

THE CHINESE UNIVERSITY OF HONG KONG

FACULTY OF LAW

Submission to the Panel on Administration of Justice and Legal Services

The Faculty of Law of The Chinese University of Hong Kong has been invited to attend a meeting of the Panel (Scheduled for Monday 27th April) to give its views on “Legal Education and Training in Hong Kong”. The Faculty firmly believes that a vibrant, independent, legal sector is crucial for the future of Hong Kong and welcomes the opportunity to contribute to the discussion of matters that are central to its own activities and to the future of the legal services sector.

Given that invitees have not been asked to address any specific questions in making submissions, the Faculty has confined this paper to a short overview of its programmes, and providing brief statements on the issues that it believes are likely to be of interest to the Panel. We would be happy to expand on these at the meeting of the Panel on the 27th.

1. The Faculty of Law – Overview

The Faculty of Law of The Chinese University of Hong Kong is a major contributor to legal education and training in Hong Kong. It offers two qualifying law degrees – the LLB and the JD – and the PCLL. In addition, it offers three LLM programmes (in Common Law, International Economic Law and Chinese Business Law) and a Research Postgraduate Programme (including both PhD and MPhil students). The LLB and PCLL are offered only in full-time mode. All other programmes are available in both full-time and part-time mode.

Student enrolment for the current academic year (2014-2015) is as follows:

Programme	Full time students	Part-time students
LLB	359	0
JD	256	275
LLM (Common Law)	42	20
LLM (International Economic Law)	98	50
LLM (Chinese Business Law)	42	27
PCLL	149	0
Research Postgraduate Programme	16	4

The student mix during academic year 2014-2015 is as follows:

Origin	Undergraduate Students (LLB)	Postgraduate Students
Local	333	688
Non-local ¹	26	291

¹ For these purposes, a student is a “local” student if he or she does not require a visa to study in Hong Kong.

2. Student funding

The LLB, Research Postgraduate and PCLL programmes are UGC-funded. It is important to note, however, that UGC funding for the PCLL is only available for 36 of the 150 places on that programme. The JD, LLM and the balance of the PCLL places are all self-financed. Each year the Faculty commits substantial sums from its internal resources to provide scholarship support for students across all of its programmes.

3. Admission to the PCLL

Recalling that this was a matter of extended discussion when the three Law Schools were last invited to attend a meeting of the Panel, is happy to provide information on admission to the PCLL. Information is provided on admissions to the PCLL for the last three years:

PCLL applications per year

Year	2012-13	2013-14	2014-15
CUHK LLB graduates	61	61	52
CUHK JD graduates	116	128	109
Others	106	86	48
Total (applications with CUHK as the first choice)	283	275	209
Total (all applications received)	426	416	320

PCLL intake per year

Year	2012-13	2013-14	2014-15
CUHK LLB graduates	43	42	44
CUHK JD graduates	76	85	87
Others	31	23	19
Total	150	150	150

(1) The Faculty is able to admit 150 students to its programme. Expansion beyond that is subject to a number of constraints, including infrastructure, staffing and student quality. Measures have been put in place to accommodate the exceptional extra demand for PCLL places in academic year 2016-2017 due to the “double cohort” of LLB graduates in 2016.

(2) Students are admitted to the programme on the basis of academic achievement in their qualifying law programme (most often an LLB or JD). The Faculty is currently reviewing its procedures for admission to the PCLL in order, *inter alia*, to provide for admissions interviews for “borderline” candidates and candidates who re-apply in the year after an unsuccessful application.

(3) There appears to be a reasonable “match” between PCLL graduation and entry into employment. In the most recent year for which figures are available (2013-2014) our graduate placement survey shows that of 130 students (from 149) responding to the survey, 85% had secured employment (as trainee solicitors, pupil barristers, with the DoJ) or were pursuing further study.

(4) The Faculty believes that the PCLL programme serves an important function in the preparation of law graduates for entry into professional practice. This “bridge” between the academic study of law and the early stages of professional practice serves the interests of the students, their future employers and, ultimately the users of legal services in Hong Kong.

4. Expansion of PCLL Numbers

As noted above, there are constraints on the numbers of students we are able to admit. The Faculty is well aware of arguments drawn from comparisons with England and Wales where there is an over-supply of places on the Legal Practice Course (the equivalent of the PCLL) with the result that, essentially, any qualified student who wishes to do so may find a place to study for the LPC (subject, of course, to the usual issues regarding finance). However, as has been reported in the legal professional media in England and Wales, there is a significant gap between the number of available traineeships in solicitors’ offices and the number of students completing the LPC. In 2014 a total of 5,514 trainees were registered. However, 6,171 students completed their LPC course in the 2012/2013 academic year. While the call for expanded PCLL places is understandable, all stakeholders should consider very carefully whether the job market is able to absorb these additional PCLL graduates.

5. Other routes to qualification

The Faculty is likewise aware of the alternative routes to qualification (e.g. through the OLQE) in Hong Kong, but does not think that it is appropriate to comment on these. Admission to practice in Hong Kong through such routes is a matter for the Law Society of Hong Kong. The Faculty of Law of The Chinese University of Hong Kong has no involvement in any of these alternative routes.

6. The Common Entrance Examination

The Faculty of Law has, in common with the other law schools in Hong Kong, engaged with the Consultation launched by the Law Society of Hong Kong on a possible “Common Entrance Examination” for admission to practice as a solicitor in Scotland. As the Faculty made clear in its response, it was not convinced that the case for such an examination had been made out, and was unclear what purpose the examination would serve. The Faculty awaits with interest the outcome of this consultation, and looks forward to an opportunity to respond to that in due course.

7. Review of Legal Education and Training under the Auspices of the Standing Committee on Legal Education and Training (SCLET)

In any event, the Faculty of Law believes that the appropriate forum in which to consider the significant range of complex questions surrounding any changes to legal education and training in Hong Kong is the proposed review of legal education and training to be carried out under the auspices of SCLET. The Faculty, through its representation on SCLET, has been fully engaged in the development of this proposal, in common with other stakeholders, and looks forward to engaging with this review. We believe that the introduction of significant changes to the process by which aspiring practitioners are educated and trained, in advance of that review, would be premature.

