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Panel on Administration of Justice and Legal Services

**Background Brief prepared by the Legislative Council Secretariat
for meeting on 24 April 2006**

Establishment of a third law school

Purpose

This paper provides background information on the past discussions of the Panel on Administration of Justice and Legal Services on the establishment of a third law school in Hong Kong.

Background

2. When the Panel was consulted on the proposals in the Statute Law (Miscellaneous Provisions) Bill 2005 at its meeting on 14 December 2004, it noted that one of the proposals in the Bill, i.e. to include representatives of The Chinese University of Hong Kong (CUHK) on the Standing Committee on Legal Education and Training under section 74A of the Legal Practitioners Ordinance, was made in anticipation that a law school would be established by CUHK.

3. The Panel had expressed the following concerns about the establishment of a law school by CUHK -

- (a) whether all the relevant parties and stakeholders had been fully consulted on the establishment of a new law school; and
- (b) whether it was desirable in terms of policy to establish a third law school at a time when there was an over-supply of legally qualified persons who were having difficulties in finding employment in the legal profession.

The Panel followed up the matter at its meeting on 23 May 2005.

Issues discussed

Consultation on the proposed establishment of a new law school

4. The Department of Justice (DoJ) advised members of the Panel that the Steering Committee on Legal Education and Training (the Steering Committee) was consulted in March 2004 on the proposed establishment of a new law school by CUHK, and the main views expressed were –

- (a) broadly speaking, there was support for the setting up of the law school at CUHK, and the allocation of Bachelor of Laws (LLB) places to the university; and
- (b) differing views were expressed by members of the Steering Committee on the question whether it would be beneficial to professional legal education to establish a third Postgraduate Certificate in Laws (PCLL) course. DoJ supported the establishment of a PCLL at CUHK, but considered that the timing of this needed further justification.

Impact of a third law school

5. On the impact of the establishment of a third law school on the provision of legal services, DoJ was of the view that this would not necessarily have any impact on either the number of law students in Hong Kong, or on the number entering the legal profession. Even if the establishment of a third law school were to result in an increase in the number of PCLL places, and an increase in the number of law students who were eligible for traineeship or pupillage, DoJ did not consider that this would result in a decline in the standards or quality of lawyers. The main reasons being that entry to PCLL would remain extremely competitive, and the standards and quality of those entering the legal profession could be properly ensured by virtue of the entry standards, relevance and quality of the PCLL course and teachers, and the rigorousness of the PCLL examinations.

6. As to whether the establishment of a third law school in CUHK would impact on the financial resources allocated to the University of Hong Kong (HKU) and the City University (CityU), the University Grants Committee (UGC) had confirmed that the establishment of the new law school had no impact on its assessment of the funding requirement at the two existing law schools. The level of funding at the two existing law schools since 2000-01 has been calculated according to the same funding formula which has been in use since 1995-98 triennium. The number of approved student intake to the UGC-funded LLB and PCLL programmes for CityU and HKU had remained essentially unchanged since 2001-02, save a small increase in the number of UGC-funded PCLL programmes at CityU in 2004-05. UGC had not reduced the number of UGC-funded places for the LLB and PCLL programmes at CityU and HKU during the 2005-08 triennium (LC Paper No. CB(2)2625/04-05 issued to the Panel after the meeting refers).

Progress of the establishment of the third law school

7. CUHK briefed the Panel on the progress of the planning of the new law school and the details of the law programme, as follows –

- (a) CUHK had established an Executive Committee of the School of Law to assist the infusion of the University's bilingual culture into the School in its formative years and to take over the function of the Dean; a Law Academic Advisory Committee to advise on the academic plans of the School including curriculum design, teaching, research and collaborative links; and a Planning Committee to oversee the planning of the School;
- (b) CUHK had appointed Professor Mike McCONVILLE of the University of Warwick as the first Chair Professor and Director (Designate) of the School;
- (c) CUHK was in the process of recruiting a core team of academic staff members to assist the Director in preparing the initial academic programmes and related activities. It was planned that a core team of eight academic staff would be in post by September 2005. While 25 to 30 academic staff members would be recruited during the early years, the full academic staff establishment of about 50 would be achieved when the School reached maturity;
- (d) the four-year LLB, Juris Doctor (full time and part-time) and Master of Laws (LLM) (in Business and Law in China; International Economic Law; and Common Law) programmes would be offered beginning in the academic year 2006-07. There would be 50 UGC funded student places for the LLB programme in 2006-07; and
- (e) the PCLL (full time and part-time) programme would be offered with effect from 2007-08. A total of 36 places of the programme would be UGC-funded.

8. The Panel was advised that UGC had agreed to provide a start-up grant of some \$52 million to CUHK for setting up the law library, advance recruitment of staff for curriculum planning etc. during 2005-08. UGC would seek funding approval from the Public Works Subcommittee and the Finance Committee for the construction of a new teaching building which would accommodate its law school in due course.

9. The Panel noted the view of the Hong Kong Bar Association that CUHK should finalise the academic plans of its law school as soon as possible, in particular the curriculum design, if it were to meet the target dates of the offering of its inaugural programmes as planned. The legal profession should be given sufficient time to consider the curricula in detail.

10. The Faculty of Law of HKU had expressed concern whether it was opportune to offer a third PCLL course at the new law school in the academic year 2007-08, when no LLB students would be graduated in that year due to the transition from a three-year to a four-year LLB programme.

11. The Panel requested CUHK to revert to the Panel in about six months' time on the progress of the establishment of the law school and the formulation of its academic curricula.

Relevant papers

12. A list of the relevant papers which are available on the LegCo website is in **Appendix**.

Council Business Division 2
Legislative Council Secretariat
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Establishment of a third law school

Relevant papers/documents

LC Paper No.

Papers/Documents

Papers provided by the Administration

- CB(2)714/04-05(02) -- Administration's paper on "Proposed establishment of a third law school"
- CB(2)2625/04-05(01) -- Supplementary information relating to the establishment of a third law school provided by the University Grants Committee

Papers provided by universities and the Law Society of Hong Kong

- CB(2)1605/04-05(02) -- Paper provided by The Chinese University of Hong Kong on "The Law School of The Chinese University of Hong Kong"
- CB(2)1605/04-05(03)
(*English version only*) -- Paper provided by the Law Society of Hong Kong on "A third law school"
- CB(2)1664/04-05(01)
(*English version only*) -- Paper provided by the Faculty of Law of the University of Hong Kong on "A third law school in Hong Kong: the position of the Faculty of Law, the University of Hong Kong"

Minutes of meetings of the Panel on Administration of Justice and Legal Services

- CB(2)710/04-05 -- Minutes of meeting on 14 December 2004
- CB(2)2232/04-05 -- Minutes of meeting on 23 May 2005