

立法會
Legislative Council

Ref : CB4/PL/AJLS

LC Paper No. CB(4)143/17-18

(These minutes have been seen
by the Administration)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 26 June 2017, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
Hon James TO Kun-sun
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Frankie YICK Chi-ming, SBS, JP
Hon CHAN Chi-chuen
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon YUNG Hoi-yan
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung

Member attending : Hon Abraham SHEK Lai-him, GBS, JP

Members absent : Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon Steven HO Chun-yin, BBS
Hon Martin LIAO Cheung-kong, SBS, JP
Hon Jimmy NG Wing-ka, JP

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have

vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public officers
attending** : Item III

Department of Justice

Mr Rimsky YUEN, SC, JP
Secretary for Justice

Mr Wesley WONG, SC
Solicitor General

Ms Adeline WAN
Deputy Solicitor General (Policy Affairs)
(Acting)

Miss Janice KWAN
Senior Government Counsel (Acting)

Item IV

The Law Reform Commission of Hong Kong

Mr Rimsky YUEN, SC, JP
Secretary for Justice
Chairman

Ms Michelle AINSWORTH
Secretary

Mr Byron LEUNG
Acting Deputy Secretary

Item V

Home Affairs Bureau

Mr Laurie LO
Deputy Secretary for Home Affairs (1)

Ms Karyn CHAN
Principal Assistant Secretary for
Home Affairs (Civic Affairs) 2

Legal Aid Department

Mr Thomas KWONG
Director of Legal Aid

Mr Chris CHONG
Deputy Director of Legal Aid (Application and
Processing)

**Attendance by
invitation** : Item III

Hong Kong Bar Association
Mr Edward K.S. CHAN, SC

The Law Society of Hong Kong
Mr Stephen W.S. HUNG
Past President

Mr Dieter YIH, JP
Past President

Mr Nick CHAN, MH
Council Member

Ms Vivien LEE
Director of Standards & Development

Faculty of Law, The University of Hong Kong
Professor Michael HOR
Dean

Mr Wilson CHOW
Head
Department of Professional Legal Education

School of Law, City University of Hong Kong
Professor LIN Feng
Acting Dean

Ms Stella LEUNG
Senior Teaching Consultant

Faculty of Law, The Chinese University of Hong Kong
Mr Christopher KNIGHT
Professional Consultant

Department of Law and Business,
Hong Kong Shue Yan University
Dr Claire WILSON
Associate Head

Law Association, HKUSU
Mr Max SO Ho-yee
Chairman

The Undergraduate Law Society of the Student Union of
the Chinese University of Hong Kong
Miss Jessalyn LAM Chi-chin
President

Law Students' Society, CityUSU
Mr WONG Kwun-wang
President

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (4)2

Staff in attendance : Mr Stephen LAM
Senior Assistant Legal Adviser 2

Miss Joyce CHING
Senior Council Secretary (4)2

Miss Vivian YUEN
Legislative Assistant (4)2

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I. Information paper(s) issued since the last meeting

Members noted that the following information papers had been issued since the last meeting.

LC Paper No. CB(4)1263/16-17(01) -- Information paper entitled "Review of Financial Eligibility Limits of Legal Aid Applicants" provided by the Home Affairs Bureau

LC Paper No. CB(4)1275/16-17(01) -- Information paper entitled "Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region" provided by the Department of Justice

II. Items for discussion at the next meeting

LC Paper No. CB(4)1255/16-17(01) -- List of outstanding items for discussion

LC Paper No. CB(4)1255/16-17(02) -- List of follow-up actions

2. The Chairman sought members' view on whether the discussion item, "Community legal assistance in Hong Kong", as proposed by Dr Fernando CHEUNG in his letter dated 26 May 2017 should be added to the list of outstanding item for discussion. Members agreed.

3. Members agreed that the next regular meeting scheduled for 18 July 2017 at 4:30 pm would be extended to end at 7:30 pm to allow more time to discuss the following items:

- (a) Progress of work of the Inter-departmental Working Group on Gender Recognition;

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- (b) Measures to prevent the misuse of the legal aid system in Hong Kong and assignment of lawyers in legal aid cases;
- (c) Provision of legal advice services for persons detained in police stations; and
- (d) The Rule of Law and the Role of the Prosecutor.

