

THE UNIVERSITY OF HONG KONG

FACULTY OF LAW

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香港



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Our Ref: Dean/Corr/Gen/JC:jcheng

30 November 2011

Panel on Administration of Justice and Legal
Services
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Flora,

Use of Chinese in Court Proceedings

I refer to your letter of 10 November 2011 on the captioned subject. While the Panel is looking for information on how we prepare our students for conducting litigation in Chinese when they join the legal profession, let me take a broader view and explain how we try to enhance the proficiency of our students in using Chinese legal language in providing legal services and not just in conducting court proceedings.

We fully appreciate the demand for lawyers who are competent to communicate, advise and practice in Chinese. The demand covers oral advocacy skills and drafting skills in both contentious and non-contentious business. We note the increasing number of court cases that are conducted in Chinese, though we suspect that the increase in the number of hearings conducted in Chinese is partly a result of a steady increase in recent years of the number of unrepresented litigants who, by definition, cannot afford or do not wish to have legal representation, be it provided in Chinese or in English.

Having said that, we notice that the demand for Chinese language skills covers both legal services in Hong Kong, which primarily involve Hong Kong law, proficiency in Cantonese and traditional Chinese characters, and cross-border legal services, particularly commercially related documents involving Mainland China, which require knowledge of Chinese law, proficiency in Putonghua and simplified characters. Accordingly, we have developed different electives to serve different purposes.

As far as Chinese law is concerned, Introduction to Chinese Law is a compulsory subject for LLB students. Comparative studies of Chinese Law are pervasive in many subjects. We also offer a range of electives on Chinese law, which are buttressed by our full LLM Programme in Chinese Law. In particular, we offer two Chinese Law electives to our LLB

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students that are conducted in Putonghua (PRC Commercial Law and Cross-border Legal Relations between Hong Kong and Mainland China) and uses mainly materials in simplified Chinese characters.

As far as Cantonese and written Chinese are concerned, we further offer a course on Practical Chinese Language for Law Students. This is a general language course which is compulsory for all first year law students unless otherwise exempted. We further offer an elective on Use of Chinese in Law I and II to our LLB students. These courses focus on the use of Chinese legal terminologies and expressions and written Chinese in the legal context. These electives are very popular among our students, and they are taught on a one-to-one basis.

As far as PCLL is concerned, we did offer an elective on Use of Chinese in Legal Practice in 2010/11, but the response from students was poor. Likewise, the elective on Mediation in Chinese suffered the same fate of insufficient enrollment. These two electives cover both written skills and oral advocacy. In contrast, the most popular PCLL electives are Listed Companies, Commercial Dispute Resolution and Matrimonial Practice, followed by Wills, Trusts and Estate Planning. We offer an elective on China Practice this year which has attracted a sufficient number of students. We will be offering again the electives on Use of Chinese in Legal Practice and Mediation in Chinese in the next academic year.

You will notice that apart from Introduction to Chinese Law, we have not made any Chinese language law courses compulsory. In the first place, it is quite difficult to find teachers who are qualified and competent to teach advocacy in Chinese. Last year we have strengthened our teaching team by appointing a retired Professor in Chinese from our Faculty of Arts as an adjunct resident professor, who helps with the teaching of Chinese language in law. Apart from resources constraints, many of our students, notably students from international schools and students from overseas, have not taken Chinese at their O-level or their Chinese proficiency level is only at an elementary level. The popularity of these elective courses is to a large extent driven by market demands, and our students are fully aware of the importance of Chinese language proficiency in their professional career.

Outside the formal curriculum, we participate in some mooting and other competitions with Mainland universities that are conducted in Putonghua. The members of the mooting teams are selected from both undergraduate and PCLL students. We have also among our students native Putonghua speakers, through our undergraduate admissions scheme in the Mainland, students exchange arrangements and our postgraduate admissions.

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Thus, our students have plenty of opportunities to interact with Mainland students and improve their knowledge of Putonghua and the Mainland legal system.

Please let us know if you need any further information.

Yours sincerely,

Professor Johannes Chan, SC (Hon)
Dean
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cc Head, Department of Law
Head, Department of Professional Legal Education

