

立法會
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Legislative Council
Panel on Administration of Justice and Legal Services

Minutes of special meeting
held on Saturday, 5 June 1999 at 9:30 am
in Conference Room A of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon Jasper TSANG Yok-sing, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Mrs Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, JP
Hon Emily LAU Wai-hing, JP
- Member Absent** : Hon James TO Kun-sun
- Attendance by Invitation** : Faculty of Law of the University of Hong Kong
Professor Albert CHEN
Dean

Mr Charles BOOTH
Associate Dean and Associate Professor

Professor Michael WILKINSON
Head of the Department of Professional Legal Education

Mr Richard GLOFCHESKI
Head of the Department of Law and Associate Professor

Professor Johannes CHAN

School of Law of the City University of Hong Kong

Mr David SMITH
Acting Dean

Ms Terri MOTERSHEAD
Associate Dean

Professor Ted TYLER

Mr Phil LAWTON
Associate Professor

Mrs Myrette FOK
Associate Professor

Dr LIN Feng
Assistant Professor

Hong Kong Bar Association

Mr Clive GROSSMAN

Law Society of Hong Kong

Mr Anthony W K CHOW
President

Mrs Margaret HILL
Director of Standards and Development

Mr Lester HUANG
Council Member

Department of Justice

Mr Robert ALLCOCK
Deputy Law Officer

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Mr Jimmy MA, JP
Legal Adviser

Mr Paul WOO
Senior Assistant Secretary (2)3

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I. Legal education in Hong Kong

Meeting with deputations

The Chairman welcomed representatives from the Administration, the Faculty of Law of the University of Hong Kong, the School of Law of the City University of Hong Kong, the Hong Kong Bar Association and the Law Society of Hong Kong to the meeting. She said that the purpose of the meeting was to look into concerns raised by members as well as members of the legal profession about the following issues -

- (a) the quality of new entrants to the legal profession;
- (b) the possibility of tertiary institutions introducing more stringent entry requirements to admit students into law schools;
- (c) improvements to the professional course to better equip students to enter the legal profession;
- (d) continuing legal education for legal practitioners; and
- (e) difficulties of the Government in recruiting legal professional.

The Chairman invited the deputations to present their views in the first part of the meeting, to be followed by general discussion.

*Faculty of Law of the University of Hong Kong
(LC Paper No. CB(2)1693/98-99(06))*

2. Mr Albert CHEN made the introductory remark that the Faculty of Law's view was that much of the reports of declining quality of new entrants to the legal profession were based on anecdotal evidence. The community needed more scientific and systematic methods of investigation into the question of quality, which concerned not only legal education and the legal profession but also the general education in Hong Kong as well as professions in many other fields. He summarized the comments made by the Faculty as follows -

- (a) The three-year undergraduate Bachelor of Laws (LLB) Programme remained a very popular choice for secondary school-leavers in Hong Kong and was able to attract some of the best students who just completed secondary education. The Post-graduate Certificate in Laws (PCLL) Programme was also a popular course attended by students graduating from the Faculty's LLB, law graduates from other overseas jurisdictions and people who had successfully completed the Common Professional Examination (CPE) (an accelerated programme in law for students who already held a degree in another field);
- (b) Regarding admission standards, for many years, students entering the LLB Programme had got the highest scores in terms of A-Level results in both the Use of English and Chinese Language and Culture of all the programmes offered by the universities in Hong Kong. In terms of general A-Level scores in all subjects, only two Faculties (Medicine and some of the Engineering and Architecture programmes), out of a total of nine in the University of Hong Kong, enrolled students with higher average scores than the Faculty of Law. Moreover, these statistics did not include the number of students admitted through channels other than the Joint Universities Programme Admission System (JUPAS) which comprised approximately 20% of the student body. Such non-JUPAS intake consisted mainly of degree-holders of the highest quality from universities in Hong Kong and other overseas countries.
- (c) Over the last decade, many changes had been made to the LLB curriculum with a view to improving the professional course to better equip students to enter the legal profession. The University's Department of Law continued to introduce new courses and innovative teaching approaches. Each LLB course was externally refereed and assessed, usually by an overseas academic with relevant expertise. The external examiners' reports were generally very positive.
- (d) The PCLL was to prepare students for professional legal practice and its programme had both skills-based and substantive law components. Teaching was delivered through full-time staff and part-time tutors on contract and legal practitioners who also served as part-time tutors. Each course had two external examiners, one nominated by the Law Society and one by the Bar Council, and there was a Chief External Examiner for the overall PCLL course. Members of the legal profession who served as external examiners also served on the PCLL Board of Examiners. Annually, the Chief External Examiner submitted a report assessing the examination procedures and results and the overall quality of the course. These reports were also generally very positive. Furthermore, the Department of Professional Legal Education was answerable to the

