The Earl of Chesterfield hit the nail on the head when he remarked “It is an undoubted truth, that the less one has to do, the less time one finds to do it in.” I have had a few hours to myself on several occasions in the past few weeks but I am a chronic procrastinator when it comes to arranging and, more importantly, completing tasks when there is no fixed deadline or, worse still, the deadline is self-appointed. I have intended to pen this message for weeks now but my conscience has finally got the better of procrastination and I have started now but then only after much pointless rearranging of the pens and pencils on my desk.

I was elected Chairman of the Association six months ago. I suspect that most Chairmen elected in recent years have had the same mixed feelings of pleasure at taking charge of the helm and frustration at finding that the good ship Hong Kong Bar Association sails on a viscous sea where progress on some issues of concern can be slow notwithstanding the energetic activities of the Bar Council crew members.

I made a fuss about criminal legal aid fees when I spoke at the opening of the legal year. I made what I thought was an obvious point which was that the fee structures in the Legal Aid in Criminal Cases Rules made under s.9A of the Criminal Procedure Ordinance were well past their sell-by date and needed radical overhauling with a view to remunerating counsel properly for essential public work. My remarks were echoed by a trenchant and extremely well-written paper arguing the same case from the solicitor’s angle submitted to the Administration by the Law Society. The result has been to stimulate interest in the topic. I expect a full debate about criminal legal aid to materialise in a few months’ time but the first sign that I may be on to something came when the Administration wrote to me a couple of weeks ago saying that a proposed cut in fees of 4.4% which was due to take effect on the next review would not now be implemented.

I have devoted a lot of time to re-ordering the way in which the Bar Council transacts business and makes decisions. I have re-ordered agenda of Bar Council meetings and requested, wherever possible, that items for discussion and/or decision are accompanied by short background papers which focus on the one or two issues that really matter. I have tried to ensure that complaints against members are dealt with more quickly. That has meant tackling the backlog of complaints in a determined manner and I am grateful to Andrew Bruce SC leading the charge.
The Bar Council has also considered putting procedures in place which will encourage complainants to make complaints against barristers in a particular form. Several members believe this is a thoroughly bad idea as they believe it will only encourage complaints. My answer to that is that the Bar Council has a statutory obligation to consider complaints. It is a time-consuming process requiring the expenditure of time and effort by secretariat staff and members. Anything that makes the administrative task of handling complaints more efficient will be welcomed because it saves time and money.

Complaints that are without merit will still be made but will be sooner identified and so too will the complaints that have some substance. The real concern of members seems to be about distribution of this material. That is an entirely different matter which is still under consideration by the Bar Council.

Another major project that is in the planning stage is the World Bar Conference next year. A circular was issued to members recently advising them that this biennial event for the world's referral bars will take place in April 2006 (15th-17th). Rimsky Yuen SC is engaged in the planning of the event and a programme of speakers will be announced in the next couple of months. I urge all members to make an effort to attend so that the trust which has been placed in the Hong Kong Bar by the other bars to organise the event will be shown to have been well-placed. Apart from talks of topical interest there will be a series of practical sessions specially designed to cater for pupils and new barristers.

I feel the urge to re-arrange the pens and pencils on my desk again. A computer-assisted check on this piece tells me that I have met the requirement of my editor. I will look forward to my deferred summer break in September when I shall attend the Commonwealth Law Conference (11th - 15th) in London and IBA Conference (25th - 30th) in Prague.

Phillip Dykes SC
31st July 2005
A n editor's task can be a daunting one, especially when the publication has a proven track record (not least as the most recent issue under the previous editorial team has hit a record high of 24 pages). Unruffled, I set out to tap the expertise of the team, and I am particularly grateful to those of them who know their business and have been on the job since the inception of the Bar Newsletter.

To Barbara, Helen and Elaine, who must pat themselves warmly on the back. They have worked wonders by taking charge of all the translation "in-house". To Priscilla of the Bar Secretariat, who has also offered constructive assistance on the translation work. To Wilson for his meticulous proof-reading, though the responsibility is still mine for any omissions. And to our "new blood": Ling for a superb interview with fresh PCLL graduates to accompany our feature article on legal education and reform; and Martin for his magician wand at touching up our photographs and presenting them at their best, though I would assure our readers the Chairman's handsome face on the front page has remained "unedited" all along.

The team has deliberated long and hard on whether it is time to revamp the newsletter. We conclude that a gradual and smooth transition is to be most desired and have faithfully followed in the footsteps of our predecessors. You will find familiar features such as (i) the annual Silk Ceremony; (ii) highlight of the Bar’s activities in Mainland China (thanks to Andrew Mak and his committee for their unceasing hard work); (iii) the Y8 page (thanks to Elaine and those who rowed ferociously at the dragon boat race); and last but not least (iv) topical issues, which for this long overdue edition, we have asked Edward Chan SC and Wong Yan Lung SC to give us a review of legal education in Hong Kong.

