

Submission
of the
Hong Kong Bar Association
on the
Consultation Paper of the Comprehensive Review of Legal Education
and Training in Hong Kong

Standing Committee on Legal Education and Training

Introduction

1. In view of the lapse of time since the last comprehensive studies on legal education in the Roper and Redmond Review in 2000-2001 and that the recommendations in the said Roper and Redmond Review had been partially implemented, the Hong Kong Bar Association (“HKBA”) agrees that the time has now come to have another comprehensive review on the legal education in Hong Kong even though the HKBA has not detected any serious shortcomings in the system of legal education now in place.

2. The consultation paper issued by the Consultants had been brought to the attention of the members of HKBA for their comments and the matters had also been discussed in the various relevant subcommittees of the Bar Council. The views expressed below represent the initial views of the Bar Council after such consultations that the Bar Council is able to conduct within the very limited time available for submitting the response to the Consultation Paper.

3. The HKBA therefore reserves its position and may submit further views especially after having the opportunities of considering the views expressed by the public or other stakeholders.

4. Members of the Bar have been informed that they may submit their personal views to the Consultants privately and the HKBA understands that at least one member may have done so.

Questions (1), (2), (3) & (4) – the need and challenges of legal services in Hong Kong now and in the near future

5. The demand for legal services in Hong Kong is enormous and the demand comes from all sources and levels. Broadly one may say that there is the demand from the international level, the cross border China related level and also the domestic market level.

6. At the international level, with the globalization in trade, it is inevitable that there is a growing demand for legal services to cope with the pace of globalization. This is all the more so when it is the stated policy of the HKSAR to promote Hong Kong as an international legal services and dispute resolution centre in the Asia Pacific region. The role of the legal profession lies in the provision of a good legal service for setting up and conducting of international business and also in dispute resolution, whether the same is to be achieved by litigation, arbitration or mediation. The source of the demand for these kinds of legal services are likely to come from multinational corporations or international organizations, and it is also likely that the services required would have to be provided in conjunction with legal firms from abroad.

7. The cross border legal service may involve large international corporations as well as the SME and the demand is increasing rapidly. Often the service would also involve arbitration work both in Hong Kong and in the mainland.

8. Even though there is no effort on the part of the Government to promote domestic legal work, there could be no doubt that there is an increasing demand for legal service in the pure domestic market. There is little doubt that the public is increasingly conscious of their right and would no longer be slow to seek redress in Court. In terms of the Government's effort in this area, the direction is towards the reduction of litigation work as the Government is certainly actively promoting ADR and in particular mediation. In fact the CJR also promoted mediation as an alternative way of having the disputes resolved in Court.

9. In this regard the availability of legal aid would also play a pivotal role in that without legal aid, many litigants are inhibited from enforcing their rights by using the judicial machinery for fear that they could not afford the legal costs involved. The consequence is that many would be litigants are forced to forego their rights with a sense

of grudge and reluctance and from time to time may seek revenge or resolution of their disputes by unlawful means.

10. The demand for legal services is great and the multi-sources of the demand would require different talents and lawyers of different areas of specialties. Because of the Government's promotion, it is often thought that we need lawyers who could serve the international market and the China related market most urgently. However we consider that the proper priority must be to train enough good lawyers for the domestic market first. With a good foundation legal training for the domestic market and given the demand and the opportunity, some of the lawyers could then opt to specialize in international work and China related work.

11. To meet the challenge of the domestic market and also the China related market, it is obvious that we require lawyers well trained in the common law system and also with knowledge and appreciation of the PRC law and system too. There is certainly a great demand for bilingualism in the legal context. While litigation conducted in Chinese (Cantonese) is increasingly common in Hong Kong especially in the lower courts, there is also a developing trend for arbitrations to be conducted in putonghua especially those held in the mainland with lawyers engaged from Hong Kong.

