

**THE STANDING COMMITTEE ON  
LEGAL EDUCATION AND TRAINING**  
**法律教育及培訓常設委員會**

**ANNUAL REPORT**  
**週年報告**

1 September 2006 to 31 August 2007  
二零零六年九月一日至二零零七年八月三十一日

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# **ANNUAL REPORT OF THE STANDING COMMITTEE ON LEGAL EDUCATION AND TRAINING**

**(1 September 2006 to 31 August 2007)**

This is the second annual report of the Standing Committee since its establishment in 2005. Section 74A of the Legal Practitioners Ordinance providing for the establishment of the Standing Committee and its functions is at **Annexure 1**.

## **Meetings**

1. The Standing Committee met on six occasions during the reporting period from 1 September 2006 to 31 August 2007 (“Reporting Period”). Its composition is at **Annexure 2**.

## **Matters considered**

### Pre-requisites for entry to PCLL

2. In order for the entrants to the PCLL to benefit fully from the skills-based PCLL course to be introduced as from 2008/09, the Standing Committee took the view that they should already have acquired knowledge of identified areas of substantive law. It was thus decided that the pre-requisites for entry to the PCLL as from 2008/09 should be the satisfactory completion of 11 core common law subjects and three Hong Kong specific subjects.
3. It was recognised that PCLL applicants who have not obtained their law qualifications in Hong Kong may not have completed all the pre-requisite subjects during their studies. The Standing Committee thus examined the ways in which these PCLL applicants could satisfy the new entry requirements.
4. It was agreed that a centralised examination (“PCLL Conversion Examination”) would have to be in place to enable those PCLL applicants to demonstrate competence in a particular pre-requisite subject which was not covered in their law qualifications. This examination would be recognised for entry to all three PCLL courses.
5. To supervise the administration of the PCLL Conversion Examination, the Standing Committee set up a PCLL Conversion Examination Board (“Examination Board”) which is serviced by the PCLL Conversion Examination and Administration Limited.

6. In October 2006, the Standing Committee issued a public statement on the PCLL Conversion Examination. The Chairman of the Standing Committee also wrote to the heads of law departments of overseas universities updating them on the conversion requirements.
7. The Examination Board comprises representatives from the three Hong Kong universities that offer law, the two branches of the legal profession and the Judiciary. The composition of the Examination Board is at **Annexure 3**.
8. Upon the establishment of the Examination Board, the Sub-Committee on Pre-requisites for Entry to the PCLL was disbanded. No meeting of the Sub-Committee was held during the Reporting Period.
9. The Examination Board met on seven occasions during the Reporting Period and dealt with the following in connection with the PCLL Conversion Examination:
  - (a) the preparation of an Information Package and its update on a regular basis (**Annexure 4**);
  - (b) the establishment of a public website;
  - (c) the administration of the first PCLL Conversion Examination in April 2007 including the formulation of examination rules and regulations, the appointment of examiners, the vetting of applications for exemptions and the consideration of specific enquiries from applicants.
10. A total of seven candidates took part in the PCLL Conversion Examination in five different pre-requisite subjects in April 2007. The overall pass rate was 53.7%.
11. The number of candidates increased to 142 when the PCLL Conversion Examination was held for the second time in August 2007. Examinations in eight different pre-requisite subjects were held and the overall pass rate was 62%.

#### English language proficiency

12. The Sub-Committee on English Language Proficiency held one meeting during the Reporting Period. Its composition is at **Annexure 5**.
13. The Standing Committee considered a report of the Sub-Committee and approved that the existing policy on English requirement be continued as follows:
  - (a) the requirement for submission of an International English Language Testing System (“IELTS”) score by applicants seeking entry to the PCLL should be applied irrespective of an applicant’s point of origin;

- (b) the “no exemptions” policy in respect of submission of an IELTS score by applicants to the PCLL should be adhered to, and in respect of future admissions to the PCLL, any applicant who has not submitted an IELTS score by the deadline for submitting applications should not be admitted to the PCLL;
  - (c) the IELTS results shall be valid for two years before the closing date of application for the PCLL;
  - (d) a prescriptive / dispositive overall IELTS benchmark of seven be established for entry to the PCLL.
14. The Standing Committee also considered but decided that it would be inappropriate to establish a recommended benchmark for each individual component of IELTS for entry to the PCLL.

#### Monitoring reforms in LLB and PCLL

15. Reforms to the LLB and PCLL programmes at the University of Hong Kong (“HKU”) and the City University of Hong Kong (“CityU”) are ongoing.
16. The Standing Committee continued to monitor the progress of the reforms. The LLB and PCLL status reports by HKU are at Annexure 6. The LLB, JD and PCLL status reports by CityU are at Annexure 7.
17. The Standing Committee also reviewed the LLB admissions process at the Chinese University of Hong Kong (“CUHK”) which commenced its LLB programme in 2006/07. The LLB and JD status reports by CUHK are at Annexure 8.
18. To monitor the statistics on the results of the PCLL, the Standing Committee reviewed the correlations prepared by HKU and CityU of their PCLL results and categories of PCLL entrants. The statistics did not appear to support the existence of any correlation between the PCLL results and a particular category of PCLL entrants.
19. As a result of the concerns raised by the Law Society, the Standing Committee reviewed the application of the “Strength Elsewhere Rule” by HKU and CityU in their PCLL assessment regime. The Rule provided that a candidate who had failed a course within a specified mark range might, at the discretion of the relevant Assessment Panel, be awarded the PCLL if that candidate’s aggregate mark in other specified subjects exceeded a certain mark.
20. HKU and CityU both agreed that the Rule be abolished as from 2007/08 for the full-time PCLL course and as from 2008/09 for the part-time PCLL course.

21. The LLB programme was recently extended from three years to four years in 2004/05. The impact of the implementation of the new 3+3+4 academic structure in 2006/07 on the duration of the LLB programme was another issue under consideration by the Standing Committee. None of the three universities had come to a firm view on the matter and the Standing Committee would keep the matter in view and bring it up for further discussion at a later stage.

### **Overall position**

22. During the Reporting Period, the Standing Committee focused its effort in ensuring that timely and practical arrangements were in place to enable the students who had not completed the new PCLL pre-requisite subjects during their studies to satisfy the entry requirements to the PCLL from 2008/09 onwards. Members of the Standing Committee were generally satisfied with the overall arrangements in connection with the conversion requirements and with the administration of the PCLL Conversion Examination in the Reporting Period.

# Annexure 1

## SECTION 74A OF THE LEGAL PRACTITIONERS ORDINANCE

### 74A. Standing Committee on Legal Education and Training

- (1) There is established by this section a Standing Committee on Legal Education and Training.
- (2) The functions of the committee are-
  - (a) to keep under review, evaluate and assess-
    - (i) the system and provision of legal education and training in Hong Kong;
    - (ii) without prejudice to the generality of subparagraph (i), the academic requirements and standards for admission to the Postgraduate Certificate in Laws programme;
  - (b) to monitor the provision of vocational training of prospective legal practitioners in Hong Kong by organizations other than the Society or the Hong Kong Bar Association;
  - (c) to make recommendations on matters referred to in paragraphs (a) and (b); and
  - (d) to collect and disseminate information concerning the system of legal education and training in Hong Kong.
- (3) The committee shall consist of-
  - (a) 17 members appointed by the Chief Executive of whom- (Amended 10 of 2005, s.184)
    - (i) 2 shall be persons nominated by the Chief Justice;
    - (ii) 1 shall be a person nominated by the Secretary for Justice;
    - (iii) 1 shall be a person nominated by the Secretary for Education (Amended L.N. 130 of 2007);
    - (iv) 2 shall be persons nominated by the Society;
    - (v) 2 shall be persons nominated by the Hong Kong Bar Association;
    - (vi) 2 shall be persons nominated by the Vice-Chancellor of the University of Hong Kong;
    - (vii) 2 shall be persons nominated by the President of the City University of Hong Kong;

## Extract of Section 74A of the Legal Practitioners Ordinance

- (vii) 2 shall be persons nominated by the Vice-Chancellor of The Chinese University of Hong Kong; (Added 10 of 2005 s.184)
  - (viii) 2 shall be members of the public; and
  - (ix) 1 shall be a person nominated by The Federation for Continuing Education in Tertiary Institutions, a non-profit-making educational organization, from among its members which provide continuing legal education courses in Hong Kong; and
- (b) a chairman appointed by the Chief Executive after consultation with the persons and organizations making nominations pursuant to paragraph (a)(i) to (vii) and (ix). (Amended 10 of 2005 s.184)
- (4) A member of the committee who is unable to attend a meeting of the committee, except for a member appointed pursuant to subsection (3)(a)(viii), may, subject to the consent of the chairman, send a substitute to attend the meeting in his place and the substitute shall be deemed to be a member of the committee for the purpose of that meeting.
  - (5) A member of the committee including the chairman shall hold office for a term not exceeding 2 years.
  - (6) A member of the committee including the chairman may at any time resign from the committee by giving notice in writing of his resignation to the Chief Executive.
  - (7) The Secretary for Justice may publish notice of the appointment or termination of membership of a member (including the chairman) appointed pursuant to this section in the Gazette.
  - (8) The committee shall report annually to the Chief Executive and its annual report shall be tabled in the Legislative Council.
  - (9) The committee may determine its own procedure.



# Annexure 2

## COMPOSITION OF THE STANDING COMMITTEE ON LEGAL EDUCATION AND TRAINING

**Chairman** : Mr Christopher CHAN Cheuk BBS (from 12 August 2007)  
Mr Robert ALLCOCK SBS (from September 2006 to 11 August 2007)

**Members** : The Honourable Mr Justice Patrick CHAN Siu-oi  
The Honourable Mr Justice Azizul Rahman SUFFIAD  
(On the nomination of the Chief Justice)

Ms Lena CHI Hui-ling  
(On the nomination of the Secretary for Justice)

Ms Amy WONG Pui-man, Principal Assistant Secretary (Higher Education) Education Bureau (from 20 August 2007) (Ms Charmaine LEE from January 2006 to 19 August 2007)  
(On the nomination of the Secretary for Education)

Mr Lester Garson HUANG JP  
Mr Dieter YIH Lai-tak  
(On the nomination of The Law Society of Hong Kong)

Mr Edward CHAN King-sang, SC, JP  
Mr Kenneth KWOK Hing-wai, SC  
(On the nomination of the Hong Kong Bar Association)

Professor Johannes CHAN SC, Dean, Faculty of Law  
Mr Wilson CHOW, Head of the Department of Professional Legal Education, Faculty of Law  
(On the nomination of the Vice-Chancellor of the University of Hong Kong)

Professor WANG Guiguo, Dean of School of Law (from 1 August 2007) (Professor Peter MALANCZUK from September 2006 to 31 July 2007)

Mr Michael SANDOR, Programme Leader of the Postgraduate Certificate in Laws (from January 2007) (Mr Warren GANESH from August to November 2006, Mr Anthony UPHAM from November 2006 to January 2007)

(On the nomination of the President of the City University of Hong Kong)

Professor Mike McCONVILLE, Director of the School of Law  
Professor Elsa KELLY, Programme Co-ordinator of the Postgraduate Certificate in Laws

(On the nomination of the Vice-Chancellor of The Chinese University of Hong Kong)

Mr Graham CHENG Cheng-hsun, JP  
Mrs Pamela CHAN WONG Shui, BBS, JP  
(Members of the public)

Ms Bronwyn Lee DAVIES  
(On the nomination of The Federation for Continuing Education in Tertiary Institutions)

**Secretary** : Ms Heidi CHU, Director of Standards and Development  
The Law Society of Hong Kong

# Annexure 3

## COMPOSITION OF THE HONG KONG CONVERSION EXAMINATION BOARD

**Chairman** : Mr Lester Garson HUANG JP  
The Law Society of Hong Kong

**Members** : Mr Edward CHAN King-sang, SC, JP  
The Hong Kong Bar Association

Professor Johannes CHAN SC  
The University of Hong Kong

Mr Anthony UPHAM (from 27 August 2007)  
Mr Warren GANESH (from September 2006 to 26 August 2007)  
The City University of Hong Kong

Professor Elsa KELLY  
The Chinese University of Hong Kong

The Honourable Mr Justice Azizul Rahman SUFFIAD  
Court of First Instance of the High Court

**Secretary** : Mr John Cribbin  
HKU School of Professional and Continuing Education

## HONG KONG CONVERSION EXAMINATION FOR PCLL ADMISSION INFORMATION PACKAGE

*June 2007*

Hong Kong Conversion Examination Board  
C/- PCLL Conversion Examination and Administration Limited  
Room S8, 3/F Admiralty Centre  
18 Harcourt Road  
Hong Kong  
Homepage: [www.pcea.com.hk](http://www.pcea.com.hk)  
Email: [enquiry@pcea.com.hk](mailto:enquiry@pcea.com.hk)  
Tel: 3761 1123  
Fax: 2527 0489

Information in this document is applicable and definitive to the Conversion Examinations in 2007 but advisory in relation to the 2008 examinations. Applicants planning to take the Conversion Examinations in 2008 should ensure that they review the updated version of the Information Package applicable then.

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## **PART I: NEW ENTRY REQUIREMENTS FOR THE POSTGRADUATE CERTIFICATE IN LAWS**

**This statement is issued by the Standing Committee on Legal Education and Training. It applies to all students seeking admission to study the Postgraduate Certificate in Laws in Hong Kong from September 2008 onwards.**

### **Core Subjects**

To be eligible for admission to the PCLL, all students will have to demonstrate competence in 11 Core Subjects. These are

Contract	Civil Procedure
Tort	Criminal Procedure
Constitutional Law	Evidence
Criminal Law	Business Associations
Land Law	Commercial Law
Equity	

Graduates who hold a Bachelor of Laws degree from a university, other than one of the three universities offering such degrees in Hong Kong, or other recognized law qualification, acceptable to the PCLL providers may be able to demonstrate competence in these 11 Core Subjects when such have been completed as follows:

- (a) as part of their non-Hong Kong common law qualification; and / or
- (b) as a visiting “internal” student in one of the three universities awarding LLB and / or JD degrees in Hong Kong and passing the requisite examination; and / or
- (c) by passing the relevant subject in the *Hong Kong Conversion Examination for PCLL Admission*.

### **Top-up Subjects**

Students who have not passed all of the following three subjects at a university LLB / LLB double degrees / JD course in Hong Kong must also demonstrate competence in the following three Top-up Subjects:

Hong Kong Constitutional Law	Hong Kong Legal System
Hong Kong Land Law	

Such students can demonstrate competence in the three Top-up Subjects in any one of the following ways:

- (a) as a visiting “internal” student in one of the three universities awarding LLB or JD degrees in Hong Kong and passing the requisite examination; and / or
- (b) as part of the Graduate Diploma in English and Hong Kong Law taught and awarded in Hong Kong; and / or
- (c) by passing the relevant subject in the *Hong Kong Conversion Examination for PCLL Admission*.