Our readers will note the change in background colour for the nameplate enclosing the Bar emblem. This is but a small step forward in bringing us to our next issue when more daring experiments on contents and design will be tried out. Originally, we have hoped to bring you this newsletter shortly after the summer break. Unfortunately, the final stages of typography have taken an unexpectedly and exceptionally long time, when Martin has to shoulder the responsibility for desktop publishing as well. Let us cross our fingers that there will be no further mishap with our Christmas/New Year Issue.

Jennifer Tsang

编辑工作有时会令人步行，特别是当刊物一向有著卓越的成绩（尤其上届编辑队已为最近一期会刊创下长篇连篇24则的纪录）。我凭着专业的编辑队伍，处之泰然地开始工作。我特别感谢尽力的编辑队员，包括那些在会刊刊印时已加入工作的队员。

在此，我要赞扬的有Barbara（黄诗皓大律师）、Helen（罗碧珍大律师）及Elaine（廖玉玲大律师）。她们负责会刊之编审工作，并能赶及紧张的出版时间，创下佳绩；更感谢秘书处Priscilla（杜圣慧小姐）为编审工作所提供的协助。同时，向Wilson（陈嘉信大律师）致谢，他一丝不苟地审阅及校对稿件（虽然我仍须为此而浪费不少）。以及，我们的新成员Ling（凌振威大律师），他访问了今届「法律专业课程」的毕业生，令会刊的法律教育及改革革增添更丰富。还有Martin（王永恒大律师）挥动魔术棒粉饰相片，令相片以最佳效果出现於会刊内。

我在此向读者保证主席在会刊首度的俊俏面容为原装正版，并没有经过任何人手的修改。

编辑队伍已否需要将会刊改頭换面深思已久了。我们最终认为以循序渐进的方式改革最为理想，因而跟随我们前辈的脚步延续会刊内容的编排。读者能特别了解到新的专栏，如(i)一年一度的资深大律师委任仪式；(ii)公会在中国内地的活动简介（感谢陈天成大律师及其委员会从不间断的努力）；(iii) 新晋大律师大典（感谢廖玉玲大律师及在龙舟竞赛中努力的划艇的会员）；最后，少不了(iv) 中学专题，在这期待已久的一期，我们邀请了陈景生资深大律师及黄仁良大律师探讨香港的法律教育。

读者或会注意会刊上部分修饰著会刊会徽的名牌横幅更改了背景颜色。相對於我们下期会刊於内容及设计方面的大胆尝试，这只是向前邁进了一小步。我们原本希望本会刊能在暑假後的不久到达你手中，但不幸地打印及排版的最後階段所花的时间出乎意料地沉長，Martin甚至需要肩负电脑排版的工作。但願下期会刊的编辑过程不会出现任何障碍。

曾昭珍大律师
In order to allow sufficient time for the Hong Kong Bar Association’s auditor to complete the audited accounts before the Annual General Meeting in January each year, the Council resolved on the advice and recommendation of the auditor, to change the year end date from 31 October to 30 September, which had now been implemented.

On 17 March 2005, the Hong Kong Bar Association released a Statement to record its disappointment at the then Secretary for Justice Ms Elsie Leung’s Statement on the Term of the New Chief Executive of the HKSAR upon the resignation of Mr Tung Chee Hwa on 10 March 2005. Consequently upon the Acting Chief Executive’s request for NPCSC Interpretation of Article 53 of the Basic Law, the Hong Kong Bar Association released a further statement in response dated 14 April 2005. Meanwhile, members of the Council led by the Vice-chairman, Rimsky Yuen SC, visited Shenzhen on 12 April 2005 on the invitation of the Liaison Office of the Central People’s Government in HKSAR to meet with Mainland Chinese officials to exchange views on the subject.

In May 2005, the Council resolved to close the Bar Chambers which had for many months been left vacant, and for a longer period before then been under-utilized. The decision was substantiated by results of a survey done by the Young Barristers’ Committee which projected no or insufficient demand for the premises.

二零零五年三月十七日，香港大律師公會發表一份聲明，表達對前行政長官梁愛詩與董建華先生於二零零五年三月十日離職後發表有關卸任行政長官任期聲明表示失望。在署理行政長官向全國人大常委会要求解釋基本法第五十三條後，香港大律師公會於二零零五年四月十四日發表另一份聲明，以作回應。又於二零零五年四月十二日，由香港大律師公會副主席薛國強資深大律師領導執委會成員應中聯辦的邀請於深圳與中方官員會面，就此問題交流意見。

二零零五年五月，執委會決議關閉長期使用不足及經多月空置的大律師辦事處（Bar Chambers），該決定亦獲新晉大律師委員會調查結果顯示對大律師辦事處（Bar Chambers）沒有或沒有足夠的需求所支持。

