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LAW ASSOCIATION (HKUSU)

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Miss Margaret Ng
Room 116, New Henry House
10 Ice House Street
Central
Hong Kong

15th March, 2000

By Fax and Mail

Fax no. 2108 4559

Dear Miss Ng,

Re: The reduction of subsidies of tuition fees for PCLL

According to the news articles in Mingpao and South China Morning Post on 2nd March 2000, the University Grants Committee (UGC) has proposed a reduction of government subsidies for the Postgraduate Certificate in Laws (PCLL) programme in two years' time. If this proposal comes into reality, the tuition fees of the PCLL will rise significantly to \$170,000 (based on a preliminary calculation by our faculty, details please refer to the annex 6) from the present \$42,000.

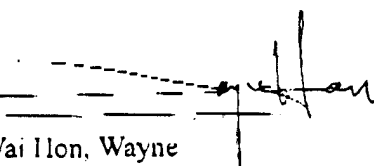
Many of our law students worry about this proposal because not many of us can afford the high proposed tuition fees. In response to this proposal, we have written a public letter to Mrs Alice Lam, the Chairlady of the UGC (please refer to the annex 3) and we have also collected signatures from our fellow law students to show our strong opposition against this proposal (please refer to the annex 2).

We understand that the influence we can exert is limited, your help is sincerely needed. As the Chairman of the Panel on Administration of Justice and Legal Services in Legislative Council, you would be in a stronger position to trigger discussion in the Legislative Council, which will surely bring pressure on the UGC so as to make them reconsider the proposal.

Attached is also the article "PCLL Education in Hong Kong and the Question of Public Funding" prepared by Professor Albert H Y Chen who is the Dean of the Faculty of Law (please refer to the annex 5).

Thank you for your kind attention.

Yours truly,


Ilon Wai Ilon, Wayne



The Chairman of the Law Association, HKUSU 2000-2001

Annex 1

法律文憑課程擬撤資助 學費料倍增 業界齊怒吼

【記者任秀群報導】大學教育資助委員會擬撤除法律文憑課程 (FCL) 資助，在法律界引起極大回響，律政司、律師會及兩間提供課程的大學罕有地聯成同一陣線，一致反對有關建議，並各自去信教資會陳情，要求該會收回成命。面對一「情洶湧」的反響，預料教資會在下月的例會上，會就此進行檢討。

為重新分配資源，教資會正研究大學分科收費事宜，頭炮是先取消部分導修式碩士課程的資助，被點名的包括工商管理碩士課程及法律文憑課程。一旦轉為自負

盈虧方式經營，法律文憑課程的學費，會由現時的四萬二千元，倍增至近九萬元。

律政司港大城大關注

消息稱，除了香港大學及城市大學已去信教資會提出反對外，律政司高層對事件亦甚為關注，司長梁愛詩更親自去函教資會，強調法律文憑課程並非一般碩士課程，其實是法律學士課程的第四年，因為一個學生在完成三年的法律學士課程後，必須修畢法律文憑課程才可執業，若法律文憑要收回成本，就等於向所有打算做律

師的本科生收取高昂學費。

律師會副會長葉成慶表示，該會初步立場反對撤銷資助，相反認為應增加資源，培育更多合適的法律專才，配合香港發展為國際金融及服務中心，並認為教資會應待現正進行的法律教育檢討完成後，才作出改變資助決定。但他強調該會要待周內召開理事會確認立場後，才會正式去函教資會。

較早前港大及城大的學生會已發表聲明，強烈譴責撤回資助會造就學位貴族化的情況，要求取消有關決定。

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 對法律專業證書課程(PCLL)削減資助之計劃

Chyo

<i>Jan Chan</i>	<i>Ching-fu</i>	<i>Murks</i>	<i>容嘉利</i>
<i>Terry Lee</i>	ARISE KWOK	<i>[Signature]</i>	<i>[Signature]</i>
<i>Alvin Song</i>	<i>[Signature]</i>	<i>Indira</i>	<i>連玉珊</i>
<i>[Signature]</i>	Caine, Cheryl	<i>[Signature]</i>	<i>陳瑞琪</i>
<i>Rick</i>	Yung.	<i>[Signature]</i>	<i>[Signature]</i>
<i>[Signature]</i>	<i>Ren</i>	<i>[Signature]</i>	<i>Jeni Chy</i>
<i>[Signature]</i>	<i>[Signature]</i>	<i>Chun Yee Kwan</i>	<i>May</i>
<i>[Signature]</i>	Angela.	<i>[Signature]</i>	<i>[Signature]</i>
<i>Ann Ka</i>	Yun Suk Ling	<i>[Signature]</i>	<i>Lo</i>
<i>[Signature]</i>	ell Yule Min	<i>[Signature]</i>	
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
<i>Chau Ka Cho</i>	<i>[Signature]</i>	<i>Justin Yung</i>	
<i>[Signature]</i>	<i>Jan</i>	<i>Yvonne</i>	
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
<i>[Signature]</i>	<i>[Signature]</i>	<i>Priscilla</i>	
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
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<i>[Signature]</i>	<i>[Signature]</i>		

