

THE HONG KONG LAW STUDENT

I. THE LAW SCHOOL

I.1 This paper looks at the law student in Hong Kong. It will consider the intake and the courses, and touch upon what the students do upon completion. To set the context, this section examines the environment in which the law student operates.

I.2 Two basic, closely related factors exercise a dominant influence upon both the structure and substance of the law school. These factors are (a) the law school's newness and (b) the relative narrowness of its goals — a characteristic which, in this case, is attributable to its newness. After the deliberations of two Working Parties with members from the University, the bench, the legal profession and the government, the Law Department was formally established in April 1969 within the Faculty of Social Sciences and Law.¹ Its first intake of students entered in September 1969. Recognizing the need for an authoritative body to oversee operations and to suggest adjustments to the new system, an Advisory Committee (with a composition similar to that of the Working Parties) was set up to "advise the Vice-Chancellor and the Chief Justice" on such matters. Since the beginning, seven cohorts of students have been admitted (with the eighth now being selected), four cohorts have emerged after a full four years at the law school and two cohorts have additionally completed their terms of articles or pupillage in the legal profession. With an initial first year intake of 40, rising to 55 in 1975, about 300 students have been admitted and about 100 have emerged.

I.3 The primary goals of those involved in the planning were extremely professionally oriented. The central need which they felt was for the creation of a local system which would obviate the necessity of Hong Kong people having to go abroad (usually England) for their training in law. Accordingly, the Report of the First Working Party contained a unanimous recommendation for the creation of "a system of teaching and training in legal subjects which would enable candidates to qualify for admission, whether as a barrister or a solicitor, entitled to practise in Hong Kong without the necessity of proceeding overseas in order to obtain any further qualification."² This was seen both in terms of the creation of a

¹An account of the planning stages and the early life of the Department of Law is contained in *Legal Education in Hong Kong*, Ed., D.M.E. Evans (H.K. University Press, 1974), from which I have drawn extensively.

²Evans, *op. cit.*, p. 53.

profession more closely attuned to local conditions³ and as a measure of educational democratization.⁴

1.4 The primary goals were therefore relatively narrow. But in the context, they were an essential first step. Without a localised legal education system, there would be little chance of there developing a body of law-trained persons capable of the "multi-functional" law work now frequently demanded in more progressive circles.⁵ It is probably fair to say that the law school in Hong Kong has been (understandably) preoccupied in its early stages with the attainment and consolidation of standards which would gain its recognition from the local, as well as foreign, professions. Clearly, this was an objective in keeping both with its original *raison d'être* and also with the aspirations and expectations of the bulk of the student intake so far. Emphasis in the curriculum has therefore been placed on traditional, doctrinal approaches, with a certain imbalance in favour of commercial and generally affluent activity. Given the newness of the law school and the demanding process of establishment and consolidation, it would be unrealistic to expect it to have expanded greatly from its initial premises. The time is, however, fast approaching when fundamental issues become matters of urgency. Will it become a law school which systematically adopts goals and strategies sufficiently varied and innovative to meet meaningfully the needs of the local context? Or will its development be stultified with a curriculum, teaching style and research programme tethered unswervingly to the narrow, elite needs of just one brand of "lawyer"? Answers to such questions obviously depend upon a multitude of factors: the efforts of the faculty, the sensitivity of high-level legal education planners to the need for such developments, the general social orientation of the students, and the development of research and basic materials prerequisite to a non-traditional approach, to name but a few.

1.5 Clearly, one of the goals of the Hong Kong law school will always be the training of people capable of entering into the practice of law in the traditional sense of the profession. But the law school cannot pursue this as its sole, narrow objective if, in the long run, it is to maintain contact with society beyond the confines of the affluent elites. The particular danger, encountered in numerous other systems, of excessive influence by the profession resulting in damaging constraints on less vocational pursuits,

³*Ibid.*, p. 3.

⁴*Ibid.*, p. ix.

⁵As indicated for instance, in *Legal Education in a Changing World* (I.L.C., New York), p. 21 and Ch. IV.

must be avoided. While its close association with the profession will continue, the law school must be given space for expansion into areas involving wider social needs. Clearly sensing this, Evans writes: "The future of legal education in Hong Kong and, even more so, its effectiveness will be ensured by an atmosphere of mutual trust and understanding (between the law school and the profession) which will follow the University's acceptance of the implications of its law degree as *part* of the qualification for the practice of law and from the profession's understanding of the implications of teaching law as an intellectual discipline within the walls of a university and not simply as a form of vocational training."⁶

1.6 The Hong Kong law student's environment then, is a law school founded with narrow objectives but at a turning point reached after the initial struggles of establishment and consolidation. As will emerge, aspects of the student's educational fare have already progressed considerably beyond the dry boundaries of traditional curricula. Teaching techniques include an important element of research (the "second year dissertation") into an area of local significance, often generating work of an innovative character. A clinical programme of free counselling is actively being developed and already in the experimental stages. When fully operational, this should involve participants in situations relevant to people other than the clients of the professional elite. All of these are promising indications and many of the staff have shown the flexibility necessary for further adaptation. Much more, however, needs to be done — not on the basis of the occasional inspiration — but systematically. This means resources and that entails the involvement of high-level planners. As each year's graduates enter a growing profession and as the demand for legal services fluctuates and changes, the challenges facing the law school and how it will cope with them become increasingly relevant to each student.

