

1-1-2004

Reform of Professional Legal Education at the University of Hong Kong

Richard Wu
University of Hong Kong

Follow this and additional works at: <https://epublications.bond.edu.au/ler>

 Part of the [Legal Education Commons](#)

Recommended Citation

Wu, Richard (2004) "Reform of Professional Legal Education at the University of Hong Kong," *Legal Education Review*: Vol. 14 : Iss. 2 , Article 7.

Available at: <https://epublications.bond.edu.au/ler/vol14/iss2/7>

This Article is brought to you by the Faculty of Law at ePublications@bond. It has been accepted for inclusion in Legal Education Review by an authorized administrator of ePublications@bond. For more information, please contact [Bond University's Repository Coordinator](#).

Reform of Professional Legal Education at the University of Hong Kong

*Richard Wu**

Introduction

In 2000, the Hong Kong government appointed two professors from Australia (“the Consultants”) to conduct a review of legal education in Hong Kong. The Consultants released their report, “Legal Education and Training in Hong Kong: Preliminary Review” (“the RLET”) in August 2001.¹ This is the most important document on legal education for Hong Kong in the past three decades. The RLET recommended, inter alia, the abolition of the Postgraduate Certificate in Laws course (“PCLL”)² run by the Faculty of Law at the University of Hong Kong (“HKU”).³ Instead, they proposed the establishment of a new Legal Practice Course by the local legal profession outside the university.⁴

* LLB, PCLL (HKU), BSc, LLM (London), MBA (Warwick), LLB, LLM (Peking), LLM (IT and Telecommunications Law) (Strathclyde); Solicitor (Hong Kong, England and Wales, Australia (ACT and NSW) and Singapore); Associate Dean and Associate Professor, Faculty of Law, University of Hong Kong.

1 The Steering Committee on the Review of Legal Education and Training in Hong Kong, *Report of the Consultants, Legal Education and Training in Hong Kong: Preliminary Review* (“the RLET”) (Hong Kong: The Steering Committee on the Review of Legal Education and Training in Hong Kong, 2001).

2 The PCLL is a one-year course providing professional legal education to law students after they finish their undergraduate legal studies but before they enter the legal profession of Hong Kong. According to D M E Evans, the founding dean of the Department of Law at HKU, the abbreviation of PCLL was chosen, instead of PCL, to avoid confusion with the BCL (ie, Bachelor of Civil Law) granted by the University of Oxford. See D M E Evans, “Taken at the Flood: Hong Kong’s First Law School” in R Wacks, *The Future of Legal Education and the Legal Profession in Hong Kong* (Hong Kong: Faculty of Law, 1989) 31.

3 *Supra* note 1, para 8.1.5 at 200.

4 Q Chan, “Radical Change to Law Course Proposed”, *South China Morning Post* (5 February 2001) 6.

In response to the RLET, the HKU Law Faculty has reformed its PCLL in the past three years.⁵ In this article, I attempt to trace and analyse the reform of PCLL at HKU. I will first elaborate on two UK documents important to the original PCLL (“old” PCLL) at HKU. Secondly, I will highlight various reports on legal education issued in the United Kingdom (UK) and their relevance to the reform of professional legal education in Hong Kong. Thirdly, I will describe the development of other PCLL courses in Hong Kong to provide the context for understanding the evolution of PCLL at HKU. Fourthly, I will analyse the distinct features of the “old” PCLL, and its major “defects” as pointed out in the RLET. In addition, I will explain several major issues facing the “old” PCLL. Then I will elaborate on several distinct features of the reformed PCLL (“new” PCLL), analysing the progress and implementation issues of the “new” PCLL. Finally, the future reform directions of the “new” PCLL will be outlined. I will then summarise the achievements of the “new” PCLL, with particular reference to the criticisms of the “old” PCLL by the RLET.

Two Important UK Documents Shaping the Birth of PCLL at HKU

In the late 1960s, the Hong Kong government set up a Working Party to review professional legal education and training in Hong Kong. As Hong Kong was still a UK colony at that time, the prevalent UK model and ideas on professional legal education heavily influenced the thinking of the Working Party. In particular, two UK documents were important in understanding the establishment of PCLL at HKU.

The first document was a paper delivered by Professor LCB Gower in 1967 called “The Inter-relation of Academic and Professional Training”.⁶ In his paper, Gower discussed the distinctions between academic and professional training, their relationships to each other, methods of instruction for academic and professional training, and appropriate bodies to undertake academic and professional training. Gower brought up many insightful ideas on professional legal education. For example, he argued for a common course of initial professional training as follows:

5 A Li, “Law Faculty Fights for Postgraduate Course”, *South China Morning Post* (6 August 2001) 2.

6 L C B Gowers, “The Inter-relation of Academic and Professional Training” (1967) *Journal of Society of Public Teachers of Law* 9 at 434-450.

During the initial training period the embryo lawyer generally does not know into which branch of practice he will go. He needs a training which will allow him the maximum possible mobility subsequently. In any case, there is a substantial core of expertise common to all branches of legal practice. Initial professional training should seek to produce decently well qualified general practitioners – not narrow specialists.⁷

In the same paper, Gower also argued that universities should undertake professional training in countries that do not have professional institutions, providing such training, for example, as in the UK at the law schools of the Inns of Court and the Law Society, as follows:

If university law faculties exist and professional institutions do not, every effort should be made to avoid the enormous expense of establishing the latter. Provided that universities are prepared to recognize, as they should, that it is part of their role to undertake professional training, provided that they are located near the town centres, provided that they can recruit the right sort of instructors with recent practical experience, provided that their relations with the profession are sufficiently cordial and intimate, it is far better that they should handle this part of the training also (ie professional training).⁸

The other document influential to the establishment of the HKU's PCLL was the Report of the Committee on Legal Education, chaired by Mr Justice Ormrod, which was published in 1971 ("the Ormrod Report").⁹ The Report marked a "turning point in the history of legal education"¹⁰ making far-reaching recommendations on legal education reforms in the UK and its colonies, including Hong Kong. The most important recommendation of the Report was, undoubtedly, the separation of legal education into three stages: the academic, professional and continuing education or training stages.

The influence of Gower's paper and the Ormrod Report in the Working Party's deliberations on the future model of legal education for Hong Kong was obvious. For example, the Working Party adopted a model of separation for academic and professional legal education similar to the model

7 Id at 441.

8 Id at 448.

9 Great Britain, *Report of the Committee on Legal Education* (Ormrod Report) (London: HSMO, 1971) Cmnd 4595.

10 W Twining, *Blackstone's Tower* (London: Sweet & Maxwell, 1994) 36.

recommended in the Ormrod Report. The Working Party also considered the HKU Department of Law, set up in 1969, to be the institution providing academic legal education.