Wigs on!
(From left to right) Alexander King SC, Chan Chi Hung SC, David Pilbrow SC, Jason Pow SC, Peter Clayton SC, Ian McWalters SC.
戴上假髮！
（左至右）金文義資深大律師、陳志鴻資深大律師、David Pilbrow資深大律師、Jason Pow資深大律師、Peter Clayton資深大律師、Ian McWalters資深大律師。

二零零年四月廿三日是值得慶祝的一天。這天六位大律師同僚加入了資深大律師行列，六位新晉資深大律師與親屬及同僚友好，先在早上共赴莊嚴的委任儀式，再而放下「身段」，下午出席假香港會舉行的慶祝酒會。我們在此為這六個賢至名歸的委任送上誠意的祝賀。

Wigs down!
(From right to left) Ian McWalters SC, Chan Chi Hung SC, David Pilbrow SC, Peter Clayton SC, Alexander King SC, Jason Pow SC.
脫下假髮！
（右至左）麥偉德資深大律師、陳志鴻資深大律師、David Pilbrow資深大律師、Peter Clayton資深大律師、金文義資深大律師、Jason Pow資深大律師。
The Hebei Trip 河北訪問之旅

Report of the Special Committee on Mainland Practice and Relations: Hong Kong Bar Association's Hebei Trip, June 2005

At the end of June, the Chairman Mr. Philip Dykes SC led a delegation to attend the Hebei-Hong Kong Week 2005 in Shijiazhuang City. This was a seven-day event co-hosted by the HKSAR Government and the Provincial Government of Hebei to promote mutual understanding and enhance cooperation between the Hebei Province and Hong Kong. The HKSAR delegation was led by Ms. Elsie Leung, the then Secretary for Justice and Mr. Frederick Ma, Secretary for Financial Services and Treasury, together with about one hundred delegates from different businesses and professions in Hong Kong.

Hebei is the province where Beijing and Tianjin are situated. Shijiazhuang is the provincial capital. There are about 8,000 lawyers in the Hebei province, with a population of over 80 million people.

The Bar was treated very warmly by the Hebei Government and its lawyers association. We signed a co-operative agreement and also a memorandum of understanding to promote the standard form of contract for Hong Kong barristers to be engaged by Hebei lawyers. The Cooperative Agreement is aimed to enhance cooperation and further exchange between the Hebei lawyers and Hong Kong barristers while the memorandum of understanding is to implement the standard engagement contract of Hong Kong barristers. The standard contract is similar to the ones that the Hong Kong Bar Association has signed with the Foshan Lawyers Association and Zhongshan Lawyers Association in 2003 and 2004 respectively. The Chairman also gave a speech during the Legal Services Seminar of the Hebei-Hong Kong Week 2005. The Seminar was attended by some 50 lawyers from Hebei. The topic of Mr. Dykes’ speech was on “Discipline and the Hong Kong Bar”. The Bar was made known as a disciplined profession with specialist know-how to address and resolve in-depth and major legal problems of professional and lay clients.

During the trip, we visited the People’s Procuratorate of the Hebei Province, the Hebei Justice Bureau and the office of the Hebei Municipal Lawyers Association. We also visited a leading local law firm. The Bar delegation is very thankful to the Hebei Municipal Lawyers Association which exhibits professionalism in organizing the Legal Services Seminar and we hope to meet them soon.

It is sincerely hoped that further cooperation and mutual understanding between our members and the lawyers in Hebei will continue to develop and flourish. This trip can certainly be regarded as one of the more successful attempts in promoting the Hong Kong Bar on the Mainland.

Andrew Mak
Special Committee Chairman

《內地執業及關係委員會》匯報
《香港大律師公會二零零五年六月河北訪問之旅》

六月下旬，香港大律師公會主席戴昆思資深大律師率領代表團，出席在河北石家莊舉行的「河北·香港週2005」。這個由香港特區政府與河北省人民政府聯合舉辦为期七日的活動，旨在促進雙方互相了解及加強合作。香港特區政府代表團由前律政司司長梁愛詩及財經事務及庫務局長馬時亨共同領銜，共約一百名來自香港不同界別的嘉賓和專業人士。

北京與天津同處於河北省。石家莊是河北省的省會。河北省有超過八千萬居民，有約數十萬名律師。

河北省政府及其律師組織熱情接待本會訪問團。在是次訪問，香港大律師公會與河北省律師協會簽訂了一《合作協議》及《合作推行協議》以推廣河北省律師委託香港律師的標準委託合同。《合作協議》旨在促進雙方合作及交流；而《合作推行協議》則旨在執行《河北省律師與香港律師標準委託合同》。委託合同的內容與香港大律師公會於二零零三年與佛山市律師協會及二零零四年與中山市律師協會所簽訂的標準委託合同大致相同。香港大律師公會主席戴昆思資深大律師亦於是次活動的「河北·香港週2005－冀港法律界交流合作研討會」演講致詞。為數約五十名河北
Showing the Way Forward

Introduction

As many at the Bar are aware, the subject of PCLL curriculum reform is an ongoing and much debated topic. Following the publication in August 2001 of a Consultants’ Report for the Review of Legal Education and Training in Hong Kong (“the Redman-Roper Report”) and subsequent recommendations from the Bar, the academic year 2004/05 saw a major breakthrough in the structure of the PCLL curriculum offered by the University of Hong Kong to cater for those students interested in joining the Bar.

