

For discussion  
on 28 January 2002

## **Review of Legal Education and Training in Hong Kong Progress Report**

Following the publication of the Consultants' Report on Legal Education and Training in Hong Kong (the Report) in August 2001, the Steering Committee on the Review of Legal Education and Training in Hong Kong has held four meetings between 26 October 2001 and 7 January 2002 to consider the Report and its recommendations.

During this period, the Steering Committee has had an opportunity to consider submissions made in response to the Report and has examined, in some depth, some of the major recommendations in the Report, bearing in mind that there are 160 recommendations. The Steering Committee proposes to continue meeting, for at least the next six months, to finalise its consideration of the Report.

At this stage, the Steering Committee is in a position to report the following progress.

### **1. The LLB**

The overall thrust of the consultants' recommendations for reform of the LLB is endorsed by the Steering Committee, subject, at this stage, to two reservations expressed by some stakeholders, which are mentioned below.

#### **(1) Length**

The Steering Committee has endorsed the recommendation that, in order for the LLB to achieve its proper objectives, it must be extended from three to four years. The Steering Committee is of the opinion that this proposal should be considered separately from the possible extension of all first degrees to four years.

The Steering Committee has written to the UGC and the Education and Manpower Bureau asking them to take the proposal into account in the funding exercise for the next triennium so that the 4-year LLB programme can commence in the 2004-2005 academic year.

(2) Teaching methods

The consultants concluded that the existing system of teaching and learning, where it involves the primary use of lectures for the delivery of information supplemented by tutorials, is inadequate to meet the goals and objectives they identified for the LLB programme. They recommended that "law schools be funded with such additional resources as are necessary to support the adoption of interactive mode of teaching recommended as the standard mode of teaching and learning since this method requires a lower staff : student ratio than passive modes of instruction based upon large lecture groups".

The Steering Committee endorses these recommendations, although not all members agree that lectures and tutorials are inadequate to meet the goals and objectives for the LLB and should be used only in exceptional circumstances.

(3) Non-law subjects

The consultants recommended that non-law subjects should be included in the first two or three years of the four-year LLB degree. The Steering Committee agrees with this, although not all members consider that non-law subjects should represent approximately one-quarter of the credit load for the LLB degree.

(4) Details

In the coming months, the Steering Committee will explore further and refine its views on these and other more detailed aspects of the recommendations relating to the LLB.

## 2. PCLL

The consultants were critical of many aspects of the PCLL course. They recommended that the PCLL be discontinued and replaced by a 16-weeks Legal Practice Course (LPC). They proposed that a free-standing institution be established to conduct the course; and that the board of the institution be governed by a board on which the two branches of the profession would have substantial representation, but which would also include people drawn from the judiciary, government, the universities and the wider community.

After lengthy discussion of this recommendation, the Steering Committee considers that the PCLL should not be discontinued, but that it should be subject to major reforms. The purpose of the reform is to attempt to convert the PCLL into a course with generally similar aims and objectives to those envisaged by the consultants for their proposed LPC. This will of course involve major reforms in the areas of admission standards, curriculum contents, teaching and assessment methods, and exit standards for the PCLL, and it is clear that extra resources will be required to enable the changes to be made.

All of the stakeholders represented on the Steering Committee, including the Law Society, have agreed to participate in the process of reform of the PCLL, although the Law Society has reserved its position, viewing reform of the PCLL as an interim measure pending a decision to implement the reforms as recommended by the consultants. The Society has indicated that it will review its position in relation to the reformed PCLL in the academic year 2003/4.

The reform of the PCLL will be carried out by the establishment of PCLL academic boards at the University of Hong Kong and the City University of Hong Kong, each with a chairperson independent of the universities, and with representatives of all stakeholders, including the wider community.

It is expected that these academic boards will begin to operate soon, so that some reforms can be instituted in the course beginning in September this year. The reforms will, however, involve an ongoing process which will need to take into account (amongst other things) the changes that take place in the LLB.

### **3. Conversion Course**

The consultants recommended that, for persons seeking entry to vocational training in Hong Kong on the basis of academic qualifications other than those of the LLB from a Hong Kong university, a conversion course be established to make up deficits measured against the academic standards required for entry to the vocational stage. This course will impact significantly on those studying for a law qualification outside the local LLB system.

The Steering Committee has agreed in principle that a conversion course be established. The details of such course will be considered by the Steering Committee in the coming months, particularly in relation to how such course would operate in the context of the reforms to be made to the PCLL. At this stage, the Steering Committee has agreed only that the conversion course should be implemented, at the latest, by the commencement of the third year of the proposed new 4-year LLB.

### **4. Legal Qualifying Council**

The consultants recommended that a Legal Qualifying Council be established to set, monitor and govern the process of qualification for admission to practice as either a barrister or a solicitor. Under this proposal, they further recommended that the Law Society and the Bar Association would continue to administer the process of dealing with applications for admission, collection of fees, issuance of practising certificates, and otherwise act as they do now – except that they would operate within the overall policy framework of requirements and

standards as specified by the Legal Qualifying Council. The Steering Committee has yet to consider this proposal in detail.

## **5. Overseeing the Implementation of Reforms**

The Steering Committee is concerned to ensure that, when it ceases its work, the momentum for reform of the legal education and training system is not halted or delayed. Moreover, the Steering Committee believes that it is crucial that the reforms on which agreement has been reached are implemented, and in a timely manner, as well as monitored as to their effectiveness so that changes in reform strategies can be adopted, if necessary. This is particularly imperative in relation to the agreed plans for reform of the LLB and PCLL.

So that the process referred to above is conducted in an effective and non-fragmented manner, the Steering Committee has agreed, in principle, that there should be a standing umbrella body with sufficient status and powers to achieve the desired objectives stated above. The details of such a body, including its powers and structure, will be considered by the Steering Committee in the coming months.

## **6. Language**

The Consultants made a number of recommendations to improve the standard of English of those entering into and undertaking legal education in Hong Kong.

The Steering Committee has agreed that the improvement of English and Chinese language standards is a key issue and that measures need to be agreed to ensure that standards are raised. The Committee will begin detailed discussion of this issue at its next meeting.

## **7. Resources**

The Steering Committee is mindful that the agreed reforms, in particular those proposed for the LLB and PCLL, will require extra resources to be made available to the universities. To this end, the Steering Committee is

making representations to the UGC and to the managing bodies of the universities to support the provision of the necessary resources in the current and next triennium, in order to enable the proposed reforms to be implemented as soon as possible.

## **8. Second Stage of the Review**

In view of the progress that has been made to date, the Steering Committee has no current plans for a second stage of the review to be undertaken as originally planned. However, the Law Society has reserved its position in this respect pending its review in 2003/4 of the effectiveness of the reforms to be made to the PCLL.

**January 2002**

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