However, in the choice of institution undertaking professional legal education, the Working Party considered three possible options. The first option was the establishment of a professional law school separate and distinct from HKU and modelled on the UK system.¹¹ The second option was a course arranged by the HKU Department of Extra-Mural Studies. The third option was a course offered by the HKU Department of Law.

After careful deliberations, the Working Party rejected the first option on two grounds. First, the cost of setting up a separate professional school was expensive.¹² Secondly, it was difficult to attract quality staff, both full-time and part-time, for a new professional school.¹³ The Working Party also rejected the second option on two grounds. First, the HKU Department of Extra-Mural Studies would not be able to attract competent teachers. Neither would they be able to provide adequate premises for running a professional legal education program. In the end, the Working Party recommended that the HKU Department of Law should provide professional legal education, as this “provides the best safeguard against the lowering of standards during the degree course and the postgraduate stage”.¹⁴

As one can see, this institutional choice was in line with Gower’s thinking with the university providing professional legal education instead of a professional school set up by the profession outside the university. Moreover, HKU’s PCLL had adopted a common curriculum since its inception in the early 1970s, which also echoed Gower’s idea of a common course of initial professional training.

11 In the 1960s, the College of Law and Inns of Court School of Law, institutions separate from the universities, provided the “professional-stage” training for future solicitors and barristers in England.

12 In para 18 of the Working Party Report, it was stated that: “The establishment of a professional School of Law (separate from the Department of Law of the University) would require considerable capital expenditure and would be costly to maintain as a separate institution. It could not be financed out of fees from students and grants from the professional bodies *without making unrealistic or unreasonable demands on members of the profession.*” See D M E Evans, *Legal Education in Hong Kong* (Hong Kong: Hong Kong University Press, 1974) 40.

13 In para 23 of the Working Party Report, it was stated that “it would not be easy to secure the services of qualified teachers. The rates of remuneration would probably be unattractive to busy local practitioners”: see Evans, *supra* note 12 at 42.

14 Paragraph 26, the Working Party Report. See Evans, *supra* note 12 at 44.

Other UK Reports on Legal Education Reform and their Impacts

Apart from Gower's paper and the Ormrod Report, several other UK reports were influential in the development of legal education in the UK and its colonies. The Benson Report¹⁵ called for a fundamental reform of the teaching methods and examination style to discourage cramming on the part of students, as "vocational training should be more than an exercise in memorising facts".¹⁶ The Report also, like Gower's paper, recommended a joint vocational course for the intending barristers and solicitors in the future. As the Benson Report stated:

This is not to say that in the future barristers and solicitors should share all subjects of vocational training, but a considerable common core would in our view be in the public interest.¹⁷

In the late 1980s, the Law Society and Bar Council of England appointed a Committee to review the future of the English legal profession, which published what is widely known as the Marre Report.¹⁸ The Report identified a wide range of intellectual and practical skills that law students needed to acquire at the academic and vocational stages of legal education. For the academic stage, the Marre Report recommended the teaching of the following skills:

- 1 an adequate knowledge of substantive law;
- 2 an ability to identify legal issues to construct a valid and cogent argument on a question of law;
- 3 an ability to carry out research making intelligent use of all source material;
- 4 an ability to understand the underlying policy and the social context of any law;
- 5 an ability to analyse and elucidate an abstract concept;
- 6 an ability to isolate elementary logical and statistical fallacies;
- 7 an ability to speak and write clear, and succinct English;
- 8 a cultivation of a capacity for active learning;

15 Royal Commission of Legal Service, *Final Report* (Cmnd 7468, HMSO, London, 1979) ("The Benson Report").

16 *Id.* at para 39.44.

17 *Id.*

18 Report of the Committee on the Future of the Legal Profession, *A time for Change* (General Council of the Bar and the Law Society, 1988) ("The Marre Report").

- 9 an ability to ascertain and verify the relevant facts of any legal problem;
- 10 an ability to analyse facts to construct and criticise an argument on a disputed question of fact.¹⁹

For the vocational stage, the Marre Report recommended the teaching of the following skills:

- 1 an adequate knowledge of legal practice and procedure;
- 2 an efficient grasp of techniques for applying the law, for example problem-solving skills;
- 3 an ability to draft legal documents;
- 4 an ability to present effective oral and written arguments in a variety of settings;
- 5 an adequate knowledge of professional and ethical standards;
- 6 an ability to communicate effectively with clients in a variety of settings;
- 7 an ability to establish a good relationship with clients while eliciting relevant information;
- 8 an ability to help clients understand options available to them so that they can make an informed choice of action or direction;
- 9 an ability to negotiate effectively with the other party or their representative;
- 10 an ability to assess when the client might benefit from referral to another professional person, in addition to legal advice, and to propose this referral without losing the client's confidence;
- 11 an ability to help clients to manage the powerful feelings which accompany legal proceedings, both in civil and criminal cases;
- 12 an ability to advise clients without using legal jargon and, as far as possible, without inflaming the acrimonious feelings that may exist between the parties concerned;
- 13 an ability to co-operate with other professional persons involved in the same case or field of work;
- 14 an adequate knowledge of effective organisational and management skills, including the use of modern technology.²⁰

19 Id at Ch 12. A list of these skills is set out in *Law Notes*, Vol 107(10) at 278-279.

20 Id.

In addition, the Marre Report recommended that the vocational stage should focus on teaching practical skills by using modern teaching and examining methods.²¹ It is noteworthy that most, if not all, of these skills are now taught in the “skill-based” professional legal educational courses around the world, including the “new” PCLL at HKU, discussed below.

In the 1990s, the Lord Chancellor’s Advisory Committee on Legal Education and Conduct (“ACLEC”) published a comprehensive report on legal education in the UK. The report emphasised that law students should acquire professional skills in the stages of vocational course and in-service training.²² It also affirmed the mode of active teaching and learning methods adopted in the new professional legal education courses established in the UK, namely, the Legal Practice Course and Bar Vocational Course. As one can see below, the “new” PCLL at HKU also emphasises skills teaching and active learning.

However, the ACLEC Report criticised the UK model of legal education for its rigid division between academic and vocational stages of legal education, rather than treating it as a continuum. Such a model encouraged the separation between theory and practice, between “academic” knowledge and “professional” expertise, resulting in the relative neglect by law schools of subjects such as civil and criminal procedures, and professional ethics as being regarded as too far removed from reality.²³ Such a model of legal education also led to “an unnecessary compartmentalisation” of the vocational and academic aspects of legal education.²⁴ The model also led the professional bodies to see themselves as:

regulators of the law degree rather than facilitators and partners with the universities. For their part, the university law schools have been suspicious and resentful of the professional bodies.²⁵

As one can see below, HKU Law Faculty will reform its three-year LLB program into a four-year program, folding back all the “knowledge-rich” PCLL subjects (such as civil and criminal procedures) into its LLB program. Such reform

21 See the Marre Report, *supra* note 18 at Ch 14.

22 The Lord Chancellor’s Advisory Committee on Legal Education and Conduct, *First Report on Legal Education and Training* (London: ALEC, 1996) (“The ACLEC Report”), para 2.4.