### **Transitional Arrangements**

Students who, on or before 1 September 2006, have successfully completed courses in Business Associations and / or Evidence which are currently recognized for admission to the PCLL will be exempted from the above requirements in respect of these two Core Subjects.

### **The Hong Kong Conversion Examinations for PCLL Admission**

Students who do not meet the above eligibility requirement for PCLL admission are **not** required to attend any conversion courses. There will not be any mandatory Conversion Courses. Students may prepare for the Hong Kong Conversion Examinations for PCLL Admission through self-study or attend courses to prepare themselves for the Conversion Examinations. The attendance at such courses is in itself insufficient to demonstrate competence in the Core Subjects or Top-up Subjects.

Conversion Examinations will be offered twice a year in the following subjects:

Core Subjects:           Civil Procedure  
                              Criminal Procedure  
                              Commercial Law  
                              Evidence  
                              Business Associations

Top-up Subjects:       Hong Kong Constitutional Law  
                              Hong Kong Legal System  
                              Hong Kong Land Law

**All other Core Subjects must be completed as part of a student’s main law qualification.**

## **Arrangements for Conversion Examinations in 2007 and 2008**

Conversion Examinations will be offered on four separate occasions to enable students to meet the requirements for admission to the PCLL in September 2008 as follows:

April and August 2007 and  
January and June 2008

The dates of the examinations in August 2007, January and June 2008 are set out in paragraph 11 of Part III of this Information Package.

Students will not be required to complete all Conversion Examinations they need to sit in one attempt. Students are therefore encouraged to plan completion of the requisite subjects in stages. A student can also make a subsequent attempt at a failed subject at a later examination session.

All PCLL providers will take into account a student's results obtained in an attempt at the Conversion Examination in June 2008 for admission to the PCLL in September 2008.

### **Application and Registration for the Hong Kong Conversion Examinations**

The Conversion Examinations will be supervised by the Conversion Examination Board set up by the Standing Committee on Legal Education and Training. Such examinations will be available to students on an ongoing basis twice in every year. Full details of syllabus outlines, application deadlines and fees, and examination timetables in relation to the 2007 Conversion Examinations are contained in this Information Package.

Enquiries regarding the Conversion Examinations should be directed to the Conversion Examination Board c/o:

PCLL Conversion Examination and Administration Limited  
Room S8, 3/F Admiralty Centre  
18 Harcourt Road, Hong Kong  
Phone Number: 3761 1123  
Fax Number: 2527 0489  
Homepage: [www.pcea.com.hk](http://www.pcea.com.hk)  
Email: [enquiry@pcea.com.hk](mailto:enquiry@pcea.com.hk)

For students who are completing or have completed their legal studies other than at one of the three universities in Hong Kong that award the LLB or JD

1. If you consider that you may be able to demonstrate your competence in all or any of the Core and Top-up Subjects without sitting the Conversion Examinations, you may submit an application to the Conversion Examination Board for an evaluation of your status. If you are evaluated as required to sit one or more Conversion Examinations you will be informed as soon as possible.
2. When you have been informed of your need to sit one or more Conversion



Examinations, you can decide how and when you wish to attempt to complete the Examination(s). You will be informed of the latest date to register for the Examination of your choice.

3. If you do not submit an application for evaluation of your status, you may still register to sit for the Examination(s) directly.
4. It is entirely within your discretion to decide the sequence of subjects in which you will be examined. There is neither a minimum nor maximum number of subjects that any student can attempt at any one session. There will be no limit on the number of students who can sit an examination at one time, and no limit on the number of attempts. The standard of the examinations will be set and marked to be equivalent to the standard of an LLB degree awarded in Hong Kong.
5. The following deadlines in respect of the examinations in August 2007 should be noted:  
Deadline for submission of all materials for evaluation has lapsed.  
Deadline for application to sit the Conversion Examination: 15 June 2007.  
  
The following deadlines in respect of the examinations in January 2008 should be noted:  
Deadline for submission of all materials for evaluation: 28 September 2007.  
Deadline for application to sit the Conversion Examination: 15 November 2007.  
  
The following deadlines in respect of the examinations in June 2008 should be noted:  
Deadline for submission of all materials for evaluation: 28 February 2008.  
Deadline for application to sit the Conversion Examination: 15 April 2008.
6. There will be fees payable for evaluation of your status and for registration to sit the Conversion Examinations. Details are available in this Information Package.

### **Exchange Students**

Graduates of one of the universities offering LLB or JD degrees in Hong Kong who completed some of the core courses in an overseas university as an exchange student should enquire whether they would be subject to the requirements set out in this document. Past graduates holding LLB degrees from a university in Hong Kong should also check their eligibility in light of the new requirements.

**IMPORTANT: Even if you have been evaluated as meeting the eligibility requirements, or if you have passed all necessary Conversion Examinations, or hold a Bachelor of Laws degree or other recognized law qualification acceptable to the PCLL providers, there is no guarantee that you will be offered a place to study the PCLL at one of the providers in Hong Kong.**

**PART II: APPLICATION FOR EVALUATION OF LAW  
QUALIFICATIONS  
(For the Purpose of Exemption from Conversion Examinations)**

**NOTES TO APPLICANTS**

To All Applicants:

Attached are two application forms, Form A and Form B, together with Notes to Applicants to assist you in the completion of these Forms.

**FORM A**

You should only complete and submit this Form A if you are:

- (i) seeking exemption(s) from any of the Conversion Examinations; and you are
- (ii) unsure whether the subjects you have/will have studied in your law qualification meet the exemption requirements.

**You are not obliged to complete and submit this Form A.**

**FORM B**

You **must** complete this Form B in order to register to sit the Conversion Examinations. This form can be found in Part III of this Information Package.

Completed forms should be returned to:

The Secretary  
Conversion Examination Board  
C/- PCLL Conversion Examination and Administration Limited  
Room S8, 3/F Admiralty Centre  
18 Harcourt Road  
Hong Kong

# THE PCLL Conversion Examination Board

For Office Use

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## HONG KONG CONVERSION EXAMINATION for PCLL ADMISSION

### APPLICATION for EVALUATION of LAW QUALIFICATIONS (for the purposes of Exemption from Conversion Examinations)

**Closing date for application for evaluation of qualification in time for registration to sit the Conversion Examination for January 2008: 28 September 2007; and Closing date for application for evaluation of qualification in time for registration to sit the Conversion Examination for June 2008: 28 February 2008**  
**Closing date for registration for Conversion Exams for August 2007: 15 June 2007**

To be completed and returned to:

**The Secretary  
Conversion Examination Board,  
C/- PCLL Conversion Examination and Administration Limited  
Room S8, 3/F Admiralty Centre,  
18 Harcourt Road,  
Hong Kong**

This form should be completed and returned to the above address together with (i) supporting documents and (ii) an application fee of HK\$1,000 (non-refundable and subject to change) payable by cheque made out to the “*PCLL Conversion Examination and Administration Limited*”. Please write down your full name on the back of the cheque. Cash will NOT be accepted. Overseas applicants should download these documents and submit a completed hard copy to the above address and should pay the application fee by a Hong Kong dollar bank draft drawn on a bank in Hong Kong. An acknowledgement card will be issued on receipt of this application. **All application forms and supporting documents submitted will be retained by the Conversion Examination Board.** Documents submitted for the purposes of evaluation will be separately scrutinized by PCLL providers should you subsequently apply for admission to the PCLL. **Therefore DO NOT SEND ORIGINAL DOCUMENTS in support of this application for evaluation.**

**Please read the following Notes to Applicants before completing this application form.**

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#### Notes to Applicants for Evaluation

1. If you consider that you can demonstrate your competence in all or any of the Core and Top-up Subjects without being required to pass the Conversion Examinations, you may complete this application and submit it to the Conversion Board for an evaluation of your status with a view to being exempted from examination in one or more of the Conversion Examinations.
2. Applicants who, on or before 1 September 2006, have successfully completed courses in Business Associations and / or Evidence which were recognized for the purposes of admission to the PCLL up to and including September 2006 will be exempted from the above requirements in respect of these two Core Subjects. ***However, applicants are still required to apply for formal exemption(s) by the Conversion Examination Board by submitting a completed Form A.***

3. Applicants should complete and submit:
  - (i) Form A;
  - (ii) a copy of all official academic transcripts for the qualification(s) by virtue of which they are applying for exemption;
  - (iii) an application fee of HK\$1,000 payable by cheque made out to the “***PCLL Conversion Examination and Administration Limited***”.

Applications must be sent to the Conversion Examination Board c/- Room S8, 3/F Admiralty Centre, 18 Harcourt Road, Hong Kong.

4. ***Do not send original transcripts with the application.***
5. Applications must be complete at the time of submission. Only applications which include all supporting documentary evidence will be processed.
6. All applications will be considered on an individual basis and exemptions will be granted at the discretion of the Conversion Examination Board the decision of which is final.
7. Applicants who wish to sit the Conversion Examinations are not obliged to submit Form A. Nevertheless, if they seek exemption from any of the Conversion Examinations, or they are unsure whether the subjects they have / will have studied in their law qualifications meet the exemption requirements, they have to submit an application for evaluation and ensure that the application be received by the Conversion Examination Board on/before the following dates:
  - (i) Deadline for applicants sitting the August 2007 examinations has lapsed
  - (ii) **28 September 2007** – for applicants sitting the January 2008 examinations
  - (iii) **28 February 2008** – for applicants sitting the June 2008 examinations
8. An Application Fee of HK\$1,000 is payable for the evaluation of each candidate’s application.
9. The Application Fee should be paid by cheque made payable to the “***PCLL Conversion Examination and Administration Limited***”.
10. All fees paid are **not** refundable under any circumstances.
11. All fees payable to the Conversion Examination Board are subject to adjustments.



**3. DETAILS OF LAW QUALIFICATION(S)**

Please indicate by  $\surd$  the qualifying law programme or examination you have been, or expect to be, awarded or have passed or expect to pass. (Attach **copies** of transcripts, with a complete record of the courses attended and examination results, for the Law Qualification you have studied. Transcripts and diplomas which are not in English should be accompanied by a certified translation in English.)

	LL.B. (The University of Hong Kong)
	LL.B. (The City University of Hong Kong)
	LL.B. (Name of awarding institution: _____ )
	C.P.E. (Name of awarding institution: _____ )
	J.D. or Graduate Diploma (GDL) or other recognized law qualification (Please state qualification: _____ ) (Name of awarding institution: _____ )

**4. CURRENT STUDIES**

(Complete this section if you are currently enrolled on your law qualification and have not completed all requirements for its award. Please attach copies of all transcripts available to date.)

Title of degree/diploma	By Research or Coursework	Present stage of studies
_____	_____	_____
Institution (state country)	Duration of course (state FT or PT, and no. of years)	Expected date of completion of studies
_____	_____	_____

**5. EVALUATION OF LAW QUALIFICATIONS**

Please list below all of the paper(s) for which you are applying for evaluation and based on which law qualification(s) you are making the request. Please give the date(s) of attempts at examinations and the number of hours of tuition taken in each course. Attach extra sheets if required. Please also attach copies of an official transcript for all of the qualifications that you have filled in. If all transcripts and other relevant documents are not received by the deadline for the Application for Evaluation, your application will not be considered further.

**N.B. From September 2008, in order to be eligible for admission to the P.C.LL, the eleven Core Subjects (in *italic*) MUST be completed as part of a student’s main law qualification.**

List the paper(s) for which you are applying for evaluation:	On the basis of which qualification(s) and subject(s)?
<i>Contract</i>	_____
<i>Tort</i>	_____
<i>Constitutional Law</i>	_____
<i>Criminal Law</i>	_____
<i>Land Law</i>	_____
<i>Equity</i>	_____
<i>Civil Procedure</i>	_____
<i>Criminal Procedure</i>	_____
<i>Evidence</i>	_____
<i>Business Associations</i>	_____
<i>Commercial Law</i>	_____
Hong Kong Constitutional Law	_____
Hong Kong Legal System	_____
Hong Kong Land Law	_____

### **Personal Information Collection Statement**

1. This is a statement to inform you of your rights under the Personal Data (Privacy) Ordinance.
2. Personal information is provided by you as an applicant through the completion of application forms designated for various purposes, e.g. for admission to a programme of study or for the provision of access to facilities or services. Data collected will be used specifically for the purposes prescribed in the application forms and will serve:
  - (a) as a basis for evaluation of an applicant's law qualification;
  - (b) as evidence for verification of the applicant's examination results, academic records and other information; and
  - (c) where applicable, as part of the applicant's official records.
3. Personal data will be kept confidential and handled by the PCLL Conversion Examination Board's staff members. The Board may transfer some of the data to an agent or other persons appointed to undertake some of its academic and administrative functions.
4. Under the provisions of the Ordinance, you have the right to request the Board to ascertain whether it holds your personal data, to be given a copy, and to apply for correction of the data, if deemed incorrect.
5. Applications for access to and correction of personal data should be made by using a special request form and on payment of a fee. Such applications as well as requests for information should be addressed to the Data Protection Officer, Conversion Examination Board, c/- PCLL Conversion Examination and Administration Limited, Room S8, 3/F Admiralty Centre, 18 Harcourt Road, Hong Kong.

### **Declaration**

1. I have noted the general points pursuant to the Personal Data (Privacy) Ordinance.
2. I authorize the PCLL Conversion Examination Board to use, check and process my data as required for my application. I accept that all the data in this form and those the Board is authorized to obtain will be used for purposes related to the processing and administration of my application in the examination context.
3. I authorize the PCLL Conversion Examination Board to obtain, and the relevant examination authorities, assessment bodies or academic institutions in Hong Kong and elsewhere to release any and all information submitted by me to any PCLL provider in Hong Kong. I also authorize the Board to use my data in this form for the purpose of obtaining such information.
4. I understand that upon application, my data will become a part of my record and may be used for all purposes as prescribed under relevant rules and regulations as well as attendant procedures, so long as I remain a candidate for examination.
5. I declare that the information given in support of this application is accurate and complete. I understand that any misrepresentation will disqualify my application.
6. I authorize the PCLL Conversion Examination Board to notify me of the result of this application through its website by reference to my application number and/or identification document number only, in addition to notification by mail.

Signature \_\_\_\_\_

Date \_\_\_\_\_

### Acknowledgement of Receipt of Application

**Date:** \_\_\_\_\_

**Dear Applicant,**

**Application No.** \_\_\_\_\_

Application for Evaluation of Law Qualifications  
for the  
PCLL Conversion Examinations

**Your application for evaluation has been received and is under consideration. Please refer to your application number above when making enquiries. Thank you.**

Note: Please write your name and address below, affix a stamp and return this together with your application form. Or you could choose to write down your facsimile number or email address so that the acknowledgement could be faxed or emailed back to you.