III. Legal education and training in Hong Kong

Meeting with deputations and the Administration

LC CB(4)1255/16-17(03)	Paper	No. --	Administration's paper on "Legal education and training in Hong Kong"
LC CB(4)1255/16-17(04)	Paper	No. --	Background brief on "Legal education and training in Hong Kong" prepared by the Legislative Council Secretariat
LC CB(4)1255/16-17(08)	Paper	No. --	Submission from Law Association of the HKUSU, The University of Hong Kong (English version only)
LC CB(4)1319/16-17(01)	Paper	No. --	Letter from Hon Dennis KWOK dated 22 June 2017 on "Legal Education and Training in Hong Kong" (English version only)

Briefing by the Administration

4. At the invitation of the Chairman, SJ briefed members on the progress of the comprehensive review on legal education and training in Hong Kong ("the Comprehensive Review") being conducted by the Standing Committee on Legal Education and Training ("SCLET"). SJ stressed that the ultimate goal for introducing any changes to the legal education and training system in Hong Kong should be for public interest.

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Views of the Hong Kong Bar Association ("Bar Association")

5. Mr Edward CHAN said that the implementation of a common entrance examination ("CEE") would have a strong impact on the future shape and form of PCLL which was currently a common qualification required for both solicitors and barristers. Moreover, if CEE was to be implemented as an alternative route for any person to be qualified as lawyers, it might also reduce the number of students enrolled and admitted to PCLL programme. Mr Edward CHAN also expressed the concern of the Bar Association about the implications of the proposed CEE on the barrister branch of the profession. Noting that there was no major development on the proposed CEE since last meeting, the Bar Association did not have further comment on its implementation for the time being.

6. On the issues relating to standardizing the admission criteria of PCLL programmes run by the three law schools, Mr CHAN said that there were a number of operational issues, including the timing, subjects and syllabus of the examinations and whether the same arrangement be applied to local and non-local students, must be carefully considered.

Views of the Law Society of Hong Kong ("Law Society")

7. Mr Stephen HUNG said that the Law Society was currently working on the final draft of the syllabus of the proposed CEE. Subject to the views of its specialist Committees, the Legal Education Committee and the Standing Committee on Standards & Development and the endorsement by its Council, the Law Society targeted to circulate the draft syllabus to the three universities, the Bar Association and other stakeholders for comment by the end of 2017.

8. Mr Dieter YIH supplemented that it was not the intention of the Law Society to abolish or replace the PCLL programmes by the proposed CEE.

Presentation of views by deputations and the Administration's response

9. The Chairman invited deputations to present their views. She reminded them that, when addressing the Panel at the meeting, they were not covered by the protection and immunity under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), and their written submissions were also not covered by the Ordinance. In total, 7 deputations presented their views at the meeting, a summary of which was set out in **Appendix**.

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Discussion

Declaration of Interest

10. Mr Abraham SHEK declared that he was a representative of Legislative Council Members sitting on the Court of the University of Hong Kong ("HKU") and the Council of HKU. The Chairman declared that she taught law programmes in the City University of Hong Kong ("CityU") and obtained her Postgraduate Certificate in Laws ("PCLL") from HKU. Mr Paul TSE declared that his PCLL and Master of Laws was from HKU and CityU respectively.

Consultancy Study commissioned by the Law Society

11. Noting that the Law Society commissioned a consultation study on its proposed CEE in 2013, but had never issued any report on the findings of the study, Mr Alvin YEUNG requested the Law Society to publish the relevant findings. Mr LEUNG Kwok-hung and Mr Paul TSE made similar requests.

12. Mr Stephen HUNG responded that the above said matter had been discussed internally and the Law Society had decided not to release the findings of the consultancy report. Mr Alvin YEUNG urged the Law Society to at least re-consider releasing the findings to its members who had financed the consultancy study.

Issues relating to the existing PCLL

13. Mr Abraham SHEK opined that the number of PCLL places were limited due to insufficient funding from the Government. Mr SHEK further said that given the limited number of places, the three law schools would have no choice but to admit only the best students. The Chairman also pointed out that many law graduates who had got lower second class honor degree, i.e. meeting the minimum academic requirement, failed to gain admission to PCLL programmes.