23 The ACLEC Report, *supra* note 22 at para 2.8.

24 The ACLEC Report, *supra* note 22 at para 2.11.

25 The ACLEC Report, *supra* note 22 at para 2.12.

should result in a better integration of the academic and vocational stages of legal education in Hong Kong than in their UK counterparts.

Historical Development of PCLL courses in Hong Kong

The PCLL at HKU enjoyed the status of a monopoly until the early 1990s, when the other law school at City University of Hong Kong started the second PCLL in 1991. In this second PCLL, City University attempted to introduce new innovative methods such as problem-based learning, skills seminars, in-tray exercises, large-group/lectures, homebase, computer-assisted learning, volunteer program (legal aid), tutorials, buzz groups, brainstorming, role playing, use of manuals, texts, handouts, videos and work experience.²⁶ They also involved the local profession in a mentorship program, guest lecturers, panellists, team teaching, moot judges and external examiners.²⁷ In addition to core PCLL subjects, students were also required to study two out of three subjects. Many practical and skills aspects of the program remain unchanged up to this date.²⁸

In addition, the HKU School of Professional and Continuing Education ("SPACE") started a PCLL in 1991. At its inception, the program was run independently by SPACE. Later, the program was run by teachers of the Department of Professional Legal Education of HKU Law Faculty, who conducted lectures and tutorials as well as examinations for the SPACE program. The SPACE PCLL provided an alternative to students who were unable to find places in the full-time PCLL run by HKU or CityU. Starting from September 2001, the SPACE PCLL ceased to operate.

Distinct Features of the "Old" PCLL

When HKU first established the "old" PCLL in 1972,²⁹ it contemplated a further period of training after the three-year LLB course:

26 City Polytechnic of Hong Kong, *Professional Legal Education for Tomorrow's Lawyers* (Hong Kong: City Polytechnic, 1991) 27-28.

27 *Id.* at 33-35.

28 The RLET, *supra* note 1 at 392.

29 For the Regulations and Syllabus for the Postgraduate Certificate in Laws 1973-4, see Evans, *supra* note 12 at 141-142.

because the period of study for the degree was too short to enable sufficient ground to be covered. Also the further training which an intending practitioner required could not be given wholly within the context of the University degree and would be bound to include “practical” instruction.³⁰

However, it was contemplated that courses at the “old” PCLL:

will have a more “practical” flavour in that they will emphasize the importance of analysis of factual situations based on “real life” and of grasping the application of law to those situations rather than in relation to hypotheticals.³¹

While it was claimed that the LLB course at HKU provided academic legal education and the “old” PCLL course concentrated on professional legal education, the two courses were not substantially different in their inception. As Ted Tyler, the former head of the Department of Professional Legal Education at HKU, pointed out, the “old” PCLL at HKU introduced in 1972 was, in effect, a “fourth year of the LLB”.³² In essence, the “old” PCLL provided courses in continuum with the courses provided by the LLB.

In a nutshell, the “old” PCLL at HKU focused on teaching legal knowledge with some training in practical skills. Indeed, when the Working Party first proposed the establishment of the “old” PCLL, the latter was cast:

not in the form of practical training that would prepare a graduate for the practice of law, but as extension of the programme of study begun at the undergraduate stage (ie LLB) and aimed at the acquisition of legal knowledge and the development of appropriate intellectual skills.³³

This reflected the emphasis on teaching legal knowledge, rather than on the practical skills acquisition of the “old” PCLL at HKU in its original design.

Another consistent feature of the “old” PCLL at HKU was its adoption of a “subject-based” curriculum. For example, it consisted of eight subjects: conveyancing, probate, landlord and tenant, revenue, commercial law and practice, practice and procedure (civil and criminal), accounts and financial

30 Evans, *supra* note 12 at 17.

31 *Id* at 20.

32 E G L Tyler, unpublished paper given at a symposium at the City University of Hong Kong on 11 November 1989 and quoted in M Littlewood, “Professional Legal Education in Hong Kong” (1989) 8(1) *Journal of Professional Legal Education* 49.

management, professional practice and advocacy (civil and criminal). All these courses were compulsory for all students and there were no optional subjects.

If one looks at the timetable of the “old” PCLL, one can easily discern its “subject-based” characteristic. Under the old timetable, one day in every week was designated to a subject. For example, students learnt the subjects of conveyancing (or probate and landlord and tenant) on Monday, revenue on Tuesday, commercial law and practice on Wednesday, practice and procedure (criminal and civil) on Thursday, accounts and financial management (or professional practice) on Friday, and advocacy (criminal and civil) on Saturday. For most of the subjects, there were lectures in the morning and tutorials (or small group sessions) in the afternoon. These tutorials in the afternoons consolidated students’ knowledge and skills taught in the morning lectures.

The two branches of the local legal profession also had their input into the “old” PCLL curriculum. For example, the Law Society preferred that the subjects of conveyancing and probate be taught at the “postgraduate” level, while the Bar Association expressed a similar view on the subject of practice and procedure.³⁴ Apparently, the “old” PCLL incorporated the views of the local profession into its curriculum.

Some Issues of “Old” PCLL Over the Years

Staff Issues

As indicated, the Working Party preferred the HKU’s Department of Law, rather than its Department of Extra-mural Studies, to provide professional legal education. In retrospect, the choice was correct as the Department of Law provided a better work environment in terms of research, undergraduate teaching and career promotion within the university than the Department of Extra-mural Studies. As pointed out by Peter Willoughby, the first director of PCLL course at HKU, very few who joined the rank of PCLL teachers wished to be seen merely as “legal practice course instructors”. Many of them wanted to see themselves as university academics, and were interested in doing some undergraduate teaching and research in addition to PCLL teaching.³⁵

33 Evans, *supra* note 12 at 19-20.

34 Evans, *supra* note 12 at 20.

35 P Willoughby, “The Scope and Limitations of the Legal Practice Courses: Should They Replace Article and Pupilage?” (unpublished paper presented at the Commonwealth Law Conference, Hong Kong, 18-23 September 1983).