Please affix stamp
--------------------------

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Fax/email:** \_\_\_\_\_



## PART III: REGISTRATION FOR EXAMINATION

### NOTES TO APPLICANTS

A. In order to meet the entrance requirements for admission to the PCLL from September 2008, the following regulations apply:

1. **Your law qualification must include the following six Core Subjects:**

Contract  
Tort  
Constitutional Law  
Criminal Law  
Land Law  
Equity

2. **You also need to have completed a further 5 Core Subjects either within your law qualification or via a pass in the HK Conversion Examinations for PCLL Admission:**

Civil Procedure  
Criminal Procedure  
Commercial Law  
Evidence  
Business Associations

3. **You are also required to complete the following Top-up Subjects:**

Hong Kong Constitutional Law  
Hong Kong Legal System  
Hong Kong Land Law

*N.B. Syllabus Statements for each of the above subjects are attached at Part IV.*

#### B. Examinations

4. Conversion Examinations will be held in August 2007 and in January and June 2008 to enable applicants to meet the requirements for admission to the PCLL in September 2008.

5. Applicants may elect to attempt any number of examinations at any given session. There are no restrictions on the numbers of attempts an applicant may register for in respect of any of the examinations.

6. Applicants who wish to attempt any of the 2007 and 2008 Conversion Examinations should submit a completed Examination Registration Form (**Form B**) together with a cheque made out to “*PCLL Conversion Examination and Administration Limited*” for the appropriate examination fee to the PCLL Conversion Examination Board c/o Room S8, 3/F Admiralty Centre, 18 Harcourt Road, Hong Kong on/before the following dates:

**15 June 2007** – for applicants sitting the August 2007 examinations

**15 November 2007** – for applicants sitting the January 2008 examinations

**15 April 2008** – for applicants sitting the June 2008 examinations

*N.B. The PCLL Conversion Exam Board will thereafter periodically review and adjust the examination sessions and the examinations offered at each session to reflect demand.*

7. Examination Registration Fee for 2007 is HK\$2,000 per subject.
8. Examination Registration Fees are **not** refundable nor can they be transferred from one examination to a later one.
9. All fees are subject to adjustments.
10. Applicants will be sent by post a Notice of Admission and examination timetable not less than 2 weeks before the Conversion Examinations confirming examination details including examination venues and times.

*N.B. The Notice of Admission and the applicant’s identity documents must be produced during the examination for verification purposes.*

11. Examinations in 2007 and 2008 will be held in Hong Kong as follows:

01 Civil Procedure	9:30am	24/8/07, 27/12/07 and 23/06/08
02 Criminal Procedure	2:30pm	24/8/07, 27/12/07 and 23/06/08
03 Commercial Law	9:30am	25/8/07, 28/12/07 and 24/06/08
04 Evidence	9:30am	28/8/07, 02/01/08 and 25/06/08
05 Business Associations	9:30am	29/8/07, 03/01/08 and 26/06/08
06 Hong Kong Constitutional Law	2:30pm	25/8/07, 28/12/07 and 24/06/08
07 Hong Kong Legal System	2:30pm	28/8/07, 02/01/08 and 25/06/08
08 Hong Kong Land Law	2:30pm	29/8/07, 03/01/08 and 26/06/08

12. Exact dates for 2009 examinations and beyond will be notified in due course.
13. Anyone wishing to apply for exemption from any Conversion Examination(s) must submit an Application for Evaluation (**Form A**) in accordance with the procedures set out in Part II.
14. Each of the **Core Subjects** of the Conversion Examinations will be examined by one, three-hour written paper.

15. Each of the **Top-up Subjects** of the Conversion Examinations will be examined by one, one-hour written paper.
16. A candidate may bring to and use in the examination only such books, notes, other materials or aids as have been specifically authorized in the Examination Rules which will be issued with the Notice of Admission. A definitive list of statutes and other materials permitted in the examination room will be sent out with the Notice of Admission. This list will be determined on a subject-by-subject basis.
17. A candidate can make a subsequent attempt at a failed examination at a later examination session. There is no restriction on the numbers of attempts a candidate may take.
18. All the results of examination will be dealt with by the PCLL Conversion Examination Board. Candidates will be informed by post of the results of examination.

**PCLL Conversion Examination Board**c/o Rm S8, 3/F, Admiralty Centre, 18 Harcourt Rd, Hong Kong  
Tel: (852) 3761-1123 Fax: (852) 2527-0489**EXAMINATION REGISTRATION FORM (Form B)****Name in full (Mr/Mrs/Ms/Miss)**

(Please use the same name as on your HKID)

(surname)

(other names)

**HKID / Passport No.****Date of Birth**

(day/month/year)

(If Passport, please specify country of issue)

**Permanent Address****Address to which correspondence  
should be sent****Telephone Number**

(Mobile)

/ (Day-time Contact Number)

**Fax****Email****Entry For Following Examination(s) :****EXAMINATION REGISTRATION FEE: \$2,000 FOR EACH SUBJECT**

<i>Subject Code</i>	<i>Subject Name</i>	<i>Time</i>	<i>Examination Date</i>
<input type="checkbox"/> 01	Civil Procedure	9:30am	<input type="checkbox"/> 24 August 2007 <input type="checkbox"/> 27 December 2007
<input type="checkbox"/> 02	Criminal Procedure	2:30pm	<input type="checkbox"/> 24 August 2007 <input type="checkbox"/> 27 December 2007
<input type="checkbox"/> 03	Commercial Law	9:30am	<input type="checkbox"/> 25 August 2007 <input type="checkbox"/> 28 December 2007
<input type="checkbox"/> 04	Evidence	9:30am	<input type="checkbox"/> 28 August 2007 <input type="checkbox"/> 2 January 2008
<input type="checkbox"/> 05	Business Associations	9:30am	<input type="checkbox"/> 29 August 2007 <input type="checkbox"/> 3 January 2008
<input type="checkbox"/> 06	Hong Kong Constitutional Law	2:30pm	<input type="checkbox"/> 25 August 2007 <input type="checkbox"/> 28 December 2007
<input type="checkbox"/> 07	Hong Kong Legal System	2:30pm	<input type="checkbox"/> 28 August 2007 <input type="checkbox"/> 2 January 2008
<input type="checkbox"/> 08	Hong Kong Land Law	2:30pm	<input type="checkbox"/> 29 August 2007 <input type="checkbox"/> 3 January 2008

Fee enclosed: \$2,000 x \_\_\_\_\_ = \_\_\_\_\_  
(Total no. of subjects taken)

Payment method:    Cheque no.: \_\_\_\_\_    Bank: \_\_\_\_\_

 Please tick the appropriate box(es)

Signature : \_\_\_\_\_    Date: \_\_\_\_\_

***N.B.:*** The application together with the fee must be submitted to the PCLL Conversion Examination Board on or before 15 June 2007 for applicants sitting the August 2007 examinations; and on or before 15 November 2007 for applicants sitting the January 2008 examinations.

## **PART IV: SYLLABUS FOR EXAMINATION**

This is applicable to the Conversion Examinations in 2007.

### **IMPORTANT INFORMATION**

#### **1. Syllabi and reading lists**

Part IV of the Information Package (“Syllabus for Examination”) issued by the Conversion Examination Board in December 2006 has been revised with the inclusion of more details on the content of the syllabus and of a reading list for each of the subjects. The revised Part IV is included in this Information Package.

#### **2. Sources**

Sources are listed at the end of each syllabus. Hong Kong cases can be accessed at the Hong Kong Judiciary’s website: [www.judiciary.gov.hk](http://www.judiciary.gov.hk) and the Hong Kong Legal Information Institute (“HKLI”) website: [www.hklii.org](http://www.hklii.org). The Laws of Hong Kong can be accessed at the Bilingual Laws Information System (“BLIS”) website: [www.legislation.gov.hk](http://www.legislation.gov.hk).

#### **3. Preparation for the Examination**

Students are expected to keep themselves up to date on the law at all times. For the purpose of the Conversion Examination, students will be tested on the relevant law as it applies one month prior to the date of the examination. Credit will be given to students who demonstrate accurate knowledge of relevant update legal developments that occur within one month before the examination.

#### **4. Format of the Examination**

Format of the Examination will be put on the PCEA website nearer the date of examination.

## **Syllabus for Civil Procedure**

### **1. Overview of the conduct of civil litigation in the District Court and the High Court**

- Jurisdiction of the District Court
- Jurisdiction of the High Court
- Transfer of an action

### **2. Considerations prior to the commencement of an action: time limitation, legal aid and jurisdiction of the courts**

- Identifying the cause(s) of action
- Identifying the parties to an action
- Identifying limitation periods
- Choice of court
- Legal Aid considerations

### **3. Commencement of proceedings by writs and originating summonses**

- Methods of commencing proceedings
- Validity and renewal of the writ

### **4. Service of Process**

- Service within the jurisdiction
- Service on individuals
- Service on a body corporate
- Service on a partnership
- Substituted service
- Service on persons under a disability
- Service out of the jurisdiction

### **5. Pleadings**

- The definition and purpose of pleadings
- The order of pleadings
- General rules of pleadings
- The purpose of further and better particulars

(Note: candidates will **not** be expected to draft pleadings in the examination)

### **6. Parties and Joinder**

- Third party proceedings
- Joinder of parties by plaintiff/by defendant/by the court
- Joinder of causes of action
- Consolidation of actions or order for separate trials
- The interpleader procedure

**7. Summary disposal of actions: default judgment and summary judgment**

- Summary judgment: general principles
- Summary judgment: timing and procedure
- Summary judgment: possible outcomes and the appeal procedure
- Default judgment: general principles
- Setting aside default judgments (regular and irregular)

**8. Interlocutory and ex parte proceedings**

- Striking out a writ or pleadings
- Dismissal of an action for want of prosecution
- Application for an interim payment
- Discovery and inspection of documents
- Extraordinary forms of discovery
- Interrogatories
- Exchange of witness statements and expert reports
- Summons for Directions
- Case management: pre-trial review, setting a case down for trial
- Interlocutory injunctions
- Mareva injunctions and Anton Piller orders

**9. Payments into Court and Settlement**

- Payments into court
- Calderbank offers
- Terminating an action by order of the Court: consent orders, Tomlin orders
- Terminating an action by withdrawal or discontinuance

**10. Aspects of a civil trial**

- Conduct of the trial
- Judgment

**11. Costs**

- Security for costs
- Solicitor and own client costs
- Costs of interlocutory applications
- Recoverable costs of litigation: the court's discretion
- Recoverable costs of litigation: orders for costs
- The bases of taxation
- Gross sum assessments

## **12. Civil Appeals**

- Interlocutory appeals
- Appealing a judgment
- Appeals to the Court of Appeal
- Appeals to the Court of Final Appeal (s.22 CFA Ordinance)

## **13. Enforcement of Judgments**

- Overall strategy regarding enforcement of a judgment
- Writs of fi fa
- Garnishee proceedings
- Charging orders
- Oral examination of the judgment debtor
- Prohibition orders and stop notices



## Reading List for Civil Procedure

### Texts

Wilkinson, Booth & Cheung, *Student Guide to Civil Procedure in Hong Kong*, LexisNexis Butterworths, 2005 (ISBN 981 236 466 8)

Cameron & Kelly, *Principles and Practice of Civil Procedure in Hong Kong*, Sweet & Maxwell (Asia) 2001 (ISBN 962 661 070 0)

Clarke, *Hong Kong Civil Court Practice*, Desk Edition 2005, LexisNexis Butterworths (ISBN 962 885 5557)

### References

Rogers (Ed.) *Hong Kong Civil Procedure 2007*, Sweet & Maxwell (Asia) (The Hong Kong “White Book”) (ISBN 978 962 661 305 4)

*District Court Handbook 2002: Civil Practice*, Sweet & Maxwell (Asia) (ISBN 962 661 157X)

Lo, *Hong Kong District Court Practice*, LexisNexis/Butterworths (ISBN 962 810 541 8)

### Sources

Court of Final Appeal Ordinance (Cap.484)

High Court Ordinance (Cap.4)

Rules of the High Court (Cap.4A)

District Court Ordinance (Cap.336)

Rules of the District Court (Cap.336A)

Practice Directions of the High Court

Hong Kong cases

## **Syllabus for Criminal Procedure**

- 1. An introduction to criminal procedure in Hong Kong**
  - An overview of the criminal courts
    - Magistrates' Court (including Juvenile Court)
    - District Court
    - Court of First Instance ("CFI")
    - Court of Appeal
    - Court of Final Appeal
  - Classification of offences
    - Summary offences
    - Indictable offences
    - Excepted offences
  
- 2. Police Powers**
  - Stop, detain and search
  - Search warrants
  - Arrest powers
  - Rules and directions for the questioning of suspects
  - Identification parades
  - Cautioned statements and post-recorded statements
  - Other law enforcement agencies (e.g. the "ICAC", Customs and Excise, Commercial Crime Bureau etc.)
  
- 3. Commencement of Proceedings**
  - Functions of the Secretary for Justice
  - Department of Justice's prosecution policy and practice
  - Arrest and Charge
  - Summonses
  - Fixed Penalty Offences
  
- 4. Bail**
  - The right to bail
  - Police bail
  - Magistrates Court bail
  - Applications to CFI for bail
  - Offences relating to bail
  
- 5. Indictments, Charges and Summonses**
  - Form of summonses and charges
  - Indictment rules
  - Rule against duplicity
  - Joinder of defendants and charges
  - Severance
  - Alternative charges and amendments

**6. Procedure before and at Trial**

Magistrates Court

Pleas of guilty and trials of not-guilty pleas

Transfer to the District Court

Committals and preliminary inquiries

Review and appeals

District Court

Trials, transfers to CFI and appeals

Court of First Instance (“CFI”)

Voluntary bills and pre-trial procedures

Juries

Verdicts

Appeals from the Magistrates Court

Court of Appeal

Appeals from District Court and CFI to Court of Appeal

Court of Final Appeal

Appeals from Court of Appeal to Court of Final Appeal

Particular issues at trial

Applications to stay proceedings

Submissions of no case

**7. Sentencing - Theory and Practice**

Pleas of guilty

Conviction after trial

Pre-sentence reports

Sentencing guidelines, totality and starting points

Deterrent sentences

Suspended sentences

Non-custodial sentences

Special sentences e.g. treatment orders, hospital orders

Pleas of mitigation

**8. Funding Criminal Litigation**

Private funding

Legal Aid

Duty Lawyer Service

Costs in Criminal Cases Ordinance (Cap.492)

Costs against convicted defendants

Assessment of costs

Wasted costs orders

## Reading List for Criminal Procedure

### Texts and Materials

Criminal Litigation, Christopher Knight and Anthony Upham (2<sup>nd</sup> Ed),  
Thomson Sweet & Maxwell Asia. ISBN 962 661 039 5

Criminal Procedure in Hong Kong - A Guide for Students and Practitioners, Amanda  
Whitfort, LexisNexis – Butterworths

Criminal Procedure - Trial on Indictment, Andrew Bruce S.C., Butterworths

Magistrates Court Manual, Audrey Campbell-Moffat, Sweet and Maxwell

Criminal Procedure Handbook, Butterworths

Sentencing in Hong Kong, Cross and Cheung, Butterworths

The “*Statement of Prosecution Policy and Practice*”, issued by the Department of  
Justice, should be read for an insight on the criteria for prosecutions.

