

Report on Standing Committee on Legal Education 2017

1. The Standing Committee on Legal Education (“the Committee”) has the following members for 2017:

Edward Chan SC (Chairman)
Michael Yin (Vice Chairman)
Selwyn Yu SC
Richard Khaw SC
Michael Liu
Cheung Kam Chuen
Elaine Liu
Hew Yang-Wahn
Deanna Law
Hugh Kam

Ka Wong, the Director of ALE of the Hong Kong Bar Association is the Secretary of the Committee

2. The Committee had three meetings in 2017. Apart from formal meetings there were also exchanges of views of members and decisions reached by e mail circulation.

3. In the first part of the year, the Committee had been asked to consider and comment on the Consultation Paper of the Hong Kong Bar Association on Continuing Professional Development for Barristers dated 16 January 2017. The Committee met to consider the Consultation Paper on 30 March 2017 and since not all members of the Committee attended the meeting, in view of the importance of this matter and having regard to the fact that in 2013 and 2015 the Committee had been asked to consider the matter twice already, the conclusion reached in the meeting and the draft response based on the views expressed in the meeting were also circulated to all the members of the Committee for their approval and comments. The full report was submitted to the Bar Council for its consideration in mid April 2017.

4. In short, the Committee’s view is that it is plainly a must that every member of the Bar should conduct his own CPD (standing for Continuing Professional Development) and indeed the Committee believes that Continuing Professional Development is something that most barristers in Hong Kong have been doing in the course of their practice. As to whether the Hong Kong Bar Association should have a mandatory compulsory professional development scheme, the Committee does not consider that there is such need although the Committee agrees that there is some force in the argument raised in the Consultation Paper that the lack of such a compulsory professional development programme may tarnish image of the Bar and may cause embarrassment to the Bar Chairpersons when being asked by their counterparts as to why Hong Kong do not have any compulsory CPD scheme for the Bar. The Committee further

accepts that even though there are many instances where those attending CPD courses do so just for the sake of making up the number of CPD hours, one cannot categorically say that the CPD is not useful as there must also be some who would attend the CPD course with the genuine intention of enriching themselves with the knowledge and the intended benefit of the course. The Committee considers that whether these considerations are weighty enough to warrant the introduction of a compulsory CPD scheme having regard to the benefit and burden brought about by the compulsory CPD scheme is a matter of value judgment and should be decided by the members in a general meeting.

5. The Committee has further advised the Bar Council that if the Hong Kong Bar should have a compulsory CPD scheme at all, it should not be an hour-based scheme similar to the one operated by the Law Society and apparently advocated in the Consultation Paper. Instead it should be an outcome based scheme as recommended by the Bar Standard Board of the English Bar in its consultation paper published in May 2015.

6. In October 2017, the Consultants appointed by the Standing Committee on Legal Education and Training (which is a committee under the Legal Practitioners Ordinance) published their Interim Report on the Comprehensive Review of Legal Education and Training in Hong Kong. The Committee has met to discuss the views and recommendations in this Interim Report. In view of the importance of this report and the vast areas covered by the Report, it is anticipated that the Committee will have to have further meetings to discuss the views and recommendations before putting forward the views of the Committee to the Bar Council.

7. The Committee has also kept a keen interest in the development of the implementation of the Common Entrance Examination announced by the Law Society. The Law Society has recently made available to the members of the Standing Committee on Legal Education and Training their benchmark and the syllabi on the various papers that they proposed to examine the students on. The Committee considered that this should be considered in conjunction with the views and recommendations made by the Consultants in their Interim Report.

8. The Committee has also met to consider and discuss on the proposal made by the Chinese University of Hong Kong to introduce a new Personal Injury Practice Elective in its PCLL programme. The Committee recommended to the Bar Council to endorse the introduction of such elective and further suggested that it could be made a Bar Elective course in the PCLL programme of the CUHK.

9. At the direction of the Bar Council, the Committee has also met to consider the phenomenon that there were a few pupils who having passed the PCLL course involving training on advocacy and yet performed extremely poorly in the compulsory advocacy training course of ALE programme run by the Bar. The Committee agreed to reflect this phenomenon to the Universities concerned.

10. Apart from having formal meetings many affairs of the Committee were conducted through exchange of e mails including the consideration on the waiver or relaxation of the ALE requirements and the award of ALE points to talks and seminars organized by outside organizations.

Edward Chan SC
Chairman
Standing Committee on Legal Education

13 December 2017