

For information on
28 November 2000

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

**Consultation Paper on Legal Education
and Training in Hong Kong: Preliminary Review**

Introduction

This paper gives a brief account 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.

Steering Committee on the Review of Legal Education and Training

2. In November 1999, the Steering Committee on the Review of Legal Education and Training in Hong Kong (“the Steering Committee”) was established to oversee a comprehensive and independent review of legal education and training in Hong Kong pursuant to the recommendation of the Advisory Committee on Legal Education.

3. The Steering Committee has agreed that the review of legal education and training should be carried out in two stages, namely, a consultancy stage followed by a further study by a Review Panel. Two distinguished consultants have been engaged to conduct the first stage of review. They are -

- Professor Paul Redmond
Dean, Faculty of Law
The University of New South Wales

- Professor Christopher Roper
Director, Centre for Legal Education
Australia.

The Consultation Paper

4. The two consultants visited Hong Kong in January this year and conducted a wide range of consultations with various groups and individuals. These included members of the legal profession, the judiciary, law students, the LegCo Panel on Administration of Justice and Legal Services, representatives of the chambers of commerce, labour and social services groups, and the financial services sector. Since then the consultants have, with the assistance of the Steering Committee, prepared the Consultation Paper.

5. The full version of the Consultation Paper is over 200 pages long. In order to encourage a wide range of people to comment on the paper, a summary version (of about 50 pages in length) has been prepared, both in English and Chinese.

6. The paper is divided into twelve chapters, covering all stages and aspects of legal education and training. The issues discussed include expectations and perceptions of the legal education system and of law graduates, structures of legal education, the academic and practical stages of legal education, trainee solicitors contracts and pupillage, the Overseas Lawyers Qualification Examination, continuing professional development, and the system of regulation of legal education.

Issues, not recommendations

7. As the introduction to the Consultation Paper makes clear, the purpose of the paper is to identify all of the issues which are significant for this review, and to assist readers to identify others that need to be examined in the review process. The paper does not contain any views

or positions which the consultants have formed, nor does it contain any recommendations. However, various alternative models of legal education are discussed.

8. In the Consultation Paper, numerous critical comments about the current system, and about some lawyers, are quoted. These comments are the subjective views expressed by some people to the consultants. They have been included in the Consultation Paper in order to stimulate further discussion. Neither the consultants nor the Steering Committee should be assumed to endorse those views.

9. The Steering Committee hopes that the issues set out in the paper will prompt a wide range of people, both inside and outside the legal profession, to make submissions. In order to make the paper as accessible as possible, it has been made available on the Internet, at the Law Society's website.

10. The closing date for submissions is 30 November this year.

The next steps

11. During the consultation period, the Steering Committee will be engaging other consultants to carry out a manpower survey. The objectives of this are –

- (a) to identify certain aspects of the current manpower situation of the legal services section; and
- (b) to identify the future manpower needs of the legal services sector in Hong Kong.

The results of that survey will complement the information collected in response to the Consultation Paper.

12. In January next year, the two consultants will return to Hong Kong to meet some of those who have made submissions on the

Consultation Paper, and possibly other relevant persons. They will then prepare their final report, which is to be presented to the Steering Committee by 30 June next year. An updated timetable for the first stage of the review is at the **Annex**.

13. One of the two consultants, Professor Chris Roper, recently advised the Steering Committee that he has given his resignation to his present employer, the Centre for Legal Studies in Australia, and that he would take up a new job as head of an alliance between the College of Law in Australia and the College of Law of England and Wales. As a check on any potential conflict of interest arising from his role under his new appointment, the Steering Committee has written to Professor Roper to request him to fully and frankly disclose any plans which the alliance may have for offering legal education or training in Hong Kong in the future, and his proposed role in the alliance.

14. The Steering Committee has asked that full disclosure of any potential conflict of interest on the part of Professor Roper should be made on the face of the final report to be submitted by the consultants to the Steering Committee. With this full disclosure and other checks available in respect of any potential conflict (for example, that the recommendations that came out of the preliminary review need to take into account the views submitted by various interest groups during the consultation period, and will be subject to further scrutiny by the Steering Committee and the Review Panel mentioned in paragraph 15 below), the Steering Committee is satisfied that the preliminary review should proceed with the two consultants.

The second stage

15. After the completion of the first stage of the review, 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

November 2000

#26620

**PROJECT IMPLEMENTATION TIMETABLE
(Revised)**

Phase 1: December 1999/January 2000

- Analysis of background documents by the Consultants
- Initial briefing of the Consultants by the Steering Committee

Phase 2: February to July 2000

- Writing of the consultation paper and preparation of the brief for the survey of manpower needs and future direction of legal education and training
- Finalization of the distribution list for the consultation paper

Phase 3: August 2000

- Wide distribution of the consultation paper by the end of August with an invitation to make submissions (with a deadline by the end of November)

Phase 4: December 2000

- Perusal and consideration of responses to the consultation paper and * survey results
*subject to availability

Phase 5: January 2001

- Conducting meetings and discussions with those who have made submissions and other relevant parties

Phase 6: February to April 2001

- Preparation of the draft report and recommendations

Phase 7: May to June 2001

- Discussion of the draft report and recommendations between the Consultants and the Steering Committee and other significant parties
- Finalization of the draft report and recommendations
- Submission of the final report and recommendations to the Steering Committee (latest date for submission of the report: 30 June 2001)