A working knowledge of the “*Rules and Directions for the Questioning of Suspects  
and Interviewing Witnesses*” is also necessary.

### Sources

Court of Final Appeal Ordinance (Cap.484)

Criminal Procedure Ordinance (Cap.221)

Magistrates Ordinance (Cap.227)

The websites of The Department of Justice, The Hong Kong Police Force and the  
ICAC (Independent Commission Against Corruption) are also useful sources of  
background information.

## **Syllabus for Evidence**

- 1. Introduction**
  - Principal items and classification of evidence
  - Relevance
  - Admissibility
  - Best evidence rule
  - Probativeness and prejudice
  - Judicial discretion to exclude
  
- 2. Burden and standard of Proof**
  - Legal burdens
  - Evidential burden
  - Criminal standard of proof
  - Civil standard of proof
  
- 3. Proof without evidence**
  - Presumptions
  - Judicial notice
  - Formal admissions
  
- 4. Division of functions between judge and jury**
  - Questions of law and fact
  - The voir dire and challenges to admissibility
  - Sufficiency of evidence
  
- 5. Witnesses (1) – Competence and compellability**
  - Accused and co-accused
  - Spouse
  - Children
  - Miscellaneous cases (diplomats, persons of unsound mind etc)
  
- 6. Witnesses (2) – Character**
  - Relevance
  - Good character
  - Bad character
  
- 7. Witnesses (3) – General**
  - Examination in chief
  - Cross examination
  - Corroboration
  - Protection of vulnerable witnesses
  - Warnings for special witnesses in criminal cases

8. **Course of evidence**
  - Rule against prior consistent statements
  - Refreshing memory
  - Hostile witnesses
  - Prior inconsistent statements
  - Collateral questions
  - Evidence in rebuttal
  
9. **Opinion Evidence**
  - Non-expert opinion evidence
  - Expert opinion evidence
  - Ultimate issues
  
10. **The Rule Against Hearsay**
  - Development of the rule and rationale
  - General principles
  - Exceptions
  
11. **Admissions and confessions**
  - Definitions
  - Oppression
  - Voluntariness
  - Unreliability
  - Implication of co-accused
  - Derivative evidence
  - Mixed statement rule
  
12. **Evidence unfairly or illegally obtained**
  - The common law
  - Statute
  - Human rights
  - Judicial discretion as to
  
13. **Privilege**
  - General principles
  - Legal professional privilege
  - Privilege against self-incrimination
  - Marital privilege

## Reading List for Evidence

### Texts

Simon N. M. Young, *Hong Kong Evidence Casebook*, Sweet & Maxwell (Asia), 2004  
(ISBN 962 661 264 9)

*Butterworths Hong Kong Evidence Law Handbook 2<sup>nd</sup> Edition*. 2005.  
LexisNexis/Butterworths (ISBN 962 8855 56 5)

*Cross on Evidence*, Wellington:LexisNexis NZ, 2005

### Sources

Evidence Ordinance (Cap 8)

Criminal Procedure Ordinance (Cap 221)

Magistrates Ordinance (Cap 227)

Rules and Directions for the Questioning of Suspects and the Taking of Statements  
1992

Hong Kong cases

## **Syllabus for Business Associations**

- 1. Outline and comparison of different types of business associations**
  - sole proprietorship
  - partnership
  - registered company
  
- 2. Partnerships**
  - nature of partnerships – their legal status, powers and characteristics
  - creation of partnerships
  - rights and duties of the partners *inter se* – rights and obligations arising in contract; fiduciary duties of partners
  - rights and duties of the partners *vis-a-vis* third parties – liabilities of partners to third parties in contract and tort; authority of partners to bind the partnership in transactions with third parties
  - introduction to dissolution
  
- 3. Development of companies**
  - the historical and economic background to the development of the registered company in Hong Kong
  
- 4. Formation of a company**
  - incorporation and registration
  - problems relating to incorporation
  - types of companies
  
- 5. Nature of a company**
  - separate corporate personality
  - limited liability doctrine – liability of members limited by shares or limited by guarantee
  - doctrines of piercing or lifting the corporate veil
  
- 6. Corporate constitution: memorandum and articles of association**
  - contractual effect of the memorandum and articles
  - enforcement of the memorandum and articles
  - ability of companies to alter the memorandum and articles, and restrictions under the general law and the Companies Ordinance
  - corporate capacity



7. **Membership**
  - subscribers to the memorandum
  - registration of members
  - membership in companies with share capital: issues and transfers of shares
  - rights of members
  
8. **Management and control**
  - the board of directors
  - the members' general meeting
  - powers conferred by the Companies Ordinance
  - powers conferred by the articles of association
  - authority of directors to bind the company *vis-a-vis* third parties
  - scope of control of the board by the members in general meeting
  
9. **Duties of directors**
  - directors as fiduciaries
  - acting bona fide in the interests of the company
  - exercising powers for proper purposes
  - avoiding conflicts of interest – conflict rule, profit rule, misappropriation rule
  - acting with due care, skill and diligence – duties in equity and under the common law
  - requirements of the Companies Ordinance
  
10. **Protection of minorities**
  - proper plaintiff and irregularity principles – rule in *Foss v Harbottle*
  - derivative actions on behalf of the company – fraud on the company exception to the proper plaintiff principle; the statutory derivative action
  - members' personal rights of action under the general law; equitable restrictions on the powers of the majority in general meeting
  - statutory remedy in relation to unfairly prejudicial conduct
  - winding up on the just and equitable grounds
  - protection of class rights under the company's constitution and under the Companies Ordinance
  - statutory injunctions

## **11. Winding up**

- Types of winding up: compulsory winding up by the court and members“ or creditors“ voluntary winding up
- Insolvency and other grounds for winding up
- Effect of a winding up order
- Process of winding up
- Functions and powers of the liquidator
- Assets available for distribution; re-opening of antecedent transactions
- Distributions and priorities
- Dissolution

## Reading List for Business Associations

### Texts

Smart P, Lynch K, Tam A, *Hong Kong Company Law: Cases, Materials and Comments*, Butterworths, Hong Kong, 1997

Stott V, *Hong Kong Company Law*, 11th ed, Longman, Hong Kong, 2005

Loh S C and Wong W M F, *Company Law, Powers and Accountability*, Butterworths, Hong Kong, 2003

*Hong Kong Company Law Handbook: Companies Ordinance*, 8th edn, Butterworths, Hong Kong, 2006

### References

Brewer J, *The Law and Practice of Hong Kong Private Companies*, Sweet and Maxwell, Hong Kong, 2005

Mayson S, French D, Ryan C, *Mayson, French & Ryan on Company Law*, 22nd ed, Blackstone, London, 2006

Davies P, *Gower and Davies' Principles of Modern Company Law*, 7th ed, Sweet and Maxwell, London, 2003

Hicks A and Goo S H, *Cases and Materials on Company Law*, 5th ed, Oxford University Press, Oxford, 2004

Banks L R, *Lindley and Banks on Partnership*, 18th ed, Sweet and Maxwell, London, 2002

*Company Law in Hong Kong*, looseleaf, Sweet and Maxwell, Hong Kong

*Hong Kong Company Law: Legislation and Commentary*, looseleaf, Butterworths, Hong Kong

### Sources

Partnership Ordinance (Cap.38)

Companies Ordinance (Cap.32)

Hong Kong cases

## **Syllabus for Commercial Law**

### **1. Part A: Sale of Goods**

Sales of Goods - Passing of Legal and Equitable Title - Duties of Sellers and Buyers;

### **2. Part B: Personal Property**

Personal Property and Interests in Personal Property

Types of Personal Property - Chose in Action - Chose in Possession - Ownership (especially mere equities) - Possession (finders' possessory interests) - Bailment;

Credit and Security

Security Interests - Different Forms of Security Interests - Pledges - Possessory Liens – Mortgages - Fixed Charges - Floating Charges - Retention of Title (*Romalpa*) Clauses - Set-off;

Non-sale acquisitions: *nemo dat* and gifts

*Nemo dat* and exceptions – Gifts - Conditional Gifts - Gifts of Future Property;

Assignments of Chose in Action

Assignments of Chose in Action – Assignments of Legal and Equitable Chose in Action – Assignments of Future Chose in Action – Assignments of Part of an Identified Bulk - Particular Focus on Share Acquisition & Equitable Assignment;

Trespass to Goods, Conversion, and Detinue;

Bills of exchange and negotiable instruments;

### **3. Part C: Consumer Credit and Protection**

Relevant local Ordinances for the drafting of Commercial Contracts

Unconscionable Contracts Ordinance - Control of Exemption Clauses Ordinance - Moneylenders Ordinance - Supply of Services (Implied Terms) Ordinance;

Doctrine of relation back and fraudulent preference.

Note: Students are required to demonstrate competence and achieve a pass in all three parts.

## **Reading List for Commercial Law**

### **Texts**

LS Sealy & RJA Hooley, "Commercial Law: Text, Cases and Materials" (LexisNexis, 3rd Edn, 2003)

PS Atiyah, John N Adams & Hector MacQueen, "The Sale of Goods" (Longman, 11th Edn, 2005)

Roy Goode, "Commercial Law" (Penguin, 3rd Edn, 2004)

Anne Carver, "Hong Kong Business Law" (Longman, 6th Edn, 2004)

### **Sources**

Bills of Exchange Ordinance (Cap.19)

Sale of Goods Ordinance (Cap. 26)

Unconscionable Contracts Ordinance (Cap.458)

Control of Exemption Clauses Ordinance (Cap.71)

Money Lenders Ordinance (Cap.163)

Supply of Services (Implied Terms) Ordinance (Cap.457)

Bills of Sale Ordinance (Cap.20)

Law Amendment and Reform (Consolidation) Ordinance (Cap.23)

# **Syllabus for Hong Kong Constitutional Law**

## **1. The Acquisition of British Sovereignty**

The Unequal treaties - the Basis of British Jurisdiction in Hong Kong - The Assumption and exercise of British Authority - The Constitution and the System of Government - Political reform in the Fifties - Development of the Administrative System - Development of Representative Government;

## **2. The Resumption of Sovereignty**

Sovereignty and Self-Determination - Sino-British Negotiation and the Joint Declaration - the Drafting of the Basic Law - Residual Powers - Scope of Application of Chinese Constitution - The Structure of the Basic Law - Transitional Issues - Patten's Political Reform in the Nineties - Breakdown of the Through-train model - Provisional Legislative Council and its Legality;

## **3. The Framework of the Basic Law**

Models of Autonomy and One Country, Two Systems - Separation of powers in the Basic Law - The nature of the Basic Law - General Principles - Relationship between Central Government and the HKSAR;

## **4. The Political and Administrative System**

The Political Structure - Basic principles - Forms of Representation - NPC - Centralized and Consultative Government - Separation of powers or Executive-led Government - Legislative Council – Composition - Powers and Functions of the LegCo - Restriction on law making powers - Law making process - Supervision of executive and parliamentary enquiry - Public Finance - Impeachment of the Chief Executive - Selection of the Chief Executive - The Executive and the Chief Executive in Council - Contradictions in the political system - Neutrality of the civil service and the Ministerial System - Localization and principal officials;

## **5. Constitutional Jurisdiction of the Courts of the HKSAR**

Parliamentary sovereignty and its application to the HKSAR - Act of State - Facts of State - Judicial review of legislation - resolutions of the NPCSC;

## **6. Interpretation and Amendment of the Basic Law**

The importance of interpretation and the mode of interpretation - The Scheme for interpretation under Art 158 - Judicial referral, classification test and necessity test - The interpretation powers of the NPCSC and the HKSAR Courts - Problems arising under Art 158 - Legislative interpretation versus judicial interpretation - Judgment previously rendered shall not be affected - Role of the Basic Law Committee - Principles of and approach to interpretation - The scheme of Amendments to the Basic Law;

**7. Rights and Freedoms**

The General Framework for the Protection of Rights and Freedoms - Chapter 3, the Bill of Rights and the ICCPR - ICESCR and ILO - Civil and Political Rights - Economic rights and property rights - Social and cultural rights and policies - Lawful traditional rights and interests of the New Territories Indigenous Inhabitants - Limitations or restrictions of rights and freedoms - State of Emergency - Restrictions under Art 23;

**8. International Aspects of the HKSAR**

Chinese view of international law - External Affairs powers of the HKSAR - Role and problems of HKSAR in international legal regime - Succession of rights and obligations in international treaties applicable to Hong Kong before 1997 - capacity to participate in international treaties, conferences and organizations - Conflicts of law and recognition of judgments of Taiwan courts;

**9. The Constitutional System of the People's Republic of China**

Theory of socialist constitution - A brief history of Chinese Constitutional System - The PRC Constitution - Central Authorities of the PRC (NPC, NPCSC, State Council, Central Military Commission) - The role and organization of the Communist Party - Special Economic Zones under Art 31 - Rights and legality - Sources of Law (Legislative Interpretation and Executive Interpretation) - The Judiciary, the Public Security Bureau and the Procuratorate - Review of the Judiciary - A Developing Constitution.