14. Mr Abraham SHEK considered the current situation, where admitting into a PCLL programme was the only route for law graduates to become lawyers, was unsatisfactory since the PCLL should not be the selection point for entrance into the legal profession and that the universities should be running on a "critical mass" basis. Sharing a similar view, Mr Paul TSE said that the law schools should not be the "gatekeeper" to select new entrants to the legal profession but instead the legal profession itself should have the final say on whether to accept a person as a member of the profession or not.

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Proposed format of the CEE

15. In response to Mr Abraham SHEK's query on whether CEE would be implemented as an alternative route or on top of PCLL, Mr Stephen HUNG advised that initially the Law Society had considered the proposal of implementing CEE as an alternative route for law graduates to enter into the solicitor's profession. Nevertheless, having discussed with the three law schools about this, the Law Society eventually decided not to go ahead with the proposal. Instead, the Law Society was currently considering a CEE in the form of a centralized assessment, so that PCLL students of the three universities did not have to take two sets of examinations. For the time being, the Law Society would like to propose to set at least one examination question on each of the core subjects of the PCLL programmes and to mark the scripts. As a result, all PCLL students had to answer the questions set by the Law Society and must pass those questions if they wish to enter into trainee solicitor training.

Reasons for implementing a CEE

16. Noting the comment of the Law Society in a consultation document that there was a lack of consistency in the PCLL examinations conducted by three law schools, Mr Alvin YEUNG sought clarification on whether the proposed CEE aimed at addressing this problem.

17. Mr Dieter YIH of the Law Society confirmed that the proposed CEE was targeted to address the inconsistency in the standards of the entrants to the legal profession. The Law Society explained that currently entrants to the solicitors' profession would include law graduates from different law schools who had been trained in different ways and assessed by different standards and examinations, the Law Society considered it necessary to maintain consistency in the assessments and standard of entrants into the solicitor's profession.

18. In response to Mr Alvin YEUNG's request for data and concrete evidence to illustrate the inconsistency of the PCLL examinations respectively conducted by the three law schools, Mr Dieter YIH advised there were views from the employers of the law firms reflecting the inconsistent standards of law graduates from different law schools. Among others, employers had pointed out that the passing rates of the three law schools were different. Mr YIH further said that notwithstanding the fact that the PCLL programmes run by different law schools were subject to the benchmarks set by the Law Society and Bar Association, the three law schools had the autonomy regarding student admission as well as teaching and assessment methods. In light of the above, the Law Society considered that the legal profession itself should be

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administering the entrance to the profession and thus had undertaken to study the feasibility of a CEE as a means of admitting individuals to practice as solicitors in Hong Kong.

19. Dr Fernando CHEUNG had doubts about the inconsistency problem and opined that employers' feedback might not reflect the whole truth. Noting that the Comprehensive Review being conducted by SCLET was still underway, Dr CHEUNG considered that the Law Society should wait for the release of the report of the SCLET before deciding on whether to introduce the CEE or not. It was undesirable to contemplate any major change in the interim which might pre-empt the Comprehensive review.

20. Mr Dieter YIH advised that the consultancy study on the feasibility of a CEE undertaken by the Law Society commenced much earlier than the Comprehensive Review being conducted by SCLET. Mr Stephen HUNG assured that the results of the Comprehensive Review would be taken into account when considering matters relating to implementation of the CEE.

21. Despite acknowledging there were employers' feedback on the inconsistency problem mentioned above, Mr Paul TSE opined that the proposed CEE, with compulsory examination questions to be set and marked by the Law Society, might not be able to solve the problem. Mr LEUNG Kwok-hung shared a similar view. Mr Holden CHOW also opined that the proposed format of the CEE might not be able to address the employers' concern since the standard of the questions set and marked by the Law Society could still be subject to challenge.

22. Mr Stephen HUNG advised that in making the current proposal, the Law Society had considered various options, including the introduction of a common examination after the completion of trainee contract. Mr HUNG stressed that having considered the pros and cons of each option and balanced the interests of various stakeholders, the current proposed format of CEE was considered to be the best option for the time being. Mr Dieter YIH supplemented that the current focus of the Law Society was to liaise with the three law schools in coming up with a plan based on the agreed format of the CEE. The Law Society would be willing to further explore on other options such as the CEE being an alternative route to qualification if there is popular demand for such an option.