12. The CEPA arrangements in place since 2004 has had very little impact on the practice of the Bar in the past. Barristers continue to do mainly arbitrations in the Mainland that do not require the exploitation of the CEPA provisions. Under Annex 14 of the Bar Code, barristers in Hong Kong may accept direct instructions from lawyers abroad including the Mainland for pure advisory work. Mainland firms were interested in using the service of barristers but have not hitherto been aware that such services on non-contentious matters could be offered across the border. In November 2015, with the support of the Ministry of Justice of the PRC, the Department of Justice in Hong Kong, the China Liaison Office and the All China Lawyers Association, the Bar has signed a Memorandum of Understanding with the Shanghai Lawyers Association enabling barristers to be formally engaged as "Legal Consultants" of Mainland law firms subject to the approval of the Ministry of Justice. As a pilot scheme, consultancy agreements were signed by 7 barristers each with a corresponding

Mainland law firms. Lawyers' associations in other major cities including Beijing, Guangzhou and Hangzhou have already indicated keen interest in the same arrangement to enable direct engagement of the service of barristers. This development is expected to take flight in the years to come, and will likely expand to other territories outside Hong Kong.

13. The challenge of the legal professions is to meet the ever heightening demand for quality legal services to be delivered more efficiently and affordably. So far as the Bar is concerned, in general there is no short supply of talent and manpower to meet the current demand. While it is acknowledged that there are from time to time cases which would demand talents and experience not readily available locally, the Bar has a system for admission of overseas counsel to meet the deficiency, and at the same time to help in the transfer of skill and experience in those particular areas where there is a shortage of talents. The number of foreign counsel admitted for the last 10 years ranges from 33 in 2005 to 63 in 2013 and up to 18 November 2015, the number of foreign counsel admitted for particular cases in 2015 is 38. In reading these figures, one must bear in mind that often overseas counsel were admitted not because there was a total lack of such talents locally as there were many grounds for admitting overseas counsel, and very often one has to resort to retaining overseas counsel because those local counsel capable of handling the case might have a conflict of interest or were otherwise previously engaged in some other cases on the same hearing dates. The figures certainly show that despite the ever growing variety and complexities of the cases, the local bar with this system of admission of overseas counsel is meeting the demand well.

14. To meet the demand and challenge in the future, it is of course necessary for the Bar to continue to be able to attract new blood and talents to join the profession. Without doubt, the Bar would have to compete with all other professions and occupations for talents. The Bar must continue to be an attractive profession both from the point of view of job satisfaction and more importantly from the point of view of financial reward.

15. In this regard, we must maintain a proper balance between the supply of lawyers and the demand in the market because this would

have a decisive effect on the financial reward of the lawyers and in particular the barristers. The proper balance does not only relate to the numbers but also the standard required for qualifying to practise law. It is axiomatic that the legal profession, especially the Bar, must be properly trained and must be proficient in performing the service required of them. However, if the entrance standard is set too high it would invariably mean that it will take a longer time to get qualified and this would naturally deter people, especially those who do not have the private resources, from joining the profession. If the number is uncontrolled or if the qualification is too relaxed, then the market will be flooded and the financial reward would not be sufficiently attractive to compete with other professions or occupation. Furthermore in those circumstances, the unhealthy competition would make it tempting for people to engage in unprofessional conduct.

16. We like to make it clear that by pointing out the obvious that a good financial reward is essential to attracting talents to join the Bar, we are not advocating that the Bar should be avaricious. There are many successful barristers in Hong Kong today who are willing to do pro bono work or to charge a very much discounted fees to help deserving litigants. We see no necessary conflict between a generally well-off Bar or legal profession and a Bar prepared to sacrifice to assist the deserving public. After all one can only be charitable when one can afford it.

Questions (5), (6), (7) – details of the qualifying law programmes offered by the 3 universities.

17. These questions are best answered by the 3 universities concerned.

Questions (8) & (9) – comments on the law programmes

18. Even though in terms of numbers, the PCLL from HKU has produced more barristers per year than the other 2 universities, it would appear that this is largely due to the fact that there are more PCLL places in the HKU than the other 2 universities. In terms of

quality, there is no evidence to suggest that there is any material difference in the barristers produced by all 3 universities.

