Rules”) for the issue of a certificate of qualification for admission;
- has satisfied the Council of the Hong Kong Bar Association that he—  
has obtained a Postgraduate Certificate in Laws;  
{OR\*  
has been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of his application for admission as a barrister and during that time he was in practice as a solicitor in Hong Kong/he was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87)\*;}  
{OR\*  
is an overseas lawyer as defined in section 2 of the Rules and has met the requirements for admission to the Hong Kong Bar specified in section 4(2) of the Rules;}
- has completed at least 6 months of the period of approved pupillage specified in section 10 of the Rules;  
{OR\*  
has had his period of approved pupillage reduced to [number] months under section 16 of the Rules and has completed such reduced period of approved pupillage;}
- is not currently 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;
- has resided in Hong Kong for [number] consecutive months immediately before the date of his application for admission as a barrister;

## [附屬法例]

{或 \*

通常居於香港滿 7 年；}

{或 \*

在緊接其大律師認許申請的日期前的 10 年內有 [數目] 年是每年有 [數目] 天身在香港；}

6. 是適合獲認許為香港大律師的人，並且根據《法律執業者條例》(第 159 章) 第 27(1) 條符合資格獲認許為大律師；及

7. 已繳付《規則》附表 1 就本證明書所訂明的費用。

日期：20 ..... 年 ..... 月 ..... 日

(簽署) .....  
香港大律師公會的  
執行委員會  
( ..... 代行)

註：

- (a) 本證明書自發出日期起計的 12/[數目]\* 個月期間內有效，但如大律師公會的執行委員會酌情決定延長該段期間，又或本證明書在其有效期屆滿前根據《規則》第 17 條被撤銷，則屬例外。
- (b) 本證明書的持有人可在本證明書有效期屆滿前不少於 2 個月，以書面向執行委員會提出並繳付《規則》附表 1 所訂明的費用，申請延長本證明書的有效期。

\* 刪去不適用者。

## 表格 5

## [第 11(2) 條]

## 符合資格為實習大律師證明書的申請表

致：香港大律師公會的執行委員會

本人 [英文及中文全名 (如適用的話)]，地址為 [現時居住地址]，申請按照《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) (“《規則》”) 第 11(1) 條發出一張符合資格為實習大律師證明書予本人。

本人的香港身分證號碼為 [香港身分證號碼]。

本人的聯絡電話號碼為 [電話號碼]。此外，亦可透過圖文傳真 [圖文傳真號碼] 或電郵 [電郵地址] 與本人聯絡。

本人擬由 [日期] 至 [日期] 跟隨 [實習大律師導師姓名] 實習，其地址為 [辦事處地址]。

{或 \*

本人擬由 [日期] 至 [日期] 任 [姓名] 法官的執行官。}

## [Subsidiary]

{OR \*

has been ordinarily resident in Hong Kong for at least 7 years;}

{OR \*

has been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date of his application for admission as a barrister;}

6. is a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap. 159); and
7. has paid the fees prescribed in Schedule 1 of the Rules for this certificate.

Dated this ..... day of ..... 20 .....

(Sgd.) .....  
for the Council of the  
Hong Kong Bar Association

Notes:

- (a) This certificate is valid for a period of 12/[number]\* months from the date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 of the Rules before its expiry.
- (b) The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not later than 2 months before its expiry.

\*Delete whichever is inapplicable.

## FORM 5

## [s. 11(2)]

## APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of eligibility for pupillage in accordance with section 11(1) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) (“Rules”).

My Hong Kong Identity Card No. is [HKID number].

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I propose to undertake pupillage for the period from [date] to [date] with [name of pupil master] of [chambers address].

