

For discussion on  
21 March 2000

## **LegCo Panel on Administration of Justice and Legal Services**

### **Funding for the PCLL**

There have been recent reports suggesting that the University Grants Committee (UGC) is planning to withdraw public funding for the PCLL. The Department of Justice is strongly opposed to any such development.

### **The UGC**

2. The UGC is a non-statutory committee responsible for advising the SARG on the development and funding needs of higher education institutions in the SAR. Its terms of reference and membership are at **annex 1**.

### **The proposal**

3. The Department of Justice has been informed by the Secretary General of the UGC as follows.

“The UGC has for some time been urging the institutions to offer more taught postgraduate programmes / courses on a wholly or largely self-financing basis, except where there is a clear element of public as distinct from private investment. The only more specific advice given by the UGC recently to the Secretary for Education and Manpower is that most, if not all, publicly-funded MBA programmes remaining in the UGC-funded sector should be phased out by the end of the next triennium, thereby freeing up places within otherwise unchanged taught

postgraduate student number targets to support Postgraduate Diploma in Education programmes proposed by the institutions for the next triennium and specifically requested by the Government.

In response to a question on this subject at her recent “Meet-the-Media” session, the Chairman Dr Alice Lam explained this and was then asked how the UGC would determine the distinction between private and public investment in this context. We responded that this would be left largely to the institutions to determine, subject to the UGC’s overall advice referred to above and the general understanding that public funding will only be provided to support each institution’s student number targets, expressed in full-time equivalent terms (i.e. full-time equivalent student load).

The example of the PCLL was raised and as I recall we simply made the point that this was an example of a programme already provided in both fully publicly subsidised and self-financed form. We did not (not) state either that it should be publicly funded or that it should not.”

### **The risk**

4. Although the UGC may not be making any specific proposals in respect of funding for the PCLL, there appears to be a risk that its proposals may lead to the withdrawal of public funds from the PCLL. This is because one or both Universities might apply the UGC guidelines in a way that has this effect.

### **The Department of Justice’s position**

5. The Department of Justice has studied the paper, entitled ‘PCLL Education in Hong Kong and the Question of Public Funding’ prepared by the Faculty of Law of the University of Hong Kong. For

the reasons set out in that paper, the Department of Justice strongly opposes any withdrawal of public funding for the PCLL. In particular, it emphasizes that –

- (1) the department’s commitment to the rule of law and to a strong and independent legal profession would be undermined by such a development; and
- (2) it is undesirable to make any substantial changes to legal education pending the completion of the comprehensive review of legal education that is now being conducted.

6. The latter point has been unanimously endorsed by members of the Steering Committee for the Review of Legal Education.

### **The way forward**

7. The allocation of funds for university courses is determined partly by the UGC and partly by the universities themselves. The risk of a withdrawal of funding for the PCLL would be minimised if the UGC could be persuaded that its general guidelines in respect of taught postgraduate programmes should not apply to the PCLL.

8. There are good reasons for excluding the PCLL. Although, by name, it is a postgraduate course, in substance it is an integral part of a 4-year course of professional training. As is explained on page 2 of the paper prepared by Hong Kong University’s Law Faculty, that course of training is similar to that of doctors, dentists and architects – each of which is a 5-year undergraduate course. It would be irrational to withdraw public funding for part of the training course for lawyers, but not for other professionals, merely because that course has been artificially split into two parts.

9. In addition to seeking to persuade the UGC of this point, it is suggested that the two universities should be reminded that it is vital that

public funding for the PCLL continues. The many reasons for this have been set out in the Law Faculty's paper.

### **Summary**

10. The Department of Justice strongly opposes any withdrawal of public funding for the PCLL and urges the Panel on Administration of Justice and Legal Services to make representations –

- (1) to the UGC, to the effect that the PCLL should be excluded from its guidelines concerning taught postgraduate courses; and
- (2) to the two universities, to the effect that it is vital that public funding for the PCLL should continue.

Department of Justice  
March 2000



# Terms of Reference

## 職權範圍

[What's New](#)

[Search](#)

[Site Index](#)

[What is the UGC](#)

[Terms of Reference](#)

[Mission](#)

[Membership](#)

[Role & Functions](#)

[UGC Secretariat](#)

[UGC-funded institutions](#)

[Statistics](#)

[Virtual Library](#)

[Other Useful Links](#)

[Higher Education Forum](#)

[Chinese on the Web](#)

[Privacy Policy](#)

The University Grants Committee (UGC) is appointed by the Chief Executive of the SAR with the following terms of reference:

- a. To keep under review in the light of the community's needs :
  - i. the facilities in Hong Kong for education in universities and such other institutions as may from time to time be designated by the Chief Executive of the SAR;
  - ii. such plans for development of such institutions as may be required from time to time;
  - iii. the financial needs of education in such institutions; and
- b. To advise government :
  - i. on the application of such funds as may be approved by the Legislature for education in such institutions; and
  - ii. on such aspects of higher education which the Chief Executive of the SAR may from time to time refer to the Committee.