Therefore, there was limited attraction to the HKU Department of Extra-mural Studies for competent practitioners if the latter were only recruited as instructors of practice skills. In contrast, the HKU Department of Law was better able to recruit competent legal professionals to join the ranks of PCLL teachers. HKU needed to “compete” with the high-paying private sector for legal talents when it was set up in the early 1970s, a time when Hong Kong still suffered from a shortage of lawyers and most local practitioners were trained in the UK.

However, in recent years, the HKU Law Faculty has been able to recruit more experienced practitioners to join the rank of PCLL teachers, many of whom were working as partners of major international and local law firms prior to their joining. This new profile of PCLL teachers can be partly attributed to the change in the diversity of the legal profession in Hong Kong. When the PCLL was first established in the early 1970s, the pool of legal talent remained small, mostly local practitioners trained overseas. As the HKU Law Faculty has trained generations of local lawyers, the pool of local legal talent, and hence potential PCLL teachers, has become larger. Moreover, as the legal profession continues to grow in Hong Kong, more lawyers consider law teaching as a viable option for their second career. This also adds to the pool of potential PCLL teachers. In fact, most of the PCLL teachers recruited in recent years possess local practical experience, which testifies to the change in profile of PCLL teachers at HKU.

Curriculum Issues

It is noteworthy that the curriculum of HKU’s PCLL remained largely in the original design throughout the 1980s and 1990s, notwithstanding the radical changes that took place in other professional legal education courses around the world in the same era. There were many possible explanations for such “inertia”. Transition to a “skill-based” course required a staff profile comprising teachers with a wealth of local practical experience. However, recruitment of such experienced practitioners as PCLL teachers in the 1980s and 1990s proved extremely difficult, as private legal practice in Hong Kong was very lucrative in those days.

The unique political history of Hong Kong in the early 1990s also contributed to a preference for the “status quo” over professional legal education in Hong Kong. In June 1989, the Tiananmen Square Massacre took place in China. This had a devastating effect on the confidence of Hong Kong people,

and the legal profession was no exception. Any radical change to the legal system, including the model of professional legal education, would be viewed with scepticism by the local legal profession and possibly the government of the Peoples Republic of China.

RLET's Criticisms of the "Old" PCLL

As mentioned above, the RLET was released in 2001. The Report criticised the "old" PCLL on nine grounds:

- 1 *An unclear purpose.* The Consultants concluded that the PCLL at HKU was "in reality, an additional year of law studies – with a distinct academic emphasis in its goals, content, teaching methods and assessment".³⁶ They took the view that the PCLL course should be reformed to fold back its "academic" components into a reformed four-year LLB course. In this way, the PCLL would be developed into an entirely new course teaching skills.³⁷
- 2 *A lack of coherence.* The Consultants opined that the "old" PCLL was a "subject-centred" program. In other words, the teachers taught different subjects and developed their expertise in different subject areas. There was no integration between different subjects and they did not form part of a coherent course or program imparting lawyering skills.³⁸
- 3 *The PCLL's placement within the universities.* The Consultants took the view that the PCLL should not be located within universities as the program was vocational in nature. Moreover, PCLL teachers saw themselves as academics and therefore were expected to research and publish. The university environment was not conducive to teachers providing a form of vocational preparation for legal practice.³⁹
- 4 *Inadequate teaching and assessment methods.* The Consultants criticised the PCLL for its inadequate teaching and assessment methods due to the shortage of resources. They perceived that the teaching and assessment methods of world standards could be adopted if the legal practice course was removed from the university setting.⁴⁰
- 5 *Inconsistent treatment of those seeking a PCLL place.* The Consultants criticised the PCLL for its inconsistencies in

36 The RLET, supra note 1 at 187.

37 Id.

38 The RLET, supra note 1 at 188.

39 The RLET, supra note 1 at 190.

40 The RLET, supra note 1 at 192.

fees between the PCLL programs run by HKU Law Faculty and SPACE. They also criticised the HKU and SPACE PCLL programs for giving priority to their own students, thereby jeopardising the interests of those students studying law at overseas law schools. The Consultants felt that such inconsistencies and inequities could be overcome by an independent legal practice course set up outside the university.⁴¹

- 6 *Artificial division of the law program into the LLB and the PCLL.* The Consultants criticised the university law program for artificially dividing into LLB and PCLL, which was largely a result of the historical development of HKU Law Faculty over the years. They therefore recommended that those “academic” courses in the PCLL program, such as revenue, conveyancing, probate and commercial law, should be taught as part of the undergraduate LLB.⁴²
- 7 *The need to have a common entrance standard for those entering the profession.* The Consultants criticised the failure of the PCLL to ensure that the local and overseas law graduates had a common body of knowledge. For example, those returning from overseas did not receive any education in the basic law; the most important constitutional law document of Hong Kong. They therefore recommended the establishment of a conversion course catering for the needs of overseas law students.⁴³
- 8 *Availability only as a full-time course.* The Consultants criticised that the PCLL was available largely as only a full-time program. They recommended that the program be made available to the public on a part-time basis in the interests of access and equity. The consultants also considered it viable to deliver the PCLL on a “distance-learning” model in future.⁴⁴
- 9 *An inability to manage the process as a whole and to enable reform on an ongoing basis.* The Consultants made the general assertion that the HKU’s PCLL was “frozen in time” and had “no way of reforming itself”.⁴⁵ They felt that the only way to resolve the problem was for the profession to create a separate institution responsible for vocational training outside the university.⁴⁶

41 The RLET, supra note 1 at 193.

42 The RLET, supra note 1 at 193-194.

43 The RLET, supra note 1 at 194.

44 The RLET, supra note 1 at 194-195.

45 The RLET, supra note 1 at 195.

46 The RLET, supra note 1 at 195-196.

Distinct Features of the “New” PCLL

In response to the RLET, the HKU Law Faculty started to reform its PCLL in 2001. It established a core design team consisting largely of PCLL teachers who were experienced practitioners in different practice areas, such as conveyancing, litigation and commercial practices. The core design team was commissioned to design a new curriculum and course materials for a “new” PCLL that would reflect the concerns of the RLET, incorporating the best professional legal education practices of other common law countries to meet the needs of the local legal profession.

It was advocated that the curriculum of the “new” PCLL would have seven characteristics: general framework for legal practice, problem-centred, systematic skills teaching, feedback culture, professional attitude towards learning, training groups, guest instructors, programmed instruction, and end-of-semester assessment.⁴⁷ In this article, I wish to analyse four salient features of the curriculum, namely, problem-based learning, skills teaching, programmed instruction and training groups.

Problem-based Learning

“Problem-based learning” is not something new. Barrows and Tamblyn provide a definition of “problem-based learning” as follows: “The problems, not a set syllabus, provide the stimulus and framework for learning. Knowledge is acquired through self-directed study and small group discussions, rather than through lectures.”⁴⁸ In the “new” PCLL, students are encouraged to learn by way of solving legal problems presented to them, rather than by way of traditional lecture attendance. This is a mode of active learning and students are expected to read cases and statutes assigned to them, and conduct further legal research they consider necessary to solve the legal problems presented to them.

