

Report of Special Committee on Legal Education

1. The Special Committee on Legal Education (“the Committee”) has the following members for 2014:

Edward Chan SC (Chairman)
Lisa Wong SC
Selwyn Yu SC
Lisa Remedios
Michael Liu
Richard Khaw
Cheung Kam Chuen
Michael Yin
Colin Wong
Elaine Liu

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

2. The Committee had four meetings in 2014. Apart from formal meetings there were also exchanges of views of members and decisions reached by e mail circulation.

3. Since the signing off of the report for the year of 2013 the Committee met on 19 December 2013 to consider the issue as to whether the Bar should have a compulsory Continuing Professional Development (CPD) programme for practising members. After a very thorough discussion on the pros and cons of such proposal, the Committee had decided to recommend to the Bar Council that there was no need for the introduction of such compulsory CPD programme for the Hong Kong Bar at this stage. In this respect the Committee took into account the fact that the Bar in Hong Kong was and still is a referral profession and that unlike the position in England, the barrister profession could not be involved in multi-discipline practice in Hong Kong. Furthermore, the Committee had reservation on the effectiveness of a compulsory CPD programme in improving the standard of the Bar.

4. As the courses for the PCLL programmes of the 3 universities are now well settled and the courses are running smoothly, the work of the Committee in relation to the supervision of the courses is very much reduced.

5. During the year, the Committee had considered the proposal from the Chinese University of Hong Kong for the introduction of “Trial Advocacy – Cantonese Module” course. The Committee recommended to the Bar Council that while there was no objection to the introduction of an elective of Trial Advocacy in Cantonese course, in so far as trial advocacy in Cantonese is to be incorporated into the compulsory advocacy course for the barrister students, the same should not constitute more than one quarter of the syllabus.

6. The Committee had also considered and approved the proposal from the University of Hong Kong for the introduction of a new course on

“Employment Law and Practice” as a Bar elective course with a small revision on the weighting to be given on drafting and pleading in the assessment.

7. The Committee had also considered the Law Society’s proposal for a Common Entrance Examination. The Committee recommended to the Bar Council not to support the Law Society’s proposal.

8. From time to time during this year members of the Committee had been asked to consider applications for waiver or relaxation of the ALE requirements. The practice adopted by the Committee was that the views of the members would be solicited through e mail exchanges. Over the years the Committee had formulated certain policy in relation to the criteria for the grant of waiver and throughout 2014 decisions on waiver of ALE requirements had always been unanimous.

9. It was part of the work of the Committee to consider the award of ALE points to programmes, talks or seminars organized by outside organizations. The decisions were made by e mail circulation. The Committee had recommended to the Bar Council that there should be a charge for accrediting such courses organized by outside organizations.

10. In relation to the ALE programme, the policy of the Committee is to require PCLL students intending to take pupillage to have taken the Bar elective subjects offered by the 3 universities. If a pupil has not taken the minimum required Bar elective subjects, he would be required to make up the deficiency by completing the minimum requirement during his pupillage as part of his ALE programme. The Committee had recommended to the Bar Council that the pupil was not to be deemed to have taken the deficient subjects unless he had attended the courses, completed the drafting and assignments required in the course and also passed the course assessment. This was to ensure that the pupils taking these electives during their pupillage would not simply sit through the courses without making any real attempts to learn and benefit from the courses.

Edward Chan SC
Chairman
Special Committee on Legal Education

22 December 2014