In July, Edward Chan SC and Wong Yan Lung SC in their capacities as Chairman and Vice-chairman of the Special Committee on Legal Education explored this issue and the broader overall picture of academic and professional legal education. Together they succinctly outline the background to the PCLL reform and other key developments in legal education in their report below.

PCLL Reforms

1. In the past three years or so, a major part of the work of the Special Committee on Legal Education has been devoted to the PCLL reforms of the University of Hong Kong (“HKU”) and City University (“City U”).

2. The Bar has to make these efforts as a means to improving the quality of its entrants and thus its members.

3. Prior to participating in these reforms of the PCLL, the Bar Council was about to submit to the Chief Justice our proposal to introduce a Bar Entrance Examination, which aimed at “weeding out the hopeless” and ensuring those who join the Bar were of a requisite degree of competence, particularly in terms of advocacy ability. This proposal will be revived if the present reforms at the two universities fail to achieve the quality improvement expected. It is unacceptable that the Bar has no control over the quality of its entrants. Striving for a high and consistently high professional standard as expert advocates is the only way to ensure our long-term survival as a referral Bar.

4. Most of us will agree that, before the reforms, the PCLL courses of both universities were more biased in grooming a would-be solicitor. In any event, cramming the PCLL with what is in effect the combined of the Hong Kong equivalent of the English Bar Finals and Solicitors Finals means that the students hardly have enough time to digest or to drill.

5. After numerous submissions and debates at different forums, including the Standing Committee on Legal Education and Training and the Academic Boards of the respective universities, a degree of diversification training in PCLL has been agreed upon and implemented at HKU. City U has considerable resistance to this idea of diversification but has recently set out to meet the Bar’s curriculum benchmarks by revamping their Legal Writing and Drafting Course in the 2005/2006 school year.

6. At HKU, PCLL students will opt between “Litigation Stream” and “CPC Stream” in their second semester. There are common “big group” lectures on the basic materials, but students in Litigation Stream will be doing more exercises on pleadings, advices and advocacy in the barrister’s context (with a total of 17 such “streamed” exercises), while students in the “CPC Stream” will be working more on solicitors-oriented work.

7. In the past academic year 2004/2005, some 60 students opted for the “Litigation Stream”. Not all of them will necessarily join the Bar; some may be aiming to become a solicitor advocate. From the beginning, the Law Society has been against any kind of streaming at the PCLL. They have been advocating for the establishment of a separate lawyers training institute outside the universities run by the professions themselves, as recommended in the Redman-Roper Report. Admittedly, there have also been a lot of debates as to the efficacy of such a diversified model of teaching. Some even criticized the professions (both the Bar and the Law Society) for interfering too much with academic freedom.

8. However, HKU has reported that the initial response from the students to the new “streaming” model has been positive. While the result of this new model of teaching is yet to be fully evaluated, we on the Special Committee believe some degree of diversified training is the right direction ahead, not only in terms of improving the training of would-be barristers, but also in terms of improving the quality of the legal training generally across the two branches.

9. As stated in the Bar Circular on this matter, before any new scheme or set of rules comes into existence, members are free to choose their pupils. However, given considerably more exposure and training on litigation, pleadings and advocacy are given to the HKU “Litigation Stream” students, and given those students who so opted are likely to be those more determined to pursue a career at the Bar, members might be justified in thinking that they are the stronger candidates for pupillage.
4-year LLB

10. Another issue which we have to look into is the change of LLB from a 3-year course to a 4-year course.

11. This is to be welcomed in principle as the 4-year programme should provide more teaching time for substantive law, thus freeing up more space in the PCLL for more practical and skills-based training. For the same reason, the Bar is not in favour of introducing too much non-law element in the 4-year LLB. It is a difficult balance, for no doubt one can be a better lawyer if he is also well informed on matters outside the discipline of law. However, the greater evil is surely the barrister who is not truly learned in the law.

12. The change to the 4-year LLB renders it necessary for conversion courses to be run for the purpose of bridging an overseas 3-year LLB course with the local PCLL. For City U, 40% of their students entering the PCLL do so on overseas qualifications. With more substantive law teaching being farmed out of the PCLL to the LLB, the contents of such a conversion course naturally become heavier. However, with the universities using different curricular frameworks between their respective LLB and PCLL, the task of mapping out some agreed syllabus of such a conversion course has proven extremely difficult.

The Third Law School

13. We cannot leave the subject of university legal education without mentioning the establishment of a third law school at the Chinese University of Hong Kong (“Chinese U”).