## Reading List for Hong Kong Constitutional Law

- \*Georg Brunner, "The Functions of Communist Constitutions: An Analysis of Recent Constitutional Developments" (1977) 3 Rev. Soc. Law 121-153
- \*Johannes Chan, "The Jurisdiction and Legality of the Provisional Legislative Council" (1999) 27 HKLJ 374
- \*Johannes Chan, "Some Thoughts on Constitutional Reform in Hong Kong," 34 (2004) HKLJ 1
- \*Johannes Chan, "Civil Liberties, Rule of Law and Human Rights: The Hong Kong Special Administrative Region in its First Four Years in Lau Siu-kai (ed) The First Tung Chee-hwa Administration: The First Five Years of the HKSAR [Hong Kong: Chinese University Press, 2002]
- \*Albert H. Chen "The Concept of „One Country Two Systems“ and its Application to Hong Kong” in C. Stephen Hsu (ed.) Understanding China’s Legal System: Essays in Honor of Jerome A. Cohen (New York: New York University Press, 2003)
- \*Albert Chen, "The Concept of Justiciability and the Jurisdiction of the Hong Kong Courts" (1997) 27 HKLJ 387
- \*Albert Chen, "The interpretation of the Basic law - common law and Mainland Chinese perspectives" (2000) 30 HKLJ 380
- \*Albert H. Y. Chen "The Constitutional Controversy in Hong Kong Spring 2004," 34 (2004) HKLJ 215
- \*Chen, Fu & Ghai (ed) Hong Kong's Constitutional Debate: Conflict over Interpretation (2000)
- \*Yash Ghai, Hong Kong's New Constitutional Order: The Resumption of Chinese Sovereignty and the Basic Law (2nd ed. 1999)
- \*Hurst Hannum and Richard B. Lillich, "The Concept of Autonomy in International Law" in Dinstein (ed.), Models of Autonomy (1981)
- \*Ma Ngok, "Executive-Legislative Relations: Assessing Legislative Influence in an Executive-Dominant System” in Lau Siu-Kai (ed) The First Tung Chee-hwa Administration: The First Five Years of the Hong Kong Special Administrative Region (The Chinese University Press, 2002)
- \*S. de Smith, Constitutional and Administrative Law (7th ed. 1994), p3-13,
- \* Nwabueze, Constitutionalism in the Emergent States (1973), Chapter 1
- \*Benny Tai Yiu-ting, "The Development of Constitutionalism in Hong Kong” in Raymond Wacks, The New Legal Order in Hong Kong (1999)



\*Benny Y. T. Tai, "Chapter One of Hong Kong's New Constitution: Constitutional Positioning and Repositioning" in Ming Chan and Alvin Y. So (ed.) *Crisis and Transformation in China's Hong Kong* (M.E. Sharpe, 2002)

\*Benny Tai, "One country two systems: the two perspectives" (2002) *Macau Law Journal* (Special Issue) 143-163

### **Sources**

The Basic Law of the Hong Kong Special Administrative Region (1990)

Sino-British Joint Declaration on the Future of Hong Kong (1984)

## **Syllabus for Hong Kong Legal System**

### **1. Development of the Hong Kong Legal System 1842-1997**

Reception of English Law - Captain Elliot's Proclamation - Supreme Court Ordinance 1843 - Application of English Law Ordinance - Joint Declaration and the Resumption of Sovereignty - Localization and Adaptation Exercises - Continuity of Previous International Treaties - Reunification Ordinance - Application of legislation to "State";

### **2. Sources of Hong Kong Law**

Laws previously in force in Hong Kong - Legislation, common law and equity, customary law - Special position in New Territories land - Imperial enactments - Prerogative power - Legislation and restriction on law making powers - National Laws - NPCSC's interpretation - PRC Constitution;

### **3. Doctrine of Stare Decisis**

Doctrine of precedent in Hong Kong - Full Court - Pre- and Post-1997 Privy Council Decisions - Status of House of Lords Decisions;

### **4. Hong Kong Court System**

Hierarchy of courts - Jurisdiction and its constitutional limits - Role of the Court of Final Appeal - Appointment and tenure of judges - Judicial independence under the Basic Law - Judicial immunity and judicial accountability;

### **5. Access to Justice**

Forms of legal aid - Operation of legal aid - Characteristics of legal aid services in Hong Kong - Legal aid and resources - current controversies - Independence of Legal Aid Authority;

### **6. The Common law System and the PRC Legal System: A Comparative Overview**

The essential differences between the common law system and the PRC legal system;

### **7. Interface between the two systems**

Concurrent jurisdictions - Mutual judicial assistance - enforcement of judgments - extradition - cross-border crimes and jurisdiction - cross-border insolvency - Conflicts between the two systems - Admissibility of documents issued in the Mainland - Taking evidence in the PRC;

### **8. Introduction to Legal Research: Sources and Skills.**

## Reading List for Hong Kong Legal System

### Texts

Ian Dobinson and Derek Roebuck, *Introduction to Law in the Hong Kong SAR*, 2nd edn, Sweet & Maxwell, Hong Kong, 2001

Peter Wesley-Smith, *An Introduction to the Hong Kong Legal System*, 3<sup>rd</sup> edn, Oxford University Press, Hong Kong, 1998

### Further reading

Yash Ghai, *Hong Kong's New Constitutional Order: The Resumption of Chinese Sovereignty and the Basic Law*, 2<sup>nd</sup> edn, Hong Kong University Press, Hong Kong, 1999

Glanville Williams, *Learning the Law*, 13<sup>th</sup> edn, Sweet & Maxwell, London, 2006

### Sources

The Basic Law of the Hong Kong Special Administrative Region (1990)

## Syllabus for Hong Kong Land Law

### 1. Definitions and Formalities

The definitions of „land“ and „legal estate“ in s 2 *Conveyancing and Property Ordinance* Cap 219, the formalities for the creation, transfer and disposal of interests in land and the formalities for the sale or disposition of land (ss 3(1), 4, 5 and 6 *Conveyancing and Property Ordinance*).

### 2. Priority and Land Registration

The instruments registrable under the *Land Registration Ordinance* Cap 128, the dates of registration of instruments, priority under s 3(1) *LRO*, the effect of ss 3(2) and 4 *Land Registration Ordinance*, the doctrine of notice and the priority of unwritten equitable interests in land.

### 3. The Partition of Land in Joint Ownership

The destruction of the unity of possession, voluntary partition, application for partition under the *Partition Ordinance* Cap 352, who can apply, the court's powers to order partition or sale or to refuse an order.

### 4. Adverse Possession

The limitation periods under the *Limitation Ordinance* Cap 247, accrual of a right of action, the aggregation of periods, the surrender of a Government lease, the effect of renewal under the *New Territories (Renewable Government Leases) Ordinance* Cap 152 and extension under the *New Territories Leases (Extension) Ordinance* Cap 150.

### 5. Government Leases and Conditions

The vesting of land in the State, the right of the Chief Executive to dispose of land, the disposal of land by granting Government leases and Conditions, the nature of the interest under Conditions.

The conversion of the equitable interest held under Conditions to a legal interest, s 14 *Conveyancing and Property Ordinance*, the effect of compliance with conditions precedent to the grant of a Government lease, evidence of compliance, deemed compliance and registration of a certificate of compliance.

The sectioning of land, the subdivision of land by the sale of undivided shares in land and the creation of section and subdivision registers in the Land Registry.

The duration of Government lease terms, rights of renewal and automatic renewal under the *Government Leases Ordinance* Cap 40 and the *New*

*Territories (Renewable Government Leases) Ordinance*. The effect of the Basic Law on the duration of Government lease terms (Articles 120, 121 and 123 of the Basic Law) and the *Government Leases (Extension) Ordinance*. Case law on user restrictions in Government leases, waiver by Government of restrictions in Government leases, express waiver, waiver by conduct and estoppel.

**6. Deeds of Mutual Covenant**

The subdivision of land into undivided shares, the reallocation of undivided shares, the need for a deed of mutual covenant and the parties, the passing of the benefit and burden of covenants in respect of multi-storey buildings, the enforcement of covenants in a deed of mutual covenants under ss 39, 40 and 41 *Conveyancing and Property Ordinance*.

**7. The Small House Policy**

Private grants of land, free building licenses, certificates of exemption under the *Buildings Ordinance (Application to New Territories) Ordinance* Cap 121, restrictions on dealing.

**8. Chinese Customary Trusts over Land**

The nature and purpose of Tsos and Tongs, recognition of them under the *New Territories Ordinance* Cap 97, the rule against perpetuities applied to tongs and tsos, the entitlement to tong and tso land, the alienability of tong and tso land, the management of tongs and tsos.

**9. Introduction to the *Land Titles Ordinance* Cap 583**  
(not applicable to the 2007 examination)

Conversion for new land and existing land, caveats and cautions, registrable interests and overriding interests, the effect of registration, security of title and indemnity.

## **Reading List for Hong Kong Land Law**

### **Texts**

Sarah Nield, Hong Kong Land Law, 2<sup>nd</sup> edition, Longman, 1996

S.H.Goo and Alice Lee, Land Law in Hong Kong. 2<sup>nd</sup> edition, LexisNexis Butterworths, 2003

Judith Sihombing and Michael Wilkinson, A Student's Guide to Hong Kong Conveyancing, 4<sup>th</sup> edition, LexisNexis Butterworths, 2002

### **Sources**

The Basic Law

Buildings Ordinance (Application to New Territories) Ordinance Cap 121

Conveyancing and Property Ordinance Cap 219

Government Leases Ordinance Cap 40

Interpretation and General Clauses Ordinance Cap 1

Land Registration Ordinance Cap 128

Land Titles Ordinance Cap 583

Limitation Ordinance Cap 347

New Territories Ordinance Cap 97

New Territories (Renewable Government Leases) Ordinance Cap 152

New Territories Leases (Extension) Ordinance Cap 150

Hong Kong cases

## **PART V: FREQUENTLY ASKED QUESTIONS**

1. Should an LLB graduate of one of the universities in HK who completed some of the core courses in an overseas university as an exchange student apply for exemption?

***Provided the qualification of the LLB graduate is awarded by the HK institution and contains the core subjects this will comply with the new eligibility requirements. Should there be any doubts he is advised to check directly with his awarding institution in Hong Kong.***

2. Will the Exam Board require original transcripts sent directly from the awarding institutions or will a copy be acceptable?

***No original copies of qualifications should be sent to the Conversion Examination Board. Only copies of the originals will be required. All documents submitted will be retained by the Board therefore an applicant must not send originals of transcripts or awards.***

3. When a student passes the exam, what will be done? Will certificates be issued? Will Universities require transcripts to be sent directly from the Exam Board?

***The Conversion Examination Board will notify candidates directly. Results Notices will be issued and candidates can submit these to PCLL providers when applying for a place on the PCLL. Candidates must ensure that they submit up-to-date contact details to ensure timely notification of results.***

4. Will a student need to apply for Results Notices? Will the Results Notices show any failed subjects?

***He will not be required to apply for Results Notices. All subjects taken will be shown.***

5. Does a student holding Evidence and/or Business Associations need to apply for exemptions?

***A student who, on or before 1 September 2006, has successfully completed Business Associations and/or Evidence on courses which are currently recognized for entry to the PCLL will be exempted from Conversion Examinations in these subjects. HOWEVER he is still required to apply for formal exemptions through the Conversion Examination Board.***

6. Will anyone offer preparatory courses before the exams?

***Yes. Only local universities offering the PCLL are entitled to offer preparatory courses for the PCLL Conversion Exams.***

7. Will exam fees be refunded if a student is sick or has special reason not to attend the exam? If a student is present at the exam, will the Exam Board take special considerations into account with regard to his performance?

***No refund will be given where a candidate fails to attend an examination as scheduled. No special consideration will be given by the Board with regard to factors affecting performance in an exam.***

8. Can a student appeal his results? If so, will it be charged?

***No appeal will be considered. Applications for a recount of marks can be made upon payment of an administration fee of HK\$500.***

9. Who will be the main contact for enquiries regarding the exams?

***All enquiries concerning the Conversion Examinations should be directed to The Secretary, Conversion Examination Board, c/- PCLL Conversion Examination and Administration Limited, Room S8, 3/F Admiralty Centre, 18 Harcourt Road, Telephone number 3761 1123 Fax Number 2527 0489, Email address [enquiry@pcea.com.hk](mailto:enquiry@pcea.com.hk).***

10. Does a student need to pass all examinations at one sitting?

***No. A candidate can take any number of examinations at any one session. A candidate can also take any number of attempts at any examination.***

11. When does a student need to complete the exams in order to comply with the new PCLL admission requirements and so be eligible to apply for the PCLL starting in September 2008?

***Provided that he passes the necessary Conversion Examinations scheduled in 2007 and/or those scheduled up to June 2008 he will comply with the new regulations and therefore be eligible to apply for admission to the PCLL commencing in September 2008.***



# Annexure 5

## COMPOSITION OF THE SUB-COMMITTEE OF THE STANDING COMMITTEE ON LEGAL EDUCATION AND TRAINING: ENGLISH LANGUAGE PROFICIENCY

- Chairman** : Mr Lester Garson HUANG JP  
The Law Society of Hong Kong
- Members** : Ms Bronwyn Lee DAVIES  
The Federation for Continuing Education in Tertiary Institutions
- Professor Elsa KELLY (joined in January 2007)  
The Chinese University of Hong Kong
- Mr Kenneth KWOK Hing-wai, SC  
The Hong Kong Bar Association
- Mr Anthony UPHAM  
The City University of Hong Kong
- Ms Amanda WHITFORT  
The University of Hong Kong
- Secretary** : Ms Heidi CHU, Director of Standards and Development  
The Law Society of Hong Kong

# Annexure 6

## THE UNIVERSITY OF HONG KONG LLB STATUS REPORT

I enclose my annual update on the undergraduate law programme at the University of Hong Kong, broadly covering both 2006-07 and also the current year, 2007-08.

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This September, 2007, has seen the commencement of studies by the fourth cohort of students admitted since the introduction of the new four year undergraduate programme, and, for the first cohort, admitted in 2004-05, the culmination of their studies as they enter their fourth and final year. Pleasingly, save for one or two residual features planned for implementation in 2007-08, this past year has largely seen the successful introduction and management of most of the upper years curriculum aspects of the reforms planned by us, including law specializations, non-law minors, advanced research requirements, and enhanced opportunities to undertake non-law electives and exchange studies. These features, combined with the pedagogical and resource gains made in recent years in respect of the foundational years, have enabled us both to preserve the traditional depth of our undergraduate programme, while also continuing to broaden the educational experience of our students.

For several years, we have experienced a degree of transitional stress associated with concurrently running both old and new programme structures. In 2005-06, most of the last cohort of students admitted to the old three year LLB programme completed their studies and graduated. In 2006-07, they were followed by the last cohort of joint degree students (BBA(Law)/LLB and BSocSc(Govt & Laws)/LLB) admitted to the previous 3+1 model. With their graduation in June 2007, most of the transitional stresses have now been largely alleviated.

In many respects, 2007-08 will be a year of consolidation and fine-tuning, as final year students complete their undergraduate studies, student numbers across the four years of the undergraduate programme stabilize after rapid growth since 2004-05, and new staff recruited during 2006-07 become familiar with and fully engaged in teaching to the new curriculum. But 2007-08 will also be a time both for review of the four year programme and the educational gains facilitated by it, and also for serious thought about the future shape of legal education at HKU in response to the “3+3+4” educational reforms in Hong Kong

<b>Admission 2007-2008</b>
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Admission to the LLB remains highly competitive, and admission standards have consequently maintained a pleasingly high standard.

