

Government proposes to extend solicitors' rights of audience

The Government has proposed amendments to the Legal Practitioners Ordinance to implement a scheme to enable solicitors experienced in advocacy work to gain higher rights of audience before the High Court and the Court of Final Appeal, whether in civil proceedings, criminal proceedings or both.

The proposed amendments which are set out in the Legal Practitioners (Amendment) Bill 2009 will be gazetted on Friday (June 12).

The bill also provides for the establishment of the Higher Rights Assessment Board to deal with various matters relating to applications by solicitors for higher rights of audience, the determination of the applications and the conditions for granting the applications.

The assessment board will comprise members appointed by the Chief Justice from serving or former judges, members of the legal profession, officers of the Department of Justice as well as a lay member.

Under the proposed scheme, solicitors having at least five years' post-qualification experience and satisfying further eligibility requirements to be prescribed by the assessment board may apply. Additional requirements may include the completion of an approved advocacy course and passing of related assessments.

The bill also sets out the conditions for granting the applications. The assessment board has to be satisfied that, among other things, the applicant has acquired recent litigation experience and is in all respects a suitable person to have the higher rights of audience.

The bill provides that where a person who does not have higher rights of audience and purports to exercise those rights as a solicitor will be guilty of contempt of court and will commit an offence punishable by a fine of \$500,000.

The first reading and commencement of the second reading debate of the bill by the Legislative Council will take place on June 24.

Ends/Wednesday, June 10, 2009