Implementation of a CEE as an alternate route to qualify as lawyers in Hong Kong

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23. Sharing Dr Claire WILSON's view, Mr Abraham SHEK opined that students who had failed to gain admission to the PCLL could also be potential good lawyers. These students should be given other chances and there should be different routes for law graduates to enter the legal profession. The Chairman shared a similar view.

24. On the proposal to make the CEE an alternative route for law graduates to enter the legal profession, Mr Holden CHOW urged the Law Society to expedite the work in relation to exploring an arrangement to achieve this purpose. Mr Paul TSE also suggested that the arrangement similar to the Solicitors Qualifying Examination adopted in the United Kingdom could be further explored.

25. Mr Stephen HUNG stressed that, in putting forward the current proposal, the Law Society had already balanced the interests of the three law schools and the aim which the Law Society hoped to achieve in implementing a CEE. Mr HUNG supplemented that re-examination on the CEE questions to be set by the Law Society would be made available if any student failed those questions. Mr HUNG opined that the crux of the matter hinged on the public policy on the number of PCLL places to be offered each year and the government funding in this regard.

Progress of the Comprehensive Review

26. The Chairman said that legal education and training was a matter of public interest and that she was concerned about the process of the consultation of the Comprehensive Review. The Chairman then asked the Administration to further explain the way forward of the Comprehensive Review and the direction of the reform on legal and education in Hong Kong. Dr Fernando CHEUNG and Mr Paul TSE also urged the Administration to take a more active role in administering matters relating to development of the legal education and training.

27. SJ responded that the Comprehensive Review was expected to adopt a holistic approach and aimed to study more in-depth the systemic and institutional issues central to Hong Kong's legal education and training, not only focusing on the proposed CEE. SJ highlighted that the Comprehensive Review had included a broad coverage of issues which could be seen in its terms of reference as set out in paragraph 4 of the Administration's paper. SJ said that empirical study and analysis might be required before drawing up any conclusions. Thus, it was not appropriate at this stage to make any conclusions on issues such as the CEE or increasing the number of PCLL places, before the release of the report of the Comprehensive Review.

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SJ further said that it might not be entirely justified to say that government funding presently provided for legal education was inadequate since the current provision of government funding for PCLL programmes was already an exception to the Government's general policy of funding undergraduate programmes only. Moreover, strictly speaking there was no restriction on the number of PCLL places to be offered each year since the law schools could admit self-financed students.

28. In response to the Chairman's request, SJ undertook to provide the list of stakeholders being consulted by the SCLET in preparing the report of the Comprehensive Review. The Chairman also requested the Administration to provide the above information before the issuance of the interim report by the SCLET.

(Post-meeting note: Department of Justice ("DoJ")'s response was issued to members vide LC Paper No. CB(4)1570/16-17 on 7 September 2017.)

Conclusion

29. In conclusion, the Chairman said that the legal training and education system was a matter of public policy. She hoped that SCLET would collect the views from all relevant stakeholders, including prospective, current and past students of law programmes, law schools, the legal professional bodies and the employers of the commercial and legal sectors before making any conclusions of the Comprehensive Review.

30. SJ remarked that there was a representative from the DoJ in SCLET who could be the channel to reflect the views from different stakeholders. Any views and written submissions to the DoJ representative would be welcomed.

IV. Implementation of the recommendations made by the Law Reform Commission

(LC Paper
CB(4)1255/16-17(05)

No. -- Law Reform Commission's
paper on "Implementation of
the recommendations made by
the Law Reform
Commission"

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LC	Paper	No. --	Updated background brief on
CB(4)1255/16-17(06)			"Implementation of the
			recommendations made by the
			Law Reform Commission"
			prepared by LegCo
			Secretariat)

31. Secretary for Justice ("SJ"), in his capacity as Chairman of the Law Reform Commission ("LRC"), briefed members on the progress of the implementation of the recommendations made by the LRC by the relevant bureaux and departments ("B/Ds"), details of which were set out in the LRC Secretariat's paper (LC Paper No. CB(4)1255/16-17(05)).

Implementation progress of LRC recommendations and resources of the LRC

32. Dr Fernando CHEUNG considered it crucial to ensure that the local legislative system should be kept abreast of the times, and he was concerned that the long time taken by the Administration in considering the LRC's recommendations on various reports would delay law reform in this regard. With a view to expediting the law reform process in Hong Kong, Dr CHEUNG suggested the Administration allocate more resources to expand the LRC and its Secretariat ("the Secretariat"). Dr Junius HO shared Dr CHEUNG's view above. Having noting that the law reform work very often involved technical legal issues, the Chairman enquired whether all LRC members were working on a volunteer basis and she proposed engaging more full-time members and staff with professional legal knowledge to support the work of the LRC.

