

Review of Legal Education: The HKU Faculty of Law's response to the consultants' report on *Legal Education and Training in Hong Kong: Preliminary Review*

The abovementioned report (hereafter called "the Report") was published on 10 August 2001. This paper sets out our Faculty's preliminary response.

The publication of the Report has provided is a welcome opportunity for the legal community and members of the public in Hong Kong to reflect upon its existing system of legal education and training and its future direction of development. It also provides a much needed impetus for reform and improvement of the present system. Our Faculty believes that it serves as a useful foundation for further dialogue among all parties concerned. On our part we shall do our best to discuss with all concerned persons in the community with a view to working out how we can best contribute to the further development of legal education in Hong Kong.

We agree with many, although not all, of the views and recommendations set out in the Report:

- We agree with the consultants that there is no need to impose artificial restrictions on the number of entrants to the legal profession, or to reduce the number of places for law students in Hong Kong.
- We agree with the consultants that undergraduate legal education should increase its emphasis on the development of generic as well as law-related skills and competencies, that a better staff-student ratio is required for this purpose, and that more resources ought to be made available to the universities to enable this to be achieved.
- We agree with the consultants' views and suggestions regarding values in legal education, academic staff development and training, equity and access in legal education, and lifelong learning.

Our main difference with the consultants relates to their recommendations regarding changes in the vocational stage of legal education and training. While we share their *objectives and ideals* of improving such vocational training by enhancing the elements of training

in lawyering skills in the existing system:

- We do not agree that the best *means* to do this is to dismantle the existing structure (of the PCLL) and to establish an entirely new structure (the proposed 4-month legal practice course) that is an unknown and untested idea at this stage and that will be run by the legal profession, which has no track record so far in running courses of this nature. The proposed legal practice course also involves significant financial costs and risks with little demonstrable benefits that cannot be achieved by reforming the existing PCLL.
- We believe that the universities that are presently running the PCLL have the capacity and the will to reform the PCLL in such a way that it will achieve the same objectives as the proposed 4-month legal practice course at a much lower cost to students and with far fewer uncertainties.
- In particular, as we already informed the consultants and members of the steering committee when the consultants last visited Hong Kong, our Faculty of Law has already initiated a large-scale reform of the PCLL comprising three elements:
 - (1) the introduction of a new “mixed mode funded” PCLL (in replacement of the original “dual mode” of the Faculty and the SPACE PCLLs) which charges a uniform and relatively inexpensive tuition fee;
 - (2) the introduction of a new unified system of admission to the PCLL administered by the committee which includes as members representatives of the Law Society and the Bar;
 - (3) the creation of a new PCLL curriculum that will achieve the same objectives as those set out by the consultants in the context of their proposal for the legal practice course.

We are in the process of preparing a paper in which we shall explain why we believe that

- The consultants have not made out a sufficient case for the abolition of the PCLL;
- There are fundamental problems and inconsistencies relating to the consultants’ proposal regarding a 4-year LLB followed by a legal practice course and also a conversion course for non-Hong Kong law

- graduates;
- Our proposal regarding a reformed PCLL provides the best way forward.

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