

For discussion
on 24 June 2002

Review of Legal Education and Training in Hong Kong Second Progress Report

Following the Steering Committee's first progress report to this Panel it has held four meetings between 1 March 2002 and 10 June 2002.

The Steering Committee reports the following progress in respect of the issues raised by the Review of Legal Education and Training in Hong Kong.

1. The LLB

The Steering Committee has recommended to the UGC and the Education and Manpower Bureau that funding be provided for a 4-year LLB programme commencing in the 2004–2005 academic year. Both the University of Hong Kong (HKU) and the City University of Hong Kong (CityU) have been invited by the UGC to make submissions on the extension of the LLB to 4 years which will be considered at the June meeting of the UGC. Subject to the decision of the UGC on funding the 4-year LLB programme, the universities have started giving consideration to the restructuring that will be required. An outline provided to the Steering Committee of their progress in preparing for such extension is attached at **Annexure A**.

The Steering Committee has resolved that the restructuring of the LLB, which is crucial to the effective reform of the legal education system in Hong Kong, should be overseen by the proposed new umbrella body established to continue the work of the Steering Committee in the ongoing reform process. This is because academic boards will not be created for the LLB programme as they have for the PCLL programme.

2. PCLL

The Academic Boards (the Boards) established at both HKU and CityU to implement reforms to the PCLL have been established and have met on a number of occasions during the year. The Board at HKU is chaired by Anna Wu, Chairperson of the Equal Opportunities Commission. The Board at CityU is chaired by Alice Tai, the Ombudsman.

The terms of reference and constitution of the Boards are set out in **Annexure B**.

A report to the Steering Committee from each university on the progress of the Boards in the reform process is set out in Annexure A.

3. Conversion Course

At this stage, the Steering Committee has agreed that a conversion course should be implemented, at the latest, by the commencement of the third year of the proposed new 4-year LLB. Further consideration of the proposed course by the Steering Committee will take place in the next few months.

4. Legal Qualifying Council : Overseeing the Implementation of Reforms

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.

As previously reported, the Steering Committee is anxious to ensure that, when it ceases its work, the momentum for reform of the legal education and training system will not be halted or delayed.

In order to keep the momentum going, and to monitor the future direction of legal education, the Steering Committee agreed, in principle, that there should be a standing umbrella body with sufficient status and powers.

The Steering Committee has been considering the details of such a body

and has reached agreement on its possible functions, constitution, name and chairmanship, which are set out in **Annexure C**.

It is proposed that this body will be established by legislation and will replace the current Advisory Committee on Legal Education.

5. Language

The Steering Committee has agreed that the improvement of English and Chinese language standards is a key issue in the reform of legal education and training in Hong Kong and that measures need to be agreed to ensure that standards are raised.

The Steering Committee has discussed at length many of the issues raised by the Review in connection with both Chinese and English language proficiency for those who intend to practise law in Hong Kong. In March, the Steering Committee established a sub-committee comprised of representatives of the professional legal bodies, the universities and members of the Steering Committee, to investigate and report to the Steering Committee on :

- (1) Existing English language proficiency tests in the workplace.
- (2) What has been done already to develop a tailor-made English language benchmark and test for use in the practice of law.
- (3) How long it would take to develop a tailor-made test of English language proficiency for legal practice.
- (4) What costs could be involved in developing a tailor-made test of English language proficiency for legal practice.
- (5) Additional support mechanisms that could be used in the PCLL (and the LLB) to improve English language skills.
- (6) Whether there is any correlation between results in the Use of English Examination (UEE) and LLB and PCLL results.

The Sub-Committee is expected to report back to the Steering Committee by the end of June.

The Steering Committee has also examined the issue of Chinese language proficiency. It has agreed to refer to the PCLL Academic Boards the questions of providing electives in the PCLL in the Chinese language and how to test Chinese language ability in the course of taking these electives. It has further agreed that the PCLL Academic Boards and the planning by the universities for reform of the LLB should pay particular attention to seeking further resources to provide more training for students in Chinese.

6. Second Stage of the Review

Given that the stakeholders in the establishment of an effective legal education system in Hong Kong have, to date, been in agreement on the reforms needed, the Steering Committee is of the view that, at present, there is no need for a second stage review. Provided that this situation remains unchanged and that the agreed reforms are implemented and are effective, the Steering Committee is of the view that further external review of the legal education system should be deferred. The establishment of the proposed umbrella body should ensure that the reform process continues.

Annexure C

Proposed Umbrella Body on Legal Education and Training

1. It is recommended that there be established a Standing Committee on Legal Education and Training.
2. The functions of the Standing Committee on Legal Education and Training shall be –
 - (a) to keep under review the system and provision of legal education and training in Hong Kong;
 - (b) to monitor the system and provision of academic training of prospective lawyers in Hong Kong;
 - (c) to keep under review the academic requirements and standards for admission to the Postgraduate Certificate in Laws programme;
 - (d) to monitor the system and provision of institutional vocational training of prospective lawyers in Hong Kong;
 - (e) to collect and disseminate information in regard to the system of legal education and training in Hong Kong; and
 - (f) to make recommendations for improvements in the system and provision of academic and institutional vocational training of prospective lawyers in Hong Kong.
3. Members of the Committee shall be appointed by the Chief Executive. The Committee shall consist of:
 - (a) 2 people drawn from the judiciary and nominated by the Chief Justice;
 - (b) 2 people nominated by the Law Society;
 - (c) 2 people nominated by the Bar Association;

- (d) 2 people nominated by the University of Hong Kong;
 - (e) 2 people nominated by the City University of Hong Kong;
 - (f) one person nominated by the Secretary of Justice
 - (g) one person nominated by the Secretary for Education and Manpower, and
 - (h) 2 other persons from the community nominated by the Chief Executive.
4. The Chief Executive shall appoint a suitably qualified Chairman of the Committee after consultation with the stakeholder groups referred to in 3(a) to (g) above. The Chairman shall be additional to the members referred to in paragraph 3 above.
 5. A member of the Committee who is unable to attend a meeting of the Committee may, on 7 days' notice to the Chairman, send a substitute who shall be deemed to be a member of the Committee. (As per the ACLE provisions.)
 6. A member of the Committee shall hold office for a term not exceeding 2 years.
 7. The Committee shall report annually to the Chief Executive and its annual report shall be tabled in the Legislative Council.