profession through the Chief Executive's Advisory Committee on Legal Education (ACLE). In recent years, the ACLE had discussed various important issues such as, among other things, consideration of a reform of the PCLL curriculum to meet the demands of a changing society.

- (e) In recognition of the fact that legal education was an on-going and life-long process, the Faculty was providing continuing legal education for legal practitioners through post-graduate research degree programmes and a broad variety of Post-graduate Diploma and Master of Laws programmes. These programmes played an important role in keeping practitioners up to date in their areas of expertise and enabling them to specialize and gain greater expertise.

*School of Law of the City University of Hong Kong
(LC Paper No. CB(2)1693/98-99(07))*

3. At the invitation of the Chairman, Mr David SMITH made his comments as follows –

- (a) Students in Hong Kong performed well in terms of knowledge of the law. Yet, a major problem with local students, particularly when compared with students in other jurisdictions, was inadequate knowledge in other fields to enable them to put law in the appropriate perspective. It was important for students to understand not only the technicalities of law but also the social, political and economic contexts in which law was operating. The problem was further complicated by inadequate proficiency of the students in English. To address these issues, better liberal arts education and language skills training should be provided to LLB students. In this connection, the School of Law supported expanding the LLB Programme by at least a year to allow for a more liberal education and training in language and skills.
- (b) The School of Law had raised the entry requirements for its LLB Programme, including the English language requirement, resulting in a reduction in the number at the lower end of the admission group. The reduced size of the classes enabled closer attention to be given to the students. Similarly, the standards of admission to the PCLL had been raised. To be admitted, graduates of the LLB Programme must achieve at least a First Class, Upper Second, or good Lower Second degree.
- (c) Some overseas jurisdictions had adopted a two-track legal education model in which the first-track was a LLB programme and the second-track was a graduate programme in law which took in graduates holding degrees in other disciplines. Experience in these countries had shown that

graduates of the second-track programme were in much greater demand amongst the legal profession than graduates of the LLB programme. A similar approach was adopted in the School of Law. Over 50% of the students in the first year LLB Programme were non-JUPAS students who had received university education in other disciplines. These students were generally more mature ones and they raised the overall quality of students studying in the LLB.

- (d) It was important take into account the fact that young people matured at different ages and that many people were “late-bloomers” who did exceptionally well after entering the university. Therefore, in contemplating a re-structuring of legal education and a review of admission requirements, it was necessary to ensure that there was equality of opportunity for all and that the door was open to those who had the potential for developing themselves in the course of their study.

4. At this juncture, Mr SMITH drew members’ attention to a “Forum on Legal Education in Hong Kong in the New Millennium” which would be organized by the School of Law on 12 June 1999 (the programme of the Forum had been tabled at the meeting and subsequently circulated to all members vide LC Paper No. CB(2)2234/98-99). He said that the Forum aimed at providing a roadmap for a rational, careful and comprehensive review of legal education in light of changes in Hong Kong and the contemporary design of legal education in other jurisdictions. He invited all concerned to attend the Forum.

*The Hong Kong Bar Association
(LC Paper1693/98-99(04))*

5. Commenting specifically on the concern about the quality of new entrants to the Bar, Mr Clive GROSSMAN said that the Bar Association saw the problem mainly as one relating to the inability of a certain number of young barristers to communicate effectively in English, and sometimes in both languages. This was well supported by observations and feedback from front-liners in the legal profession such as judges and magistrates.