33. SJ pointed out that once the LRC had decided to work on certain law reform topics, usually sub-committees would be appointed to conduct the relevant studies, and the sub-committee members, except the representatives of the Government, served on a voluntary basis. The Secretariat, comprising several full-time counsel in the Legal Policy Division of the Department of Justice, would provide secretarial service and carry out research for the sub-committees. Regarding the efficiency and resources of the LRC, SJ advised that relevant discussions had been held on this by the LRC, and, since 2013, the progress of the implementation of the LRC proposals had also become a standing item for discussion at each LRC meeting. At the LRC's last meeting, the Secretariat, having made reference to practices in other jurisdictions, had considered possible options, including those regarding the increase of manpower resources and possible co-operation with universities on law reform projects for the LRC's consideration. Upon further discussion, and consolidating the views collected from the LRC members, the Administration would further brief the Panel on this matter in due course.

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34. Speaking on the progress of the implementation of the LRC recommendations, Mr Alvin YEUNG commented that the Administration had been very efficient and promptly implemented the LRC's recommendations on "Third party funding for arbitration" by introducing the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016 into the Legislative Council. Mr YEUNG observed that if the Administration had the will or determination to push through a certain reform, that could be completed in a few years' time. He then asked whether any learning points could be identified from the above case to facilitate early implementation of the LRC's recommendations on other reports.

35. In response, SJ explained that the implementation progress of the LRC's recommendations would be affected by many factors, *inter alia*, the views from different stakeholders. He elaborated that the LRC's recommendations on "Third party funding for arbitration" were apolitical and generally supported by the stakeholders. However, on other topics the public might not always agree with the LRC's proposals. Quoting the case of the LRC Report on "Charities" published in December 2013, the community held divergent views to the LRC's proposal on setting up a system to regulate charities and enhance their transparency. Another example was the LRC's recommendation to remove the restriction on the court's sentencing discretion by repealing the list of excepted offences in Schedule 3 to the Criminal Procedure Ordinance (Cap. 221) in its entirety, so that the court would have the full discretion to impose an appropriate and adequate sentence, including an immediate or suspended sentence, having regard to the gravity of the offence. Although the LRC was of the view that repealing excepted offences as listed in the said Schedule 3 to Cap. 221 was largely a technical amendment, the Hong Kong Police Force, women groups and social welfare organizations had diverse views on the matter. In light of the above, the Administration considered inviting representatives from relevant Bureaux/Departments to join the LRC's sub-committees on law reform projects, so that difficulties envisaged in relation to the implementation of the proposals could be identified and discussed at an initial stage.

LRC Report on "The regulation of debt collection practices" published in July 2002

36. Dr Junius HO recalled that back in 2002, the LRC had recommended in its report on "The regulation of debt collection practices" that debt collection agencies and individual debt collectors should be subject to a statutory licensing system. Knowing that the situation of debtors being harassed by debt collection activities was worsening, he asked about the rationale for not implementing the LRC's recommendations.

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37. SJ advised that the Security Bureau had been closely monitoring the debt collection practices in Hong Kong, and the trend was that the number of relevant complaints had been decreasing. Notwithstanding that, SJ said that Dr HO's concerns would be conveyed to the Security Bureau.

LRC Report on "Adverse possession" published in October 2014

38. In reply to Dr Junius HO's call for the Administration to speed up the implementation of the LRC's recommendations relating to "Adverse possession", SJ explained that as the topic was complex and controversial, and the stakeholders had diverse views on aspects of the implementation of the LRC's recommendations, the Administration needed to study and consider the recommendations carefully. SJ said that the LRC would follow up with the Development Bureau accordingly.

Progress of ongoing project under study by the LRC

39. The Chairman enquired about the law reform progress relating to archives law. SJ pointed out that the introduction of archives law in Hong Kong was not purely a legal question, it also involved considerations from administrative measures and public policies perspectives. The tasks involved were complicated, and other considerations also needed to be taken into account, e.g. the applicability of archive laws in Hong Kong, as well as the extent of any inadequacies of the existing administrative regime for records management. As such, no timetable had been set for the enactment of an archives law, but the relevant bureaux / departments in the Administration would map out the way forward as soon as practicable.