[[What's New](#)][[Search](#)][[Site Index](#)][[What is the UGC](#)][[Terms of Reference](#)][[Mission](#)]  
 [[Membership](#)][[Role & Functions](#)]  
 [[UGC Secretariat](#)][[UGC Funded Institutions](#)][[Statistics](#)][[Virtual Library](#)][[Other useful links](#)]  
 [[Higher Education Forum](#)]  
 [[Chinese on the Web](#)][[Privacy Policy](#)]

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Membership

成員名單

What's New

Search

Site Index

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(Position as at 1.3.2000)

What is the UGC  
Terms of Reference  
Mission  
Membership  
Role & Functions  
UGC-funded institutions

Statistics  
Virtual Library  
Other Useful Links  
Higher Education Forum

Chinese on the Web  
Privacy Policy

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|-----------------------------|--|-----------|-----------|
| Dr Alice Lam                | <i>Former Managing Director,<br/>Hang Seng Bank</i>  | 1.4.1998  | 31.1.2002 |
| Members                     |  |           |           |
| Mr Victor Cha Mou-zing      | <i>Managing Director,<br/>HKR Asia Pacific Pte Ltd</i>   | 1.4.1999  | 31.3.2001 |
| Professor Cheng Yin-cheong  | <i>Centre Director,<br/>The Centre for Research and Development,<br/>The Hong Kong Institute of Education</i>  | 1.4.1998  | 31.3.2002 |
| Professor Sir Colin Dollery | <i>Professor Emeritus,<br/>University of London;<br/>Senior Consultant,<br/>SmithKline Beecham Pharmaceuticals, UK</i>                                     | 1.4.1989  | 31.3.2000 |
| Professor Albert R George   | <i>John F. Carr Professor of<br/>Mechanical Engineering,<br/><br/>Director,<br/>Center for Manufacturing Enterprise (CME),<br/>Cornell University, USA</i> | 1.1.1991  | 31.3.2000 |
| Professor Alan D Gilbert    | <i>Vice-Chancellor,<br/>The University of Melbourne, Australia</i>   | 1.4.1998  | 31.3.2002 |
| Professor Charles Kao, CBE, | <i>Chairman,<br/>Transtech Services Ltd</i>  | 1.4.1999  | 31.3.2001 |
| Dr Eddy Li Sau-hung,        | <i>Managing Director,<br/>Campell International (Holdings) Ltd</i>   | 1.4.1999  | 31.3.2001 |
| Dr York Liao, JP            | <i>Executive Director,<br/>Varitronix Ltd.</i>   | 1.11.1994 | 31.3.2001 |
| Dr Lo Ka-shui, JP           | <i>Deputy Chairman &amp;<br/>Managing Director,<br/>Great Eagle Holdings Ltd</i>   | 1.4.1999  | 31.3.2001 |

|   |   |           |           |
|---|---|-----------|-----------|
| Professor Lu Yongxiang                      | <i>President,</i><br>Chinese Academy of Sciences, China   | 20.3.1996 | 31.3.2002 |
| Professor Diana P S Mak                     | <i>Head,</i><br>Department of Applied Social Studies,<br>The Hong Kong Polytechnic University   | 1.4.1993  | 31.3.2000 |
| Mrs Mak Chen Wen-ning                       | <i>Principal,</i><br>Queen Elizabeth School Old Students' Association Secondary School  | 1.4.1999  | 31.3.2001 |
| Professor William F Massy                   | <i>President,</i><br>The Jackson Hole Higher Education Group;<br><i>Professor of Education and Business Administration,</i><br>National Centre for Post-Secondary Improvement at Stanford University, USA | 1.4.1990  | 31.3.2001 |
| The Lord Oxburgh, KBE, FRS                  | <i>Rector,</i><br>Imperial College of Science, Technology and Medicine, London, UK  | 1.4.1989  | 31.3.2001 |
| Professor Helen F H Siu                     | <i>Professor and Director of Graduate Studies,</i><br>Department of Anthropology,<br>Yale University, USA   | 23.4.1992 | 31.3.2001 |
| Professor Sir Stewart Sutherland, FBA, FRSE | <i>Vice-Chancellor,</i><br>University of Edinburgh, UK  | 1.4.1995  | 31.3.2001 |
| Professor dr Frans A van Vught              | <i>Rector Magnificus,</i><br>University of Twente, The Netherlands;<br><i>Professor of Public Policy and former Director,</i><br>The Centre for Higher Education Policy Studies (CHEPS)                   | 13.8.1996 | 31.3.2002 |
| Mr Peter Wang Kin-chung                     | <i>President,</i><br>Tristate Holdings Limited  | 1.4.1999  | 31.3.2001 |
| Professor Wee Chow Hou                      | <i>Professor,</i><br>Department of Business Policy,<br>Faculty of Business Administration,<br>National University of Singapore, Singapore   | 13.8.1996 | 31.3.2001 |

|                            |  |           |           |
|----------------------------|--|-----------|-----------|
| Professor Richard Y C Wong | Director,<br>School of Business,<br>The University of Hong Kong  | 1.4.1993  | 31.3.2001 |
| Dr Anne Wright, CBE        | Chief Executive,<br>University for Industry,<br>UK   | 23.4.1992 | 31.3.2000 |
| Professor Kenneth Young    | Professor of Physics, and<br>Pro-Vice-Chancellor,<br>Dean of Graduate<br>School,<br>The Chinese University of<br>Hong Kong | 1.4.1993  | 31.3.2002 |
| <b>Secretary</b>           |  |           |           |
| Mr N J French, JP          | Secretary-General, UGC   | -         | -         |

[\[What's New\]](#)
[\[Search\]](#)
[\[Site Index\]](#)
[\[What is the UGC\]](#)
[\[Terms of Reference\]](#)
[\[Mission\]](#)
[\[Membership\]](#)
[\[Role & Functions\]](#)
[\[UGC Funded Institutions\]](#)
[\[Statistics\]](#)
[\[Virtual Library\]](#)
[\[Other useful links\]](#)
[\[Higher Education Forum\]](#)
[\[\[Chinese on the Web\]](#)
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