The “new” PCLL curriculum reflects such an emphasis on legal problems. The curriculum consists of two components. The first is called “non-contentious”; the other is “contentious”. Such a demarcation is based on the nature of the legal work

47 For a discussion of the seven characteristics of the “new” PCLL curriculum, see S Nathanson, W W S Chow and F W H Chan, “The University of Hong Kong’s New PCLL” (2002) 32 *Hong Kong Law Journal* 381 at 381-396.

48 Barrows, S Howard and R M Tamblyn, *Problem-Based Learning: An Approach to Medical Education* (New York: Springer, 1980) 191 and quoted in H S Barrows and R M Tamblyn, “A Taxonomy of Problem-based Learning Methods” (1986) 20 *Medical Education Journal* 481.

undertaken by lawyers in Hong Kong.⁴⁹ Generally, lawyers in Hong Kong undertake two types of legal work. The first type of legal work is “non-contentious” in nature and facilitates business transactions in Hong Kong, such as property and commercial transactions. This usually consists of a series of legal problems on drafting agreements for sale and purchase of land property, business joint ventures, share acquisitions and letters of advice on the effects of security documents. These legal problems facilitate student learning in such practice areas as conveyancing, probate and corporate in context, familiarising students with common legal documents that they will encounter in these areas of practice.

The second type of legal work undertaken by lawyers in Hong Kong is “contentious” in nature. This mainly involves civil and criminal litigation. A series of legal problems is designed on the drafting of pleadings and affidavits for use in litigation, and many court advocacy practices. These legal problems facilitate student learning in the law and practice of civil and criminal litigation in context to familiarise the students with various court documents that they will encounter in civil and criminal litigation.

While problem-solving plays a prominent role, there are still lectures in the “new” PCLL. However, their functions are quite different from traditional lectures. In the “new” PCLL, the lectures serve a variety of functions, including equipping students with “core” knowledge in different practice areas and providing demonstrations on applying this “core” knowledge to solve practical legal problems. The format of such lectures enables students to learn the law and practice in context to prepare them to solve legal problems in small group sessions.

Thus, the curriculum of the “new” PCLL is different from its “old” counterpart. Under the curriculum of the “new” PCLL, teaching methods rely heavily on traditional lectures and small group sessions. This follows a traditional academic structure. The RLET criticised such traditional methods because the small group sessions, in their view, can easily become “a review of the lectures, rather than essentially an opportunity to acquire the skills of a practicing lawyer”.⁵⁰ In comparison, the problem-based curriculum in the “new” PCLL enables students to learn law in context strengthening their problem-solving skills that are crucial to their future

49 By lawyers, I refer to both solicitors and barristers. Hong Kong still retains the UK model of separation of the legal profession. The legal profession is divided into two separate branches, namely, solicitors and barristers.

50 The RLET, *supra* note 1 at 179.

success in the legal profession.⁵¹ This deals with the criticism of “inadequate teaching and learning methods” in the RLET.

Skill Learning

As HKU established the “old” PCLL at a time when Hong Kong was still a UK colony, its curriculum largely mirrored the UK counterpart.⁵² It inherited the “knowledge-based” feature of UK professional legal education courses prevailing in the 1970s. However, radical changes have taken place in the UK professional legal education since HKU introduced the “old” PCLL in 1972.⁵³ For example, the UK Bar introduced a “skill-based” Bar Vocational Course in 1989. Similarly, the UK Law Society adopted a “skill-based” Legal Practice Course to replace the “knowledge-based” Law Solicitors Finals in 1993. These represented developments of the so-called Legal Skills Movement in the UK.⁵⁴ In other common law countries, such as the United States, Canada and Australia, skills training in professional legal education took place even much earlier.⁵⁵

Following the trend of “skill-learning” in professional legal educational courses in the UK and other common law countries, the “new” PCLL emphasises the teaching of various legal and lawyering skills. The “non-contentious” practice areas focus on teaching such skills as document analysis, document drafting, letter writing and negotiation. We teach these skills in the contexts of different practice areas such as conveyancing, probate and commercial practices. The “contentious” practice areas focus on teaching skills of court advocacy, drafting of court pleadings and opinion writing. The “new” PCLL teaches these skills in the contexts of civil and

51 For a discussion of problem-solving in professional legal education, see S Nathanson, “Problem-solving in Professional Legal Education” in Wacks, *supra* note 2 at 7.

52 For example, the College of Law in England taught subjects like conveyancing and land law, wills and administration of estates, commercial law and litigation in the 1970s. These were similar to the subjects included in the curriculum of the “old” PCLL at its inception.

53 For a historical account of the gradual adoption of a “skill-based” educational philosophy by the professional education courses in Britain from 1970 to 1990, see N Saunders, “From Cramming to Skills – The Development of Solicitors’ Education and Training Since Ormrod” (1996) 30 *The Law Teacher* 167 at 168-186.

54 For an evaluation of the Legal Skills Movement in England, see J Macfarlane, “The Legal Skills Movement Ten Years On: Triumph or Compromise” (1997) 24 *Journal of Law and Society* 440; A Boon, “History is Past Politics: A Critique of the Legal Skills Movement in England and Wales” (1998) 25 *Journal of Law and Society* 151 at 151-169.

55 For an overview of skill training in common law countries prior to 1990s, see S G Gullickson, “The Evolution of Skills Training” (1985) 3 *Journal of Professional Legal Education* 161.

criminal litigation. These skills are largely the same as those recommended in the Marre Report in the UK. The emphasis on skill teaching is also a response to the RLET's criticism of "unclear focus" in the "old" PCLL.

Programmed Instructions

In response to the RLET's criticism of "lack of coherence", the "new" PCLL adopted an approach of "programmed instructions" in its teaching methods. In the "new" PCLL, the HKU Law Faculty uses a significant number of "activity plans" as tools for teaching and learning. These activity plans comprise legal problems, instructions to students and notes to teachers. All activity plans are identical in their format. The activity plans lay down clear objectives so that students can know in advance what knowledge and skills they are expected to learn and practise before they come to class.

