

For information on
24 April 2001

**Legislative Council Panel on Administration of
Justice and Legal Services**

The Review of Legal Education and Training in Hong Kong

Background

At the meeting of the Panel on 28 November 2000, we informed Members of the background, contents and way forward of the *Consultation Paper on Legal Education and Training in Hong Kong: Preliminary Review*, which was released in early September 2000 for public consultation.

2. By the conclusion of the consultation exercise, the Steering Committee on the Review of Legal Education and Training in Hong Kong (“the Steering Committee”) had received 51 submissions. These were passed to the two consultants for consideration.

Recent developments

3. In early January this year, the two consultants visited Hong Kong to meet some of those who had made submissions on the Consultation Paper and other interested parties. They also had further meetings with the Steering Committee, during which they expressed some preliminary thoughts on the outline of their final report to the Steering Committee (a summary is at the **Annex**). In the outline, there is a brief description of a proposed model for future legal education and training in Hong Kong. In this regard, it should be emphasised that this model, like the other parts of the outline, represents only the provisional views of the consultants. The consultants are still working on their recommendations, which may change. When the final recommendations are made, they can be fairly assessed in light of the detailed reasoning provided, and any other

relevant matters dealt with, in the consultants' final report. We think it would be premature, at this stage, either to accept or reject the ideas that have been put forward by the consultants.

Manpower study

4. In December last year, the Steering Committee engaged a consultant firm to carry out a manpower survey to identify certain aspects of the current manpower situation and the future manpower needs both of the legal services sector in Hong Kong. The Steering Committee has recently received from the consultant its interim report, and has given its comments on it to the consultant. The final report will be delivered in April.

Timetable

5. The main consultants will submit a draft of their final report to the Steering Committee in May 2001. The Steering Committee has agreed that its members may then make further submissions in writing to the consultants. The consultants will make any necessary amendments to their draft in light of these submissions and the Steering Committee's comments. The final report is to be submitted to the Steering Committee by the end of June this year.

The second stage of review

6. As previously mentioned to Members, following the completion of the consultancy, it is intended to establish a high-powered Review Panel consisting of 4 or 5 local and overseas experts (but with no representatives from the legal profession or the universities). This Panel will undertake a wider review and will consider the report of the consultants. The Panel will make final recommendations.

Department of Justice

April 2001

**Proposed Outline of the Final Report on Review of
Legal Education and Training in Hong Kong**

It is proposed that the Final Report will have three parts:

Part A

Part A would outline the legal education framework. There are two pillars to the framework. First, the international framework, which would address the goals, aims and structures of the system within an international perspective. Second, the Hong Kong framework, which would outline the economic, social and cultural conditions in Hong Kong that give shape, context and derivation to the legal education system.

Part B

Part B would deal with major themes, being the range of competencies and attributes for Hong Kong lawyers collectively, including the kinds of skill-sets needed. The following issues will be discussed in this Part:

- the language proficiency in both English and Chinese;
- the implications for the law school stage of lawyer skills formation;
- the implications for the vocational stage of training, including the Postgraduate Certificate in Laws (PCLL), the proposed Practical Legal Training Institute (see below), training contract and pupillage;
- how a general standard can be formulated across the system to ensure a functional parity in the treatment of those educated or partly educated outside Hong Kong;
- staff development and training;
- equity and access issues (such as part-time programmes, the graduate law concept, fees, scholarships and bursaries) to ensure that there are no artificial bottlenecks created in the system;
- educational aspects of specialization in the legal profession;
- life-long learning; and
- the place of values in all stages of legal education.

Part C

Part C would deal with the structure of the system and would include a series of recommendations to be distilled into a recommended model, with other options included. It will also deal with the system of regulation of legal education in Hong Kong.

The following model is proposed for consideration:

(a) Academic stage

- 4-year LLB – probable duration;
- 3-year exit (BA in Law);
- academic focus;
- all the substantive law necessary for professional admission;
- foundation year – to broaden law students’ horizons by providing dedicated subjects or alternatively let students choose from a series of subjects that might be relevant to their intended career destination;
- general intellectual skills.

(b) Vocational stage

- start with the notion of a trainee solicitor contract and pupillage of X years

Practical Legal Training (PLT) Institute

- institution-provided PLT (a 15-week course): not an alternative to the trainee solicitor contract/pupillage, but part of it;
- PLT course to be taken at the beginning of, during or end of existing trainee solicitor contract or pupillage;
- modularized;
- PLT Institute to be jointly run by the Law Society and Bar Association;
- “how to do it” skills training;
- assume knowledge of substantive law.

(c) Conversion course and tests

- for non-Hong Kong academic qualifications;
- to catch up deficits in knowledge and skills;
- individualised;
- 6-12 months.