**(a) Admission figures**

Admission figures this year are similar to 2006-07, with a total intake of approximately 105 students made up as follows: 41 through the JUPAS system, 30 through our Faculty's non-JUPAS admission process (including 7 graduate students admitted to the Fast-track LLB), 23 through the Early Admission System for Form Six students (including 6 non-JUPAS EAS students), and 6 through mainland recruitment (down from 15 last year).

In addition, a further 115 students have been admitted to the three joint degree programmes leading to an LLB after five years of study (BBA (Law) - 62; BSocSc(Govt & Laws) - 47; and BEng(CivE-Law) - 6), approximately 20 fewer than last year.

As a result, the number of students admitted to our undergraduate programme as pure LLB students now almost equals those admitted as joint (or mixed) degree students (undertaking 5 years of study (3 + 2)), which will help ensure our curriculum remains equally committed to the needs of both groups of students. The slight decline in joint degree admissions also means that consideration might be given in the 2008-09 admission exercise to increasing the number of students admitted as regular LLB students, in excess of the present UGC quota, in order to help meet the steady demand for places in legal education.

The relative quality of students admitted via the traditional JUPAS route remains high. In terms of average AL + AS scores, the LLB and the three joint degree programmes continue to rank among the top 10 programmes in the university. Furthermore, the Use of English standard of our JUPAS students continues to be very high, exceedingly so by general university standards.

**(b) English Language Admission Test**

At the same time, given the importance of English as the teaching medium our undergraduate programme, and the diversity of English language qualifications proffered by applicants for admission, during 2006-07 we began investigating the possibility of introducing a common English reading and comprehension test for all applicants. To that end, with the assistance of an English language testing expert, we prepared and conducted a pilot test in January 2007. This test, conduct on a voluntary basis, on condition that results would not directly affect any applicant's admission chances, was taken by over 230 students. The results are currently being analysed, but I presently anticipate we will need to do follow up studies on the first year results of those students actually admitted to the LLB programme, before we can decide whether or not to introduce any such test as a formal, compulsory component of our admission process.

<b>Exchange / Visiting Students</b>
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In last year's report, I noted the rapid expansion in the number of foreign exchange and visiting students coming to HKU to study law in the Faculty of Law. This healthy influx of students from overseas has continued for 2007-08, encouraged significantly by the

growing number of Faculty-level exchange agreements with overseas partners that we have put in place over the past two to three years. To help minimize some of the administrative problems created by this group of students, we have adopted earlier application dates, and also ensured a Course-list for the new academic year is available on-line at an earlier stage. This year, some 90 students, from 41 overseas institutions will spend one or two semesters on exchange with us.

Significantly, 2007-08 will also see a correlative, and welcome, expansion in the number of HKU law students applying to undertake exchange studies overseas for either a full-year or single semester during their third or fourth years. This increase, which lessens the initial burden of the incoming exchange students, appears to be a direct consequence of the greater flexibility afforded to students by the four year undergraduate programme, along side the greater number of exchange places we have been able to put in place over the last year or two. Current figures for out-going law students for 2007-08 comprise 57 students, undertaking studies at some 45 overseas institutions.

## **The New Curriculum**

Two significant points in the new undergraduate programme have been reached this year.

### ***(a) Entry to all four years***

In 2007-08, the first cohort of students admitted to the four year undergraduate programme, in 2004-05, will be entering their fourth and final year of studies. This means that the last of the curriculum changes planned many years ago will finally be introduced this year, including offering all PCLL prerequisite courses at the undergraduate level. We are fortunate in being able to secure the teaching services of colleagues in our sister department, the Department of Professional Legal Education, to ensure that the substantive content and learning objectives of these courses are being fully achieved. Other features of the full curriculum now in place are the offering of a platter of courses for law specialization purposes, which in 2007-08 sees us offering not only courses for the Commercial, Corporate and Financial specialization, but also courses for the Chinese Law specialization. Colleagues have worked hard to ensure the necessary range of courses for these two specializations can be offered, and student interest in pursuing specializations, one of the distinct objectives of the new four year undergraduate programme, is now clearly increasing. Similarly, growing numbers of students are now both actively pursuing approved Minors in Social Sciences, and also using the freedom afforded to them by the option of taking up to 48 credits of non-law electives to pursue other areas of personal academic interest (examples include mathematics and biochemistry).

With student numbers now spread over all four years, there was the potential for some loss of the previous gains made by us in the teaching resources dedicated to the compulsory LLB foundational year courses. Fortunately, due to the timely expansion in staffing over 2006-07, this concern has not been borne out, and our key objective of ensuring intensive, small group teaching in the first two years of undergraduate study continues to be met.

**(b) *Entry of Joint degree students into Fourth Year***

Another key milestone has been the entry of joint degree students, who commenced the new five year (3+2) joint degree curriculum in 2004-05, into their fourth year of studies. For all three cohorts, BBA(Law), BSocSc(Govt & Laws) and BEng(CivE-Law) students, this means completion of their first degree, and the beginning of two self-funded years of almost full-time law studies (“almost full-time” because the curriculum for BBA(Law) students includes 18 credits of business courses in their fourth year, and that for BSocSc(Govt & Laws) students includes 12 credits of politics courses). With the advancement of these students to their fourth year, we have now moved into the final phase of the reforms to the undergraduate programme. One significant feature of this final phase is the welcome reduction of student credit loads during their fourth and fifth years, from the exceedingly demanding 78 credits for BBA(Law) students and 72 credits for BSocSc(Govt & Laws) students previously required under the 3+1 programme. Credit loads have now fallen to a manageable 60-63 credits, in line with regular LLB student loads, and this has provided these students with greater opportunity to engage in extracurricular activities during their final years of university study. A second significant feature has been the participation of these students in our exchange programmes, something which was not previously available to them under the 3+1 programme.

**(c) *Stabilization***

We anticipate that student numbers across our undergraduate programme should now largely stabilize for the foreseeable future, and this will allow us to focus our energies on ensuring that the pedagogical objectives of the new curricula are being fully met and implemented.

**(d) “3+3+4”**

At the same time, one of the more significant issues that will need to be addressed during the course of the coming academic year is the shape of legal education in response to the “3+3+4” educational reforms in Hong Kong. Perhaps the most striking issue will be whether the current undergraduate programme will remain a four year programme, become a five year programme, or take an entirely different shape, in order to accommodate both the current features of legal education, and also the new educational objectives and features of undergraduate education generally.

This issue is one that we have been working on for some time, and we anticipate being able to report back our preliminary views to the Standing Committee in the near future.

<b>Enhancing English and Legal Communication Skills</b>
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The Legal Research and Writing programme, comprising five courses, LRW I – V, is now well embedded into the undergraduate curriculum. Changes in the personnel associated with these courses has led to careful monitoring and review of the content and

skills inculcated through these courses, and this will continue in the light of feedback from upper years teachers on the relative gains in student skill level.

The English Centre continues to contribute to the enhancement of our students' English abilities through its compulsory second semester course „Writing Solutions to Legal Problems“. English Centre staff this year have also set and administered an English writing pre-test, as they have for several years, for all students in the LRW I course, with a view to identifying students who would benefit from additional tuition at an early stage in handling the challenges of using English in law. This year, instead of an intensive English for Legal Study course run by the English Centre in January for these students, we have worked with the English Centre staff to offer a first semester course, providing such students with enhanced opportunities to undertake activities designed to improve their legal English abilities and also obtain feedback on their weaknesses and learning needs.

### **International Mooting and Other Competitions**

International mooting remains one of our areas of strength, and we continue to develop opportunities for our students to go abroad to participate in international mooting and other competitions. During 2006-2007, our successes included:

- Winner of the LAWASIA Moot, held in Hong Kong as part of the 2007 LAWASIA Conference;
- Finalist (once again) in the Red Cross Mooting Competition;
- Finalist in the 8th Annual International Maritime Arbitration Moot Competition 2007 held at Victoria University, Melbourne;
- Winner of the Asia Regional Round of the ELSA WTO Dispute Settlement Moot Court Competition in Taiwan;
- Runner-up in the Final Oral Round of the ELSA Moot Court Competition on the Law of the WTO 2006 –07 held in Geneva;
- Fourteenth Annual Willem C. Vis International Commercial Arbitration Moot 2006 – 2007 held in Vienna - 16<sup>th</sup> out of 178 teams;
- Semi-finalist at the International Intellectual Property Moot 2006-07 held at the University of Oxford;
- Selected to participate in Asia Cup Moot in Tokyo.

For 2007-08, we expect to participate once again in all of the following international competitions:

- a. Red Cross
- b. Jessup
- c. Vis East
- d. Vis (Vienna)
- e. ICCA
- f. Oxford IP
- g. WTO
- h. LAWASIA
- i. Asia Cup
- j. International Maritime Arbitration Moot

## **Staffing**

This past year has seen our recruitment drive of the past 18 months come to fruition, with the addition of some 13 or so new high quality academic staff, at both the senior and the junior ends. This has enabled us both to maintain the high standard of delivery of teaching within the existing undergraduate programme, and also develop new course offerings designed to enhance the depth and breadth of our undergraduate programme. We are currently in an extremely healthy state, and I expect to see research and teaching grow and flourish over the course of the next few years, especially as many of the new, junior level colleagues find their footing within both our undergraduate programme and also the academic community more generally.

We continue to advertise for posts at very senior levels, but recruitment to Hong Kong at these levels is increasingly difficult, and requires careful, focused selection and nurturing of interested parties.

## **Concluding Remarks**

In this, my third report, I am very pleased to be able to confirm that we have now gone most of the way to implementing the new four year LLB curriculum. As I have mentioned above, I believe the coming year, 2007-08, will be largely a time for welcome consolidation as far as the operation of the undergraduate programme is concerned. We have come a long way over the past three and a half years, and it is pleasing to see that much of what we set out to achieve in terms of enhanced learning opportunities for our students during their undergraduate education has been successfully implemented.

But we will also be turning our minds, with alacrity, to the pressing challenge of shaping a response to the needs and demands of legal education under the “3+3+4” educational agenda. Our objective will continue to be to offer a law programme that can compete with the best programmes around the common law world.

**Michael Jackson**

Head

Department of Law

25 September 2007

# THE UNIVERSITY OF HONG KONG

## PCLL STATUS REPORT

I am pleased to update the report on the PCLL at the University of Hong Kong.

### 1. Part-time PCLL

Last June saw the completion of the PCLL by the first cohort of our part-time students who are subject to the same exit standard as for their full-time counterparts. The pass rate and overall standard of the part-time PCLL are comparable to its full-time equivalent.

All Year 1 students proceeded to their Year 2 studies, except a few who were on deferment and one who was discontinued because of absence from examinations with no explanation.

### 2. Streaming

For 2006/07, 65 full-time and 19 Year 2 part-time students opted to study in the Litigation Stream. For comparison, in 2007/08, 51 full-time and 28 Year 2 part-time students opted for the Litigation Stream. We have been constantly refining the teaching materials for the two streams.

### 3. Assessments

We have been in dialogue with our external examiners and continued to explore the appropriate balance between mid-term and/or coursework assessments and final written examinations. Meanwhile, we have made all written assessments and examinations open book except for one component in Civil Procedure.

### 4. 2007-08 Admissions

We have received a total of 976 applications, 834 of which designated HKU as their first preference. This is contrary to our original estimate that there might be a drop in the number of applications given that there were no HK LLB graduates this year save and except those graduated with joint degrees and a small number of graduates under the fast-track LLB. The competition for places has therefore remained extremely keen.

As a matter of consistency, we followed the general admissions policies as in recent years. Finally we admitted 255 new students to the full-time PCLL and 71 to the part-time programme. All of them meet the IELTS requirement.

### 5. Staffing

Our full-time staff establishment has been increased to 19 over the last 12 months. We plan to recruit 3 more full time teaching staff before the end of 2007 to cope with the demands posed on us by (a) the two PCLLs, (b) the running of a



few PCLL pre-requisites in the four-year LLB and (c) planning for the introduction of the new curriculum in 2008. At the same time, we continue to strengthen our administrative and secretarial support to colleagues by both new recruits and re-deployment of existing supporting staff.

**6. Staff training**

Professor Paul Maharg, Co-Director of Professional Practice Courses, Glasgow Graduate School of Law, University of Strathclyde, visited the Department for a week last May. During his visit, Professor Maharg helped conduct a series of seminars and workshops on e-learning.

**7. Curriculum development for 2008 and beyond**

A draft discussing paper has been prepared and members of the PCLL Academic Board are being consulted.

Wilson Chow  
Head  
Department of Professional Legal Education  
Faculty of Law  
The University of Hong Kong  
September 2007

# Annexure 7

## THE CITY UNIVERSITY OF HONG KONG LLB STATUS REPORT

This is a status report on the LLB Programme at the School of Law, City University of Hong Kong, for the 2006/07 academic year.

### 1. DIFFERENT MODES OF LLB PROGRAMME

During the period of this report, the LLB (Hons) degree has been offered in both full-time and combined study modes.

The combined mode programme requirement is the same as for the four year full-time LLB programme. Students have to complete 120 credits which include core subjects, law electives, Out of Discipline Courses (OODs), English Language Attainment Requirement (ELAR) and Chinese Civilisation (CCIV).

The LLB programme in each of its study modes provides the necessary academic requirements for admission to the Postgraduate Certificate in Laws (PCLL) programme.

### 2. 2007/08 ADMISSIONS

In the 2007/08 academic year, the School admitted 53 full-time LLB students in total, of whom 18 are JUPAS applicants, 28 are non-JUPAS applicants, and 7 Mainland students who have completed their foundation year at the University. According to the University's statistics, the average Use of English score of the School's JUPAS students is the best within the University and much higher than the University average. Out of 28 non-JUPAS students admitted, 12 students have completed an undergraduate programme.

For the combined mode LLB programme, 55 students have been admitted. Among them, 8 have obtained postgraduate qualification and 21 are holders of a bachelor's degree.

### 3. PROGRESS ON THE FOUR-YEAR CURRICULUM

The 2006/07 academic year was the third year of the implementation of the four year full-time LLB programme. The new programme curriculum contains all the core subjects needed for entry to the PCLL and a number of law electives.

Both full-time and combined mode LLB students must complete 120 credits. Compulsory law subjects account for 48 credits, including 3 credits of Legal Chinese. Students intending to enter the PCLL will need to take some law courses which are electives in the programme. These currently account for 24 credits. Full-time and combined mode students must take the CCIV (6 credits), and ELAR (6 credits). The LLB Programme Committee has proposed to set a minimum of 15 OOD credits for all

LLB students in line with the Redmond/Roper Report. This has been approved by the Law School Board.

The course on legal placement has been offered to the second and third year LLB students for the first time in the 2006/07 academic year. It has been well received by the students.

