

**Panel on Administration of Justice and Legal Services**  
**Meeting on 25 April 2016**

**Submissions of the Law Society of Hong Kong on the Common Entrance Examination**

1. The Law Society (“Society”) put forward a proposal for a common entrance examination (“CEE”) in July 2012. The Society consulted with the stakeholders on its proposal.
2. In December 2015, the Council resolved to implement the CEE not earlier than 2021.
3. The Press Statement of the Society dated 6 January 2016 is in **Appendix 1**.
4. For the purpose of clarification, the Society issued a Second Statement on 11 January 2016. The Society’s Second Statement is in **Appendix 2**.
5. Subsequent to the issuance of the Press and the Second Statements, the Society has conducted discussions with City University, the Chinese University of Hong Kong and The University of Hong Kong on how to implement the CEE.
6. As the matter is still in stage of development and the discussions are confidential, the Society is not in a position to divulge its details.
7. In broad terms, the Society will be forming various subcommittees to consider all matters relating to the CEE, including but not limited to the syllabus, the examination standard, guidelines for exemptions, the format of the examination papers, the procedures including application and registration to sit the examination, setting the examination questions and marking the scripts, passing the CEE and resits, mechanism for appeals against examination results, and logistics such as examination dates, venues, printing of examination questions and invigilation.
8. To avoid burdening the students unnecessarily by requiring them to take two sets of examinations, the Society is proposing a CEE in the format of a centralized assessment.
9. A centralized assessment is not a stand alone CEE.
10. A centralized assessment means that all Postgraduate Certificate in Laws (“PCLL”) students of the 3 Universities would be required to take the same examination(s) in the same subject(s) within the PCLL Programme. For the moment, the Society proposes to conduct the CEE on the core subjects only (as opposed to the electives) of the PCLL Programme. The Society would set the examination questions, mark the scripts, and has the final say on the final mark of each answer to the CEE questions.

11. In the last meeting with the law schools, it was suggested to establish a liaison group for the Universities to provide its views to the Society for its consideration. The Society understands that the 3 Universities are willing to co-operate with the Society in the implementation of CEE.

The Law Society of Hong Kong  
19 April 2016

## APPENDIX 1

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## News Update

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6 January 2016

(for immediate release)

## COMMON ENTRANCE EXAMINATION

## Regulatory powers of the Law Society

1. Sections 4 and 73 of the Legal Practitioners Ordinance Cap. 159 empower the Law Society to prescribe qualification requirements for the entrants to the solicitors' profession.
2. Pursuant to Sections 4 and 73, the Law Society has prescribed the Trainee Solicitors Rules Cap. 159J ("Rules") for the admission of local entrants. Rule 7(a) of the Rules provides that a person may only enter into a trainee solicitor contract if he has passed or received a certificate of completion or certificate of satisfactory completion as the case may be in -
  - i. the Postgraduate Certificate in Laws ("PCLL") and such other examination or course as the Law Society may require and set or approve; or
  - ii. such other examination or course as the Law Society may require and set or approve.

## Common Entrance Examination

3. The Council of the Law Society has decided that, starting from 2021, a person may only enter into a trainee solicitor contract if that person has passed a Common Entrance Examination ("CEE"). The CEE will be set and marked by the Law Society. The Law Society will require certified completion of the PCLL course but will not require any examination to be set by the providers of the PCLL. The Law Society will review the prerequisites for taking the CEE periodically.

## Timeline

4. The CEE will be implemented no earlier than 2021. The 5 years' notice has taken into account the length of the LLB and PCLL Programmes so that those who have already embarked on these Programmes will not be affected by the CEE.

## The Purposes of the CEE

5. The purposes of implementing a CEE are:
  - i. To uphold the quality of the entrants to the solicitors' profession;
  - ii. To provide access to those who have the ability to qualify as a solicitor;
  - iii. As a regulator, the Law Society has a duty to maintain the standards of the profession and to protect public interest.

## Logistics

6. The Council is considering the logistics and will announce the details in due course.

For media enquiry, please contact Ms. Rachel So at 2846 0520 or Ms. Kelly Chan at 2846 0589 or by email ([adcea@hklawsoc.org.hk](mailto:adcea@hklawsoc.org.hk)).

## About the Law Society of Hong Kong

The Law Society of Hong Kong is a professional body of solicitors in Hong Kong vested with the statutory powers to regulate the professional conduct of solicitors. It establishes and promotes professional standards and the solicitors' code of conduct and practice and ensures its compliance. The Law Society assists its members to promote Hong Kong legal services and offers its views from time to time on legal issues that are of public concern. For more information, please visit: [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)

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## News Update

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## Press Releases:

11 January 2016

(for immediate release)

**Response to the statements by HKBA and the University of Hong Kong on Common Entrance Examination ("CEE")**

1. The introduction of the CEE will ensure consistency in professional standards and enhance the quality and competence of those joining the solicitors' branch of the legal profession.
2. The sole right to admit a person as a Solicitor of the High Court rests with the Court (cf. s.4 of the LPO (Cap. 159)), upon the Court being satisfied that the applicant has complied with requirements prescribed by the Council of the Law Society of Hong Kong.
3. Pursuant to s.4 of the LPO, the Council has the statutory duty to prescribe the requirements for admission.
4. Pursuant to this statutory duty, the Law Society, with the approval of the Chief Justice, has already put in place the Trainee Solicitors Rules that prescribe the necessary admission requirements with respect to the employment as a trainee solicitor, the passing of examinations and the completion of courses.
5. Rule 7 of the Trainee Solicitors Rules provides that
 

