

香港律師會的信頭
The Letterhead OF THE LAW SOCIETY OF HONG KONG

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Mrs Percy Ma
Clerk to Panel
Legislative Council
The People's Republic of China
Hong Kong SAR
Legislative Council Building
8 Jackson Road, Central, Hong Kong

By Fax and Post

Fax No.: 2509-9055

Dear Mrs Ma

Re: LegCo Panel on Administration of Justice and Legal Services

I refer to your letter of 24 March 1999.

The issue of the quality of legal education in Hong Kong is not new. Similarly, anecdotal allegations about the standards of new entrants to the legal profession are not new.

The Chief Justice and the heads of the two legal professional bodies raised issues concerning these matters in their addresses at the Opening of the Legal Year in January.

Prior to that, in 1997, the Law Society of Hong Kong commissioned its own mini-study of legal education by an overseas expert to assist in the development of its own position on the matter as it relates to solicitors. The Law Society used the resulting Position Paper as a catalyst to urge the Advisory Committee on Legal Education (ACLE), a statutory committee which reports directly to the Chief Justice and which is chaired by the Chief Justice's representative, The Hon. Mr Justice Litton, to recommend to the Chief Executive that a comprehensive review of legal education in Hong Kong be undertaken as a matter of urgency.

On 2 April 1998 the ACLE, after considerable discussion, unanimously resolved to make the following recommendation to the Chief Executive:

- “(i) In order to maintain the integrity of public confidence in the legal profession and to prepare lawyers for the demands of practice in the 21st century a full scale review of legal education in Hong Kong should be conducted;

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- (ii) Such a review should be conducted by a panel which should include an expert or experts from another common law jurisdiction;
- (iii) The necessary funding be made available by the Government for the conduct of such a view as a matter of urgency, with a view to recommendations being made for improvement.”

The Chief Executive responded that the review would increase public confidence in the legal profession and that the Secretary for Education and Manpower would work closely with the ACLE on the review.

However, despite the ACLE recommendation and the response from the Chief Executive, funding was not forthcoming from the Government and the Law Society, despairing that the matter would proceed at all, let alone expeditiously, on 31 December 1998 applied to the Services Support Fund (SSF) for the funds to conduct the review.

The application was submitted to the SSF by the Society on the basis that it would seek the support of the City University of Hong Kong, the University of Hong Kong and the Hong Kong Bar Association to join the application as co-applicants.

Although the Society’s application was shortlisted by the SSF, on 1 April 1999 we received advice from the Director-General of Industry that the application was unsuccessful, the reason being that, as the application was primarily concerned with a review of local legal education, it was more of an educational than an industrial matter.

With respect, it seems to us that the review recommended by the ACLE would be the best way forward in dealing with the problems associated with the current system of legal education in Hong Kong and the standards of new entrants to the profession. Such review would be a structured, empirical approach to a complex subject, with the aid of those who are expert in researching such matters and making the appropriate recommendations for reform.

I trust that our comments will assist the Panel in considering this matter.

Yours sincerely

PATRICK MOSS
Secretary-General