City University of Hong Kong is in the process of transition to Outcome Based Teaching and Learning (OBTL). As a result, the LLB programme is also in such transition. It is expected that the transition will be completed by 2009. OBTL will have fundamental impact upon the traditional teaching and learning strategies in that all teaching and learning activities should be designed to achieve the intended learning outcomes (ILOs).

With the introduction of OBTL and emphasis on the acquisition of various skills, substantial changes have been made to the delivery of the LLB programme. Greater emphasis has been placed upon in-class activities, interactive learning and continuous assessment, while making use of the traditional take-home coursework and an end of course examination.

#### **4. ACADEMIC STANDARDS**

The maintenance of high academic standards is vital for the LLB programme. This is achieved in a number of ways. The system of external academic advisors is a useful source both for quality control and the maintenance of academic standards. These academic advisors come from some of the leading universities in the world and their inputs are of great value in running the LLB programme. There is close liaison between the course leaders and the external academic advisors.

#### **5. MOOTING COMPETITIONS AND STUDY TOUR**

##### ***Participation in Mooting Competitions***

During the 2006/07 academic year, LLB students have participated in several mooting competitions such as Surana & Surana International Technology Law Moot Court Competition, Philip C Jessup International Law Moot, Red Cross International Humanitarian Law Moot, Oxford International Inter-University Intellectual Property Moot, Willem C. Vis (East) International Commercial Arbitration Moot, Willem C. Vis International Commercial Arbitration Moot, Louis M Brown International Client Counselling Competition, Manfred Lachs Space Law Moot, and International Negotiation Competition. The participation in these competitions provides opportunities for students to develop their skills, to meet with students from other jurisdictions, and to raise the image of the University.

Our International Client Counselling team won the regional round of the competition. The team worked hard and competed in the final round held in Sydney from 10 to 13 April 2007.

### ***Study Tour to Australia***

24 full-time LLB students visited Australia between 19 and 30 August 2007. During these visits, students were given the chance to moot as well as to give talks to Australian law students about the Basic Law of Hong Kong. In addition, it allowed students to gain valuable experience and exposure, as well as to provide students the opportunity to moot with different universities in Australia.

### **6. LEGAL PLACEMENT**

The School of Law of City University of Hong Kong is the first law school in Hong Kong to incorporate legal placements into the credit-bearing curriculum of the LLB programme. The objective of the course is to provide students with a structured opportunity to obtain practical experience from working in law offices or a legally related working environment, doing law-related work relevant to their level of competence and experience, and to enable potential employers to give structured feedback on the students' potential.

The course provides legal work experience in many areas and in two major places. Students are provided with an opportunity to work in China and Hong Kong. In summer 2007, 10 students taking this course worked in Hong Kong in various solicitor firms and barrister chambers, touching on civil law, criminal law, family law and many other areas. On the other hand, 19 students taking this course worked in Mainland China in different People's Courts and obtained training at the Law School of Renmin University of China.

The course is assessed on a pass/fail basis. Students are required to obtain a satisfactory report from their work placement and must complete a reflective paper to be submitted to the course leader.

### **7. LOOKING AHEAD**

Although the School of Law is pleased with the smooth running of the new four-year LLB programme, there are still issues that require attention. Since the University has adopted OBTL, the School needs to convert all its LLB course syllabi into OBTL format and also make necessary changes in the approach of teaching and assessment. A substantial amount of work has already been done, but still a lot needs to be done.

Last but not least, in order to equip future lawyers to handle global legal issues and expose them to international perspectives in legal education, it is desirable to enhance exchange opportunities and introduce more frequent foreign study tours.

# THE CITY UNIVERSITY OF HONG KONG

## PCLL STATUS REPORT

### **Admissions**

#### ***2006-2007 Admissions***

We have previously reported that we received 963 applications for 150 places (576 applications for the 100 full-time places and 387 applications for the 50 part-time places). Of these, 536 applicants had given first preference to City University's PCLL Programme. Applicants with 2:1 or above outnumbered available UGC places. In allocating UGC places, we did not give any preference to our own graduates.

#### ***2007-2008 Admissions***

We received 1203 applications for 150 places (645 applications for the 100 full-time places and 558 applications for the 50 part-time places). Of these, 783 applicants had given first preference to City University's PCLL Programme. Applicants with 2:1 or above outnumbered available UGC places. In allocating UGC places, we did not give any preference to our own graduates. In any case, there were very few City University LLB graduate applicants as this year saw the first batch of „local“ LLB students completing the 4<sup>th</sup> year of the new four year LLB Programme in 2007-2008.

### **Full-time and Part-time Modes**

As previously reported, our full-time programme is a one-year programme while the part-time programme is spread over two years. While the curriculum, course materials and exams are common to the two programmes, lectures and tutorials are held separately for students in the two programmes. This practice continued in 2006-2007 and in 2007-2008.

### **Class Size**

We continued to limit our tutorial group size to 10 students.

### **Assessment Regime**

***2006-2007:*** As previously reported, the 2006-2007 examination assessment was made via a mix of take-home assignments (not under examination „controlled“ conditions) and assessment under examination conditions, including oral presentations in Advocacy and Criminal Procedure.

***2007-2008:*** We have been concerned about the opportunity for students to abuse the freedom of take-home assignments (those that are assessed for credit in the PCLL).

After discussion internally and with our externals, we have decided that **all** assessable written content must be taken under controlled conditions and this has been implemented starting in 2007-2008. Assessment of oral presentations continues to be videoed as backup and for review of the first examiners' assessments. Certain of the courses continue to be assessed by mid-term written examinations as well as end of term examinations.

### **Staffing**

As previously reported, our teaching strategy has been to recruit part-time tutors who are „local“ solicitors and barristers to support our core full-time teaching team. For 2006-2007 we added three full-time staff and a further three have joined us for 2007-2008. One more full-timer will join us in November 2007. Ms Malloy resigned in early 2007 to join the judiciary.

We have kept in mind the 2008-2009 PCLL (and thereafter) diminution of substantive law teaching in the core PCLL subjects. The guiding assumption is that PCLL students will have previously acquired through examinations, comprehensive substantive law knowledge in all the PCLL subjects (aside from Professional Conduct). This diminution will be accompanied by overall a greater emphasis on „skills“ and practical learning and training than at present possible. We have recruited in 2007 staff who are very experienced educators in professional skills and practice development and training to assist and prepare PCLL courses with this heightened „skills“ and „practice“ content.

### **Streaming**

Our PCLL Programme in 2006-2007 continued to be a unitary Programme, with no separation of training of intending solicitors and barristers.

We plan to modify and to restructure this unitary Programme starting in 2008-2009. This modification will be preceded by the offer of an additional course for intending barristers (to be offered at the end of Semester B 2007-2008 as a pilot course for subsequent years) to deepen the litigation and advocacy skills acquired in the main PCLL Programme.

### **The Future**

#### *The additional 'core' subjects*

The essential additional „core“ subjects for PCLL applicants have been introduced into our LLB/JD curriculum for 2006-2007. They are a dedicated Commercial Law course, a Civil Procedure and Criminal Procedure course, and a Land Law course which incorporates all the topics required for PCLL entry as from 2008. Our internal graduates will therefore have satisfied all the core course requirements for entry into PCLL in 2008 and thereafter.

*Restructuring*

In 2007 the Dean invited Professor Christopher Roper (co-author of the Redmond/Roper Report) to visit and review and advise us on how the PCLL Programme might be restructured to meet the guidelines of the Standing Committee, of the Bar and of the Law Society for PCLL training starting in 2008. Another factor had to be taken into account. City University has firmly required all departments to comply with OBTL (Outcome Based Teaching and Learning) design and structures ahead of 2010.

Professor Roper has reported and advised us. We are at present discussing with him which of the possible models that he has proposed, we will adopt for 2008-2009.

Michael Sandor  
PCLL Programme Leader  
City University School of Law  
October 2007

# THE CITY UNIVERSITY OF HONG KONG

## JURIS DOCTOR STATUS REPORT

This is a status report on the Juris Doctor (JD) Programme at the School of Law, City University of Hong Kong, for the 2006/07 academic year.

### 1. Full-time and part-time modes

The full-time JD degree programme may be completed in three years of study. Full time students may elect to fast track their studies by enrolling in some courses during Summer Term, thereby allowing them to complete their study in two years. The part-time JD programme may be completed in three and a half years.

### 2. 2007/2008 Admission

Below is a brief summary of the 2007/2008 admission exercise:

Mode	No. of applications	No. of offers	No. of acceptance	No. of enrollments	Acceptance Rate
FT	185	143	69	62	43.4%
PT	233	107	77	68	63.6%

For the full-time programme, 6% of the enrolled students achieved postgraduate qualification whereas 94% obtained qualification of Bachelor's Degree. For the part-time programme, the figures were 44% and 56% respectively.

### 3. Curriculum

The JD is a postgraduate law programme for students who are already graduates in a non-law discipline. Students must complete at least 71 credits in order to graduate, of which 30 credits must be at postgraduate level. The 71 credits consist of 13 credits of required courses (Common Law Legal Method, Jurisprudence, Hong Kong Legal System and Legal System of the People's Republic of China) and 4 or 8 credits of research requirement (Independent Research or Dissertation). The remainder of the 71 credits shall be completed by taking elective courses. Students who aspire to enter the legal profession as solicitors or barristers in Hong Kong must complete courses that are required for admission to the PCLL programme.

### 4. Teaching and Learning

Two modes of teaching: traditional lectures and tutorials are conducted. The lectures are usually carried out in a large class size whereas the tutorials are in small groups which facilitate discussions and interaction. JD and LLB students share a certain number of lectures of some courses but they have tutorials separately.



## **5. External Examiners**

We regularly receive feedbacks from the External Examiners especially over the examination papers and the general performance of our students. This is circulated among the JD Programme Committee members for information and further comments if any. The system of external examination has proven to be an effective quality control mechanism.

# Annexure 8

## THE CHINESE UNIVERSITY OF HONG KONG LLB STATUS REPORT

### **Introduction:**

In September 2006 the School of Law admitted its founding year of LLB students. As noted in the previous report to SCLET on the admissions strategy adopted in relation to selecting this founding intake, the School of Law chose to handpick each of the students admitted to the LLB programme through a process of shortlisting and interview. This founding year has been an exciting and challenging year with many highlights and it has been a year in which we have monitored closely the progress of the LLB students, the policies adopted by the Undergraduate Committee of the School of Law and the interplay of the Year 1 LLB courses, in order to reflect on and improve the learning experience offered on the LLB programme.

### **Admissions:**

Of the 50 LLB students admitted this year, 40 came through the JUPAS stream and 10 through the non-JUPAS stream. Of this year's LLB intake, some 83% of the 40 JUPAS students have, at HKALE level, grade A or grade B results in Use of English and 60% have grade A or grade B results in Chinese Language & Culture. About 80% have either A or B grade at HKCEE level in Chinese and in English.

The target quota for the 2007-2008 intake on the LLB is 65, an increase of 15 from the founding year. With regard to the admissions strategy for the 2007-2008 intake, the School has continued its policy of handpicking its LLB students and consequently interviews have continued to form a central part of the selection process. The interviews for this year's intake were completed with the JUPAS cohort interviews on 21<sup>st</sup> and 22<sup>nd</sup> June.

The non-JUPAS (local) applications this year increased from 170 for the 2006-2007 intake to 250 applications this year. JUPAS applications also increased from 669 applications for 2006-2007 to 820 for the 2007-2008 intake. The School also received a number of international applications as well as applications from 4 Mainland ASL Foundation students who had already been admitted to the Chinese University of Hong Kong and who now seek to make Law their major subject of study.

From the total number of applications, we interviewed 130 non-JUPAS applicants and 273 JUPAS applicants, 20 EAS candidates and 3 Mainland ASL candidates. The School has not adopted a quota or ratio of JUPAS to non-JUPAS applicants but seeks to admit the best candidates, based on merit.

### **Curriculum:**

Year 1 LLB students took six LLB courses this year, each worth 3 credits: four courses in term 1 and 2 courses in term 2. In term 1, the courses taken were Common Law Tradition & Method, Legal Research, Writing & Information Literacy, Hong Kong Legal System and Law of Contract I. In term 2, students took Legal System of

the PRC and Law of Contract II. In addition to these courses LLB students took the following language courses: English for Legal Studies and Professional Chinese (Law), each also worth 3 credits.

The School complies with the University's minimum and maximum credit loads, those being a minimum of 15 credits per term and a maximum of 21 credits. In addition to their LLB required courses and the required language courses, LLB students are also required to take 2 credits of Physical Education and 12 credits of General Education courses prior to graduation. A number of Year 1 LLB students sought to complete a portion of these requirements during their first year.

With regard to teaching delivery, a combination of large, medium and small group teaching was employed across the LLB courses with a provision for small groups, where timetable scheduling allows, of not more than 16 students. Opportunities for co-teaching and for collaboration and consolidation across LLB courses were exploited where possible in the interests of innovative and effective teaching delivery. Moreover there was close collaboration between the English Language Teaching Unit, which provided the English for Legal Studies course, and the School of Law resulting in a mutually supporting assessment regime.

Quality assurance in assessment and teaching is a significant factor in relation to how the LLB curriculum is implemented. Regarding assessment, LLB course leaders collaborated in setting assessment deadlines and formats in order to address skills development needs. Internal systems were put in place to allow for co-ordination of assessments, scrutiny of examination papers and second marking and moderation of assessments. With regard to the students' own learning experience, students were given various opportunities to give feedback on their experience of teaching and learning, ranging from informal feedback, both in-class and anonymously, opportunities to give feedback by e-mail and a formal, anonymous teaching quality assessment administered by the University's Centre for Learning Enhancement and Research. Furthermore, two members of the LLB teaching staff have been successful in obtaining Teaching Development grants for projects designed to explore and analyze student learning on the LLB with a view to continuously improving our teaching and learning strategies.

### **Learning beyond the Formal Curriculum:**

In the spirit of promoting a broad and challenging legal education, the School of Law has sought to provide opportunities for learning which extend beyond the traditional legal curriculum. The first instance of this is the Distinguished Professional Mentor Programme. Each LLB student has been allocated a mentor who is a senior member of the legal professions. We ensure that, in order to enhance the quality of the mentoring relationship, each mentor has no more than 2 students per year assigned to them. As part of this programme, last year the School hosted two occasions on which LLB students could meet formally with their mentors and it is expected that mentors and students will go on to arrange their own meetings. Further formal meetings are being arranged for next year.