19. On the whole, subject to the comments in the next 2 paragraphs, the Bar is satisfied with the quality and standard of the PCLL graduates produced by the universities. It is important to note that what we require is that the new entrants of the Bar should have sufficient general legal knowledge and skill to enable them to conduct a general practice, both in civil and in criminal matters. No doubt fresh graduates from the PCLL programme would still have to undergo further training in their pupillage before they could start practicing on their own. The emphasis at the pupillage stage must be that the person concerned should be sufficiently equipped with the basic legal skills to enable them to further develop their practice and to specialize in the future. While it is to be welcomed that the undergraduate and PCLL programmes do provide options to prepare the students to develop their particular field of interest, we do not subscribe to the view that there should be specialization at the entrant level. Experience at the Bar shows that very often it is a matter of chance rather than choice that individuals become specialists in particular areas of the legal practice.¹

20. In view of the growing demand for the use of Chinese in courts in Hong Kong, the Young Bar felt that the teaching of use of Chinese in the LLB programme should better be conducted by someone who has actual experience in using Chinese in Court or in the drafting of legal documents instead of some scholars in the Chinese Department

¹ At the University of Hong Kong (“HKU”), the PCLL programme is distinctly split into two semesters: (1) the first semester is the “core curriculum” which all students must pass and the teaching / assessment lectures and materials are universal to all students, whereas (2) the second semester is the “electives curriculum” whereby there are 2 types of elective subjects, namely, “litigation” and “non-litigation” subjects. In order for a HKU PCLL student to be “qualified” to commence pupillage, such students need to take 3 “litigation” based elective subjects, of which 1 of them must be “trial advocacy”. To the best of my knowledge, the other PCLL providers, namely, City University and Chinese University, are operating the “streaming” system in their second semester, an approach previously carried on by HKU. The “streaming” system requires students to choose in the first semester whether they wish to enter the “litigation stream” or the “non-litigation stream”. If joining the Bar, students must choose the “litigation stream” whereby discrete parts of subjects within the second semester subjects are changed to more suitably train students to a litigation focus. At HKU, some of the subjects (or parts thereof) have carried on from the “litigation stream” era into the present “electives curriculum”, such as trial advocacy, the current commercial dispute resolution subject (previously adapted from the commercial transactions II subject) and the current property litigation (previously adapted from the property transactions II subject).

in the university.² Likewise in the PCLL, it is thought that some teaching and practice of using Chinese in a mock trial would be highly desirable.³

21. Since the PCLL is meant for qualification to practice law in Hong Kong, it is felt that whenever possible teachers for the PCLL programmes should have actual practical experience in legal practice in Hong Kong.⁴ This is especially so for subjects directly involving civil and criminal procedures as the Supreme Court Practice in England today are quite different from the Rules of High Court in Hong Kong.

22. There is a perception shared by some senior members of some Chambers that at least for the barrister profession, those who have undergone a first degree in law would have a slight advantage over those who qualified through the JD or CPE programme. It is thought that this may be due to the fact that the LLB programme is less cramped and the students would have more time and opportunities of learning through the study of case laws rather than relying on lecture notes and text books or books aimed at equipping students to simply pass the subject examinations. However there is no concrete proof that this is the case.⁵

23. We consider that the only sure way of equipping the Bar to meet the demand for specialized skill required for China related work or for international disputes is through self-learning and accumulation of skill and experience through developing their practice in these specialized areas. Of course, the universities could certainly assist by organizing courses in their LLM programmes on specialized subjects⁶, especially programs that allow part-time study by members of the profession. In this respect the Bar notes that all three universities have LLM programmes offering a wide variety of subjects.

² At HKU, to the best of my knowledge, either academics and/or “retired” lawyers are teaching this subject but confirmation with the Department of Professional Legal Education should be sought from the relevant subject coordinator (my recollection is that it is Dr. Richard Wu).

³ This is being done at HKU during the second semester within the “trial advocacy” subject but further information can be obtained from Miss Vandana Rajwani and Miss Alexandra Norton.

⁴ At HKU, to the best of my knowledge, all litigation subject coordinators are all present (or past) qualified lawyers (with qualifications mainly from Hong Kong but not exclusively).

⁵ At HKU, there are also mixed degree students (i.e. BBA/Law, Government/Law etc.) and these students, to the best of my knowledge, are not necessarily “inferior” to LLB (simpliciter) students.

⁶ Please see footnote 1.

24. While it is of course preferable that students should be taught as wide a range of subjects of the law as possible during their LLB (or equivalent) programme, we do not think that there is any need of further extending the length of the LLB programme. We note that the LLB programme in Hong Kong is 4 years while that in England would be 3 years only. However we also note that very often graduates with overseas law degrees would have to take conversion examinations on some of the core subjects and the top up subjects before they are qualified for admission to the PCLL.⁷

25. On the whole we do not support making the LLB degree a 2nd degree. While it may be said that generally it is preferable that people going into law should be mature and have a broad outlook in life, it is hard to measure if, and to what extent, non-law degree holders coming to the law subsequently make better lawyers. The Bar is beginning to see examples of successful new comers whose depth of understanding and readiness in applying the law aptly to complicated facts may be attributable to their background in studying law as a second degree. .