To facilitate and promote skill transfer in the Activity Plans, the "new" PCLL also prepares "skill guides" in different practice areas so that students know the objective standards and criteria of the different skills expected of them. "Skill guides" are widely used in "skill-based" professional legal education courses in other common law countries and have proven to be useful tools for teaching legal skills.⁵⁶

The activity plans also integrate legal knowledge and legal skills. This "integrated" approach reinforces students' skills in solving realistic legal problems and promoting more effective learning and retention of legal knowledge. For instance, students will learn joint venture laws more effectively if they have had the experience of drafting a joint venture agreement. However, they cannot draft a joint venture agreement properly if they do not acquire the skills of document drafting. By designing an activity plan on the drafting of a joint venture agreement, the "new" PCLL "kills two birds with one stone", teaching the students the legal knowledge in joint venture laws and the legal skills of document drafting. The students should retain more legal knowledge by such an integrated approach, rather than learning through traditional lectures and tutorials.⁵⁷

56 For example, the Legal Practice Course at Nottingham Law School, England uses skill guides in their teaching. For more details on use of "skill guides" in that course, see S Slorach and S Nathanson, "Design and Build the Legal Practice Course at Nottingham Law School" (1996) 30 *The Law Teacher* 187 at 196.

57 This argument is supported by research in the discipline of education. See P Ramsden, *Learning to Teach in Higher Education* (London: Routledge, 1992) 148.

The activity plans also adopt a “building block” approach. For example, a series of activity plans is prepared on the preparation of loan documents, advising clients on the terms of specific loan documents and enforcement of such documents to teach students the law of credit and security in context. In the same activity plans, students learn the skills of document drafting, document analysis and letter writing. In this way, students can build upon and integrate their knowledge and skills in one activity plan with what they learnt in preceding activity plans. Moreover, students can transfer the skills and knowledge that they learn from one factual context to another. Such a “building block” approach creates a more “realistic” learning environment for students who can build up their legal knowledge and skills incrementally.

Finally, the “new” PCLL emphasises a feedback culture.⁵⁸ In small group sessions, teachers give feedback to students either on their written work or oral presentations. This motivates students to learn and improve their performance. Students are also encouraged to give “peer feedback” on each other’s work in small group sessions. This strengthens and improves their skills of communication and teamwork.⁵⁹ In addition, practitioners experienced in different areas of practice are invited to teach part-time and give feedback on student work on a regular basis. This is an important form of feedback that motivates students to learn and improve their performance.

Training Groups

Training groups are an important design feature of the “new” PCLL. Traditionally, lawyers work as individual legal experts but they are increasingly expected to work in teams, with either other lawyers or other professionals, such as accountants. Moreover, they must communicate effectively with their colleagues, clients and judges in their legal practice. Through training group arrangements, the “new” PCLL strengthens the training of two important interpersonal skills of teamwork and communication skills.

58 Feedback is widely recognised as an important component of professional educational courses in other common law countries: see, S Slorach and P Knott, “The Development of Skills Teaching and Assessment on the English Legal Practice Course – A Nottingham Law School Perspective” (1996) 14(2) *Journal of Professional Legal Education* 189 at 192.

59 The abilities to communicate effectively and work cooperatively are generally regarded as “interpersonal skills” that lawyers should learn and acquire in their professional legal education: see The Law Society of England and Wales, *Training Tomorrow’s Solicitors* (London: Law Society, 1990) 11.

The “new” PCLL divides students into groups of 16 (or less) based on different mixes of age, gender, education and working backgrounds. All students remain in the same group throughout the course. In other words, they meet the same group of students on a daily basis and work closely with one another. These training groups promote peer feedback and establish mutual support among students throughout the course, as well as enhance their interpersonal skills. Similar training groups are used in professional legal education courses in other common law countries. They prove to be effective in promoting group learning skills and building strong friendships within the training groups.⁶⁰

Progress and Issues in Implementing the “New” PCLL

Progress

The HKU Law Faculty started to implement the “new” PCLL in September 2002. Starting from September 2003, revenue law was taught in LLB instead of PCLL. Moreover, trial advocacy was introduced in the PCLL in the academic year 2003 and the HKU Law Faculty enlisted the assistance of a team of four specialist advocacy trainers from the Australian Advocacy Institute to run this new course of trial advocacy.⁶¹

Implementation Issues

Involvement and Collaboration with Legal Profession

At present, there are several issues in implementing the “new” PCLL. First, the HKU Law Faculty needs to deal with the issue of involvement and collaboration of the legal profession in the “new” PCLL. It needs to work closely with the local profession on the form and content of the “new” PCLL curriculum. As the “new” PCLL represents the most important reform in postgraduate legal education in HKU since its inception in 1972, the local legal profession is understandably concerned with the design and quality of the new course in terms of educating and training better lawyers for Hong Kong.

60 See, eg, Slorach and Nathanson, *supra* note 58 at 193. In fact, one student at Nottingham Law School commented: “Putting us into groups of 18 is brilliant in that we obtain an identity and make friends easily who are then able to help with my problems connected with the work.” See Slorach and Nathanson, *supra* note 58 at 193.

61 For more details of the visit of advocacy training specialists, see “Australian Advocacy Training” (2004) *HKU Faculty of Law Newsletter* (Spring Edition) 14.

Throughout the history of HKU's PCLL, the local legal profession has played an important role. In the "old" PCLL, the legal practitioners were mainly involved as external examiners. For each subject, the two branches of the legal profession appointed their representatives to be external examiners. They were involved in monitoring the standards of the PCLL course by approving the examination papers and "re-marking" selected samples of the examination scripts.

In the "new" PCLL, local practitioners have played a more active role. They were heavily involved in the design and delivery of the course. For instance, the small group exercises were designed jointly by the academic staff of HKU Law Faculty and outside practitioners in the courses of Civil Procedures and Civil Advocacy.

Many experienced practitioners also participated in the "new" PCLL as part-time tutors in various subjects or as external assessors in the courses of Civil and Criminal Advocacy. In order to enhance the teaching skills of these practitioners, the HKU Faculty organised a number of "training the trainers" workshops. In these workshops, the practitioners were taught the new skills required of teachers in the "new" PCLL and the techniques of leading small group discussions. In some workshops, practitioners were taught specific teaching skills. For example, the abovementioned team of specialist advocacy trainers from the Australian Advocacy Institute conducted a series of workshops in April 2004 for local practitioners who acted as tutors in the PCLL advocacy course.⁶² In most workshops, practitioners were also taught on a "learning-by-doing" model with the attendance of practitioners consistently high, demonstrating their commitments to the "new" PCLL and the perceived usefulness of the workshops.

