

Report of the Standing Committee on Legal Education 2020

1. The Standing Committee for Legal Education (“the Committee) has the following members for 2020:

Edward Chan SC (Chairman)
Michael Yin (Vice Chairman)
Selwyn Yu SC
Richard Khaw SC
Michael Liu
Dr. Tommy Koon Ki Ho
Stanley CK Siu
James Tze
Hew Yang Wahn
Sabrina Ho
Adrian But
Mike Ho Yan Lam
Lareina Chan
Alice Lau
Jeffrey K.L. Lee
Lam Man Chung
Ka Chun Wong, the Director of ALE for the Hong Kong Bar Association is the secretary of the Committee

2. The attitude and general policy of the Committee is to welcome all those members of the Bar who are interested in legal education to join the Committee regardless of their seniority and previous experience. As a result the size of the committee has been enlarged. Unfortunately because of the increase in size, it has proven to be more difficult to arrange for the date of meeting that would suit the convenience of all members. As a result, none of the meetings of the Committee had a full attendance.

3. In view of the difficulty of arranging physical meetings and also because of the pandemic, there were only 3 physical meetings held in this year. A lot of exchange of information and views were conducted through email.

4. In the earlier part of the year the Committee was concerned with the Law Society’s proposal for the introduction of a Common Entrance Examination (“CEE”) as an additional examination on top of the PCLL examination and a Law Society Examination (“LSE”) as an alternative course and examination to the PCLL, for students intending to enter into trainee contracts for solicitors. The Committee was concerned with these proposals which had been mutating throughout the last few years because their implementation would have serious effect on the PCLL training of barristers and may also affect the practice in the Bar. The Committee

has forwarded its views on the proposals to the Bar Council and the views of the Committee was endorsed by the Bar Council and had been forwarded to the Standing Committee on Legal Education and Man Power under the Legal Practitioners Ordinance.

5. In relation to the CEE and LSE proposals the Committee has also looked into the legal basis relied on by the Law Society for such proposed examination and course. The study is still on going and the Committee will in due course submit its report and opinion on this point to the Bar Council when the same is ready.

6. The Committee noted that for the term beginning in September 2021 Civil Procedure and Criminal Procedure will cease to be core subjects required for admission to the PCLL but instead will be taught in the PCLL course. With the approval of the Bar Council, the Committee had written to the 3 universities offering the PCLL course with a view of reviewing their teaching material, sample assignments and assessment questions on these 2 subjects. The Committee has also formed 2 sub-committees, one in charge of the review of the Civil Procedure Course and one in charge of the review of the Criminal Procedure Course respectively headed by Richard Khaw SC and Selwyn Yu SC. The responses from the 3 universities are positive although so far the Committee has received material only from the Hong Kong Chinese University for the Committee's review. The Committee will continue to liaise with the universities on this matter.

7. The Committee was also made aware of the requests by many students from foreign universities intending to apply for admission to PCLL course that there should be some changes to the current arrangement of the conversion examination on the ground that they may be prevented from taking the June 2021 conversion examination because of the inconvenience of coming to Hong Kong to sit for the exam and the possible quarantine requirement. There were suggestions that the students may be admitted to the 2021 PCLL course even before they have passed all the conversion exams required of them subject to their undertaking to take and pass the required conversion exams in January 2022. There were also suggestions that the conversion exams should also be held at overseas centers or on line. The Committee is of the firm view that the admission of students subject to their undertaking to take and pass the pre-requisite exams after the commencement of the course is not acceptable and as to other arrangements, the Committee would defer its views to the Conversion Exam Board on whether it is practical to implement those suggested alternatives. In view of the fact that the Committee has subsequently been informed that the Standing Committee on Legal Education and Training has adopted the stance that in view of the practicality the best solution is simply to defer the

June 2021 exam to July or August 2021, the Committee decide that it is not necessary to make any recommendation to the Bar Council to put forward the Bar's corporate view on this issue.

8. Apart from the above, some members of the Committee were also tasked with the duties to decide on the question of exemption of ALE points and these decisions are made by e mail circulation.

Edward Chan SC
Chairman
Standing Committee on Legal Education

27 November 2020