Further occasions for professional development for the LLB students have been afforded by the establishment of the Sir TL Yang Society. This society was created in order to provide a forum in which students could meet and talk with members of the legal professions, thus developing their awareness of the work, skills and culture associated with legal practice and adjudication. The key events this year for the Sir TL Yang Society have been the two High Table dinners hosted by the School in which students acted as masters of ceremonies, gave speeches and conversed with illustrious guests representing all branches of the legal professions. Also at the May 2007 Sir TL Yang Society dinner, four LLB students were presented with the scholarships provided for LLB students by kind benefactors.

The third aspect of learning beyond the traditional legal curriculum which has been promoted by the School is the Summer Study Abroad Programme. In this programme LLB students are given the opportunity to become acquainted with different legal systems and cultures. In this way, it is hoped that the students are able to place their own legal studies in Hong Kong within a broader context. The programme is organised by the School, thereby assuring quality of learning experience and it is also financially supported by the School, each LLB student having access to a bursary of \$10,000 for the purpose of study overseas. This year 30 students will be participating in a one month long programme created by Tsinghua University, in liaison with the School of Law, specifically for our LLB students.

Lastly, the School of law has supported initiatives, from both within and without the University, which extend the students' learning experience beyond the classroom. For example, LLB students have been selected to take part in the University's prestigious Leadership Development Programme, to engage in an exchange with an overseas university and to compete for internships organized by Hong Kong professional bodies and education trusts.

### **Double Degree Opportunities:**

In the interests of providing opportunities for breadth and diversity in degree-level legal education, the School of Law currently offers two double degree options for LLB students, one in Law and Business and the other in Law and Translation. Applicants to the LLB programme do not have to choose a double degree at the time that they apply. Rather, LLB students are given the opportunity to choose a double degree option towards the end of their first year in the School of Law. There is sufficient provision currently for every LLB student in the School of Law to have the opportunity to earn a double degree.

This year, following a presentation from each of the departments with whom the School offers a double degree option, 20 LLB students opted to register for the LLB-BBA double degree path and 11 opted for the LLB-BA translation path.

The School is currently in negotiations with other departments in order to pursue other appropriate opportunities for further double degree offerings.

**Pastoral Matters:**

Each LLB student has been assigned an academic mentor who is member of the full-time teaching staff of the School. The mentor and student meet at least twice a year and, should any problems arise, it falls within the mentor's role to contact the student and to ascertain whether the University can be of any assistance in helping the student to address and resolve those problems.

Two LLB students withdrew from studies during the course of the year due to personal problems. The School of Law, having instituted a tutorial attendance monitoring system and an academic mentor system was able to identify in good time that these two students were experiencing some problems and to extend, via the academic mentor, the support of the School and the offer of counselling services provided by the University.

**Looking Forward:**

The School of Law is engaged in an ongoing appraisal of, and reflection upon, the quality and delivery of the LLB programme. Over this year we have taken the opportunity to seek feedback on the programme from students and staff and to discuss how best to implement any observations on the courses and the programme as a whole. A significant part of this process has been driven by the projects funded by the two Teaching Development grants awarded to LLB academic staff by the University. Furthermore, the School is currently considering the impact of the new educational policy of 3+3+4 and has applied for funding to resource further research and planning activities in relation to the implementation of this policy.

Anne Scully-Hill  
Associate Professor  
LLB Programme Leader.

June 2007

# THE CHINESE UNIVERSITY OF HONG KONG

## JURIS DOCTOR STATUS REPORT

### 1. Background

The Juris Doctor (JD) is a graduate entry programme created as a direct response to the recommendation of the *Redmond-Roper Report*, „That there should be opportunity for mature age students, and graduates in other disciplines, to study law-both for equity and access reasons and for the richness and diversity this brings to the law schools and the legal profession” (*Report*, 11.4 at p. 271).

### 2. Teaching philosophy and structure

At The Chinese University of Hong Kong (CUHK), the JD programme is taught exclusively at graduate level. JD students enjoy a dedicated programme and do not share courses with undergraduate LLB students.

The JD is examined as a graduate programme and students are required to perform to graduate standards. To secure alignment with these standards, the JD and the LLB are both overseen by the Senate of CUHK and an eminent External Examiner drawn from a leading overseas University Law School who is fully briefed on the level demanded of graduate programmes and what is expected of a JD benchmarked against international standards.

### 3. Admission requirements

Applicants for admission to the JD Programme must have as a minimum:

(i) graduated from a recognised university and obtained a Bachelor's degree in a non law subject or a law degree from a non-common law jurisdiction, normally with honours not lower than Second Class; or

(ii) graduated from an honours programme of a recognised university with a Bachelor's degree in a non-law subject or a law degree from a non-common law jurisdiction, normally achieving an average grade of not lower than "B" in undergraduate courses; or

(iii) completed a course of study in a tertiary educational institution and obtained professional or similar qualifications equivalent to an honours degree.

Applicants must also satisfy the English Language Proficiency Requirement by:

- possessing a bachelor's degree obtained by completing a Programme of study in Hong Kong or an English-speaking country, or which was taught primarily in the English language; or

- achieving a result of Band 7.0 or better in the International English Language Testing System (IELTS), which result was obtained not more than two years prior to the date of applying to join the JD Programme; or
- achieving a result of 580 (Paper Based Test), or 237 (Computer Based Test), or 92 (Internet Based Test) or better in the Test of English as a Foreign Language (TOEFL), which result was obtained not more than two years prior to the date of applying to join the JD Programme; or
- achieving a result of 450 (post-2005) or a Pass (pre-2005) or better in the Mainland China College English Test (CET) Band 6, which result was obtained not more than two years prior to the date of applying to join the JD Programme; or
- producing alternative evidence of English proficiency equivalent to one of the preceding measures.

#### **4. Programme structure**

The JD programme at CUHK provides students with an intellectually-enriching general education in law, while simultaneously permitting them to complete a wide range of challenging elective courses in the common law, Chinese law, comparative law, international law, and the law of trade, business and finance.

The programme consists of 72 credit units. Students have an average of 3 contact hours per week with teachers in each course. Students can complete the programme in full-time mode or part-time mode.

It is possible for full-time mode students to complete the programme in 24 months if they take an additional semester each academic year; but they may take up to 48 months if they prefer.

Part-time mode students can complete their studies in 42 months, although they may exceptionally apply to accelerate their studies and complete the programme in 36 months but only with the permission of the Graduate Council on the recommendation of the School of Law. Part-time mode students are permitted to take up to 84 months to complete their studies.

In order to graduate, students must complete our five required courses ('Legal System', 'Jurisprudence', 'Common Law: Research, Writing, and Information Literacy', 'The Individual, the Community, and the Law' and „Independent Research“). The required component is designed to provide JD students with the essential foundational knowledge and skills for a well-rounded general legal education and a first-hand appreciation of the relationship between the legal system and the broader community which it serves and regulates.

Students aspiring to admission as a barrister or solicitor in Hong Kong may pursue elective courses which will enable them to apply for admission into the Postgraduate Certificate in Laws (PCLL) programme. These elective courses are also open to students who do not plan to enter the PCLL.

All JD students will be able to choose further elective courses shared with LLM students from a wide range of intellectually stimulating and professionally enhancing offerings, thereby enabling them to complete their degree requirements while achieving their own academic and professional goals.

## 5. JD Courses

The JD Programme, which has been structured to accommodate the interests of those who intend to enter the legal profession and those who are studying for other reasons, comprises a mixture of required and elective courses, as detailed below:

### (i) Required courses

- Common Law: Research, Writing, and Information Literacy
- Legal System
- The Individual, the Community, and the Law
- Jurisprudence
- Independent Research\* OR Independent Research Dissertation\*

\* Students are required to complete either *Independent Research* or *Independent Research Dissertation*.

### (ii) Elective Courses

#### (a) Elective Courses Required for Admission to the PCLL Programme

- Principles of Administrative Law
- Principles of Civil Procedure\*\*
- Principles of Criminal Procedure\*\*
- Principles of Constitutional Law
- Principles of Evidence
- Principles of Commercial Law\*\*
- Principles of Company Law
- Principles of Contract
- Principles of Conveyancing\*\*
- Principles of Criminal Law
- Principles of Equity and Trusts
- Principles of Land Law
- Principles of Tort

\*\* Required for PCLL admission as from 2008 and following the syllabi agreed by the Standing Committee on Legal Education and Training.

#### (b) Other Elective Courses\*\*\*

- Australian Constitutional Law
- Business and the Law in Hong Kong
- Canadian Constitutional Law
- Chinese Accounting and Law
- Chinese Banking Law
- Chinese Civil Law
- Chinese Civil Procedure Law
- European Union Law
- History, Culture, and the Law
- Intellectual Property
- International and Comparative Environmental Law
- International and Comparative Intellectual Property Law
- International Business Transactions
- International Commercial Dispute



- |   |   |
|---|---|
| - Chinese Commercial Law                        | - Resolution  |
| - Chinese Company Law                           | - International Economics                           |
| - Chinese Constitutional and Administrative Law | - International Finance and Accounting              |
| - Chinese Economy and Law                       | - International Financial and Banking Law           |
| - Chinese Environmental Law                     | - International Legal Advocacy                      |
| - Chinese Finance and Law                       | - International Relations                           |
| - Chinese Foreign Trade and Investment Law      | - International Taxation                            |
| - Chinese Intellectual Property Law             | - Interviewing and Counselling                      |
| - Chinese Politics and Law                      | - Issues in Company Law                             |
| - Chinese Practice on International Law         | - Issues in Contract                                |
| - Chinese Securities Regulation                 | - Issues in Criminal Law                            |
| - Chinese Tax Law                               | - Issues in Equity and Trusts                       |
| - Common Law: Origins and Development           | - Issues in Land Law                                |
| - Comparative Company Law                       | - Issues in Tort                                    |
| - Comparative Constitutional Traditions         | - The Law of Electronic Commerce                    |
| - Comparative Contract Law                      | - Legal System and Methods in China                 |
| - Comparative Corporate Governance              | - Principles of International Intellectual Property |
| - Comparative Legal Traditions                  | - Principles of International Law                   |
| - Competition Law                               | - Private International Law in Greater China        |
| - Conflict of Laws                              | - Shipping Law                                      |
| - Crime and the Sanctioning Process             | - Trans-national Investment Law                     |
| - Dispute Resolution                            | - Trans-national Legal Problems                     |
| - Dispute Resolution in China                   | - World Trade Law                                   |

\*\*\* The offering of an elective course in any particular term will depend on teacher availability and sufficient student interest.

## 6. Student intake

The JD has proved to be a highly competitive programme. For the academic year 2007-2008, the Programme received 544 applications meeting the minimum admission requirements. The admission requirements set out in (3) above are minimum requirements and many applicants who satisfy these requirements do not receive offers from CUHK. As stated above, the JD attracts students of the very highest quality, both full-time and part-time, so that the Programme constitutes a rich mixture of high-flying new graduates together with seasoned professionals who have already achieved considerable success in their chosen fields.

The School admitted a total of 154 students having made offers only to the top segment of applicants, as can be seen in the qualifications of admitted students. All JD students admitted have *at least* an Upper 2<sup>nd</sup> bachelor's degree or credit master's

degree (or equivalent) as can be seen in the following Table detailing the entry grades of the 2007-2008 cohort:

Band 1	34% (53)
Band 2	17% (26)
Band 3	49% (75)
Total	100% (154)

Band 1:	1 <sup>st</sup> class bachelor's degree or distinction master's degree or PhD (or equivalent).
Band 2:	Borderline 1 <sup>st</sup> class bachelor's degree (or equivalent).
Band 3:	Upper 2 <sup>nd</sup> class bachelor's degree or credit master's degree (or equivalent).

As noted above, whilst they enrich the classroom environment, many of the JD students are taking the Programme to assist their existing careers or to enhance their skills-level and they have no intention of entering the legal profession. Most of our part-time students are professionals with qualifications including Chartered Financial Analyst (CFA), Certified Public Accountants (CPA), Certified Financial Planner (CFP), or membership of The Hong Kong Institute of Chartered Secretaries (HKICS), Hong Kong Institute of Certified Public Accountants (HKICPA), The Hong Kong Institute of Bankers (HKIB), The Hong Kong Institution of Engineers (HKIE), British Physiological Society (BPS), qualified lawyers from various jurisdictions and medical professionals. Some of our students are already in prominent management positions, such as CEO, CFO, VP, AVP, HR Director in local or international firms and organizations e.g. JP Morgan, HSBC, PCCW, Dow Jones & Co., Bloomberg L.P., RTHK, Microsoft Corporation, Four Seasons Hotel, Big Four audit firms, leading law firms, and other listed companies.

## 7. Library

The School has necessarily placed great emphasis upon its library holdings given the centrality of law reports, ordinances and scholarly writings to the study of law. The Lee Quo Wei Law Library has grown to approximately 60,000 volumes and has 450 active serial titles and access to 3,608 e-journals and 46 online databases. Wherever possible, electronic format is the preferred option for acquisition of law journals and serials. The School is investing heavily in library materials to support future years of the various law programmes and has already committed funds to that purpose up to 2010 when the budget allocation will be reviewed and it is envisaged that similar funding levels will be put in to support the law school's teaching and research activities.

Whilst the Lee Quo Wei Law Library houses the main law collection the Legal Resources Centre at the Graduate Law Centre where the JD teaching takes place contains a short loan collection and a small collection of law reports and reference materials. Research materials needed by students at the Graduate Law Centre are provided by a daily courier service funded by the Law School.

The Law Library has developed an extensive array of resource guides and indexes that are accessible via the Library website. Reference services are provided at both

library locations. The Law School has also embedded Information Literacy into the curriculum at the undergraduate and postgraduate level.

### **8. Physical accommodation**

The CUHK School of Law will have its permanent home in a new Law School into which it is expected to move in the Spring of 2009. Currently, the LLB and Research Postgraduate students are based on the campus and the graduates at the Graduate Law Centre (GLC) in Central. The GLC accommodation includes three lecture theatres, a state of the art moot court, small break-out rooms, multi-purpose classrooms, dedicated computer facilities, and a Legal Resources Centre.

### **9. Concluding Remarks**

The JD Programme has got off to a good start. Students are highly-qualified, highly-motivated and thoroughly prepared for class. Classes are, in consequence, highly interactive with students bringing expertise and experience to enrich the learning environment both within and outside the classroom. Student satisfaction with courses is very high and is monitored independently by the University's Centre for Learning Enhancement and Research. Students on the JD have taken the initiative to set up the Graduate Students Association and organised activities, supported by the School, to benefit the whole student body. Mooting teams composed of JD students have already represented the School at both regional and international competitions and achieved commendable results. Whilst many JD students will not choose a career in law, those that proceed to the PCLL have a great deal to offer the profession and will help answer the call in the Redmond-Roper Report for increased diversity of practitioners in Hong Kong.

Professor Stephen Hall, JD Programme Co-ordinator  
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