

Submissions to Panel on Administration of Justice and Legal Services (“Panel”), the Legislative Council (“LegCo”), for the meeting scheduled for Monday, April 27, 2015.

1. City University Law School welcomes the Committee’s interest in legal education and training. This meeting comes at a crucial point in time as the Standing Committee on Legal Education is launching another major review of legal education. It is hoped the discussions will alert us to issues that we can ensure are addressed as part of that review. Unfortunately our Dean had already booked an overseas trip for the date of the meeting, before it was announced, but we will be represented by Associate Dean Lin Feng and, if permission is granted, also by Mitchell Stocks, Director of our PCLL Programme.
2. We hope the Standing Committee review will take into account the broad range of legal education including LLB and JD degrees, PCLL, the issue of a common entrance examination and post qualification training. There are a range of questions that should be discussed as part of that review. For example, we think there is a need to review the range of core subjects students in Hong Kong study. The skills delivered by a law degree should evolve to suit the requirements of the modern world. Legal placements and overseas learning experiences should be supported. We want to explore ways in which Hong Kong can be made a centre of excellence for legal studies attracting students from across the globe, particularly for postgraduate study. We also see possibilities for an increased role for the law schools in ensuring all legal professionals can engage in life-long learning.
3. During recent times there has been much discussion of professional training. Although not specified on the agenda, we envisage this will be a major topic of concern both for the Panel and the Standing Committee review. In 2013 there was a Joint Submission from the Faculty of Law, The University of Hong Kong; the Faculty of Law, Chinese University of Hong Kong; and the School of Law, City University of Hong Kong to the Panel for the meeting scheduled for Monday, December, 2013. That submission provided the detailed positions of the three law schools, and we would refer the Panel to that document. We will continue to reflect on our position in light of feedback and discussions. However, we think some points can usefully be emphasised.
4. We naturally welcome debate about legal education and any suggestions to improve any of our programmes, including the PCLL. One of the strengths of legal education in Hong Kong is the strong links between practice and academia. At City U we welcome this and believe a healthy balance can be struck between developing academic skills and preparing students for legal or other professional practice.
5. We would ask anyone seeking reforms to the current system to explain what problems they consider need to be addressed by any proposed change. This will allow us to discuss

whether we agree there is a problem and, if we see room for improvement, to consider the best ways forward. It may well be that existing controls could be reviewed and improved rather than embarking on completely new initiatives. In a small jurisdiction we need to be careful not to have overly elaborate structures which place an unrealistic burden on the profession or impose heavy costs that are ultimately borne by students. Moving forward we believe Hong Kong should have a streamlined regulatory environment and this should apply to legal education as much as any other sector. We need effective, efficient and proportionate supervisory structures.

6. There is a room for debate about the relative costs and benefits of a system that allows most qualified lawyers to obtain employment in the legal profession as compared to a system that allows anyone to seek to qualify, but leaves many frustrated that they cannot obtain employment training contracts and ultimately employment as a lawyer. Hong Kong is closer to the former model, but we still have some students who fail to obtain training contracts and others qualify as lawyers but fail to obtain full-time employment in the legal profession. A high proportion of well qualified students obtain places in a PCLL programme. Admission is managed on a merit basis. If numbers were expanded there would be a high risk that many more students would fail courses or not find training contracts. We already find that weaker struggle to achieve a first pass in all of their courses. In some years, a few students do not complete the programme because they have failed a course twice. Whilst students not admitted to PCLL will naturally be disappointed, at present unsuccessful PCLL applicants have a valuable law degree and can seek alternative study and career paths. Their frustration will be greater if they have invested in a PCLL course and may on completing it have less options open to them if they do not obtain a training contract. Equally in assessing this issue it should be borne in mind that globally there is a retraction in the law job market. US law schools have seen applicants falling, UK law graduates are finding it harder to find training contracts and Singapore has reviewed which law schools in the UK its students can attend, apparently as a reaction to falling job prospects for lawyers. There must be a risk that the only real winner in an expansion of PCLL places would be the training providers. Our hesitation to benefit from this policy comes from a concern not unduly to raise the expectations of students before they invest time and money in further studies that may offer limited prospect of successful employment. Any expansion in PCCL places should not be at the cost in dilution in standards. To be worthwhile to Hong Kong it would need to be matched by a commitment by the profession to ensure adequate training places are available.
7. A Common Entrance Examination may have some appeal as an objective measure of the skills of students. However, this would indicate a failing in present quality controls, of which we see no evidence. If any such Common Entrance Examination were introduced we would have to understand its purpose. We would not favour this being an additional layer on top of the PCLL. The PCLL is already very intensive and we do not feel students should have to pass another hurdle to enter the profession as trainees or pupils. We would also not like to impose any additional courses and costs on them. Any common

examination, if the need for such were established, might form part of the PCLL programme.

8. We appreciate these are important questions, but believe that the three Law Schools in Hong Kong are serving the profession well. Law can be taken as an undergraduate degree, but also as a second degree via the JD. The limited number of places in our law schools means that large numbers of Hong Kong students continue to go overseas to study law. Whilst international exposure is beneficial, we also believe that it would be advantageous for Hong Kong to have more of its own students studying in Hong Kong. We are committed to working with the profession and other stakeholders to ensure our students receive world class education that prepares them well for entering the legal profession.

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