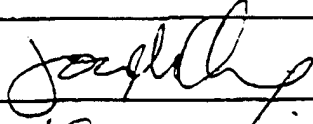
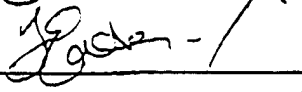
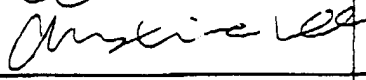
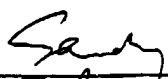

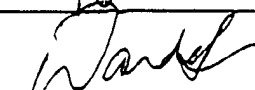
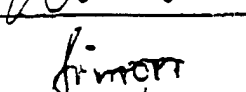
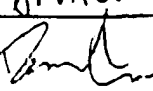
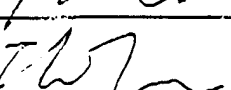
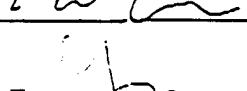

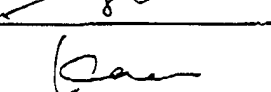
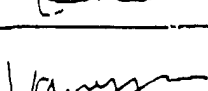
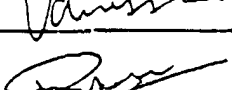

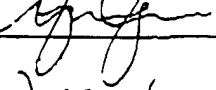
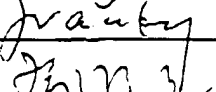
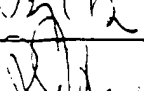
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 對法律專業證書課程(PCLL)削減資助之計劃

Tricia	Dulala	Luken	Pris
Mark	Greeny Wan	One	Ben
Miss	Jo	Daya	Juan
Wang Pui	Christine	Jo	John
John	Con Ho	Shirley	Alvin C.
mandy	Jenny	Yan Li	Suzi Tam
Jane Chan	Jo	Sy. Lam	Helen Ng
Carman Kwok	Jo	Margie Wong	Joanna
Natalie Cheng	Eric Chan C.W.	Shirley	Joey
Choi	Wendy	Joey	Joey
Janice Au	Caroline	Susan	Joey
Winnie Sun	Jo	Wendy	Joey
Adria Blom	Julia	Karen Chan	Joey
Maria Tam	Jo	Cherry	
Chi	Cony	Pris	
Jo	Jo	Ben	
Kalidney	Jo	Jo	
Cathy	Jo	Jo	

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Sarah Cheng	Queenie Tsao		
Nicholas Mear-	Shermie Chan		
Martin Wong	CHRIS CHING		
Li/a/an	Rachel Wong		
Anne Chan	Lorraine PAO		
Christi Chan	MARCUS CHAN		
Ping Lan			
Kildun Lee			
Jonathan Ho			
Roanna Chiu			
Aldo Chan			
Isabella Li			
Arnold Peng			
Alvin Mak			
Devere Mak			
Angie Li			
Yenna Cheng			
M. K. Leung			

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	Ronald Lee		
	Rosa Li		
	Annie Lee		
	Sandy		
	Candy		
	Carmen		
	Tiffan		
	Chita		
	Sean Fang		
	James		
	Michelle		
	Danny Ho		
	Melissa		
	Chooki		
	Jonathan		
	Yvonne		
	Yvonne		
	Yvonne		



Annex 3

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A Letter to Mrs Alice Lam, the Chairman of the University Grants Committee (UGC).

It was reported in the media that the University Grants Committee has proposed a reduction of government subsidies for the Postgraduate Certificate in Laws (PCLL) programme in two years' time. Three criteria were stated as guidelines for this proposed reduction:

1. Whether the curricula concerned are second degrees (for instance master or doctorate degree);
2. Whether the purposes of the curricula concerned are for the personal enhancement;
3. Whether the curricula concerned train people for whom the community has a special need.

