

Important note: Please read the following information and advice before completing the application form attached

General information and advice on application for higher rights of audience (“HRA”)

The Higher Rights Assessment Board (“the Assessment Board”) will be accepting applications for HRA from 1st September to 30th September 2024 (inclusive).

Applicants should read [the Legal Practitioners Ordinance, Cap 159](#) (“the Ordinance”) and [the Higher Rights of Audience Rules](#) (“the Rules”) for details of the HRA scheme before they make their applications.

Applications for HRA must be made **either** by way of exemption **or** by way of assessment. **It is the policy of the Assessment Board that it will not accept ‘rolled up’ applications, that is, single applications that seek exemption or, failing that, assessment. Applicants who seek higher rights of audience in any one application period must therefore choose whether to base their application on exemption from assessment or whether to base it on the requirement to sit an assessment.** If an applicant seeks HRA by way of exemption and is unsuccessful, he or she will have to wait until the next application period before applying for higher rights by way of assessment. Applicants are reminded that they can only apply once in the same calendar year according to s.39I(1)(d) of the Ordinance.

Applications for exemption

Applications for exemption will be determined according to the material submitted in support of such applications. Applicants should therefore ensure that sufficient material accompanies their applications. It is not sufficient to submit the bare minimum of material (unless that material is of itself compelling) and simply ask the Assessment Board to seek further material if required. While the Assessment Board will, in the exercise of its discretion, seek further information from applicants if deemed necessary, it does not accept any responsibility to seek material which should in the first place have been submitted by the applicants.

Persons who have previously applied by way of exemption and wish to do so again are advised that the Assessment Board will dispose of all the material in support of

the original application after announcement of the application result. Accordingly, new applications by way of exemption must be fully supported by relevant material.

Applicants may find it necessary to make reference to long careers in different parts of the world and with different organisations. Should this be the case, although it is not necessary, the Assessment Board will often find it easier if a short professional history accompanies the application so that all materials may be considered in context.

Applications must be supported by sufficient material

All applicants are reminded that, pursuant to s.39L(1)(b) of the Ordinance, the Assessment Board is only permitted to grant an application for HRA if it is satisfied that the applicant has acquired sufficient experience in litigation work in the course of ordinary practice within a period of three years immediately preceding the application. **All applicants, whether for exemption or for assessment, must therefore submit sufficient material to satisfy the Assessment Board of this provision.**

Application form, etc.

The completed application form should be returned by post or in person to the Office of the Higher Rights Assessment Board, Room 2619, 26/F, Wanchai Tower, 12 Harbour Road, Wanchai, Hong Kong. Do not submit applications by fax or e-mail.

To satisfy the eligibility requirements, further requirements concerning application and conditions for granting application under s.39I, s.39J and s.39L of the Ordinance, **applications must therefore be accompanied by all necessary documents together with the prescribed fees** as set out in items 1 and 2 of [the Schedule](#) in the Rules. Applicants who elect to make application on the basis of exemption are not required to pay the fee set out in item 2 of the Schedule.

While applicants applying for higher rights of audience in respect of **both civil and criminal proceedings** may submit their applications in one form, the applications will be processed separately and the applicants **should pay two sets of the prescribed fees.**

Payment of the prescribed fees should be made by crossed cheque or bank draft payable to “The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR”.

Accreditation via assessment

The assessment for applications made in September 2024 is tentatively scheduled for the second quarter of 2025. Any applicant who must sit an assessment will be informed of the dates of the assessment by the Assessment Board. Whilst attending HRA training programme is optional, applicants who are interested in training may enquire with the Hong Kong Academy of Law for details of the training programme, if any.

Higher Rights Assessment Board

August 2024

APPLICATION FOR HIGHER RIGHTS OF AUDIENCE

To: The Higher Rights Assessment Board (*Assessment Board*)

I, _____
[full name in English and, if applicable, Chinese]
of _____

Affix
recent
photo
here

[current residential address], apply for the grant to me of higher rights of audience in respect of (*tick as appropriate*)

- ☐ civil proceedings
- ☐ criminal proceedings
- ☐ both civil and criminal proceedings

in accordance with section 39H of the Legal Practitioners Ordinance (Cap. 159) (*Ordinance*) and the Higher Rights of Audience Rules (*Rules*).

My Hong Kong Identity Card number is _____. A copy of my Hong Kong Identity Card is attached to this application as Attachment 1. I can be contacted by telephone at _____ (mobile) _____ (office), fax at _____ and email at _____. My postal address in Hong Kong (if different from the residential address provided above) is _____.

I do solemnly and sincerely declare as follows:

1. I was admitted to practise as a solicitor in Hong Kong on _____
_____ [date of admission].
2. I hold a current practising certificate as a solicitor issued by the Law Society of Hong Kong. A copy of the practising certificate is attached to this application as Attachment 2.
3. I am currently a _____
[position in the firm] of / in the employ of* _____
_____ [name of firm]
of _____
_____ [address of firm].

4. During the period of 7 years immediately before the date of this application, I have *(tick and fill in as appropriate)*:

- ☐ practised as a solicitor in Hong Kong from _____ to _____.
- ☐ practised as a barrister in Hong Kong from _____ to _____.
- ☐ practised as a legal officer within the meaning of section 2 of the Legal Officers Ordinance (Cap. 87) from _____ to _____.
- ☐ held an office by appointment under section 3(1) of the Legal Aid Ordinance (Cap. 91), namely _____, from _____ to _____.
- ☐ held an office specified in Part 1 of Schedule 1 to the Director of Intellectual Property (Establishment) Ordinance (Cap. 412), namely _____, while legally qualified within the meaning of section 2 of that Ordinance from _____ to _____.
- ☐ held the office of Official Receiver or an office specified in Part 1 of Schedule 2 to the Bankruptcy Ordinance (Cap. 6), namely _____, from _____ to _____.
- ☐ practised the law of another common law jurisdiction, namely _____, while being qualified to do so under the law of that jurisdiction from _____ to _____.

