

香港大律師公會



香港法律專業按普通法系傳統，分大律師和事務律師兩個律師專業。

大律師是精於訟辯的法律專家，主要參與訴訟和解決有關法律爭端的工作。香港大律師公會是這些訴訟專家的行業公會，成立於1949年。截至2013年9月，公會共有1,225位成員，其中包括1,133位大律師及92位資深大律師。

大律師中最出色的一部分人有資格被委任為資深大律師（在英國稱之為御用大律師）。這些資深大律師都至少工作10年以上並且獲得法官的贊許在法律和專業能力上有特別傑出的造詣。

香港大律師公會不只為大律師服務，更為整個社會的法治建設服務。大律師公會的宗旨包括：

- (1) 維持大律師專業的獨立和尊嚴；
- (2) 改善香港法治的建設；
- (3) 規範行業的操守；
- (4) 促進法律界人員之間的聯繫和交流。

在法庭審理案件，大律師扮演著非常重要的角色。大律師的工作包括在訴訟開始前提供法律意見，謀劃攻辯策略；在訴訟開始後正式庭審前分析案情，解析法律，起草各種訴訟有關的文件以期為正式的審訊做好最充足的準備；以及最重要的，在審訊中陳己方之長，攻對方之短，或滔滔不絕，或循循善誘，因勢利導，最終取得最有利於客戶的判決。

大律師一般需要由事務律師轉聘。然而，香港大律師公會的行為守則附件十四及二十規定了某些特定的情況，內地律師及企業可在香港直接聘用大律師。這些特定情況包括案件在港未立案訴訟時，只要不涉及在香港進行法庭訴訟或本地仲裁的案件，香港以外地區的執業律師或當事人可直接諮詢香港大律師的意見，或聘請大律師代表出席在港或香港境外進行的國際仲裁，而無需香港的事務律師轉介。附件十四及二十適用於香港大律師在內地向當事人提供法律意見。

由於大律師在訴訟方面的專長，雖然事務律師在不少情況下也可以單獨出庭，但是大部分訴訟案件比較重要庭辯，都由大律師負責。同時，大律師也在仲裁，調解等發揮自己的特長。

香港本地的訴訟既有英語審訊也有中文審訊。在雙語環境下，大部分香港大律師都游刃有餘。大律師專業為社會提供專業、具國際視野和獨立的法律服務。

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Hong Kong Bar Association

In Hong Kong there are two separate legal professions: barristers and solicitors.

Barristers are specialists in litigation. We are mainly involved in work that is connected to litigation or dispute resolution. Hong Kong Bar Association is the statutory professional organization of barristers in Hong Kong. Established in 1949, the Bar Association currently has 1,225 members, including 1,133 junior counsel and 92 senior counsel (by September 2013).

The most competent barristers are usually appointed as Senior Counsel (the equivalent of Queen's Counsel of the United Kingdom). Senior Counsels are selected from practicing barristers of at least 10 years' seniority. Candidates have to demonstrate integrity, legal knowledge and skills over the years of their practice before they can expect to obtain the title.

Hong Kong Bar Association serves all the practicing barristers, and more importantly, for the upholding of the rule of law. Our objects are:

- (1) The maintenance of an independent Bar as the honorable profession ;
- (2) The advancement and improvement of the administration of justice and rule of law in Hong Kong;
- (3) The prescription of rules of professional conduct, discipline and etiquette;
- (4) The furtherance of good relations and understanding within the legal professions.

Barristers play a pivotal role in the conduct of court proceedings. Our contribution generally include giving legal opinion, advising on difficult legal point, and devising litigation strategy before the commencement of the proceedings; monitoring the case, advising on change in strategy or tactical move, and drafting the relevant legal documents in the course of legal proceedings to advance our clients' position; and most importantly, exerting excellent advocacy skills during all types of hearings to achieve results that are in the clients' best interest.

Barristers usually work on a referral basis from solicitors. However, there are certain circumstances under Annexes #14 and #20 of the Code of Conduct which barristers can be instructed directly without the intervention of solicitors, one example being that PRC lawyers or companies may engage a barrister directly before proceedings were commenced in Hong Kong. Barristers also practise in arbitration and mediation as arbitrators, mediators or acting as advocates.

Although solicitors also attend various types of court hearings, barristers are usually instructed to conduct most of the more important hearings because of our expertise in law and advocacy.

Hong Kong has a bilingual legal system. Cases are conducted in both Chinese and English. Most Hong Kong barristers are accustomed to hearings conducted in both Chinese and English.

The Bar looks forward to continuing to provide independent, professional and international legal services to the Hong Kong society.

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