In response to the proposed reduction in subsidies, we put forward the following comments:

1. The increase in tuition fees as suggested by the media should not be regarded as the official figure. The University of Hong Kong will determine the ultimate figure. However, it is foreseeable that without such subsidies, there will be a huge increase in PCLL's tuition fees inevitably. The entry of the profession will be hinged on wealth. If this proposal comes into a reality, the situation will go backwards to the time when the legal profession was only available to the upper class. In fact, to maintain the quality of the future legal profession, tightening the entry requirement would be a more sensible way instead of increasing the tuition fees.
2. The nature of PCLL is fundamentally different from other postgraduate courses:
 - According to the Legal Practitioners Ordinance (Cap 159), PCLL is the statutory pre-requisite course for entering the legal profession while



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- other postgraduate courses may not be a must to enter into the respective professions.
- The PCLL programme has been designed as an integral part of a 4-year package. For example, tax law is taught in some bachelor programmes for business and accountancy, but is not taught in the Bachelor of Laws (LLB) programme and is left to the PCLL.
 - Law students enter the LLB course on the expectation that PCLL is an integral part of the legal education. The proposal that undermines such an expectation is unfair to current LLB students.
 - In fact, an overwhelming majority of LLB graduates continue to study PCLL. The proposal will deprive law students of the opportunities to pursue a career in the legal field.
3. Legal Education is under a current overall review, during which there will be a consultation period. In the mean time, the government has proposed a reduction of subsidy which might invite no formal consultation. We suggest that the UGC should consider the recommendations made pursuant to thorough review and consultation before they apply the proposal to PCLL.
4. It is reported in the mass media that those courses considered to be beneficial to the society would not be subject to this proposed reduction. It is not clear on what basis the UGC regards a course as necessary or not. We put forward that the following considerations should be taken account of.
- In view of the transformation of the political, economic and legal aspects, the legal profession has distinct roles to play. For instance, the advent of the new constitutional order, the advancement of information technology and even the introduction of the Mandatory Provident Funds makes it obligatory to train a lot of legal professionals to encounter the forthcoming challenges.
 - The mission of legal profession is to uphold the Rule of Law. A sound legal system is vital to the competitiveness of Hong Kong.

We sincerely hope the University Grants Committee can give our comments



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thorough consideration.

Regards,

Law Association Executive Committee, HKUSU 2000-2001

13th March, 2000

Persons to contact: Hon Wai Hon, Wayne
Tang Chun Pong, Carfield



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一封致大學教育資助委員會主席林李翹如太太的公開信

根據傳媒報導，大學教育資助委員會正考慮在兩年後逐步撤回對法律專業文憑課程(PCLL)之資助，其考慮因素主要為以下三點：

- 一) 是否屬於第二個學位，即碩士或博士學位課程；
- 二) 修讀有關課程是否對個人增值有更大幫助；
- 三) 該課程是否培訓社會特別需要之人才。

對於大學教育資助委員之建議，我們有以下回應：

1. 大學教育資助委員撤回法律專業文憑課程(PCLL)之資助的建議必然會令法律專業文憑課程之學費大幅提高，到時能否付得起高昂之學費將取代學生之能力而成為能否成為律師之主要因素，律師這一行業便將再次變為有錢人之專利。其實，要保持法專業人才之質素，提高收生標準比增加學費實為更適當之解決方法。
2. 法律專業文憑課程在本質上和其他研究生課程有很大之分別：
 - 第一，根據香港法例第 159 條之法律執業者條例，法律學士必須修讀此文憑課程方可成為見習律師，而其他研究生課程卻並不是其他行業入行的必要條件。
 - 第二，法律專業文憑課程在課程設計上是培養法律專業人士的主要一環，可說和法律學士之課程不可分割。例如，很多關於稅制的知識就是只能在法律專業文憑課程而非在法律學士課程中所能學到的。
 - 第三，由於正就讀法律學士學位的同學於入學前對專業文憑課程學費將激增的變化一無所知，故此舉對他們甚為不公。
 - 第四，絕大多數的法律學士皆修讀法律專業文憑課程，大學教育資助委員會此一建議將令很多有志從事法律專業之法律學士畢業生因無法負起高昂學費而被拒諸門外。
3. 整體法律教育模式正在檢討當中，於此時在毫無諮詢的情況下提出縮減資



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助，將對法律教育改革做成深遠的負面影響。我們建議大學教育資助委員應在看過法律教育改革報告之提議後方決定是否撤回政府對法律文憑課程之資助。