26. In considering the length of the LLB programme and also pupillage, we bear in mind that the overall period for qualification should not be too long. At the moment, it will take at least 6 years after secondary school before one could be qualified to practise at the Bar. (We appreciate that the period may be shortened to 5 years if the person concerned should decide to take the 3 year LLB programme abroad and pass all the necessary conversion and top up subjects within the 3 year of his degree course.) We would only support considering to lengthen the period for qualification if there is sufficient assurance in place that those who merit help in getting financial help in order to do so will get the help they need, and that the extension of length of study would not become an obstacle to those who display potential for success at the Bar.

⁷ Overseas students must complete and pass their conversion examinations before commencing the PCLL at any of the PCLL providers. It has been shown that there are some overseas students who would otherwise be accepted to the PCLL but for failing / not competing the conversion examinations. Overseas students should be further reminded of such requirement as aforesaid.

Question (10) & (11) – PCLL admission & quality

27. The Bar supports the principle that admission to the PCLL course should be based on merits. The primary focus should of course be on the academic achievement of law degree based upon which the students make their application for admission. We appreciate that currently at least CUHK would only take into account the score of the applicant in their first time law degree result. We do not think that this approach is correct. We consider that the applicant should be entitled to be judged with reference to their best achievement even though some discount may be made for a second or subsequent attempt in their law degrees. A student who does not do well in his law degree due to some extraneous circumstances may feel aggrieved because it may practically mean that he could not be a lawyer in Hong Kong. We do not see why a student in such circumstances should not have the option to make a subsequent attempt to improve on his score and to make another application based on his improved degree result.

28. While we agree that the primary criteria should be the law degree result, we also endorse the practice adopted by HKU that a small number of places are reserved for applicants with strength and experience in other relevant areas such as through working in a law firm or in some law related institutions.

29. We would rather leave it to the PCLL providers to decide on the rating of the various qualifications for admission. It is obvious that the standard of the graduates from different universities would vary, and even though the JD programme and the CPE programme would all peg their standard to be at least the same as the LLB standard, it is naïve to think that their standard are in fact the same⁸. Of course the standard also varies a great deal amongst the different institutions offering the programmes. We consider that it is best left to the PCLL providers to decide for themselves on the standard of the different qualifications having regard to their experience on the achievements of the students from different sources in the previous years.

⁸ Please see the conclusion at paragraph 22 hereinabove which is contradictory.

30. The Bar is not troubled by the fact that the syllabi of the 3 PCLL providers are different. Despite their differences, the PCLL syllabi of all 3 universities met the bench mark set by the Bar and we have no reason to believe that the 3 universities would not be responsive to the suggestions of the Bar on any improvement of their programmes in the future⁹. As we have pointed out earlier, there is no evidence to suggest that there is any material difference between the standard and quality of those joining the Bar even though they are from different universities. Having now witnessed the operation of the current system for over 10 years, we do not see that there is any real disadvantage in not having uniformity in the courses offered by the PCLL providers. We consider that there is merit in having some degree of varieties as that would offer a choice to the students as well as for their employers.

31. We appreciate that the current system would rely heavily on the work of the external examiners to ensure that the PCLL of the 3 universities would have equivalent standard. Also it is through the work of the external examiners (or course advisers) that the legal professions could keep track of the standard of the PCLL courses. For this reason at the moment, we do not consider that there should be any more PCLL providers as this would inevitably mean an even greater demand on the work of the external examiners which is already very heavy at the moment.

32. In particular we are against the idea of allowing private commercial institution to run PCLL courses. This is because the current system of having common external examiners is really based on the voluntary co-operation spirit of the 3 universities and the 2 legal professions. The system works well but there is no legal compulsion for any PCLL providers to participate in this established system. Furthermore the success of the current arrangement is also very much based on the proactive spirit of the universities' response to the views and suggestions of the professions. It is thought that with private commercial providers, there will be greater temptation to sacrifice quality for quantity. If it is thought that we should have more PCLL places, we consider that the proper way forward is to ask the

⁹ Speaking for HKU alone, the Department of Professional Legal Education always welcomes recommendations from the Bar.

universities to expand PCLL courses. Even if the Government is not prepared to increase the number of funded places, we understand that there are no insurmountable obstacles for the universities to increase the number of non-funded places¹⁰.

