

Standing Committee on Legal Education and Training

法律教育及培訓常設委員會

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Consultation Paper

1. We are consultants appointed by the Standing Committee on Legal Education and Training (SCLET) to conduct a comprehensive review on the legal education and training in Hong Kong, with the following terms of reference:

- (1) To review critically the present system of legal education and training in Hong Kong including its strengths and weaknesses;
- (2) To advise on the requirements of a legal education and training system which is best capable of meeting the challenges of legal practice and the needs of Hong Kong society;
- (3) In the light of the findings in (1) and (2) above, to make recommendations, including making proposals to improve the existing system or introducing an alternative model of legal education and training system, to ensure that such improved or alternative system is best capable of meeting those challenges and needs;
- (4) To examine the present curricula of the various law programmes offered by the three universities and to make recommendations on such curricula to ensure that those entering the legal profession are best capable of meeting those challenges and needs;
- (5) To advise on the feasibility of setting up a mechanism for measuring the quality and standard of legal education and training in Hong Kong so as to ensure that those entering the legal profession receive the best legal training for the maintenance or improvement of professional standards;
- (6) To consider the current arrangements for the pre-qualification vocational training of trainee solicitors and pupils and to advise on the need (if any) and the ways to improve such vocational training.

2. We invite responses to this Consultation Paper from both institutional stakeholders and others in some manner interested in the subject matter of our review. As we see it, there are the following areas on which consultees' input and opinion are relevant to our review:

- (1) What are the challenges of legal practice in Hong Kong at present and in the near future?
- (2) What are the needs of Hong Kong society regarding services to be provided by lawyers in Hong Kong at present and in the near future?
- (3) Are there new demands on the services to be provided by lawyers in Hong Kong in view of
 - (a) the Government's policy to develop and promote Hong Kong as an international legal services and dispute resolution centre in Asia Pacific,
 - (b) the globalisation of the legal services sector,
 - (c) the advancement of modern technology enabling legal services to be expedited through unconventional methods,
 - (d) the development of CEPA and the Mainland opening up its market for legal work which is Mainland-related, and
 - (e) emerging problems involving human rights and legal issues relating to the environment, privacy, immigration and international justice, and/or other discrete or emerging fields of law that consultees consider of particular importance?
- (4) Are there any other new demands on the services not yet identified? What are they?
- (5) What are all the qualifying law programmes (qualifying law degrees, PCLL and conversion courses) offered by the Hong Kong University (HKU) with their detailed curricula?
- (6) What are all the qualifying law programmes (qualifying law degrees, PCLL and conversion courses) offered by the City University (CityU) with their detailed curricula?
- (7) What are all the qualifying law programmes (qualifying law degrees, PCLL and conversion courses) offered by the Chinese University of Hong Kong (CUHK) with their detailed curricula?

- (8) What is your view on whether each of the law programmes offered by the three universities is capable of meeting the challenges of legal practice and the needs of Hong Kong society? What are your proposals, if any, in making improvements to the said law programmes to ensure that they are best capable of meeting those challenges and needs, or do you propose to introduce an alternative model of legal education and training system in order to achieve the same? And if so, what is the alternative model you propose and how will it satisfy such purposes?
- (9) Since September 2004, LLB has been a 4 year programme although programmes for other general degrees were 3 years. The Government has changed the secondary curriculum from 7 years (5 + 2) to 6 years (3 + 3) in September 2012. Since the change, all general degree programmes have increased to 4 years, but the three universities have decided to retain the LLB programme as one of 4 years and the double degree programmes at HKU have remained at 5 years (when it normally requires 8 years to do two degrees). Have the three universities made sufficient compensation in the LLB programme for the one year lost in the secondary curriculum? Has the maintenance of the duration of 4 years for the LLB programme had any adverse effect on the quality of the LLB programme since September 2012?
- (10) There are certain concerns expressed regarding the law programmes and their operation, for instance,
- (a) the standards of the Post-graduate Course in Laws (PCLL) graduates at the three universities may be different;
 - (b) law graduates who are not admitted into the PCLL programme in any one of the three universities the first time round will for almost all practical purposes be unable to become a lawyer in Hong Kong;
 - (c) the perception of unfair competition that may possibly be caused by the differences in GPA scores (i) between LLB graduates and JD graduates, (ii) between local graduates and graduates from overseas universities, and (iii) the criteria adopted by the three universities in recognizing overseas universities and their GPA scores;

- (d) the dilemma of students in choosing whether to do a law degree or a non-law degree followed by a JD and whether to do their first law degree overseas or in Hong Kong as these degrees take different periods to complete and may have an effect on their chances of getting admitted into the PCLL programmes; and
- (e) the perceived preference of law firms in taking JD graduates as they may be considered as more mature and possibly better lawyers.

We would welcome your views as to the accuracy and significance of all or any of these concerns. To your knowledge what evidence exists consistent with these concerns? Are you able to identify any more or further concerns? How do you propose to address each or any of these concerns?

- (11) Do existing quality assurance mechanisms provide an adequate check on the standards of legal education and training in Hong Kong? Is it advisable to set up any new or additional mechanism for measuring the quality and standard of legal education and training in Hong Kong? If so, what methods do you suggest?
- (12) The Law Society of Hong Kong has proposed to introduce a common entrance examination (CEE) in Hong Kong mainly aiming at achieving consistency and fairness in assessments and standards for all candidates seeking admission to the profession. The CEE might be considered as taking over the PCLL as an entrance threshold into the legal profession, or it might be treated as an alternative or additional route to enter the legal profession. What are your views on the proposed CEE?
- (13) What is your opinion on the current arrangements for the pre-qualification vocational training of trainee solicitors, including the Overseas Lawyers Qualifying Examination? If you opine that improvement is needed, what methods do you suggest?
- (14) What is your opinion on the current arrangements for the pre-qualification vocational training of pupils? If you opine that improvement is needed, what methods do you suggest?

- (15) Do you have any other views on the strengths and weaknesses of the present system of legal education and training in Hong Kong which you would like to share with us? What are your suggestions in removing or eliminating such weaknesses and maintaining or enhancing such strengths?
- (16) Please also express your wish or willingness to be interviewed by us (as to the time schedule for such interviews, see below).

3. Please submit your written responses to this paper by 14 November 2015. Given the complexity of some of the topics, we will accept supplementary answers and additional evidence submitted to the Review by 20 January 2016. Please indicate clearly in your initial submission those questions to which you will be providing additional responses. We are proposing to undertake a series of follow-up interviews with key stakeholders and respondents in the week beginning 14 December 2015. There may also be further interviews undertaken as the review progresses.

4. Please also fill in the form to let us know whether your response with your identity may be made available to the public or to be anonymous.

Yours sincerely,

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Consultants in the Comprehensive Review
on Legal Education and Training in Hong Kong