{OR \*

I propose to serve as judge's marshall to the Honourable Mr/Mrs/Madam Justice [name] from [date] to [date].}

## [附屬法例]

本人謹以至誠鄭重聲明和承諾如下——

1. 本人是適合作為大律師的人。尤其——

- (1) 本人並非《破產條例》(第 6 章) 所指的未獲解除破產的破產人。  
(2) 本人以往從未因任何刑事罪行被定罪。

{或 \*

本人以往曾因以下刑事罪行被定罪——

[以往曾被定罪的刑事罪行的詳細資料。]

- (3) 本人現時並無從事任何與實習大律師實習有抵觸的職業，並承諾在本人作實習大律師實習期間不會從事任何該等職業。

現將見證本人良好品格的推薦信兩封夾附於本申請表，作為附件 1。

2. 本人若非在《規則》第 4(3) 條所規定的認可實習大律師實習期或經扣減的認可實習大律師實習期從事實習大律師的工作，則本會根據《法律執業者條例》(第 159 章) 第 27(1) 條合資格獲認為大律師。尤其——

本人已取得法學專業證書。

現將該證書的經核證副本夾附於本申請表，作為附件 2。

{或 \*

本人在緊接本申請的日期前，或在任何情況下，在該日期前不超過 12 個月內，已在香港獲認為律師至少 3 年，而本人在該段期間是在香港執業為律師／本人在政府的公職服務中受僱為《律政人員條例》(第 87 章) 所指的律政人員 \*。

現將司法常務官所發出的證明本人在香港獲認為律師的日期及本人姓名曾列於律師登記冊上的期間的證明書，夾附於本申請表，作為附件 2。

在該證明書所指出的期間內，本人的執業詳情如下——

[在有關期間內的執業詳情]。

{或 \*

現將律政司司長／法律援助署署長／[有關的政府人員姓名]\* 所發出的列明本人在政府的公職服務中受僱為律政人員的日期的證明書，夾附於本申請表，作為附件 2A。}}

{或 \*

本人是《規則》第 2 條所界定的海外律師。

現將執行委員會於[日期]發給本人的符合資格獲認許證明書的副本，夾附於本申請表，作為附件 2。

本人於[日期]參加大律師資格考試 {(不包括本人獲豁免應考的任何試卷)}\*，並已按照《規則》第 7 條在該考試中考取合格。

現將執行委員會所發出的證明本人在大律師資格考試中考取合格的信件，夾附於本申請表，作為附件 2A。}}

3. 本人現時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。

4. 本人在緊接本申請的日期前的 [數目] 個月內一直居於香港。

{或 \*

本人通常居於香港滿 7 年。}

## [Subsidiary]

I do solemnly and sincerely declare and undertake as follows—

1. I am a fit and proper person to be a barrister. In particular—

- (1) I am not an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6).

- (2) I have not had any previous criminal conviction.

{OR\*

I have been previously convicted as follows—

[Details of previous criminal conviction(s).]

- (3) I am not currently engaged, and during my pupillage undertake not to engage, in any occupation which is incompatible with pupillage.

Two letters of reference attesting to my good character are attached to this application as Attachment 1.

2. I would, but for the service of the period of approved pupillage or reduced period of approved pupillage required under section 4(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap. 159). In particular—

I have obtained a Postgraduate Certificate in Laws.

A certified copy of such a certificate is attached to this application as Attachment 2.

{OR\*

I have been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of this application and during that time I was in practice as a solicitor in Hong Kong/I was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87)\*.

A certificate from the Registrar certifying the date of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2.

During the period(s) identified in the certificate, I was in practice as follows—

[Particulars of practice during the relevant period(s)].

{OR\*

A certificate from the Secretary for Justice/Director of Legal Aid/[name of the relevant Government officer]\* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.}}

{OR\*

I am an overseas lawyer as defined in section 2 of the Rules.

A copy of the certificate of eligibility for admission issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

I sat the Barristers Qualification Examination {(excluding any examination paper(s) which I was exempted from sitting)}\* on [date(s)] and have passed that examination in accordance with section 7 of the Rules.

A letter from the Bar Council certifying that I have passed the Barristers Qualification Examination is attached to this application as Attachment 2A.}

3. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.