PCLL & numbers – the issue of bottle neck

33. The question of number is always very sensitive. At least for the Bar, the surest way for the maintenance of standard is through fair and ethical competition amongst barristers. Thus the Bar should remain to be an open profession with no artificial limitation on the number of entrants to the Bar. We also believe that to a large extent the same would also apply to the solicitors.

34. Although the PCLL is not the only source for admission to the legal professions, as it is possible to get admitted as a solicitor through the OLQE and as a barrister through the BQE, there is little doubt that the number of graduates produced by the 3 universities has a direct impact on the supply of lawyers in Hong Kong. This is especially so for the Bar as the number of overseas barristers admitted for general practice through the BQE is very small. Furthermore the Bar is very vulnerable to the fluctuations in the solicitor's job market. When the market was bad and it became difficult for PCLL graduates to find trainee contracts, those who would not be able to get trainee contracts would turn to become barristers not because of their choice or interest but just because of the force of the circumstances. Experience would also show that most of this category of people would not be good barristers either and should in due course be eliminated simply because the cost of carrying on with a practice would not be affordable. In recent years, more chambers are ready to accept "door tenants" at a minimal fee, thereby enabling barristers to carry on with what is essentially a part-time practice. This option is attractive to many who do not have sufficient work to justify occupying or at least sharing a room as barristers normally do. They retain their title for prestige, but do not actually have much work to fill out their time other than publicly funded work distributed on a roster

¹⁰ To the best of my knowledge, currently only HKU provides a part-time PCLL and those students privately fund their tuition fees.

basis, and would do whatever income-generating non-barristerial work on the side with or without the Bars's knowledge or approval. In these circumstances, they have been able to stake it out much longer at the Bar than they previously could, without any real prospect of building a decent practice. It is not a desirable state of affairs.

35. We appreciate that there are suggestions that the PCLL places currently on offer are inadequate to meet the demand of the legal market. It is said that there are many students who meet the minimum qualification required for admission could not get places for the PCLL course¹¹. We are also aware that there were also suggestions that law graduates have a reasonable expectation that they should be allowed to continue to pursue a career as practicing lawyers and it is unfair that they could not do so because they cannot get into the PCLL.

36. While a first degree in law or its equivalent is a pre-requisite for admission to the PCLL, it does not mean that the law degree is merely designed for the training of practicing lawyers. We do not think that it would be any waste of resources that someone having had a degree in law should not be able to have a career as a practicing lawyer. We disagree with the view that any one meeting the minimum qualification for admission to the PCLL could justifiably hold a reasonable expectation that he should be offered a place in the PCLL.

37. The optimum number of lawyers that we should have is a matter of supply and demand. Speaking for the Bar only, at the moment, there is no evidence that we have any shortage of supply of qualified barristers in Hong Kong. In fact we tend to think that we have reached the right equilibrium on the supply of barristers at the moment. There is no need for any expansion on the number of PCLL places now or in the near future.

38. First, while we acknowledge that there are some instances where because of the parties' particular choice of barristers, there is some delay in the hearing dates, in general there is no difficulty in

¹¹ To the best of my knowledge, competition for places at the PCLL are at an all time high and do not appear to abate in the future.

finding barristers to attend court on the first available hearing date. The position rather is that the delay in having hearing dates is due to the unavailability of the judges or the courts.

39. Secondly while there is a steady increase in the number of barristers holding full practicing certificates over the years, in fact the increase is somewhat less than the number of entrants to the Bar for over the years. This tends to show there is also a steady drop out rate from the Bar. This is illustrated by the following figures:

Table 1 – the number of pupils holding limited practicing certificates

Year	2015	2014	2013	2012	2011	2010	2009
No.	90	99	91	85	70	79	47

The total number over the 6 years is 561

Table 2 – the number of barristers holding full practicing certificates

Year	2015	2014	2013	2012	2011	2010	2009
No.	1326	1275	1238	1174	1148	1106	1092

The net increase of number of barristers over the 6 years is 234.