14. Many people questioned whether Hong Kong needs more lawyers and whether a third law school is justified. However, the Bar has taken the view that training more people who are legally educated is a separate question from creating more legal practitioners. It must be good for the rule of law in Hong Kong for more citizens to be legally educated. As regards the question of supply and demand in the legal practitioners’ work force, the Bar believes more competition can only lead to better quality, provided of course the Bar has an effective say on the quality of its entrants. The solicitors, of course, have always been engaging their trainees based on merits.

15. Chinese U has been ambitious with their timetable. At present, they plan to admit their first batch of LLB students in 2006, and their first batch of PCLL students in 2007. However, the Bar has expressed concern over the time frame Chinese U set for itself to achieve its objectives. We have also commented on various aspects of their preparation including proposed curriculum. Again, quality is the key consideration.

Advanced Legal Education (ALE)

16. Back to our own ALE courses, we encountered some disappointing moments when it was discovered that two pupils were found to have engaged in plagiarism in one of the pleadings workshop. Sadly the Special Committee occasionally has to deal with complaints that individual pupil barristers have attitude problems towards the ALE courses.

17. The number of pupils has grown substantially resulting in heavier demands for the workshops and seminars in the ALE compulsory pupils programme. We have decided to move on from the good foundation in Advocacy training laid down for us by our dear friend Sir Michael Sherrard QC by setting out to devise our own local programme and/or engaging trainees from other jurisdictions.

18. Continuing legal education for all practitioners on a compulsory basis beyond pupillage is something the Bar has to consider as a matter of practice development. However, recent correspondence published in the Hong Kong Lawyer reveals the intricacies and problems belying such a scheme. In this regard, the Bar’s manpower resources are more restricted and as a matter of goodwill we have always tried to provide our ALE on a non-paying basis. While as always we believe that fair competition within the Bar is the best guarantee for quality at the Bar.

Dated the 11th day of July 2005.

Edward Chan SC
Wong Yan Lung SC

From the Editorial Committee:
Warm and hearty congratulations to Wong Yan Lung SC on his appointment to the office of Secretary for Justice of the HKSAR in October 2005.
PCLL Reform at HKU: Straight from the horse's mouth...

In July our editorial team met three aspiring barristers who were among the first batch of students graduating from HKU's recently reformed PCLL program. Their feedback shows that whilst the new “Litigation Stream” provides more focused training much needed for practice at the Bar, there is still plenty of room for further improvement.

Gary Lam obtained his BBA(LAW) and LLB at the University of Hong Kong. He plans to start his pupillage in September 2006 after reading for an LLM at Harvard University.

Jessica Ng obtained her LLB from King’s College London and was previously in the publishing industry. She is currently serving pupillage at Temple Chambers.

Like Jessica, Wai-lam Li had a previous career, namely, finance. He obtained his CPE qualification in London and is now attached to Parkside Chambers.

All three chose the Litigation Stream because they had made up their minds to join the Bar. They made their decision in November 2004 in the course of the first semester. They believed that most of the other 60 or so students who opted for this stream also intended to join the Bar.

How is the course structure and content different from the “CPC” stream (which stands for “conveyancing, probate and commercial”)?

G: Students from both streams went to the same lectures where we learned mainly substantive law. But we had separate small group sessions in which we did assignments which were different from the assignments given to the CPC students. For example, we did more opinions and pleadings.

J: Three subjects were not “streamed” at all, namely, criminal and civil procedure, professional practice and advocacy. The subjects that were “streamed” were conveyancing and probate practice, and commercial law and practice.

Was the coverage adequate for the following areas: ethics and etiquette, civil and criminal procedure, drafting of pleadings and conference advisory skills?

W: Yes, except for skills on giving oral advice. In terms of drafting, I did about ten opinions and twelve pleadings but only three skeleton submissions.

J: For those intending to go to the Bar, a lot of time was spent on the solicitors’ professional conduct and not enough on research skills.

Do you think there was too much or too little teaching on substantive law?

J: There was a lot of substantive law on conveyancing and probate.

G: The amount was appropriate. The law taught was directed to the problems which were set for practising drafting and advocacy skills.

What form did the advocacy training take?

W: Lectures and demonstration by practitioners, followed by workshops and individual evaluation and review.

Did you receive any training in advocacy over and above that was given to students in the CPC stream?

J: No, but I’d like to have received additional training. For trial advocacy, in particular, the application of the law of evidence and procedure was not adequately covered.

Do you feel that the litigation stream prepared you adequately for pupillage?

W: Difficult to say at this stage.

G: All the basic skills are covered.

J: Not to the extent I expected.

Can you suggest how the course may be improved in future?

G: There could be greater focus on advocacy and procedure. The SGS [small group session] tutorials running for 2 hours were too long; often too much time (30-40 minutes) was spent on group discussion among students.

J: Need more focus on barristers’ skills, such as drafting of pleadings, opinions and witness statements, legal research, evidence and procedure.