6. Mr GROSSMAN said that the Bar Association was aware of the need to raise the standard of barristers, particularly the new ones, as much as possible. In the Association's view, pupillage for one year was not enough for young barristers to master the skills and techniques in the practice of law. The Association had been studying the need for further and continuing education and training for pupils and young barristers after their qualification. To this end, the Bar Council had embarked upon an intensive programme of advance legal education for new barristers in September 1998. The programme was well-received and the Bar Council was in the process of evaluating the programme thus far with a view to considering whether to

make the course compulsory for pupils and the possibility of an exit examination at the end of pupillage.

7. Mr GROSSMAN added that the problem with the quality of barristers appeared to a certain extent exaggerated, taking into consideration the total number of new entrants to the Bar and the fact that only a minority of whom were found not up to standard. He said that the problem was certainly a containable one and the Bar Association was doing its best to tackle it.

*The Law Society of Hong Kong
(LC Paper No. CB(2)1693/98-99(05))*

8. Mr Anthony CHOW advised that anecdotal allegations about declining standards of new entrants to the legal profession were not new. Very often, such allegations were made by consumers of legal services as well as by some senior members of the profession who supervised the performance of trainee solicitors. He echoed Mr SMITH's view that a major problem existed with the language and communication skills of young practitioners. However, the Law Society was of the view that there were other areas of concern which should also be explored. To this end, the Law Society had been pushing for a review of legal education and training to be conducted. In 1997, the Society had commissioned its own mini-survey as a catalyst to urge the ACLE to undertake a review as a matter of urgency. However, despite the ACLE's support for the review and its recommendation to the Chief Executive on the proposal, funding had not been provided by the Government. In a further bid to proceed with a review, the Law Society submitted an application to the Services Support Fund (SSF) in December 1998, but it was informed in April 1999 that the application was unsuccessful. The Society was then requested by the Industry Department to make certain modifications to its initial application and to re-submit it to the SSF for further consideration. The amended application was re-submitted in May and the Society was now awaiting a response from the SSF.

9. Mr CHOW further advised that the purpose of the revised application was to obtain funding to conduct a review by an independent consultant. The stated objective of the project was to improve both the quality and efficient provision of legal services to the public and other consumers of legal services, through changes to legal education and training system to effect improved standards. The new application was submitted by the Law Society as the applicant and the Bar Association as a co-applicant. Since the application was lodged, the City University of Hong Kong had indicated its support as a co-applicant. The Society was waiting for a response from the University of Hong Kong.

10. Mr CHOW pointed out that under the present open competition policy, lawyers from other parts of the world holding overseas legal qualifications were allowed to practise in Hong Kong after passing the required examinations. Local practitioners

must fully equip themselves in the face of the keen competition. He said that all concerned parties should make every effort to ensure that a sound and competent body of local legal professionals continued to exist.

*The Administration's views
(LC Paper No. CB(2)1693/98-99(03))*

11. At the invitation of the Chairman, Deputy Law Officer (DLO) briefed members on the Department of Justice's views as follows -

- (a) As an employer of lawyers, the Administration had a legitimate interest in ensuring that the lawyers it recruited were of a high quality. The Administration also had a duty to the community to assist in ensuring that practitioners in the legal profession were of a high quality in order to maintain Hong Kong's status as an international financial and business centre. Nevertheless, the Administration recognized that the legal profession was to a large extent a self-regulating institution, and that the universities must enjoy academic freedom. In the Administration's view, the best way forward was for the Administration to work co-operatively with the legal professional bodies, the tertiary institutions and the Judiciary in addressing the issues relating to legal education and training. In fact, this had been the approach adopted by the Administration all along through the ACLE, which was a statutory body comprising representatives from the concerned quarters and advising the Chief Executive on important issues relating to legal education in Hong Kong.
- (b) Concerning the quality of new entrants to the legal profession, the experience of the Administration was that graduates who had been employed by the Department of Justice were by and large of a very high standard. At present, the Department had 102 counsel who had gained both their LLB and PCLL in Hong Kong, and 46 counsel who gained their PCLL here. Of them, 86% were either already on permanent and pensionable terms, or had their applications for transfer to such terms approved. It was not clear how the standard of lawyers employed by the Administration compared to that of private practitioners generally. Yet, the above figures indicated that the locally qualified lawyers whom the Administration had recruited were performing highly satisfactorily.
- (c) The report made by one English-language newspaper which quoted a member of the Department of Justice as saying that the standard of applicants in a recent recruitment exercise was unsatisfactory did not accurately reflect the Department's views, and the Department had responded with a clarification. The fact was that in the exercise, the Department selected 14 applicants for permanent appointment, although