40. To conclude, the Chairman urged the Administration to expeditiously implement the LRC's recommendations on various reports, and accord higher priority to those recommendations which the public had consensus on and were related to the people's livelihood or commercial in nature.

V. Proposal to write off an irrecoverable judgment debt

LC Paper
CB(4)1255/16-17(07)

No. -- Home Affairs Bureau's paper
on "Proposal to Write off an
Irrecoverable Judgment Debt"

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Briefing by the Administration

41. At the invitation of the Chairman, Deputy Secretary for Home Affairs (1) ("DSHA") briefed members on the proposal to write off an irrecoverable judgment debt, details of which were set out in LC Paper No. CB(4)1255/16-17(07).

Discussion

42. The Chairman commented that the incident was the result of wrong judgment and the debt became irrecoverable upon expiry of the time limitation. She asked the Administration what measures it would take to prevent recurrence of similar incidents in future.

43. DSHA responded that the incident was due to negligence on the part of the case officer. He advised that the Legal Aid Department ("LAD") had put in place work procedures aimed at preventing the recurrence of similar incidents and had taken measures to ensure that the Director of Legal Aid's ("DLA") First Charge would be preserved before releasing any payment to the Aided Persons ("AP"). The measures included staff training and enhancement of the computer system.

44. DLA added that the incident took place in 1998 when LAD did not have an advanced computerized system. He explained that at present, before releasing payments to APs, the computerized system would automatically estimate the amount of the legal costs incurred. Whilst LAD would aim to release payment to APs as soon as possible, the computerized system would prevent the case officer from authorising payment if the legal costs or the DLA's First Charge were not yet deducted from the requested amount. The computerized system could serve as a safeguard to prevent overpayment of compensation to the APs. DLA further said that the case officer concerned was dealing with the employees' compensation ("EC") case and common law ("CL") claim for damages of that AP simultaneously at that time. Although the AP's EC case was dismissed, his / her claim for CL damages was settled. The case officer overlooked the need to retain sufficient amount of damages to cover the total legal costs of both the EC case and CL case (as the AP should bear the costs of the EC case because it was dismissed) when releasing interim damages to the AP. It was unfortunate that the case officer failed to note the handwritten records that were marked on the cover of the paperfile when releasing damages.

45. In response to the Chairman's enquiry, DLA advised that to his understanding, this was the first case ever for LAD to seek approval of the Finance Committee ("FC") to write off an amount of money overpaid to an

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AP arising from the negligence of a case officer.

46. Noting that when fraud or negligence was found on the part of a public officer, the Panel's advice and FC's approval would be required to write off the public moneys exceeding HK\$500,000, the Chairman enquired the number of write-off cases involving LAD, if any, below the amount of \$500,000 which would not require FC's approval. DLA replied in the negative and reiterated that the computerized system implemented since 2002 would have blocked the payment if it exceeded the amount of legal costs incurred.

47. The Chairman advised that the Panel supported the write off proposal and tasked the LAD to take measures in both staff management and computerized system in order to prevent the recurrence of similar incidents, such as providing clear guidelines to officers responsible for handling payments.

VI. Any other business

48. There being no other business, the meeting ended at 7:24 pm.

Council Business Division 4
Legislative Council Secretariat
31 October 2017

Panel on Administration of Justice and Legal Services

**Meeting on Monday, 26 June 2017, at 4:30 pm
Legal education and training in Hong Kong**

Summary of views and concerns expressed by deputations

No.	Name of deputation	Submission/Major views and concerns
1.	Professor Michael HOR Faculty of Law, The University of Hong Kong ("HKU")	<ul style="list-style-type: none"> • opined that no significant decision on the reform of legal education should be made until the conclusion of the Comprehensive Review by SCLET • hoped that the Law Society could release the findings of the consultancy study which it commissioned in 2013-14 • hoped that that the implementation of CEE and/or whatever change to be made to the current system would not have retrospective effect. Current Bachelor of Laws ("LLB") students, including double-degree students, should not be affected • pointed out that there were representatives from the Law Society, the Bar Association and DoJ in the PCLL Academic Board of the HKU. All the issues and problems relating to PCLL would be discussed and dealt with by this Board and that HKU had been working very closely with other stakeholders to resolve any problems in the existing PCLL system
2.	Professor LIN Feng School of Law, City University of Hong Kong ("CityU")	<ul style="list-style-type: none"> • echoed with SJ's view that public interest should be the ultimate goal in conducting the review on legal education and training • opined that the SCLET was the most appropriate platform for conducting the above said review because all stakeholders had their representatives in SCLET • the School of Law, CityU was against the proposal of an unified entrance examination for PCLL since its implementation would be extremely difficult