W: Students in the litigation stream should be given different types of tests and exams rather than the substantive law-based papers that were given to both the Litigation and the CPC stream. The year end 3 hour knowledge based papers did not accurately reflect the nature of the work (drafting exercises) we did over the course of the year.
展望未來

引言

正如大律师也察觉到，改革《法學專業證書課程》內容是一個持續地進行並備受爭議的論題。繼二零零一年八月發表的《香港教育及培訓之檢討顧問報告》（Redman-Roper報告），及香港大律師公會及後作出的建議，香港大學於二零零四年度開始的《法學專業證書課程》在結構上作出了重大突破，以切合有意晉身大律師專業的學生。

在這次會中，身為香港大學法學大律師公會《法學教育及專業進修委員會》的主席及副主席，陳家生資深大律師及黃俊龍資深大律師將探討有關《法學專業證書課程》改革及學術與專業法學教育的整體宏觀。他們在以下的報告中闡要地概述了該改革的背景及法律教育的其他重要發展。

《法學專業證書課程》改革

1. 在過去三年多，《法學教育及專業進修委員會》的主要工作是處理有關香港大學和城市大學的《法學專業證書課程》的改革。
2. 香港大律師公會在這方面的努力，是為了改善新入行的大律師以至其當事人的質素。
3. 在參與《法學專業證書課程》改革前，香港大律師公會已準備好參與大法官建議引進大律師入門考試，目的是除去完全不適合大律師的入仕，並確保加入大律師行列的成員具有一定的能力，特別是辯辯的能力。假如目前兩所大學的課程改革未能達到預期的水準提升，香港大律師公會將再接再厲的建議。本會未能確保新加入的成員持有不住水準是不能接受的。堅持作爲辯辯專家必須保持高資質，並且要貫徹此高資質，這是確保大律師作爲律師專業的長久生存唯一途徑。
4. 我們大多數人都會同意在改革以前，兩所大學的《法學專業證書課程》均側重培養未來的事務律師。無論如何，如只把《法學專業證書課程》擴大為相等於英國大律師專業試課程和律師專業試課程的混合版，只會使學生難以有足夠的時間去消化或去鍛鍊。
5. 經過多個會草案和辯論，包括在《法律教育及培訓工作小組》和兩所大學的《學術委員會》等，香港大學終於同意並已推行在《法學專業證書課程》進行一定程度的分流培訓。城市大學對於分流培訓的同時雖有頗大的抗拒，但最終亦已提出在二零零五年學年重新編訂其法律文書草擬課程，以符合香港大律師公會所訂下有關課程的標準。
6. 在香港大學就讀《法學專業證書課程》的學生在第二個學年需選擇加入“訴訟分流”（Litigation Stream）或“房地產、遺產及商業分流”（CPC Stream）。兩組學生均須出席專門主題的研討及辯論活動，而小組研討方面，訴訟分流的學生偏重於律師工作有關的議題和意見書草擬以及辯論技巧訓練（一共有十七個專題的分流）。而“房地產、遺產及商業分流”的學生則集中事務律師工作為主的練習。
7. 在二零零四年學年，有六十多名學生選擇“訴訟分流”，並不是每一學生均加入大律師行列，部份學生可能打算成為專員訴訟的事務律師。自開始以來，香港律師會是反對在《法學專業證書課程》中推行任何分流培訓。他們主張按照Redman-Roper報告的建議，由大學以外的律師專業團體成立律師培訓學校。誠然，對於分流培訓模式的成功存有很多爭議。部份人亦批評香港大律師公會和香港律師會對學術自由作出過份的干預。
8. 但是根據香港大學報告指出，學生對於新設的分流培訓模式的初步反應是正面的。這次新設分流培訓模式成效仍有待全面檢討，然而，本委員會相信某程度的分流培訓是以往的正確路向。不僅提升對未來大律師的培訓，亦廣泛地提升兩個專業分支的法律教育質素。
9. 正如香港大律師公會所指出，在新的制度或規章確立以前，各會員可自由地選擇他們的學科。然而基於修補香港大學訴訟分流的學生在訴訟、法律文書草擬和訴訟方面有更多接觸和培訓，以及這些學生的選擇反映他們更有決心加入大律師專業，會員可合理地認為這些學生是見習大律師的較佳人選。

四年法律學位課程

10. 本委員會探討的另一議題是法學士學位課程由三年制轉為四年制。
11. 四年制課程提供較多時間教授具體法律，因而在《法學專業證書課程》中可騰出更多空間作出實務和以技巧為主的培訓，故此我們原則上是歡迎四年制的課程。基於相同的原因，香港大律師公會並不傾向於四年制的法律士學位課程。另一方面，許多法律士學位課程，並且在兩者之間取決於時間的困難。若無疑問，擁有更多法律專業以外的知識有助成爲更出色的律師。但是，一個更大的利益就是一個並非真正懂得法律的律師。
12. 四年制學位的改變亦引發設立轉換課程的需要，以使海外三四年制法律學位課程與本地《法學專業證書課程》接軌。城市大學中百分之六十的《法學專業證書課程》學生擁有海外學位資格。鑒於更多的具體法律教授將從《法學專業證書課程》中轉至學士學位課程，此轉換課程的內容自然更為沉重。兩所大學目前對其法律學位和《法學專業證書課程》採用的分水顎各有不同，因此要為轉換課程訂立一個各方同意之課程範圍變得極度困難。