there were 18 vacancies. With the exception of the Law Drafting Division, all legal divisions in the Department had been able to identify suitable candidates to fill the vacancies. The gap between intake and vacancies in the Law Drafting Division arose because lawyers in private practice rarely have the relevant practical experience in bilingual law drafting to fit the very specialized requirements of the post. Therefore, the knowledge and skills of many experienced candidates were not readily transferable for application in the Division. Furthermore, few candidates actually indicated an interest in this area of legal work of law drafting. The failure to fill all the vacancies in the Law Drafting Division in no way reflected on the quality of the applicants in general.

- (d) The Administration supported the efforts being made by all sectors of the profession to provide continuing legal education for solicitors and barristers. The Administration would assist in that regard wherever possible. The Department of Justice was also supportive of the Law Society's proposal for a review of legal education and training in Hong Kong. The present position was that the Administration was carefully considering a proposal for it to take the lead in conducting a comprehensive review of a larger scale. Regarding the Law Society's application to the SSF, a decision was expected to be available soon.

Discussion

Capacity of Mr David SMITH as Acting Dean of the School of Law of City University of Hong Kong

12. Ms Emily LAU enquired about the City University's arrangement regarding Mr David SMITH's appointment as Acting Dean of the School of Law whilst taking a period of leave from the Harvard University.

13. In reply, Mr SMITH said that with his long experience in advising Governments and law schools on legal education policy and law reforms, the President of the City University considered him to be the right person to take up the appointment as Acting Dean of the School of Law for a period of time when the School was undergoing a stage of transition and re-structuring. He said that he was granted a two-year leave of absence from the Harvard Law School to enable him to take up the post in Hong Kong. Currently all his time and energy was fully committed to the School of Law. A situation of "one foot in each camp" certainly did not exist.

Re-structuring of legal education

14. Mr Martin LEE sought Mr David SMITH's views on how a re-structuring of legal education in Hong Kong should be taken forward.

15. Mr SMITH replied that legal education should be seen as a process of lifetime learning. In his opinion, the current three-year LLB Programme was not adequate for students just out of secondary school, and the one-year PCLL could not be used to fully develop skills training. In his experience at the Harvard Law School, he had seen graduates of law schools from all over the world coming to study for a Master Programme. In some European countries, there were legal education systems that run for five to six years, in the initial years of which a lot of work was devoted to liberal education, science and language skills etc. In some other jurisdictions like Australia, which adopted a dual-track, two-degree programme, law students studied law together with another discipline simultaneously. These models elsewhere pointed to the need for law students to be exposed to other fields of study apart from law.

16. Referring to the current LLB/PCLL split, Mrs Myrette FOK said that one problem with that was that it artificially separated out practice skills training (PCLL) from training in substantive law (LLB). She said that students needed to learn and work with the integration of substance and practice and therefore a greater integration of LLB and PCLL studies was desirable. Furthermore, in terms of the different aspects of legal training, it might be useful to examine the system of “streamed” training adopted in other jurisdictions where separate courses on skills training for solicitors and barristers were run by law schools in close conjunction with both branches of the profession. The skills and techniques acquired would then be further improved through post-PCLL vocational training in pupillage or in solicitor traineeship.