The HKU Law Faculty also introduced a Law Mentorship Scheme for its students, starting from September 2002. In this scheme, outside practitioners serve as mentors to HKU law students. This scheme enables PCLL students to interact closely with outside practitioners, learning professional attitudes and values from them. Although the Law Mentorship Scheme does not form part of the regular curriculum of the "new" PCLL, it enriches the learning experience of PCLL students by bringing them into close contact with outside practitioners. These experienced practitioners are also ideal "role models" for imparting professional attitudes and values to our students through the Law Mentorship Scheme. In a way, this scheme

62 Id.

can be considered as part of the “informal” curriculum of the “new” PCLL.⁶³

It is also noteworthy that the two branches of the profession set out their benchmarks for the “new” PCLL. The Law Society focused on skills like problem-solving, applied legal research (including computer-aided), communication (including writing, drafting, interviewing, counselling, plain English), fact investigation and analysis, advocacy, litigation management and strategies, negotiation, legal analysis, organisation and management of legal work, recognising and resolving ethical dilemmas and ethical formation.⁶⁴ The Bar Association focused on skills like legal research, fact management, opinion writing, conferencing, drafting, negotiation and advocacy. However, the Bar Association also emphasised knowledge in the law of evidence, civil remedies, criminal litigation and sentencing, professional ethics and conduct.

In the future, one possible area of collaboration between the HKU Law Faculty and the local profession is the integration of the “new” PCLL with the mandatory continuing legal education schemes of the local profession. At present, the Law Society has established a Continuous Professional Development Scheme for local solicitors. Similarly, the Bar Association has established an Advanced Legal Education Scheme for local barristers. In the RLET, there was no discussion of possible collaboration between the HKU’s PCLL and the continuing legal education courses provided by the two branches of the profession. However, as the reform of “new” PCLL continues, collaboration seems possible in this regard. As the HKU Law Faculty introduces more “electives” in the “new” PCLL, it is possible that these “elective” courses will be designed and implemented in collaboration with the continuing legal education schemes run by both branches. Courses like “case management” and “practice management” can be planned and implemented together by the HKU Law Faculty and the two professional bodies so that students can learn the skills in these two areas both during and after they study the “new” PCLL. Such collaboration should be viable, taking into account the strong alumni network of HKU Law Faculty in the local legal profession. In fact, the current Chairman of the Bar Association is an alumnus of the HKU Law Faculty.⁶⁵

63 For more details of the law mentorship program, see “Law Mentorship Programme in its Second Year”, *HKU Faculty of Law Newsletter*, supra note 61 at 22-23.

64 The Law Society of Hong Kong, *Benchmarks for the PCLL* (23 April 2002).

65 For example, the current Bar Chairman is Mr Edward Chan SC.

Academic Board

However, the most important involvement of the local legal profession in the “new” PCLL has been the creation of an Academic Board. In early 2002, the HKU Law Faculty established an Academic Board to oversee the reform work of the “new” PCLL.⁶⁶ Apart from representatives of HKU Law Faculty, representatives from the two branches of the legal profession also participated. The Board enables the legal profession to give their input and to participate in the reform work of the “new” PCLL. When HKU first established the “old” PCLL in the early 1970s, it was already recognised that the effectiveness of legal education in Hong Kong would only be ensured through mutual trust and understanding between HKU and the legal profession.⁶⁷ To this end, the Academic Board plays an important role in promoting mutual trust and understanding in the reform and implementation of the “new” PCLL.

The Academic Board also established three sub-committees: the Human Resources Sub-Committee, the Curriculum Sub-Committee and Admissions Sub-Committee. These three sub-committees are composed of members from the Department of Justice, the Judiciary, the two branches of the legal profession and staff from the HKU Law Faculty. The Human Resources Sub-Committee is responsible for formulating the human resources policy of the “new” PCLL, establishing the recruitment criteria and skills set of teachers. The Committee also deals with the recruitment of both full and part-time teachers for the “new” PCLL. The Curriculum Sub-Committee is responsible for the design and implementation of the “new” PCLL curriculum. The Admissions Sub-Committee is responsible for the future admission of PCLL students. It establishes the admission criteria, including standards of academic performance and skill requirements for students applying for admission to the “new” PCLL.

Since their establishment, the Academic Board and its three sub-committees have played an important and effective role in the reform of the “new” PCLL. Since members of the Academic Board and its three sub-committees are all senior and respected members of the two branches of the profession and reflect the Department of Justice and Judiciary, they represent the views and interests of all stakeholders in the local legal education.

66 M Chow, “Law course revamp to focus on practical skills”, *South China Morning Post* (19 April 2002) 4.

67 Evans, *supra* note 12 at 23.

Reform of Teaching and Assessment Methods

As the “new” PCLL is developing into a “skill-based” course, the HKU Law Faculty needs to reform the teaching and examining methods to reflect such change. As the Marre Report correctly asserts, practical skills need to be taught by using modern examining methods. In terms of assessment, the “new” PCLL is moving towards an “open-book” format in most courses to reflect the change in course emphasis from “knowledge-based” to “skill-based”.

While both the RLET and many local practitioners find favour with continual assessments, hitherto, the “new” PCLL has not adopted this as the primary assessment method for two reasons. First, the problem of plagiarism may undermine the effectiveness of continual assessment as an examining method. Second, students may shift their focus and attention to obtaining good grades in the continual assessments, rather than participating actively in the small group session. This will undermine the learning effectiveness of PCLL students. However, the HKU Law Faculty is now considering continual assessment for selected PCLL courses like Advocacy and Professional Practice in the future.

The “new” PCLL course also tries to be modelled on “real” legal practice. For example, it emphasises the concept of transferable skills, which means that legal skills in one context can be transferred to another. For example, the skills of letter writing in the context of “non-contentious” legal practice can enhance the skills of drafting of pleadings in the context of “contentious” legal practice. However, it must be acknowledged that the “new” PCLL cannot wholly “imitate” real legal practice. For example, students in “PCLL” are *not* expected to work on several assignments at the same time. While some may criticise such course design as portraying an “unrealistic” picture of legal practice, students learn more effectively by focusing on one single assignment rather than requiring them to do a diverse range of assignments at any one time.

Some people have advocated that PCLL students should be placed in law firms outside the university during their PCLL year to hone and enhance their skills learnt on the PCLL. This is not viable, given the large number of students studying on the HKU’s PCLL program, as it is unrealistic for local law firms and barrister chambers to provide sufficient vacancies for “in-house” training of students during their PCLL year.