第三家望學院

13. 討論大學法律教育當然不能不提及香港中文大學成立第三家法律學院一事。
14. 很多人質疑香港是否需要更多律師，而設立第三間法律學院又是否合理。香港大律師公會認為使更多人接受法律教育和培養更多法律執業者是兩個獨立的議題。
就香港法治精神而言，更多人接受法律教育固然是一件好事。於今法律執業者供求問題，香港大律師公會相信更多的競爭會達至更佳水平。但大前題是香港大律師公會能有成效地確保新的大律師成員擁有一定的質素。事務律師方面固然一直亦以見習律師的功過作爲延聘的基礎。

15. 中文大學在訂立其時間表方面非常會心。目前，他們計劃在2006年招收第一屆法學士學位學生，並在2007年招收第一屆《法律專業證書課程》學生。香港大律師公會對中文大學編訂的時間表極表關注。我們會對他們在籌備過程中多個範疇包括建議課程提出意見。再次重申，質素是重要的考慮。

《高級法律進修課程》

16. 該回香港大律師公會的《高級法律進修課程》，我們亦碰到了一些失望的時刻。這是在我們發現兩位見習大律師在其中一個草擬課程中作出抄襲行為。遺憾地，本委員會於其中需要處理個別見習大律師對《高級法律進修課程》所持態度的投訴。

17. 隨著見習大律師數目迅速增長，對《高級法律進修課程》的內容和課程中所提供的工作坊和講座存有更大的要求。在資料技巧培訓方面，我們決定建立於我們的好友御用大律師Michael Sherrard博士為此設定的良好基礎，進而訂立本地課程及/或從其他地方延聘僱師。

18. 作爲對執業的發展，香港大律師公會正考慮把必須修補的法律課程從見習大律師擴展到所有執業大律師。但在近期「香港律師」刊載的信函中顯現這種計劃背後的困難和微妙之處。在這方面，大律師的人力資源更具限制，而且我們亦一直盡力以無償方式提供高級法律進修課程。一如以往，我們相信大律師業內的公平競爭是對大律師質素的最佳保證。

陳景生資深大律師
袁任賢資深大律師
二零零五年七月十一日

香港大學革新的《法學專業證書課程》

第一手資料

年七月編輯隊伍訪問了三名Hugh當大律師的同學。他們是首批在香港大學修畢最近改革了的《法律專業證書課程》的畢業生。他們的回覆顯示，雖然新的《訴訟分流課程》(Litigation Stream) 更重視提供大律師執業所需的培訓，但仍有待改善之處。

林展程(林)在香港大學取得其工商管理(法律)學士學位及法學學士學位。他計劃在哈佛大學修讀法學碩士後，於二零零六年九月開始實習。

吳旭榮(吳)在倫敦大學英皇學院(King's College London)取得其法學學士學位，並曾從事出版工作。現正在Temple大律師辦事處實習。

與吳旭榮一樣，李偉倫(李)曾從事財經行業，他在倫敦取得CPA資格，現正在Parkside大律師辦事處實習。

由於他們三人已決定加入大律師行列，因此都選修了「訴訟分流課程」。他們均在二零零四年十一月，即課程的第一學期時選科。他們相信同樣選了該分流課程的六十名同學也有意轉身成大律師。