17. Mr Clive GROSSMAN said that he tended to disagree with the view that the first year of the LLB should be spent on intensive English language training. In his opinion, the language proficiency of a person would be more or less set as he reached the stage of university education, and further training was unlikely to produce significant improvements. He said that admission to the LLB should be based on the ability to speak and to communicate properly in intelligible English. When it came to the PCLL, that standard should be even higher. He was concerned that with the current policy which did away with English as the medium of instruction in local secondary schools, fewer and fewer people who took up legal studies in the universities would be able to achieve the high standard of English which enabled them to compete successfully in the profession with the best from around the world.

18. Mr Lester HUANG opined that legal training was a life-long process segregated into different stages of development, including development of a wide range of intellectual aptitudes such as critical thinking and problem-solving as well as other

emphasizing skills like counselling, negotiation, interviewing, writing and advocacy etc. Whilst it was important to look at language and communication skills, one must not lose sight of all the other important aspects of training which education at the university must take into full account.

19. Echoing the point made by Mr Clive GROSSMAN, Mrs Miriam LAU said that the problem with language skills should be tackled at source at the secondary or even at the primary schools stage. She added that, according to expressed views, the problem with declining quality existed with a minority of the new entrants to the profession. She asked whether the relative ease with which people nowadays could get admitted to the law faculties through the various routes, despite some of them might not be up to standard, was the cause of the problem.

20. Ms Emily LAU enquired about whether there had already been an over-supply of local law graduates.

21. In response, Mr Michael WILKINSON said that there had been a lot of comments about the standards for admission into the law faculties, particularly with regard to the PCLL. He pointed out that the criticisms were to a certain extent misdirected. He advised that the standards of admission to the Faculty's PCLL Programme were high and there was keen competition for the limited places. To be admitted to the PCLL, graduates of the Faculty's LLB must achieve at least a Lower Second Class Honours degree. The majority of students in the Faculty's PCLL were from the Faculty's LLB. The percentage of Faculty LLB students in the Faculty PCLL would continue to increase over the next two academic years because the number of places in the Faculty's PCLL was being decreased. The admission quota, which stood at 200 for 1997-98, was decreased to 185 for 1998-99; and it would be further decreased to 170 for 1999-2000, and to 155 for 2000-01.

22. Mr WILKINSON added that apart from the Faculty PCLL, the University's School of Professional and Continuing Education (SPACE), which was an external wing of the University, also administered its own PCLL Programme. The SPACE PCLL Programme received no Government funding. It guaranteed places to SPACE CPE students with degrees in other disciplines who had passed the CPE examinations on the first attempt and to graduates of the London University External LLB who had studied SPACE preparatory courses. This year, there were 123 full-time and 50 part-time students in the SPACE PCLL. The Faculty PCLL and SPACE PCLL Programmes also accepted a number of returning Hong Kong students who had obtained their LLBs in the U.K. or Australia.

23. On the matter of re-structuring, Mr WILKINSON said that he was personally in favour of an extended PCLL rather than extending the LLB because at present only a minority of about 40% of the LLB students in the end entered the legal profession.

24. Regarding the LLB, Mr Charles BOOTH supplemented that the Faculty of Law had taken steps to improve the overall quality of its LLB student intake. This year, the Department of Law agreed to establish mixed degree programmes with the School of Business to offer a BBA(Law) and with the Faculty of Social Sciences to offer a BsocSc (Government and Laws) commencing in the 1999-2000 academic year. These new programmes would attract high calibre students who would be among the strongest academically when compared to the LLB intake. It was anticipated that many of these students would complete a fourth year of study and earn the LLB degree, which would strengthen the overall quality of the LLB class. Mr BOOTH added that Hong Kong might learn from the models of other jurisdictions such as that of the US where there was a flexibility in the system to enable students to undergo a maturing process in the undergraduate period during which the students could try different subjects in the initial years before they eventually decided to focus on what subjects they really wanted to do.