II. THE INTAKE AND CURRICULUM

II. 1 A student entering the Department of Law is faced with a three year course leading to the LL.B. degree. After this, most choose to continue with a one-year course leading to the P.C.LL. (Postgraduate Certificate in Laws). This qualifies the student to enter into articles (for 18 months) or into pupillage (for 12 months) and, on completion, for admission as a solicitor or barrister, respectively.⁷ The P.C.LL. course is therefore specifically designed for those with entry into the legal profession in mind. It adopts a quite different content and style of

⁶ *Op. cit.*, p. 24.

⁷ Solicitors also have to pass an examination in accounts.

teaching from the LL.B. concentrating on vocational skills through lectures and practical exercises which simulate practical tasks. In the LL.B., teaching methods employed include lectures, small-group "tutorials", written assignments (essays) and a compulsory "dissertation" and a "moot". Assessment in both courses is based on three-hour, end-of-year examinations and reference to assessments of written and tutorial work based on records kept by the staff throughout the year. In the P.C.LL., greater weight is attached to evaluation of the students' year-long performance.

The whole process involves high standards and a high attrition rate, particularly after a student's first year. Table 1 follows the cohort as candidates at first year exams and at the following year's second year exams (a small allowance of 1 or 2 should be made for second year repeaters).

Table 2 lists the subjects offered in the curriculum. It is notable that the range of optional subjects is, at present, not extensive and is concentrated in the LL.B. third year. Partly this is due to limited research and teaching resources and partly to the constraints created by the profession's admission requirements (although the latter have diminished and continue to do so). With growing staff resources, an increasing bank of legal research (particularly in the Hong Kong Law Journal) and also, possibly, the adoption of a more flexible unit-system for optional courses should all make curriculum development more feasible in the future.

Table 1
Intake Losses between First and Second Year

Year	No. of candidates at first year exam	No. of candidates at second year exam.
1973	41	Not included
1974	47	31 (75.6%)
1975	55	37 (78.7%)
1976	53	37 (67.3%)
		47 (88.7%) (projected)

II.2 Little information exists concerning the types of student likely to apply for entry into the law school. Of those admitted, the large majority consists of Chinese, Hong Kong born, secondary school graduates, with a sprinkling of "mature" students and with a group of approximately 5 government officers studying on government scholarships entering each year. Based on the figures for LL.B. graduates, a comparatively high proportion of the students are women. The male/female ratio over five

Table 2
Courses Offered - 1975 - 76

LI.B COURSES			P.C.LL. COURSES
1st Year*	2nd Year*	3rd Year	
Remedies	Evidence	Jurisprudence*	Practice & Procedure*
Contract	Tort	AOTE @	Revenue Law*
EPLLS + I	Criminal Law	Business Assoc.	Property Law*
EPLLS + II	Property II	Family Law	Legal Drafting*
Property I	(Dissertation)	Labour Law	Commercial Law*
		Industrial Property	(Practical exercises)*
		Mercantile Law	
		(Moot)	

*Subjects compulsory +Elements of Public Law & Legal System

@Administration of Trusts and Estates.

years of law graduates is 92:65 (1.4:1) while the university-wide ratio in December 1974 (for 4,173 students) was 2.4:1. *Table 3* indicates that final exam performance is closely comparable for both men and women. Women are over-represented in the extreme categories of First Class Honours and Pass degrees, but the smallness of the figures makes this rather insignificant.

It seems very likely that, as compared with other students, law students are economically better off. This can be inferred from the findings of a survey of 2,126 students (out of the total student population of 4,173) conducted in September 1974 by the Office of the Dean of Students.⁸ This indicated that (a) as compared with any other faculty, law students had the highest rate of non-application for University financial assistance; and, (b) of those who did ask for financial assistance, none fell into the category of the most needy (*Table 4*). While there is a possibility that some forms of independent financing occur (e.g., private loans, part-time work), other data shows a strong correlation between applications for financial assistance and economic background.

This may indicate an important consideration in any attempts at goal expansion. It may be that students who apply for admission, coming from more affluent backgrounds, may be particularly oriented towards elitist goals. A professionally attuned law school with narrow objectives

⁸ A particularly useful survey which managed a 98% response rate.