No.	Name of deputation	Submission/Major views and concerns
		<ul style="list-style-type: none"> ● hoped that the School of Law, CityU would be further engaged in the discussion in relation to the implementation of CEE before any conclusion was to be made ● pointed out that the quality of PCLL programmes was subject to the scrutiny of the legal profession since the syllabus was designed according to benchmarks set by the Law Society and Bar Association and that the three law schools shared common external examiners, who were representatives from the two branches of legal profession ● advised that the total number of students admitted to PCLL students of three law schools was 783 in 2016. The acceptance rate for first choice applicants of CityU was over 60% ● opined that the consideration on the number of PCLL places was a public policy matter. ● the School of Law, CityU would continue to make effort to cater for the growing demand of PCLL
3.	Mr Christopher KNIGHT Faculty of Law, The Chinese University of Hong Kong ("CUHK")	<ul style="list-style-type: none"> ● opined that no significant decision on the reform of legal education and training should be made prior to the conclusion of the Comprehensive Review and that public interest should be at the core of the Review ● not convinced that there was the need to implement the proposed CEE at the moment but the Faculty of Law, CUHK was ready to discuss with the Law Society on the implication and practical arrangement of the proposal in this regard ● while trying to increase the number of PCLL places, it was also important to maintain the quality of the programmes

No.	Name of deputation	Submission/Major views and concerns
4.	Dr Claire WILSON Department of Law and Business, Hong Kong Shue Yan University ("HKSJU")	<ul style="list-style-type: none"> • briefly introduced the background and structure of the programmes under the Department of Law and Business of HKSJU • pointed out that the admission rate of the graduates of HKSJU onto PCLL programme was low • opined that students who had failed to gain admission to PCLL could also be potential good lawyers. These students should be given other chances and there should be different routes for law graduates to enter the legal profession. Academic results should not be the sole criterion for entering the profession. • opined that legal education and training was a matter of public policy and that Hong Kong's legal education and training should be further enhanced to ensure that graduates were well equipped to meet changing market needs, in particular, being able to contribute to make Hong Kong a leading international legal and dispute resolution centre
5.	Mr SO Ho-yee Law Association, HKUSU	<ul style="list-style-type: none"> • presentation of views as set out in submission LC Paper No. CB(4)/16-17(02) (English version only) • hoped that the Law Society would hold public consultation forum on the proposed CEE with the three law schools and their student representatives
6.	Miss Jessalyn LAM Chi-chin The Undergraduate Law Society of the Student union of CUHK	<ul style="list-style-type: none"> • opined that the Law Society's proposal of a CEE in the form of a centralized assessment, with the examination questions set and marked by the Law Society unfair since this arrangement would also affect the barristers-to-be and the Bar Association should be involved in any proposed arrangement • hoped that that the implementation of CEE would not have retrospective effect. Current LLB students, including double-degree students and deferred students, should not be affected.

No.	Name of deputation	Submission/Major views and concerns
		<ul style="list-style-type: none">● opined that the Law Society's proposal should be in line with the findings of the Comprehensive Review being conducted by SCLET● hoped that the Law Society could release the findings of the consultancy study which it commissioned in 2013-14 and enhance the communication of information
7.	Mr WONG Kwun-wang Law Students' Society, CityUSU	<ul style="list-style-type: none">● opposed to the implementation of a CEE● opined that the power to select qualified practitioners should be vested with the three law schools based on a holistic approach rather than just focusing on the academic results of the students● opined that there was no concrete evidence on the "inconsistency problem" of the PCLL examination conducted separately by the three law schools● hoped that the Law Society could release the findings of the consultancy study which it commissioned in 2013-2014● considered the current proposal of a CEE unclear and confusing and hoped that there would be a more proper channel for releasing the proposal in the future