25. Mrs Myrette FOK informed members that at the City University, the School of Law had reduced both the intake of PCLL course and the number of places for repeaters who failed the examination in one year. This year, there were a total of 57 students taking the examination, including three repeaters. Out of the remaining 54 students, all but three of them came from the University's LLB course. The reduced number of places for the PCLL Programme had the effect of making admission more competitive and raising the overall standard. It was intended that over a period of three years, the students in the PCLL Programme would compose of LLB graduates with First Class or Upper Second Class degrees and the best from the CPE overseas law courses.

26. Mr Anthony CHOW said that the Law Society shared the view that a major problem hinged on the PCLL. The PCLL was a professional course in which the particular procedure and skills aspects of legal training were taught. It was a training ground for the purpose of legal practice, either for admission as a solicitor or as a barrister. In Hong Kong, the vast majority of the students completing the PCLL actually went into practice. He noted that the pass-rate for the PCLL examination (about 58%) in Hong Kong was exceptionally high as compared to professional examinations in other jurisdictions, for example, as compared to 3% in Japan and 6% in the Mainland China. The low pass-rates ensured that only the best could get into the profession. Mr CHOW added that at present the legal professional bodies in Hong Kong played no part in setting the standards for passing the PCLL examination, leaving the matter solely in the hands of the two universities. He opined that this was an area which should be looked into carefully in the future.

27. In response to the point raised by Mr Anthony CHOW, Mrs Myrette FOK said that for each of the PCLL courses, the universities appointed external examiners and there was a Chief External Examiner for the overall PCLL course. External examiners assumed an important role in improving the confidence of the profession in

the PCLL course. In addition, legal practitioners and judges were also involved in the PCLL in a variety of capacities, such as teaching as guest lecturers or as assessors in advocacy skills programmes.

28. Mr Michael WILKINSON said that although a system of external examiners was in place, it was ultimately the law faculties' responsibility to set the standards for the PCLL examinations and hence to account for the quality of the "end-product". On the issue of introducing changes with a view to improving the standard, there were different arguments as to whether one should restrict at the entry point or at the exit point. If stricter entry requirements for the PCLL were imposed, many students with good potential might be automatically excluded. On the other hand, to add to the tough examination requirements at the exit stage would run the risk of putting too much stress on the students, bearing in mind that stress on law students was already known to be a phenomenon. He said that it was a matter that warranted careful thought and certainly an important subject for review.

Law teachers participating in legal practice

29. Ms Emily LAU expressed the view that to allow law teachers at the universities to engage in some form of outside legal practice could add to the quality of teaching because the teachers could pass the benefit of that experience to the students.

30. In response, Mrs Myrette FOK advised that all teachers on the City University PCLL Programme were qualified practitioners with substantial practising experience in Hong Kong or elsewhere. The University recognized that outside practice experience was extremely useful to teaching in law. Yet, there were long-standing restrictions imposed on the extent to which teachers could undertake outside work for obvious reasons, i.e. teachers were supposed to work full-time at the University and any outside practice must not interfere with a teacher's responsibility to the University and to the students.

31. Mr Albert CHEN said that the Department of Professional Legal Education, which provided teaching for the PCLL Programme, employed teachers who had practice qualification and experience. As far as the Department of Law was concerned, most of the teachers possessed the qualification of solicitors or barristers either in Hong Kong or in another common law jurisdiction, although that was not an absolute requirement for the purpose of recruitment. In some subject areas, it was possible to appoint people who did not have practice qualification but who held relevant research degrees. For example, in the field of Chinese Law, the Department had employed a few teachers who were originally law graduates from Mainland China and subsequently obtained qualification of higher degrees abroad. Although they had no practice qualification, they were appointed on the basis of their specialized knowledge in the sphere of Mainland Chinese law.

32. Mr Johannes CHAN shared the view that a fair amount of practice experience was important, particularly for teaching at the PCLL level, as it brought about cross-fertilization in imparting knowledge and in the development of expertise. In this regard, practitioners in both branches of the legal profession also made great contributions by teaching in the PCLL Programme. He said that restrictions on outside practice which applied to teachers in tertiary institutions involved a complicated policy issue which affected not only the law faculties but also a whole range of professional disciplines. To avoid abuse, it required the exercise of a high level of self-discipline on the part of the teachers engaging in both teaching and outside practice at the same time.