*"A person may only enter into a trainee solicitor contract if he -*

  - a. *has passed or received a certificate of completion or a certificate of satisfactory completion as the case may be in -*
  - ...
  - ii. *such other examination or course as the Society may require and set or approve; ..."*
6. The Law Society is thus empowered to set and / or approve an examination for anyone wishing to enter into a trainee solicitor contract.
7. The Law Society, as a regulator of the solicitors' branch of the profession, has an obligation to ensure consistency in professional standards for entrants to the profession for the protection of public interests. Safeguarding and maintaining the highest professional standards for solicitors in the interest of the public is a core duty of the Law Society as a professional body of solicitors, which could not and should not be abrogated.
8. The Law Society respects the academic autonomy of the universities in teaching law subjects. Nevertheless, with the increase in the number of law schools and the development of legal education landscape over the years, the Law Society would not be fulfilling its duty if it does not constantly keep the standards issue under review and utilize the power given to it by statute to meet the challenges. This is exactly what the Law Society has been doing with the study of a CEE.
9. With respect to the concern about a conflict of interests, indeed there is a conflict of interests for the law schools to provide the PCLL course and administer the PCLL examinations to their own students under the current system, for which they charge for tuition. They also provide undergraduate law degrees for which a sizeable portion of their graduates seeking to enter the Hong Kong solicitors' profession (and indeed the barristers' profession) would be required to enroll in and be examined upon.
10. The institutions teaching the PCLL should be separate from the institution administering the examination so as to ensure impartiality in the examinations. The CEE will address this conflict as the Law Society will not be involved in teaching any preparatory course on CEE.
11. The proposal of a CEE was raised publicly by the Law Society in as early as 2012. The CEE is aimed at ensuring that solicitors have all been assessed to the same rigorous standard

- thereby maintaining consistency in the standards of the entrants to the solicitors' profession.
12. The decision to implement a CEE was reached after a lengthy process of research, discussion and consultation with all relevant stakeholders including our members, the PCLL providers, the barristers' branch of the profession and other professional bodies.
  13. The proposal had thus undergone very careful and thorough consideration for over three years.
  14. The Law Society has also kept the Standing Committee on Legal Education and Training ("SCLET"), a statutory committee in which all major stakeholders in the legal community are represented, and the Panel on Administration of Justice and Legal Services of the Legislative Council informed of the conduct of our CEE consultation.
  15. The Law Society has been transparent about its CEE proposal. The decision on CEE was by no means a sudden or surprising decision.
  16. The timing of the announcement of the decision on the CEE was to ensure sufficient notice be given to those aspiring to qualify as lawyers via the local admission route as well as to minimize impact on the current law students.
  17. With respect to the review on legal education and training in Hong Kong currently being conducted by SCLET, the Law Society is in full support of the SCLET review.
  18. Nevertheless, the SCLET review covers a review on the entire legal education and training situation in Hong Kong and has a much wider scope than our CEE study.
  19. Further, the Law Society started our feasibility study on CEE much earlier than the SCLET review. As such, the CEE proposal and the SCLET review are quite distinct from each other. There is no necessity to tie one to the other.
  20. The CEE proposal is that by 2021, CEE, an examination set and marked by the Law Society, will be the only examination that a person is required to pass in order to enter into a trainee solicitor contract, pursuant to the existing power given to the Law Society under rule 7 of the Trainee Solicitors Rules.
  21. The CEE proposal applies only to those wishing to become solicitors. It does not affect the barristers' branch of the profession nor does it attempt to deal with the potential conflict of interests of the law schools so far as the Bar Association is concerned, which are matters for the Bar Association. If the Bar Association does not propose any change for its branch of the profession, the status quo continues and those wishing to qualify as barristers must be enrolled in and pass the PCLL. There is no reason why these students will treat the PCLL any less seriously because to them, passing of the PCLL is still a prerequisite.
  22. During the course of the last three years, the Law Society has on several occasions raised with the Bar Association on the feasibility of undertaking a joint CEE. Whilst the Council considers that the rationale and principles of implementing the CEE apply equally to the barristers' profession, it does not comment on the Bar Association's decision to continue with the current PCLL arrangement so far as it concerns the barristers' profession.
  23. To be eligible to sit the CEE, the Law Society proposes certified completion of the PCLL course. The Law Society will leave it to the good judgment of the PCLL providers on how best to satisfy this completion requirement and whether or not any individual institution is able or unable to provide such certification.
  24. To avoid burdening students unnecessarily by having to take two sets of examinations, it is not part of the Law Society requirement that students have to pass any examination set by the PCLL providers before they can sit the CEE. This arrangement is again consistent with the provision in rule 7 of the Trainee Solicitors Rules that provides an option, other than passing an examination, of "a certificate of completion".
  25. The CEE is proposed for the benefit of the future development of the solicitors' profession and the Law Society will continue to engage all relevant stakeholders in planning its implementation.

The Law Society of Hong Kong  
11 January 2016

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### **About the Law Society of Hong Kong**

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promotes professional standards and the solicitors' code of conduct and practice and ensures its compliance. The Law Society assists its members to promote Hong Kong legal services and offers its views from time to time on legal issues that are of public concern. For more information, please visit: [www.hklawsoc.org.hk](http://www.hklawsoc.org.hk)

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