Table 3
Third Year Examination Honours by Sex ⁹

n = 157 male (M):92 female (F):65 M:F = 1.4:1

Class of Honours	1972	1973	1974	1975	1976	Total	Ratio
First	M 1 F 0	— —	— —	M 0 F 1	M 0 F 1	M 1 F 2 ³	0.5:1
Upper Second	M 5 F 3	M 4 F 2	M 4 F 3	M 3 F 3	M 4 F 1	M 20 F 12 ³²	1.7:1
Lower Second	M 6 F 9	M 8 F 4	M 6 F 5	M 9 F 1	M 10 F 9	M 39 F 28 ⁶⁷	1.4:1
Third	M 5 F 1	M 9 F 2	M 3 F 10	M 5 F 2	M 3 F 0	M 25 F 15 ⁴⁰	1.7:1
Pass	M 2 F 1	M 3 F 1	M 0 F 3	M 0 F 2	M 1 F 1	M 6 F 8 ¹⁴	0.8:1

Table 4
Financial Aid to Students
(Undergraduates except 1st yr.)

Award per year	Law Students	All other students	Total
No award	48 (65.8%)	957 (46.6)	1005
\$1 - 999	0	32 (1.5)	32
\$1000 - 1999	4 (5.5)	74 (3.6)	78
\$2000 - 3999	8 (11.0)	460 (22.4)	468
\$4000 - 5999	13 (17.8)	499 (24.3)	512
\$6000 or more	0	31 (1.5)	31
Total	73	2053	2126

⁹ The occasional student fails, but is generally permitted to repeat the third year. Hence, failures tend to be included in the following year's figures. No failures occurred in 1976. While failures and repeating indicate poor performance and so should appear on the table, the very small figures and the inaccessibility of the data may justify their non-appearance.

Table 5
 Graduates' Activities in Year after Graduation¹⁰

ACTIVITY	1972	1973	1974	1975	1976	Total
B.L.B. Graduates)	n = 31	n = 33	n = 35	n = 25	n = 30	154
1) P.C.L.L.	22(67%)	28(85%)	20(59%)	19(73%)	22(73%)	111
2) Professional	B: 5 (15%)	—	B: 2 (6%)	B: 4 (15%)	B: 4 (13%)	15
3) studies abroad	S: 4 (12%)	S: 3 (9%)	S: 7 (21%)	S: 1 (4%)	—	15
4) Business	0	0	2 (6%)	1 (4%)	1 (3%)	4
5) Government	1 (3%)	2 (6%)	2 (6%)	0	0	5
6) Other	1 (3%)	0	1 (3%)	0	0	2
7) Unknown	0	0	0	0	3 (10%)	3
P.C.L.L. Graduates)		n = 22	n = 28	n = 20	n = 19	89
1) Articles		13 (59%)	17 (61%)	12 (60%)	16 (84%)	58
2) Pupillage		4 (18%)	3 (11%)	3 (15%)	1 (5%)	11
3) Business		0	2 (7%)	0	0	2
4) Other		0	0	0	0	0
5) Unknown		3 (14%)	1 (4%)	2 (10%)	0	6
6) Government		0	3 (11%)	3 (15%)	2 (11%)	8

B = Barrister S = Solicitor

runs the risk of developing a tradition whereby applicants with equally narrow aims constitute the bulk of those attracted to it. Student aspirations and expectations are therefore a vital element in the planning of any expanded goals and strategies.

II.3 If there is a strong tendency for students, throughout their law school careers, to maintain as their well-defined and inflexible aim, entry into the traditionally constituted legal profession, planning will have to take into account the damaging educational implications of disappointed expectations.

Some evidence indicates that students in Hong Kong (certainly students so far) do enter with such preconceived notions. Table 5, showing

¹⁰ Certain third year students (Mr. M Shiu-wah and Mr. Albert Da Roza of the H.K.U. Law Association) enterprisingly attempted a survey of their colleagues, using an adapted version of the "Law Learning Environment Questionnaire" designed by A. Rothman and H. Marx (1974) 26 J. of Leg. Ed. 349. This included questions on students' evaluation of the law school as a learning environment and its authoritarianism, as well as their academic enthusiasm, goal direction, breadth of interest, mutual interaction and intellectual maturity. Usable findings on these questions would have thrown much light on student aspirations and expectations.

the activities of LL.B. and P.C.L.L. graduates in their post-law school year, establishes that the overwhelming majority of students so far have sought entry into the legal profession, particularly as solicitors. Such a high proportion suggests that this was in accordance with long-standing plans. If, instead, they had entered adopting a wait-and-see approach to such career opportunities as might arise, a higher proportion could be expected to have pursued such other options.

This evidence of preconceived, consistently-held career aims is supported by findings on time spent at work in the September 1974 survey mentioned. This showed law students to be well ahead of students from all other faculties in time spent of "serious reading" (including teaching contact hours and private study), with 49.2 mean hours per week per student. (Table 6.)