Changing the Learning Culture of PCLL Students

In the years to come, the HKU Law Faculty needs to change the learning culture of its PCLL students. There has been criticism that Hong Kong law students could not learn law “pro-actively” and adapt to a “non-lecture-based approach to learning and teaching”.⁶⁸ Moreover, it was felt that “Hong Kong’s law graduates had for too long been ‘spoon-fed’ and only acquired information by rote learning”.⁶⁹ As the “new” PCLL is based on students’ active-learning, the HKU Law Faculty needs to effect a change in the learning culture of its PCLL students. In fact, “active-learning” is one of the essential skills that students must acquire for their success in the “new” PCLL and for their future legal career. As the RLET rightly pointed out:

[I]f the legal education and training system is to meet the challenges of legal practice and the needs of Hong Kong society into the 21st century, and is to be one which equals best international practice, the aim of learning and learning in law should be to have students engage actively with the course material so that the learning experience is one of active and not passive learning.⁷⁰

In this regard, the reform experience of the Commercial Law and Practice course of the “old” PCLL gives reason for optimism. The Commercial Law and Practice course was “re-designed” in the late 1980s based on principles of problem solving and skill learning. It was well received by students and has remained one of the most popular courses over the years.⁷¹

The “new” PCLL curriculum is centred around “realistic” legal problems and the use of training groups serve as useful catalysts in effecting a change of the learning culture from passive learning to active learning. In fact, the experience of the “new” PCLL in the past two years confirms that such a change of learning culture is attainable. As Professor Michael Wilkinson, the current Head of Professional Legal Education Department of HKU, pointed out recently, students are generally receptive to the new style of teaching. Most of the

68 N Gold, “Professional Legal Education for Tomorrow’s Lawyers: The Evolution of the Postgraduate Certificate in Laws at the City Polytechnic of Hong Kong” (1991) 9(1) *Journal of Professional Legal Education* 45 at 53.

69 Id at 47.

70 RLET, supra note 1 at para 7.6.3.

71 For more details of the design of the Commercial Law and Practice course and survey of students’ responses to the course, see S Nathanson, “Developing Legal Problem-solving Skills” (1994) 44(2) *Journal of Legal Education* 215 at 220-231.

students are keen to participate in classes and class atmosphere has become livelier. These trends reflect that the new teaching methods introduced by the “new” PCLL are successful in inducing a change in student learning culture.⁷²

Training of PCLL Teachers

In the next few years the HKU Law Faculty also needs to deal with the issue of teacher training. As the new PCLL emphasises skill learning, it requires different teaching abilities and skills sets. To tackle this problem, PCLL teachers have undertaken a series of teacher training sessions in the past two years to strengthen their skill-teaching abilities and techniques. For example, the HKU Law Faculty invited Professor Philip Martin Knott, Department Head of Professional Legal Studies, Nottingham Law School, England, to conduct training sessions for its teachers on skill-based teaching in February 2003. Similarly, Professor Judith Smith, Director of Professional Legal Education and Training program at University of Queensland, Australia, conducted training sessions on skill-teaching for PCLL teachers in May 2003.

Future Reform Direction of “New” PCLL

Four-year LLB Reform

The “new” PCLL reform is only part of the legal education reform package at HKU. When the HKU Law Faculty started its radical reform of PCLL in 2002, it also embarked on a fundamental reform of its undergraduate program and would convert its LLB program from a three-year program to a four-year program in September 2004.⁷³

Starting from September 2003, the HKU Law Faculty started the process of “folding back” the “knowledge-rich” PCLL subjects into the LLB curriculum and the revenue course was introduced as an elective course in the LLB curriculum in the same year. This process will continue until September 2008 when all “knowledge-rich” PCLL subjects like conveyancing and civil litigation will be taught in the LLB curriculum.

72 M Wilkinson, “Updates on the PCLL Reform”, *Faculty of Law Newsletter*, supra note 61 at 3-4.

73 For more details of the 4-year LLB reform, see R Mushkat, “The 4-year LLB Reform”, *Faculty of Law Newsletter*, supra note 61 at 1-2.

“Streaming” and “Electives”

From the academic year 2004, the HKU Law Faculty will introduce “streaming exercises” and “electives” into its PCLL. The former is a compromise between the two branches of the profession so that the PCLL students intending to join the solicitor and barrister branches would attend the same lectures but different small group sessions, based on the branch of the profession that they intend to join. The “electives” will include the subjects that serve to enhance the specialisation of intending pupils and trainee solicitors in specified practice areas. At present, the “electives” most likely to be introduced in the academic year 2004 include advanced litigation and corporate finance.

Part-time PCLL

In the academic year 2005, the HKU Law Faculty will introduce a part-time PCLL. This is in response to the RLET and the growing demand for PCLL studies on a part-time mode in Hong Kong. It also creates more flexibility for students interested in studying PCLL after finishing their undergraduate legal studies both inside and outside Hong Kong. The part-time students will have their classes on week days and weekends; the course content, teaching methods and assessment methods will be identical to the full-time mode.⁷⁴

Conversion Course for Overseas Law Graduates

The reform of the “new” PCLL at HKU will be completed in 2008 when most of the substantive law subjects will be folded back into the undergraduate LLB stage. By that time, the “new” PCLL can focus on the teaching of legal skills as most of the “knowledge-rich” courses will be taught in the four-year LLB. However, those law graduates returning from overseas will need to study certain conversion courses for up to a maximum of one year. These conversion courses will cover subjects peculiar to the Hong Kong legal system and laws, such as the Basic Law of the Hong Kong Special Administrative Region. This is in response to the RLET’s criticism that the PCLL did not have a common entrance standard for all students entering the local legal profession.

74 See Wilkinson, *supra* note 61.

Conclusions

The PCLL at HKU has played an important role in training and educating future lawyers in Hong Kong throughout the past three decades. The reform of the PCLL will undoubtedly have a profound impact on the future development of professional legal education and the rule of law in Hong Kong. As one can see from the table below, all the criticisms of the RLET have been dealt with by the “new” PCLL, either by reforms hitherto undertaken or reforms that will be implemented in the next few years. With the strong support of the local legal profession and concerted efforts of the HKU Law Faculty, there are grounds for optimism that the HKU’s “new” PCLL will develop into a professional legal education course that meets the best international practices in the years to come.

	“RLET”	“New” PCLL
1	An unclear purpose	Skill training
2	A lack of coherence	Programmed Instruction
3	The PCLL’s placement within the universities	Remains unchanged, but higher involvement by local legal profession, in particular the Academic Board
4	Inadequate teaching and learning methods and assessment methods	Adoption of problem-based learning and active learning
5	Inconsistent treatment of those seeking a PCLL place	Consistent treatment of all students receiving PCLL places by abolition of SPACE PCLL in 2002
6	Artificial division of the law program into the LLB and PCLL	Introduction of four-year LLB rationalises the division of LLB and PCLL, with the former imparting legal knowledge and the latter training legal skills
7	The need to have a common entrance standard for those entering the profession	Introduction of conversion courses in 2007 will ensure a common entrance standard for all entering the legal profession
8	Availability only as a full-time course	Part-time PCLL course will be introduced in 2005
9	An inability to manage the process as a whole and to enable reform on an ongoing basis	The Academic Board provides effective monitoring of the PCLL reform to ensure the reform proceeds on a phased and ongoing basis