

**Statement of the Hong Kong Bar Association on the  
Law Society's Decision to implement a Common Entrance  
Examination for Qualifying Entries into the Solicitors' Profession**

1. The Bar Association has serious concerns over the press release issued by the Law Society on 6 January 2016 on the implementation of the Common Entrance Examination (the "CEE Announcement"), in which the Law Society stated that from 2021, it will require a person intending to enter into a training contract (a) to have been certified to have completed the PCLL course, apparently without regard to the result of any examination that may be set by the PCLL course provider, and (b) to have passed a newly devised examination, the CEE, to be set and marked by the Law Society alone.
2. The CEE Announcement has serious implications on public interest and also the interest of the legal profession including the barristers' profession.
3. The implementation of the CEE Announcement would practically make the Law Society the sole body, to the exclusion of all non-members of the Law Society, in control of the admission of solicitors. At present, apart from obtaining local qualification by passing the PCLL examination provided by the three universities, the only other avenue of qualification as a Hong Kong solicitor under section 4(1)(b) of the Legal Practitioners Ordinance, ie for those with overseas qualification to sit for the Overseas Lawyers Qualification Examination, is also administered by the Law Society.
4. Given the monopoly and privilege bestowed on the right to practice as solicitor by the Legal Practitioners Ordinance, **the Bar Association does not subscribe to the view that it is in the interest of the public that the sole right to control admission to the solicitor profession should be vested with the Law Society. Potential conflict of interest would inevitably exist between the vested interest of the existing solicitors and those who want to join the profession to share the rights and privilege.**

5. **The Bar Association regrets that the CEE Announcement was issued without any consultation or discussion in the Standing Committee on Legal Education and Training (the “SCLE”) being the statutory body vested with the duties to keep under review, evaluate and assess the system and provision of legal education and training in Hong Kong. The absence of proper advanced notice to other stakeholders prior to the announcement is regrettable.**
6. The Bar Association also notes that the CEE Announcement has also **short circuited the work of the Consultants appointed by SCLE at the expense of public funds to carry out a comprehensive review on legal education including the PCLL courses and the admission into the professions.** The CEE has practically preempted any views or conclusion of the comprehensive review currently underway on the qualification for admission as solicitor and the issue as to whether there should be any CEE as proposed by the Law Society.
7. While the Bar Association has enquired and is awaiting the clarification from the Law Society as to whether the requirement of “certified completion of the PCLL course” would carry with it the requirement that the person so certified should also have passed the assessments and examinations of the PCLL course, in either case the position is extremely unsatisfactory.
8. The implementation of the CEE would inevitably have a strong impact on the future shape and form of the PCLL which is currently a common qualification for barristers and solicitors. Subject to any further changes as a result of the comprehensive legal education review, the PCLL will remain to be the main route for qualification as a barrister in the future.
9. **The Bar Association takes the view that the universities as the providers of the PCLL courses should not certify someone as having completed the PCLL course without being satisfied that the person has passed the course work assessments and the examination at the end of the course. If the CEE**

Announcement should be taken to mean that Certified Completion of the PCLL should include the passing of the assessments and examination, the Bar Council is concerned that the CEE as a further hurdle would be viewed as simply a means for the Law Society to control the number of entrants to the profession.

10. If in the Law Society's view there are shortcomings in the standard of the PCLL course, the Law Society has not identified such shortcomings nor suggested ways to improve the course in the many appropriate bodies where both the Bar Association and the Law Society as stakeholders are represented.
11. **The Bar Association intends to continue to rely on the PCLL course provided by the universities as pre-requisite for the training and qualification of local new entrants to the Bar.** On the other hand, the Law Society's Announcement appears to indicate that the PCLL course will continue to be relied on as pre-requisite for the training, but not the qualification, of aspiring solicitors. If what is envisaged by the CEE regime is for a student to be required simply to sit through all the lessons provided by the PCLL providers without having to pass any assessments and examinations, **the Bar Association has legitimate concerns of its impact on the morale and standard of the PCLL courses. Since the PCLL courses are at least partially public funded, the Bar Association considers it inappropriate for any stakeholder to make significant unilateral decisions for its own purposes where public interest is also involved.**
12. The Bar Association would call upon the Law Society to re-consider the CEE Announcement.

Hong Kong Bar Association  
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