4. 對於大學教育資助委員是否考慮撤回法律文憑課程之資助的第三個考因素(即該課程是否培訓社會特別需要之人才)，我們予以質疑。大學教育資助委員究竟用甚麼標準來說法律專業文憑課程並不是培訓社會特別需要之人才呢？我們確實難以理解。我們希望以下兩點能列入大學教育資助委員考慮之列：

第一，邁向新世紀，香港之社會及經濟正在急速轉型中。隨著新的憲制情況，高科技之發展及社會保障政策之逐步展開，社會上下將不斷出現各種不同問題，急需法律的配合與調解。香港此時應當積極培訓具多方面知識之法律人才，而非倒行逆施，縮減其資助。

第二，完整的法治制度一直是香港繁榮之重要基石，而法律人才對維護法治則扮演相當重要的角色。

特區政府對於教育責無旁貸，在這轉變中的時代，政府應加強對法律專業訓練的支持，以提高香港長遠的競爭力。我們在此促請有關當局三思而後行。莫為短暫的財政利益而罔顧長遠的法律發展，以致最後傷害全體香港市民的利益。

香港大學學生會法律學會執行委員會 2000-2001

聯絡人：韓偉溪
鄧振邦

二零零零年三月十三日

Annex 4

聲明

反對政府撤除資助法律文憑課程

大學教育資助委員會(教資會)於三月一日表示法律文憑課程(PCLL)會逐步邁向自負盈虧的運作模式，撤回對課程的資助，教資會主席林學翹如解釋，政府為節省資源及資助其他社會上更有迫切需要的專業培範等，因而在下個撥款年度(01年-04年)的法律文憑學費會由現時的四萬多元急增至九萬，對教資會是次的決定，香港大學學生會予以強烈的反對。

(一) 反對課程標籤^W，職業階級化

政府以節省資源為由，強行將學科或課程分類為「社會特別的人才需要」和「幫助個人增值」等區別，完全扭曲了教育以人為本的成長空間，催化了教育為經濟服務的人力培訓所。

由於修讀法律的本科同學必須考畢法律文憑才可成為執業律師，學費的暴增絕對影響同學選擇課程及職業的考慮，更甚法律課程變為有錢人的科目，律師成為有錢人的職業。這樣的教育，不但無助於提升人民的素質，更加劇化了階級的矛盾衝突，將社會推至兩極化的境地。

(二) 反對政府減少教育承擔

在高失業，經濟低迷的情況下，港府將「節省資源」和「資源增值」視為打救香港的出路。這邊廂政府要求市民勒緊褲頭，減綜援、減社會福利撥款、減新入職公務員薪金、地鐵私營化、計劃分科收費、擬徵陸路雜境稅及銷售稅……處處向低下市民開刀，令普羅市民百上加斤，徬徨無助；那邊廂政府卻高姿態地全情投入興建迪士尼，以低價撥地發展數碼港，更對壟斷大眾服務袖手旁觀，不聞不問，如此不負責任的政府，令社會仍在低迷氣氛下徘徊，社會問題叢生，政府無視市民的血汗辛勞，卻處處迎合大財團大商家，劫貧濟富。

政府減少教育承擔意圖明顯，最近，政府不單考慮分科收費，更擬將學費與學科前景掛鉤，政府不但沒有教育理念可言，沒有洞悉教育對促進社會發展的真正含意，卻以「成本效益」等商業概念主導教育政策，單向地為「高科技」製造「工人」，不斷削減人文科學的生存空間，政府斷言無意在產業資訊科技及研究生等課程收回成本，因為是社會急需的人才(明報，2/3/2000, A13)如此看來，其他課程亦同樣面對撤回資助的危機，以迎合政府「高科技」的口味，這和政府施政的短視和劫貧濟富的方向完全是同出一轍。

(三) 重申反對分科收費

港府撤回對法律文憑的資助與分科收費的本質無異此舉除了引起社會分化的嚴重社會後果外，即使政府有資助計劃協助經濟能力低的同學，畢業生根本沒力償還款項，甚或影響自身前途的選擇，我們同樣憂慮分科收費一旦推行，將來會有更多的服務和設施亦有藉口向同學收回成本或費用。

因此，我們要求：

1. 政府及教資會收回「撤除資助法律文憑」的方案；
2. 停止推行分科收費

香港大學學生會
聯絡人：張韻琪

二零零零年三月六日