40. Since the pupils are entitled to apply for a limited practicing certificate after their first 6 months pupillage and pupillage is usually for one year, the total number of limited certificates issued over the years could be treated as a true reflection of the number of new entrants. As could be seen from the tables, in the last 6 years while there are some 561 newly qualified barristers the net increase in the size of the Bar is only 234. This would indicate that there are also some 327 barristers leaving the Bar over the last 6 years. There are many reasons for leaving the Bar such as for judicial appointments, retirements and also simply leaving for better employments elsewhere. It is quite clear that judicial appointments could not have accounted for the whole figure of 327. The overall picture shows that while there is a steady growth of the Bar there is a healthy competition within the Bar such that some weaker members may be forced to leave the Bar.

41. We would also like to refer to the report of the Special Committee on Local Admission dated 2 December 2014 annexed to

this submission. As can be seen from the table, in the period of 14 years from 2001 to 2014, there is a marked trend for barristers leaving the Bar as their seniority grow.

42. The general view from the Young Bar is that there is insufficient work for the young barristers. This also supports the view that we do not have any short supply of barristers.

43. Given that the market could not absorb all those who want to be a practicing lawyer, it is inevitable that somewhere in the educating process there would be a bottle neck eliminating those who are less competitive. We see no reason why the bottle neck should not be at the stage of PCLL admission. After all the PCLL training is really directed at preparing practicing lawyers and it would even be a bigger waste of resources if after a full year of PCLL training, the holders of the PCLL then find themselves unable to find a trainee contract or are to be forced out of the Bar because of insufficiency of work.

Question (12) Common Entrance Examination

44. We understand that the proposal of the common entrance examination from the Law Society is only directed at the entrance to the solicitors' profession. The proposal is not well thought through. There is no information as to whether the proposed common entrance examination is meant to be an alternative route for entrance into the profession, or whether this examination is meant to be a replacement of the PCLL examination. There is no information as to whether there is to be an institution offering courses for the preparation for this examination and the contents of such examination. Likewise there is no information as to whether this is meant to be an entrance examination for trainee solicitors or it is meant to be an exit examination to be taken at the end of the trainee contract. In short the Law Society has not clearly indicated what the purpose of this CEE is and what mischief that this proposal is directed at.

45. On the whole, the Bar does not support such proposal.

Question (13) – pre-qualification vocational training for solicitors

46. The Bar does not propose to opine on this question.

Question (14) – pre-qualification vocational training of pupils

47. The Bar is happy with the current arrangement that pupils would have to accumulate enough ALE points before their full practicing certificates.

Question (15) – other views on the present legal education system and training

48. The Bar Council is currently studying whether the pupillage system could be improved. For instance, whether there should be more stringent requirement for the pupil master to meet before he is allowed to take pupils, whether pupils should be paid or should receive some sort of financial assistance from their pupil masters during pupillage.

49. The Bar does not have a compulsory continuing professional development programme. It is accepted that the IBA has given certain guidelines for training and education of the legal profession, strongly advocating that there should be a compulsory continuing professional education programme for all legal professions. It is doubtful whether the IBA has in mind a pure referral profession such as the Hong Kong Bar when considering its proposal.

50. It is certainly accepted that it is fashionable for professions to have a compulsory professional development scheme. The solicitors have had their compulsory CPD programme for over 10 years now. However the anecdotal evidence derived from observation of the performance of solicitors does not indicate that there is any real impact on the standard of solicitors since the implementation of their CPD programme. It is noted that the English Bar has also implemented a compulsory CPD programme although we do not know how much benefit or improvement has been brought to the English Bar by this programme. It is however fair to point out that

the English Bar is no longer a pure referral profession, as the position in England today is that multi professional disciplines (including the Bar) is permitted and so it would appear that one could have direct access to barristers.

51 Traditionally with the Hong Kong Bar as a pure referral profession, it was seen that fair competition within the Bar is the best assurance for the maintenance of professional standards. It was thought that so long as the solicitors have done their duties well in only instructing barristers competent for the job, the interest of the lay clients would be properly protected. However, with the complexities of the modern-day legal services market, the prevalence of low-cost chambers accommodation and the significance of publicly funded work for a certain sector of the Bar amongst those with less of a following amongst solicitors who are selective on which barristers to seek advice from, it is seen important that the Bar take proactive steps to maintain its image of conscientiousness to forestall a decline of public confidence in the Bar as an honourable, self-regulating profession. Although in the last 10 years there are only 4 cases where a barrister is charged for an offence under § 6(d) of the Code and only one has been found guilty, we are conscious a single bad incident could jeopardize the good name of the profession.

