



**Response to the statements by HKBA and the University of Hong Kong
on Common Entrance Examination (“CEE”)**

1. The introduction of the CEE will ensure consistency in professional standards and enhance the quality and competence of those joining the solicitors’ branch of the legal profession.
2. The sole right to admit a person as a Solicitor of the High Court rests with the Court (cf. s.4 of the LPO (Cap. 159)), upon the Court being satisfied that the applicant has complied with requirements prescribed by the Council of the Law Society of Hong Kong.
3. Pursuant to s.4 of the LPO, the Council has the statutory duty to prescribe the requirements for admission.
4. Pursuant to this statutory duty, the Law Society, with the approval of the Chief Justice, has already put in place the Trainee Solicitors Rules that prescribe the necessary admission requirements with respect to the employment as a trainee solicitor, the passing of examinations and the completion of courses.
5. Rule 7 of the Trainee Solicitors Rules provides that
“A person may only enter into a trainee solicitor contract if he -
 - a. *has passed or received a certificate of completion or a certificate of satisfactory completion as the case may be in -*
....
 - ii. *such other examination or course as the Society may require and set or approve; ...”*
6. The Law Society is thus empowered to set and / or approve an examination for anyone wishing to enter into a trainee solicitor contract.
7. The Law Society, as a regulator of the solicitors’ branch of the profession, has an obligation to ensure consistency in professional standards for entrants to the profession for the protection of public interests. Safeguarding and maintaining the highest professional standards for

solicitors in the interest of the public is a core duty of the Law Society as a professional body of solicitors, which could not and should not be abrogated.

8. The Law Society respects the academic autonomy of the universities in teaching law subjects. Nevertheless, with the increase in the number of law schools and the development of legal education landscape over the years, the Law Society would not be fulfilling its duty if it does not constantly keep the standards issue under review and utilize the power given to it by statute to meet the challenges. This is exactly what the Law Society has been doing with the study of a CEE.
9. With respect to the concern about a conflict of interests, indeed there is a conflict of interests for the law schools to provide the PCLL course and administer the PCLL examinations to their own students under the current system, for which they charge for tuition. They also provide undergraduate law degrees for which a sizeable portion of their graduates seeking to enter the Hong Kong solicitors' profession (and indeed the barristers' profession) would be required to enroll in and be examined upon.
10. The institutions teaching the PCLL should be separate from the institution administering the examination so as to ensure impartiality in the examinations. The CEE will address this conflict as the Law Society will not be involved in teaching any preparatory course on CEE.
11. The proposal of a CEE was raised publicly by the Law Society in as early as 2012. The CEE is aimed at ensuring that solicitors have all been assessed to the same rigorous standard thereby maintaining consistency in the standards of the entrants to the solicitors' profession.
12. The decision to implement a CEE was reached after a lengthy process of research, discussion and consultation with all relevant stakeholders including our members, the PCLL providers, the barristers' branch of the profession and other professional bodies.
13. The proposal had thus undergone very careful and thorough consideration for over three years.
14. The Law Society has also kept the Standing Committee on Legal Education and Training ("SCLET"), a statutory committee in which all major stakeholders in the legal community are represented, and the Panel on Administration of Justice and Legal Services of the Legislative Council informed of the conduct of our CEE consultation.
15. The Law Society has been transparent about its CEE proposal. The decision on CEE was by no means a sudden or surprising decision.

16. The timing of the announcement of the decision on the CEE was to ensure sufficient notice be given to those aspiring to qualify as lawyers via the local admission route as well as to minimize impact on the current law students.
17. With respect to the review on legal education and training in Hong Kong currently being conducted by SCLET, the Law Society is in full support of the SCLET review.
18. Nevertheless, the SCLET review covers a review on the entire legal education and training situation in Hong Kong and has a much wider scope than our CEE study.
19. Further, the Law Society started our feasibility study on CEE much earlier than the SCLET review. As such, the CEE proposal and the SCLET review are quite distinct from each other. There is no necessity to tie one to the other.
20. The CEE proposal is that by 2021, CEE, an examination set and marked by the Law Society, will be the only examination that a person is required to pass in order to enter into a trainee solicitor contract, pursuant to the existing power given to the Law Society under rule 7 of the Trainee Solicitors Rules.
21. The CEE proposal applies only to those wishing to become solicitors. It does not affect the barristers' branch of the profession nor does it attempt to deal with the potential conflict of interests of the law schools so far as the Bar Association is concerned, which are matters for the Bar Association. If the Bar Association does not propose any change for its branch of the profession, the status quo continues and those wishing to qualify as barristers must be enrolled in and pass the PCLL. There is no reason why these students will treat the PCLL any less seriously because to them, passing of the PCLL is still a prerequisite.
22. During the course of the last three years, the Law Society has on several occasions raised with the Bar Association on the feasibility of undertaking a joint CEE. Whilst the Council considers that the rationale and principles of implementing the CEE apply equally to the barristers' profession, it does not comment on the Bar Association's decision to continue with the current PCLL arrangement so far as it concerns the barristers' profession.
23. To be eligible to sit the CEE, the Law Society proposes certified completion of the PCLL course. The Law Society will leave it to the good judgment of the PCLL providers on how best to satisfy this completion requirement and whether or not any individual institution is able or unable to provide such certification.
24. To avoid burdening students unnecessarily by having to take two sets of examinations, it is not part of the Law Society requirement that students have to pass any examination set by the

PCLL providers before they can sit the CEE. This arrangement is again consistent with the provision in rule 7 of the Trainee Solicitors Rules that provides an option, other than passing an examination, of “a certificate of completion”.

25. The CEE is proposed for the benefit of the future development of the solicitors’ profession and the Law Society will continue to engage all relevant stakeholders in planning its implementation.

The Law Society of Hong Kong

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