4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR\*

I have been ordinarily resident in Hong Kong for at least 7 years.}

## [附屬法例]

{或 \*

本人在緊接本申請的日期前的 10 年內有 [數目] 年是每年有 [數目] 天身在香港。

本人各段在香港居住的期間的詳細資料現列出如下——

地址居住期間

現將本人護照 {或 \* [其他旅行證件名稱]} 中證明上述在香港居住的期間的有關各頁的經核證副本，夾附於本申請表，作為附件 3。}

本人謹憑藉《宣誓及聲明條例》(第 11 章) 衷誠作出此項鄭重聲明，並確信其為真實無訛。

此項聲明於 20 ..... 年 ..... 月 ..... 日 }  
在香港 ..... 作出 }

在本人面前作出，

監誓員／律師

註：《規則》附表 1 就符合資格為實習大律師證明書所訂明的費用，必須在呈交本申請表時繳付。

\* 刪去不適用者。

表格 6

[第 12(1) 條]

## 符合資格為實習大律師證明書

茲證明 [英文及中文全名 (如適用的話)]，地址為 [現時居住地址]——

- 曾於 20 ..... 年 ..... 月 ..... 日根據《大律師 (認許資格及實習) 規則》(第 159 章，附屬法例 AC) (“《規則》”) 第 11(2) 條申請發出符合資格為實習大律師證明書；
- 已令香港大律師公會的執行委員會信納他——
  - 是適合作為大律師的人；
  - 若非在《規則》第 4(3) 條所規定的認可實習大律師實習期 {或 \* 經扣減的認可實習大律師實習期} 從事實習大律師的工作，則本會根據《法律執業者條例》(第 159 章) 第 27(1) 條合資格獲認許為大律師；
  - 並未有憑藉《規則》第 14 條而致沒有資格作實習大律師實習；及
  - 已繳付《規則》附表 1 就本證明書所訂明的費用；及
- 符合資格作實習大律師實習。

## [Subsidiary]

{OR \*

I have been physically present in Hong Kong for [number] days of each of [number] years within 10 years immediately preceding the date of this application.

Details of my period(s) of residence in Hong Kong are set out below——

AddressPeriod of residence

A certified copy of the relevant pages from my passport {OR\* [name of other travel document]} evidencing the above period(s) of residence in Hong Kong is attached to this application as Attachment 3.}

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap. 11).

DECLARED at ..... }  
HONG KONG this ..... day of }  
..... 20..... }

Before me,

Commissioner for Oaths/Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of eligibility for pupillage must be paid at the time of submission of this application.

\*Delete whichever is inapplicable.

FORM 6

[s. 12(1)]

## CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]——

- on the ..... day of ..... 20 ..... applied under section 11(2) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap. 159 sub. leg. AC) (“Rules”) for the issue of a certificate of eligibility for pupillage;
- has satisfied the Council of the Hong Kong Bar Association that he——
  - is a fit and suitable person to be a barrister;
  - would, but for the service of the period of approved pupillage {OR\* reduced period of approved pupillage} required under section 4(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap. 159);
  - is not ineligible for pupillage by virtue of section 14 of the Rules; and
  - has paid the fees prescribed in Schedule 1 of the Rules for this certificate; and
- is eligible for pupillage.

[附屬法例]

日期：20 ..... 年 ..... 月 ..... 日

(簽署) .....  
香港大律師公會的  
執行委員會  
( ..... 代行)

註：

- (a) 本證明書自發出日期起計的 12 / [數目]\* 個月期間內有效，但如大律師公會的執行委員會酌情決定延長該段期間，又或本證明書在其有效期間屆滿前根據《規則》第 17 條被撤銷，則屬例外。
- (b) 本證明書的持有人可在本證明書有效期屆滿前不少於 2 個月，以書面向執行委員會提出並繳付《規則》附表 1 所訂明的費用，申請延長本證明書的有效期。

\* 刪去不適用者。

[Subsidiary]

Dated this ..... day of ..... 20 .....

(Sgd.) .....  
for the Council of the  
Hong Kong Bar Association

Notes:

- (a) This certificate is valid for a period of 12/[number]\* months from the date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 of the Rules before its expiry.
- (b) The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not later than 2 months before its expiry.

\*Delete whichever is inapplicable.