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# BENCHMARKS FOR THE PCLL

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## **1 Aim of the PCLL course**

A PCLL course should orientate students from their academic studies in the law degree to the actual practice of the law. It should:

- (a) prepare students for general practice by equipping them with the basic skills in a range of legal transactions to perform with competence legal work in various types of professional legal practice; and
- (b) provide students with a general foundation for subsequent practice by equipping them with basic skills to develop new competencies in response to client needs.

## **2 Entry to the PCLL course**

Students should be accepted into a PCLL course only if they have satisfied (a) to (c) below<sup>1</sup>.

- (a) They have obtained:
  - (i) a qualifying law degree<sup>2</sup>, not lower than a high 2:2, from a university in Hong Kong, except where an applicant with a lower 2:2 is able to demonstrate other strengths that would justify relaxation of the standard in his/her case;<sup>3</sup>
  - (ii) a qualifying law degree of an equivalent standard, that is, not lower than a high 2:2, from an approved non-Hong Kong university, except where an applicant with a lower 2:2 is able to demonstrate other strengths that would justify relaxation of the standard in his/her case; or
  - (iii) a non-law degree, not lower than a high 2:2, from an approved university, except where an applicant with a lower 2:2 is able to demonstrate other strengths that would justify relaxation of the standard in his/her case; and passed the Common Professional Examination of England and Wales (CPE) or the Common Professional Examination of Hong Kong (CPEC) or other law qualifications recognised for the pre-requisites for entry to the PCLL;

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<sup>1</sup> The requirement in (c) applies with effect from the 2008/09 PCLL.

<sup>2</sup> A qualifying law degree is a degree that qualifies students to seek admission to practise in Hong Kong. The aim and scope expected of a qualifying law degree are detailed in the Society's Position Paper on Legal Education and Training 2001.

<sup>3</sup> If the Law Society is not satisfied that the institutions are awarding bona fide 2:2 degrees then the Society will revise its policy in this respect to require not less than a 2:1 degree.

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- (b) They have obtained a minimum overall IELTS (International English Language Testing System) score of 7;
- (c) They have satisfactorily demonstrated competency in the following core subjects and for students who have not completed the following top-up subjects as part of their qualifying law degree in Hong Kong, the following top-up subjects as well:

Core Subjects

Contract  
Tort  
Constitutional Law  
Criminal Law  
Land Law  
Equity  
Civil Procedure  
Criminal Procedure  
Evidence  
Business Associations  
Commercial Law

Top-up Subjects

Hong Kong Constitutional Law  
Hong Kong Legal System  
Hong Kong Land Law

There should be no artificial numerical quotas for entry to a PCLL. Entry should be based solely on academic merit and language ability.

Local and non-local graduates should be considered on an equal footing in applying the criteria of academic merit and language ability for entry into the PCLL, with no bias towards either category of graduate.

### **3 Scope of the PCLL course**

There should be more emphasis on the teaching of skills than the teaching of substantive law. As a guideline, a formula of 80% skills and 20% substantive law should be used. The curriculum should be based on a conceptual framework of how legal work is done rather than structured around subject areas of law. It should take the form of practical training in transactions and skills within a strong ethical context.

Students should be able to develop basic competence in those intellectual and practical skills necessary to carry out the tasks in the areas of practice dealt with in the course, such as:

- problem solving
- applied legal research (including computer-aided)
- communication - writing, drafting, advising, interviewing, counselling, plain English
- fact investigation and analysis

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- advocacy
- litigation management and strategies
- alternative dispute resolution
- negotiation
- legal analysis
- organisation and management of legal work - work and file management, office and personal management, cost-effective work practices, time management and teamwork - including computer-aided
- recognising and resolving ethical dilemmas and ethical formation.

The compulsory areas of practice to be studied in a PCLL course should be:

- property law practice
- wills and estate management
- criminal litigation practice<sup>4</sup>
- civil litigation practice<sup>4</sup>
- commercial and corporate law practice.

The following areas of practice should be taught **pervasively**:

- advocacy
- professional conduct<sup>5</sup>
- trust and office accounting and financial management - including basic bookkeeping, profit and loss accounts and analysis of financial statements
- client care
- revenue practice.

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<sup>4</sup> This will include advocacy.

<sup>5</sup> This should include: the nature of professionalism; the fiduciary obligations of professional lawyers to their clients; the rule of law; representing clients without fear or favour; equality of opportunity; provision of competent representation; striving to promote justice, fairness and morality; striving to improve the profession; professional self-development; and client services and care.

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The following areas of practice should be offered as electives:

- advanced litigation
- family law
- corporate finance
- China law transactions (in Chinese)
- environmental law
- administrative/public law
- banking
- intellectual property.

### **4 Staffing of the PCLL course**

Teachers in a PCLL course should:

- have an appropriate background and experience in the practice of law and the areas of practice being taught. Teachers should have recent and relevant practical experience at the time of their appointment, but it is not necessary that such experience should have been gained in Hong Kong; and
- have the necessary teaching and other skills to teach knowledge and skills. Teachers should be assessed periodically and evaluated by persons qualified to do so in order to ensure that they possess the necessary teaching skills.

A PCLL course should have a ratio of teaching staff to students that facilitates individual instruction and regular feedback. For small group/skills-related teaching the ratio of teaching staff to students should not exceed 1: 8.

The Law Society encourages practitioners, so far as they are able, to meet the requests of the PCLL institution to assist in teaching and assessment. However, the institutions must be realistic in scheduling practitioners' involvement.

### **5 Assessment in the PCLL course**

Assessment should be continual and not only by way of a final examination. Students should be assessed as to whether they “could do”, by way of a mixture of examinations (written and oral), course assessment and skills assessment (written and oral).

In order to ensure suitably high standards, the assessment standards and methods used in the PCLL course should be applied rigorously. In particular, the standard of work required for a pass should meet all of the aims and objectives of the course.

There should be no closed book examinations as this encourages rote learning. Other assessment methods should also be used which test the ability to conduct transactions and intellectual and work management skills, that is, to properly reflect the emphasis on teaching lawyering skills (eg. current matter file simulations, performance exercises and skills-based assignments).

Such examinations that are held should be devised so as to enable students to demonstrate their ability for independent and critical thought.

## **6 Teaching and learning methods**

Emphasis should be placed on teaching methods which discourage memorising and rote learning and encourage active learning and independent and critical thinking. To this end, innovative teaching methods should be employed, with an emphasis on “learning-by-doing”. Lectures should be minimal. Other methods include simulated practice, small group work, demonstration, video feedback and case scenarios.

## **7 Delivery of the PCLL**

The practical skills training provided during the PCLL should be reinforced through properly supervised on-the-job training in a law firm as a trainee solicitor. The training will be more effective and meaningful if the students, in the course of the PCLL training, have an opportunity to apply the skills learned (through textbooks, simulation and role play) in a real life legal practice, under supervision.

The two stages of training, training at school and in a legal practice, should integrate and complement each other to provide a holistic framework for students to develop and acquire practical skills that are relevant to a solicitor’s practice.

The integrated training comprising the PCLL and on-the-job training in a legal practice together should comprise 3 years.

Provided that the scope of the PCLL is covered, there can be flexibility in the way the course is undertaken eg. by way of modularisation, or on a part-time basis, or by the inclusion of some distance-learning approaches so as to permit its integration with on-the-job training in a legal practice.