



香港國際公證人協會 HONG KONG SOCIETY OF NOTARIES

GUIDELINES on EXAMINATION, APPOINTMENT and REGISTRATION of NOTARIES PUBLIC in HONG KONG (“Guidelines”)

2019 Notaries Public Examination

I. INTRODUCTION

Whilst efforts have been made to produce the Guidelines to assist applicants going through the steps to become a notary public generally, there will be a wide variety of scenarios which are beyond the ambit of the Guidelines. Applicants are advised to refer to Part IV of Legal Practitioners Ordinance (Cap. 159) and its subsidiary legislation for the full legal requirement and procedure. The applicant should exercise independent judgement in the use of the Guidelines or forms. The success or failure of an applicant in becoming a notary public is entirely the responsibility of that applicant.

II. LEGAL PREREQUISITE

Section 40A(1) of Legal Practitioners Ordinance (Cap. 159) provides that:-

“The Chief Judge may appoint as a notary public in Hong Kong a person whom he considers to be a fit and proper person to be a notary public and who -

(a) satisfies the following requirements –

- (i) his name has been on the roll of solicitors continuously for the whole of the period of 7 years immediately before the date of his application for appointment;*
- (ii) he has practised as a solicitor for a period or periods in aggregate of not less than 7 years;*
- (iii) he has, within the period of 1 year ending on the date of his application for appointment, passed any examination prescribed by the Council of the [Hong Kong] Society of Notaries under section 73D; and*

(b) has complied with any requirements prescribed by the Council of the [Hong Kong] Society of Notaries under section 73D with respect to persons applying for appointment as a notary public.”

III. STEPS IN BECOMING A NOTARY PUBLIC

Note:

1. The basic requirements under **Section 40A(1)(a)(i) and (ii)** have to be satisfied before a person may apply to the Chief Judge of the High Court for appointment as a notary public. Therefore, the applicant has to be aware of the timing of his application for appointment as a notary public by taking into account that **(1)** the examination has to be passed within 1 year ending on the date of his application for appointment, and **(2)** the letter of no objection issued by Hong Kong Society of Notaries is valid for 12 months beginning with the date on which the applicant has passed the examination.
2. The **date of passing the examination** is the date of the certificate issued by Hong Kong Society of Notaries evidencing that the applicant has passed the examination.
3. When applying for a **letter of no objection** from Hong Kong Society of Notaries, the applicant should have satisfied the requirements under **Section 40A(1)(a)(i) and (ii)** since a certified true copy of the Registrar's certificate evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(i)** [i.e. the applicant's name has been on the roll of solicitors continuously for the whole of the period of 7 years immediately before the date of the application for appointment] and a certified true copy of the Law Society certificate evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(ii)** [i.e. the applicant has practised as a solicitor for a period or periods in aggregate of not less than 7 years] must accompany the application.

Please refer to **Paragraph 2** below for application for a letter of no objection.

4. A flow-chart on how to become a notary public in Hong Kong and a schedule of fees for becoming a notary public in Hong Kong are included in the Guidelines as [**Appendix 1A**] and [**Appendix 1B**] for general guidance only.

A. EXAMINATION

1. The terms and conditions of the examination are set out in [**Appendix 2**].

B. APPLICATION for APPOINTMENT as NOTARY PUBLIC

2. Application for Letter of No Objection

- (a) An application in the form in [**Appendix 3A**] for a **letter of no objection** should be made to Hong Kong Society of Notaries **after passing all subjects in a single examination**. The application should be accompanied by the Registrar's Certificate [re: paragraph 3 below], the Law Society's Certificate [re: paragraph 4 below], the Certificate of Passing Examination and other documents in support in the forms in [**Appendices 3B, 3C & 3D**].

A cheque in the sum of \$3,000 being the application fee should also be sent together with the application. The cheque should be made payable to "*Hong Kong Society of Notaries*". No cash payment will be accepted. The application fee is not refundable whether in whole or in part in any event.

- (b) The letter of no objection is valid for 12 months beginning with the date on which the person to whom it is issued has passed an examination.

- (c) An application for a letter of no objection may be refused but Hong Kong Society of Notaries has to first give the applicant an opportunity to make written representations as to why the application should not be refused. The written grounds for refusal will be given to the applicant.
- (d) A letter of no objection may be revoked but Hong Kong Society of Notaries has to first give the applicant an opportunity to make written representations as to why the letter should not be revoked. The written grounds for revocation will be given to the applicant.
- (e) When a person applies for a letter of no objection, the person **must also apply for membership of Hong Kong Society of Notaries in the form in [Appendix 4]** (admission fee is \$50,000 for the 2018 Practice Year subject to change without further notice). The admission fee is not refundable whether in whole or in part in any event.

3. Application for Registrar's Certificate

- (a) Application should be made to the Registrar of the High Court for a certificate evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(i)** [i.e. the applicant's name has been on the roll of solicitors continuously for the whole of the period of 7 years immediately before the date of his application for appointment]. Please make the application to the Registrar of the High Court direct. The application fee is currently \$125.
- (b) The date of the Registrar's Certificate should be as close to the date of application for a letter of no objection as possible and no older than 3 months from the date of the application for a letter of no objection.
- (c) The link to the Judiciary website is as follow:-

www.judiciary.gov.hk/en/crt_services/notary_public.htm

4. Application for Law Society's Certificate

- (a) Application should be made to The Law Society of Hong Kong ("Law Society") for a certificate evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(ii)** [i.e. the applicant has practised as a solicitor for a period or periods in aggregate of not less than 7 years]. Please make the application to the Law Society direct. The application fee is currently \$3,000 (subject to change by the Law Society without further notice).
- (b) The date of the Law Society's Certificate should be as close to the date of application for a letter of no objection as possible and no older than 3 months from the date of the application for a letter of no objection.