Graduates entering the legal profession

33. Mr Martin LEE remarked that the best law graduates from the Universities tended to join the Government, leaving the second best and the rest to the solicitors' firms and to the Bar.

34. Mr Richard GLOFCHESKI responded that the real situation was that the best students in the University of Hong Kong, after completing the PLCC, joined the big law firms almost without fail. He explained that the reason for people getting the same impression as that held by Mr LEE was that, for a number of years, a considerable number of graduates had been unable to gain employment in the solicitors profession and so they tended to turn to the Bar. This coincided with a "trough" in terms of the quality of the entrants to the University between 1989 and 1992. Since then, the quality of intake had been improving. Furthermore, with the improvement in financial inducements at the Bar in recent years, a lot of outstanding graduates were prepared to make some financial sacrifices earlier on in their career and join the Bar.

How the study of law ranked in the order of preference of students admitted to the School of Law of the City University of Hong Kong

35. Ms Emily LAU noted that it had been reported that the School of Law had admitted through the JUPAS Scheme some students who had ranked the LLB Programme low in their preference order of applications (in one or two cases as low as the 18th choice on the preference list). She asked whether this had been the case and requested the School of Law to provide information for the past few years on the preference order of applicants admitted to the LLB Programme.

(Post-meeting note : A reply from the School of Law has been circulated to members vide LC Paper No. CB(2)2454/98-99(01) dated 2 July 1999.)

Comprehensive review of legal education and training

36. Members unanimously agreed that a comprehensive review to identify and address problems in the current system of legal education and training should be proceeded with expeditiously. The Chairman opined that issues relating to how the PCLL should be improved and re-structured, the provision of differentiated training for solicitors and barristers and the strengthening of post-graduate training etc. were particularly important areas of concern. She added that it would be preferable, as suggested by the Law Society, that a review be conducted by a body independent of the Government.

37. DLO responded that the present proposal which was being considered was that the Government should take responsibility for bringing about a comprehensive review. The review should be an independent one under the chairmanship of a respectable person with appropriate knowledge and professional status, such as a retired judge or a law professor, who could enlist all the relevant expertise to take part in the review.

38. Ms Emily LAU suggested that to complement a comprehensive review, a survey could be conducted with questionnaires to be issued to all concerned parties to solicit their views on the subject.

39. Mr Lester HUANG said that an attempt to do a survey at this stage was likely to duplicate what necessarily had to be looked into when a comprehensive review was conducted. He considered that it would be a better approach to wait for the review to take its course, subject to an early decision of the Government on the way forward.

40. The Chairman opined that the role of the Panel was to take a keen interest in the matter and to oversee progress in the conducting of a general review, rather than to carry out a survey itself.

41. In response to the Chairman, DLO said that the Law Society's funding application to the SSF was being assessed by an independent Committee of the SSF. A decision was expected to be taken in the near future.

Conclusion

42. After some further discussion and having sought the views of the deputations, the Panel decided to take the following course of action -

- (a) the Chairman should write to the Chairman of the SSF to express the full support of the Panel for the Law Society's application for funding from the SSF to conduct a review, and to request the SSF to give the application its favourable consideration; and

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- (b) the Panel should further discuss the issue of legal education at the right time, pending the outcome of the SSF's decision and the Administration's report on developments relating to how a comprehensive review should be proceeded with. Meanwhile, the two universities and the legal profession were welcomed to make further submissions for the Panel's consideration as they saw fit.

(Post-meeting note : On item (a) above, a letter from the Chairman has been issued to Chairman of the SSF on 9 June 1999. On item (b), a paper prepared by the Administration which summarizes the progress made in respect of the proposed comprehensive review of legal education and training has been circulated to members vide LC Paper No. CB(2)69/99-00(01) dated 11 October 1999.)

43. The Chairman thanked the deputations and the Administration for their valuable contributions to a useful and constructive discussion on the subject.
44. The meeting ended at 12:10 pm.

Legislative Council Secretariat
12 October 1999