These findings may be evidence of a consistently held "seriousness" about work due to consistently maintained and well-defined career objective in the case of law students. Obviously, other explanations can also be offered: law students may be wary of the higher examination failure rates in Law; or they may have a heavier assigned work-load from more teacher/student contact; or the longer work hours may be due to the use of English language tuition and materials (producing a slower work-rate than in less English-based courses involving second-language students). Nonetheless, with the experience of general observation (e.g., that law students tend to spend more time "talking shop" than others, that they tend to display a certain *esprit de corps* based on a certain "professional pride"), the interpretation of the figures suggested is clearly tenable.

Table 6
Time Spent on "Serious Reading"

Faculty	Mean Hrs./Wk.
Law	49.2
Architecture	41.6
Arts	36.1
Medicine	33.5
Social Sciences	32.6
Science	32.3
Engineering	29.5

However, the project unfortunately floundered on a very low (35.5%) response rate (with P.C.L.L. students the worst culprits). This in itself may be an interesting suggestion as to lack of enthusiasm for matters not directly goal-related. But, perhaps simply a more experienced handling of non-response problems was required. It is to be hoped that such enterprise will in future reap the richer benefits deserved.

The law student, therefore, is an important component in legal education planning and, depending on the flexibility or inflexibility of his expectations, may be crucial to the feasibility of non-elitist strategies.

III. CONCLUSION

III.1 None of the above is intended to suggest that the law student who seeks entry into the legal profession is necessarily going to pursue a career of servicing only the affluent. In the case of Hong Kong's law school, there is at present very little data on the areas of work and interest of graduates in the legal profession.¹¹ Clearly, some, such as those involved in the free counselling scheme being developed in the law school's programme, have not abandoned the wider social values. Nevertheless, the basic issues concerning a law school's role in society cannot be resolved by pointing to the few, exceptional professionals produced who will become involved in voluntary, part-time activities with wider social connotations. The important responses to the challenges soon to face the Department of Law require systematic planning and considerable resources - in short, a sense of urgency and seriousness about expanding beyond the premises of its initial establishment.

III.8 This paper has directed its attention at the law students and the environment of their legal education. Clearly, better research and a better understanding of their backgrounds, expectations, needs and career goals must form an important part of the process of future planning.

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¹¹ Figures on choices of optional LL.B. subjects were investigated as possible indicators but were discarded because of the numerous variables (c.g., changes in the requirements for admission to the profession, changes in staff availability and teaching capacity) which clearly caused much fluctuation in student numbers per option.

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THE LAW TEACHER IN MALAYSIA

Prior to 1956 when a department of law was started in the University of Malaya then in Singapore, the only way in which a person from Malaysia could become legally qualified was to go to England, read law in a University or other institution there and be called to the Bar in England or be enrolled as a Solicitor in England. In addition persons from Sabah and Sarawak could qualify in Australia or New Zealand. In October 1957 the Department of Law was started in Singapore and Law was taught as a subject in the Faculty of Arts. As the University of Malaya in Singapore then served the needs of both the Federation of Malaya and Singapore, there were a number of students from Malaysia who took the course in law. On November 9th 1959 the department became the Faculty of Law and in July 1961 the first graduates of the Faculty of Law were announced. The course at the University was planned to be a four year course combining the academic and certain professional aspects of the law and the degree of Bachelor of Laws was recognised both by the Singapore and the Malayan governments as an initial qualification for admission to the legal profession. It was therefore unnecessary for the Malaysian student who wished to qualify in law to go to England to do so, but nevertheless large numbers of them still did so, as not all applicants could be accepted by the University of Malaya.

The University of Malaya itself later split into the University of Singapore and the University of Malaya, which moved to Kuala Lumpur but Malaysians still had to go to Singapore to take the Bachelor of Laws degree as there was no Faculty of Law in the University of Malaya in Kuala Lumpur. In the meantime pressure was mounting for the establishment of a Faculty of Law in the University of Malaya in Kuala Lumpur. Eventually after a Board of Studies, containing representatives of the Judiciary, the Legal Service, the Bar and the University, had considered the matter and recommended its foundation, the Faculty of Law was established in Kuala Lumpur in 1972. The curriculum at Kuala Lumpur followed that in Singapore but greater emphasis was given to the law in Malaysia and courses were included on Islamic Law and Native Customary Law. The degree of LL.B. of the University of Malaya is recognised as an initial qualification for admission to the legal profession in Malaysia.

The first graduates of the Faculty of Law, University of Malaya were announced in 1976. In the meantime the University of Singapore had cut down its intake of Malaysians into the Faculty of Law and this year it has taken no Malaysian student into the Faculty. Entry to the Universities and to the Inns of Court in England has also been restricted. The Faculty of