52. The question of whether there should be compulsory CPD programme for the Bar is presently under review by the Bar Council and will soon be a question for consultation amongst its members. We have to point out that even though the Bar currently does not have a compulsory CPD programme, the Bar organizes talks and workshops throughout the year for its members. Committees on various practice areas are under reform to enable continuing professional development to be undertaken within the Bar in a more regular, sustained and structured fashion. Members and visiting silks, and other guest speakers who have established themselves in the respective areas will be requested to give more structured seminars and updates to provide opportunities of development for other members who desire to pursue certain area of practice. . Depending on the topics and the speakers many of the talks are very well attended even by practitioners of over 10 years standing. While members will benefit more from talks and workshops that they attend voluntarily out of their own interest, we are studying whether

compulsory CPD would give the push that may be needed for members take time out of their busy schedule to seek out development opportunities, whether to update or to broaden their knowledge.

Dated 16 December 2015

Hong Kong Bar Association

Report of Special Committee on Local Admissions

The total number of local admissions for 2014 (up to 30 November), with a breakdown of admissions based on different qualifications and through different qualifying routes and of those who have proceeded to private practice and those who have joined the Department of Justice, and together with the statistics for 2001 - 2013, are as follows:

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total admissions for the year	73	78	21	65	87	82	68	72	55	50	70	66	82	82*
Admissions based on U.K. qualifications:	14	8	4	-	-	-	-	-	-	-	-	-	-	-
- joined the private Bar	4	6	4	-	-	-	-	-	-	-	-	-	-	-
- joined the Legal Department/Department of Justice	0	0	0	-	-	-	-	-	-	-	-	-	-	-
- unknown	10	2	0	-	-	-	-	-	-	-	-	-	-	-
Admissions replying on the transitional provision s.74C:	-	-	4	10	2	-	-	-	-	-	-	-	-	-
- joined the private Bar	-	-	4	6	1	-	-	-	-	-	-	-	-	-
- unknown	-	-	0	4	1	-	-	-	-	-	-	-	-	-
Admissions based on PCLL qualifications:	50	63	8	49	74	73	63	70	54	45	68	64	78	79
- joined the private Bar	29	43	6	48	70	66	59	66	45	30	49	54	61	65
- joined the Legal Department/Department of Justice	6	3	0	1	4	7	0	0	0	0	0	0	1	0
- unknown	15	17	2	0	0	0	4	4	9	15	19	10	16	14
Admissions of former legal officers:	2	4	2	3	0	1	0	0	1	1	0	0	1	0
- joined the private Bar	0	1	2	0	0	0	0	0	1	0	0	0	1	0
- remained in the Legal Department/Department of Justice	2	3	0	3	0	1	0	0	0	0	0	0	0	0
- unknown	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Admissions of former solicitors:	7	3	3	3	11	6	5	0	0	4	1	1	3	2
- joined the private Bar	7	3	1	3	11	6	4	0	0	3	1	1	3	2
- joined the Legal Department/Department of Justice	0	0	0	0	0	0	0	0	0	0	0	0	0	0
- unknown	0	0	2	0	0	0	1	0	0	1	0	0	0	0
Admissions of overseas lawyers:	-	-	-	-	-	2	0	2	0	0	1	1	0	1
- joined the private Bar	-	-	-	-	-	2	0	2	0	0	1	1	0	1
- joined the Legal Department/Department of Justice	-	-	-	-	-	0	0	0	0	0	0	0	0	0
- unknown	-	-	-	-	-	0	0	0	0	0	0	0	0	0
Admissions under s.27(1)(b)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Currently holding a practising certificate	33	36	13	41	56	49	55	59	49	43	58	55	73	68

*as at 30 November 2014

To give members an accurate view of the net growth of the Bar since 2001, the numbers of members who were admitted in 2001 and thereafter and who are currently holding a Practising Certificate are set out in the last row.

I would like to take this opportunity to thank Ms. Peace Lau of the Bar Secretariat for her hard work and support.

Raymond Leung SC
Honorary Secretary

2 December 2014