A copy/Copies* of certificate(s) or other document(s) from _____

_____ [name of issuing authorities or institutions] supporting my practice / holding of office* is/are attached to this application as Attachment 3.

5. I have acquired sufficient experience in civil / criminal / both civil and criminal* litigation work in the course of ordinary practice within the period of 3 years immediately before the date of this application as follows: _____

[Set out details of such litigation work including, in particular, details of advocacy work both written and oral. Where necessary, separate sheet(s) may be used.] Documentary support of such experience is attached to this application as Attachment 4.

6. I acknowledge that the success of this application is subject to the condition that I must pass a full assessment of professional competence at the time and place directed by the Assessment Board, as required by rule 4 of the Rules.

{OR

6. I elect to make this application under section 39I(3) of the Ordinance on the basis of exemption from the requirement prescribed by rule 4 of the Rules, on the ground that I have (*tick and fill in as appropriate*):

☐ practised as a Senior Counsel (or before 1 July 1997, as a Queen's Counsel) at the bar in Hong Kong
[Documentary support of such appointment and practice should be attached to this application as Attachment 5.]

☐ practised as a Queen's Counsel / Senior Counsel in the capacity of advocate* in Australia / Canada / England and Wales / Ireland / New Zealand/ Northern Ireland / Scotland / Singapore / South Africa*
[Documentary support of such appointment and practice should be attached to this application as Attachment 5.]

☐ practised as a barrister or as a solicitor, in Hong Kong, and during that time acquired substantial experience in the role of an advocate before the higher courts of Hong Kong (as defined in rule 2 of the Rules), as a member of a judicial or quasi-judicial tribunal in Hong Kong or as an arbitrator in Hong Kong deciding disputes in accordance with the law of common law jurisdictions as follows: _____

[Set out details of all forms of litigation and advocacy experience. Where necessary, separate sheet(s) may be used.]

[Documentary support of such appointment, practice and experience should be attached to this application as Attachment 5.]

- ☐ practised as an advocate in another common law jurisdiction, namely____
_____,
and during that time acquired substantial experience before the higher
courts of that jurisdiction having the same or a similar status as the
higher courts of Hong Kong, namely_____
_____, as a
member of a judicial or quasi-judicial tribunal in that jurisdiction or as an
arbitrator in that jurisdiction deciding disputes in accordance with the
law of common law jurisdictions as follows: _____

*[Set out details of all forms of litigation and advocacy experience. Where
necessary, separate sheet(s) may be used.]*

*[Documentary support of such appointment, practice and experience
should be attached to this application as Attachment 5.]*

- ☐ practised as an advocate in Hong Kong and/or in one of the jurisdictions
stated in rule 13(2)(b) of the Rules and during that time have acquired
experience sufficient to demonstrate that I possess the necessary
professional competence to exercise higher rights of audience, namely____

*[Set out details of all forms of litigation and advocacy experience. Where
necessary, separate sheet(s) may be used.]*

*[Documentary support of such appointment, practice and experience
should be attached to this application as Attachment 5.]*

I acknowledge that, by making this election, the success of this application is
subject to the condition that I must satisfy the requirements of rule 13 and, if
applicable, any requirements imposed by the Assessment Board under rule 14
of the Rules.}

7. I wish the Assessment Board to also consider the following additional
information: _____

*[State any additional information that the applicant wishes the Assessment
Board to consider. Where necessary, separate sheet(s) may be used.].*

8. I have not, in the same calendar year in which this application is made, made any other application under section 39H of the Ordinance (whether in respect of the same class of proceedings for which this application is made or a different class of proceedings).
9. Should I be successful in this application, I agree to be bound by the Code of Conduct for Solicitor Advocates issued, and from time to time revised, by the Council of the Law Society under section 39R of the Ordinance.
10. I acknowledge that the Assessment Board may under section 39M(1)(a) of the Ordinance make any enquiries with the Council of the Law Society that the Assessment Board considers appropriate, and I consent to the Council releasing information to the Assessment Board in reply to any such enquiry.
11. I authorize the Assessment Board to seek verification of any matters pertinent to the proper consideration of this application.

And I make this 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: Subject to rule 3(3) of the Rules, the application must be accompanied by the fees set out in items 1 and 2 of the Schedule to the Rules.

*Delete whichever is inapplicable.

PERSONAL INFORMATION COLLECTION STATEMENT

The personal data collected in this application form will be used by the Higher Rights Assessment Board for the purposes of responding to and taking follow-up action on your application for higher rights of audience.

Personal data requested on the application form are regarded as mandatory for the above purposes. Failure to provide these data may affect the processing of your application.

Under the Personal Data (Privacy) Ordinance, you have a right of access and correction with respect to personal data in relation to your application. A fee may be imposed for complying with a data access request. Enquiries concerning the personal data provided, including the making of access and corrections should be addressed to:

The Secretary, Higher Rights Assessment Board
Room 2619, 26/F, Wanchai Tower,
12 Harbour Road,
Wanchai, Hong Kong

Telephone: (852) 2827 5618
Fax: (852) 2827 1518