「訴訟分流課程」的架構及內容與「房地產、遺產及商業」分流課程("CPC Stream")有何不同？

林：兩分流課程的學生出席相同的講課，主要學習實體法律。但我們還有分小組上課，需要完成與CPC分流課程不同的功課。舉例說，我們寫了較多意見書及狀書。

吳：有三個科目沒有「分流」的，包括刑事及民事程序、法律執業及詐術技巧。「分流」的科目包括房地產及遺產及商業法。

課程能足夠涵蓋以下範疇嗎？道德及禮儀、民事及刑事訴訟程序、草擬狀書及書面溝通技巧。

李：除了提供口頭意見的技巧外，其他也足夠。在草擬法律文件方面，我完成了約十份意見書、十二份狀書及十二份陳述提綱。

吳：有意加入大律師專業的同學而言，大多時間也用於講授執業法律的專業操守，教授資料研究探索技巧的時間則不足。

你認為教授實體法律的時間過多或過少？

吳：課程涵蓋很多房地產及遺產的實體法。

林：內容適中，課程所提供之實體法針對培訓草擬及詐術技巧。

詐術訓練須以甚麼形式進行？

李：由執業律師講授及示範，還有工作坊及個人評估及檢討。

你們會否比CPC分流課程的同學接受更多詐術的訓練？

吳：不會，但我希望得到更多的訓練，特別在聆訊詐術方面，我認為證據及程序法的應用涵蓋不足。

你認為「詐術分流」課程能為你做好實習的準備嗎？

李：在現階段很難說。

林：課程已涵蓋所有基本技巧。

吳：未及我所期望的。

你對改善課程有何建議？

林：課程可更著重詐術及程序。兩小時的小組課時過長，很多時候給予學生分組討論的時間也太長(三十至四十分鐘)。
吳：課程應更著重大律師執業的技巧，如草擬狀書、意見書和證人陳述書，法律研究探索，證據法及訴訟程序等。

李：大學應採用不同類型的測驗及考試去測試「訴訟分流課程」的同學，而非採用現時同時用以測試兩分流課程的以實體法律為基礎的試題。學期末為時3小時，針對法律知識的試題未能準確地反映我們在過去一年所作的練習（草擬練習）。

Photo Album 相片簿

LAWASIAdownunder2005 Conference at Gold Coast, Australia on 20-24 March 2005: (from left to right) Andrew Mak, Philip Dykes SC, Andrew Li, Chief Justice of the Court of Final Appeal, Edward Chan SC.

二零零五年三月二十至二十四日在澳洲黃金海岸舉行的LAWASIAdownunder2005會議：(左至右)麥家成大律師、戴哲思資深大律師、高等法院首席大法官李國能、陳景生資深大律師。

The Chairman accompanied Glenn Martin QC and Roy Martin QC (third left and third right), both Co-Chairs of the International Council of Advocates and Barristers ("ICAB") on a visit to Shanghai in August 2005, meeting with Richard Wong (middle), Vice President of the Shanghai Bar Association, to deliberate cooperation at organizing the World Bar Conference 2006. Mendy Chong (first left) has been the Bar's Administrator since September 2004.

主席偕同ICAB的聯合主席Glenn Martin御用大律師（左三）和Roy Martin御用大律師（右三），在二零零五年八月訪問上海，會見上海律師協會會長王小妹（中），討論籌辦二零零六年世界大律師會議的合作事宜。張文達（左一）自二零零四年九月起為香港大律師公會的行政幹事。

Seminar on self-regulation of legal profession jointly organised by the Zhongshan Lawyers' Association and the Hong Kong Bar Association on 7-8 May 2005 in Zhongshan.

中山市律師協會與香港大律師公會法律專業監管研討會。

Visit by members of the Criminal Law Committee of the Guangzhou Bar Association led by their Executive President Gao Xue Jin (third left) to the Hong Kong Bar Association on 6 July 2005.

廣州市律師協會刑事委員會會長（左三）率領其刑事法律專業委員會成員於二零零五年七月六日訪問香港大律師公會。
The Young Barristers Committee launched this year a series of YBC Talks centred on practice-related matters. In early May, the first talk in this series was kicked-off by two experienced certified public accountants specializing in individual tax, Ms. Theresa Chan, partner and Mr. Bruce Lee, manager, both from the Tax Services Department of PriceWaterhouseCoopers Hong Kong. They spoke to us on “Tips on Hong Kong Tax Filings”. Both young barristers and senior members of the Bar grasped the opportunity to hear from the experts on an important aspect of our practice – how to complete our tax return accurately and wisely.

Summer is the time when many energetic law students get themselves ready for a new stage of their life – to join the Bar. On 28 June 2005, the YBC organized the second talk in the series – “The Must Do’s To Kick-Start Your Practice”. Pupils and PCLL law students from both universities were invited to this YBC Talk. Overwhelming response was received. The Bar Conference Room (which can usually accommodate about 25 people) was packed with 40 people. Members of YBC enthusiastically shared with the participants their experience on various aspects of pupillage – from practice management to ethics.

This YBC Talk was followed by the YBC Drink. Naturally, the discussion and sharing moved on from the High Court Building to the venue for the drink. Many young barristers were already there chatting when the team of people from the talk arrived. That evening, the last batch of YBs did not leave until around 10:30pm.

The energy and vigour of young barristers were also fully revealed in the annual dragon boat races. Members of Dragon Advocate, our dragon boat team, all gathered at Stanley beach at 7:15 am on Tuen Ng Festival, to prepare for the first race. Though many of us got up before the sun rose, this did not take away our enthusiasm and team spirit at all. Sweat and laughter accompanied the rowers when they came on shore after the first race. Perhaps it was the stronger encouragement of the cheering team, including our Bar Chairman, Mr. Philip Dykes SC, or the exciting atmosphere on the beach, or a combination of both, Dragon Advocate went very fast in the afternoon race. That day, the young barristers had an exhausting but memorable Tuen Ng Festival. When they left, they started to talk about the race next year.

Elaine Liu
YBC Chairman