5. Application for Appointment as Notary Public

- (a) An application for appointment as a notary public should be made by motion (**Notice of Motion**) to the Chief Judge of the High Court and should be accompanied by all of the following:-
 - (i) A **certificate issued by the Registrar of the High Court** evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(i)** [i.e. the applicant's name has been on the roll of solicitors continuously for the whole of the period of 7 years immediately before the date of his application for appointment].

- (ii) A **certificate issued by The Law Society of Hong Kong** evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(ii)** [i.e. the applicant has practised as a solicitor for a period or periods in aggregate of not less than 7 years].
- (iii) A **certificate issued by Hong Kong Society of Notaries** evidencing that the applicant has satisfied the requirement under **Section 40A(1)(a)(iii)** [i.e. the applicant has passed the examination prescribed by the Council of Hong Kong Society of Notaries within 1 year ending on the date of his application for appointment].
- (iv) A **current letter of no objection** issued by Hong Kong Society of Notaries [i.e. which is within a 12-month period beginning with the date on which the person to whom it is issued has passed an examination].

Note: If the applicant has not been issued with a letter of no objection or he has been issued with such a letter, but it has been revoked by Hong Kong Society of Notaries, the affidavit in support of this application for appointment [**Appendix 5**] shall state that fact and exhibit the written notice served on him under **Rule 4(8)** or **6(3)** of Notaries Public (Qualifications for Appointment) Rules (Cap. 159AJ).

- (v) An **affidavit** in the form in [**Appendix 5**].
 - (vi) An **application fee** of \$1,135.
- (b) The name of the notary public appearing in the Register of Notaries Public shall be the name stated in the body of the Notice of Motion, not that in the title. Therefore, in the Notice of Motion for appointment as a notary public, the applicant has to observe:-
- (i) the name of the applicant (English and Chinese) appearing in the title of the Notice of Motion should be consistent with the name appearing in the body of the Notice of Motion; and
 - (ii) the surname all in capital letters shall come first, then followed by the given names in the usual style of capital letter and small letters and in the same order and manner as they appear in the official document for identification purpose e.g. Hong Kong Identity Card (re: the 2006 direction of the Chief Judge of the High Court).
- (c) The Registrar of the High Court has informed the Society that a bilingual Apostille will show the name of the notary public in both English and Chinese only if the Register of Notaries Public contains both the English and Chinese name of the notary public, otherwise, only the name in English will be displayed.
- (d) As soon as practicable after the **Notice of Motion** has been filed with the Registrar of the High Court, the Notice of Motion together with its accompanying documents should be served on the Secretary for Justice and Hong Kong Society of Notaries respectively.
- (e) The Chief Judge of the High Court will issue a certificate of appointment to the applicant who has been appointed as a notary public.
- (f) The link to the Judiciary website is as follow:-

www.judiciary.gov.hk/en/crt_services/notary_public.htm

C. REGISTRATION as NOTARY PUBLIC

6. After the applicant has been issued with a certificate of appointment as a notary public, he should seek registration as a notary public by producing to the Registrar of the High Court the certificate of appointment and registration fee of \$360.

D. MEMBERSHIP of HONG KONG SOCIETY of NOTARIES

7. As soon as the procedure for registration as a notary public has been completed, a cheque (made payable to “*Hong Kong Society of Notaries*”) in payment of the membership subscription (\$9,000 for the 2018 Practice Year subject to change without further notice) together with a copy of the certificate of appointment issued by the Chief Judge of the High Court certified by another Hong Kong solicitor should be sent to Hong Kong Society of Notaries. No cash payment will be accepted. The membership subscription is not refundable whether in whole or in part in any event.

E. APPLICATION for PRACTISING CERTIFICATE as NOTARY PUBLIC

8. The guidelines on Application for Practising Certificate as Notary Public will be provided to the member after the procedure for admission to membership of Hong Kong Society of Notaries has been completed.

F. Forms

9. The forms prescribed by Hong Kong Society Notaries (i.e. Schedule 1, 2 & 6 of Appendix 2, Appendix 3A and Appendix 4) must **not** be re-typed or modified or altered whatsoever. The forms downloaded from the Society website www.notaries.org.hk (click “*Appointment as Notaries Public*”) must be used. Otherwise, they will **not** be accepted by the Society.
10. Hong Kong Society of Notaries reserves the right to modify or alter the forms (whether prescribed or not) in any way from time to time. The up-to-date forms must be used. Otherwise, they will **not** be accepted by the Society.

G. Further Information

11. Further information (if any) will be announced through the website of Hong Kong Society of Notaries www.notaries.org.hk (click “*Appointment as Notaries Public*”) as and when necessary. Please refer to the Society website for updates.

H. ENQUIRIES

12. Enquires **in writing** should be sent to **Hong Kong Society of Notaries** by:-

E-mail: office@notaries.org.hk

Fax: 2522-7333

Post: Unit A, 11th Floor, Li Dong Building, 9 Li Yuen Street East, Central, Hong Kong.

13. **Non-written enquiries will not be entertained.**