

Legal Profession

**Petition for admission – Advocate and solicitor of the High Court of Sabah/Sarawak –
Petitioner of Chinese nationality – Whether allowed to practise in Sarawak – Whether
Sarawak connection established – Advocates Ordinance (Cap 110) (Sarawak), section 2
(2)(c)**

In Re Chen Jie; Petitioner

[2015] CLJ JT (5), High Court Sabah & Sarawak, Kuching

Facts The petitioner chambered in the firm of Chan & Chan Advocate under Mr Chan Kay Poh, a senior member on the Roll of Advocates, Sarawak. He filed his petition to be admitted to the said Roll of Advocates, Sarawak but the petition was vehemently opposed by both the State Attorney General's Chambers as well as the Advocates' Association of Sarawak on the ground of his Chinese nationality, albeit the petitioner being married to a Sarawakian and having residence in Kuching.

Issue The issue before the High Court is whether the petitioner, a non-citizen, could be admitted to the Roll of Advocates and allowed to practice law in Sarawak.

Held The High Court held that the since the petitioner, by his long period of residence in Kuching since marriage, had chosen Sarawak as his present domicile, he therefore satisfied the requirement of domicile under section 2(2)(c) of the Advocates Ordinance (Cap 110) (Sarawak) and therefore had the Sarawak connection to be admitted to the Roll of Advocates. Admission of the petitioner as an advocate of the High Court of Sabah/ Sarawak is conditional upon payment of prescribed fees and upon the maintenance of both his Sarawak connection through his marriage and domicile in Sarawak.