

**REGULATIONS FOR THE
POSTGRADUATE CERTIFICATE IN LAWS
(PCLL)**

(See also General Regulations)

LL47. To be eligible for admission to the courses leading to the Postgraduate Certificate in Laws a candidate

- (a) shall comply with the General Regulations and shall either
 - (i) hold a degree in law¹ from a university or comparable institution subject in each case to Senate approval; or
 - (ii) hold a professional qualification which entitles the candidate to practise law in a territory or country other than Hong Kong subject in each case to Senate approval; or
 - (iii) pass the Common Professional Examination of Hong Kong or of England and Wales (or its equivalent)² and satisfy this University as to the candidate's competence in Business Associations and Evidence; and
- (b) if applying on the basis of a degree in law of a university or comparable institution other than this University and the City University of Hong Kong (formerly known as City Polytechnic of Hong Kong) under (i) above, shall produce evidence of sufficient academic attainment and may be required to pass a qualifying examination; and
- (c) shall, notwithstanding General Regulation G2(b), achieve a band score in International English Language Testing System (IELTS)
 - (i) within a specified period before application for admission³; and
 - (ii) at the level that may be prescribed from time to time by the Board of the Faculty of Law.

LL48. To be eligible for the award of the Postgraduate Certificate in Laws a candidate shall

- (a) comply with the General Regulations;
- (b) complete the curriculum in accordance with the Regulations set out below; and
- (c) provide satisfactory attendance.

LL49. The curriculum shall extend over not less than one academic year for a full-time candidate and shall include examinations and mid term assessments. For a part-time candidate, the curriculum shall extend over not less than two academic years and shall include examinations and mid term assessments in each year.

¹ A candidate's degree must be in common law, should normally be from a Hong Kong or Commonwealth institution, and should include passes in six law subjects or subject areas including the following (or subjects recognised as their equivalent): constitutional law, contract, criminal law, property law; tort and trusts (or equity or remedies) in addition to satisfying the University as to the candidate's competence in Business Associations and Evidence.

² The CPE (or its equivalent) must include passes in six law subjects or subject areas including the following (or subjects recognized as their equivalent): constitutional law, contract, criminal law, property law, tort and trusts (or equity or remedies).

³ A two-year validity period for the IELTS band score will take effect from the 2004-05 admission.

LL50.

- (a) To complete the curriculum a candidate shall
 - (i) follow instruction on the syllabuses prescribed and complete written assignments; and
 - (ii) participate in such practical exercises as may be organized as part of the curriculum; and
 - (iii) satisfy the examiners in each of the following subjects
 - Advocacy
 - Civil and criminal procedure
 - Commercial law and practice
 - Conveyancing and probate practice
 - Professional practice
 - (b) A part-time candidate shall satisfy the examiners in the curriculum specified for the first year before being permitted to commence the curriculum for the second year.
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LL51. In each examination, the examiners may take into account a candidate's performance in all subjects mentioned in LL50, and continuous assessment of the candidate's performance in completing all the requirements of the curriculum including written assignments and practical exercises. The examiners may at their discretion prescribe one or more oral assessments for any candidate.

LL52. A full-time candidate who has failed to satisfy the examiners at an examination in not more than

- (a) two subjects; or
- (b) three subjects provided one of these three subjects is Professional Practice,

shall be permitted to attend a supplementary examination in the subject or subjects of failure. A part-time candidate in his first or second year who has failed to satisfy the examiners at an examination in not more than one subject shall be permitted to attend a supplementary examination in the subject of failure.

LL53.

- (a) Subject to the provisions of LL54, a full-time candidate who has failed to satisfy the examiners and has not been permitted to attend a supplementary examination under LL52, or who has attended a supplementary examination under LL52 without satisfying the examiners, may be permitted to attend for re-examination in all the subjects specified in LL50; and if so permitted, will be required to repeat the curriculum by re-attending the course, unless granted a written exemption by the Chief Examiner allowing the candidate to attend the examinations and mid-term assessments only; but shall not be eligible for any mark of distinction or credit unless the Senate directs otherwise because of exceptional circumstances.
- (b) Subject to the provisions of LL54, a part-time candidate in his first or second year who has failed to satisfy the examiners and has not been permitted to attend a supplementary examination under LL52, or who has attended a supplementary examination without satisfying the examiners, may be permitted to attend for re-examination in all the subjects of failure in that year; and if so permitted, will be required to repeat the curriculum for the relevant year by re-attending the course, unless granted a written exemption by the Chief Examiner allowing the candidate to attend the examinations and mid-term assessments only; but shall not be eligible for any mark of distinction or credit unless the Senate directs otherwise because of exceptional circumstances.

LL54. A full-time candidate who has failed to satisfy the examiners at a re-examination in not more than

- (a) two subjects; or
- (b) three subjects provided one of these three subjects is Professional Practice,

may be permitted to attend a supplementary examination in the subject or subjects of failure. A part-time candidate who has failed to satisfy the examiners at a re-examination in not more than one subject may be permitted to attend a supplementary examination in the subject of failure.

LL55. A candidate

- (a) who has failed to satisfy the examiners at a re-examination taken pursuant to LL53 and has not been permitted to attend a supplementary examination under LL54; or
- (b) who has attended a supplementary examination under LL54 but has not satisfied the examiners;

shall not be permitted to attend for further re-examination other than in exceptional circumstances and with the specific permission of the Senate. Such a candidate shall not be eligible for any mark of distinction or credit.

LL56. A candidate who is not permitted to attend a supplementary examination or re-examination in the subject or subjects of failure under LL52 to LL55 shall be recommended for the discontinuation of studies under General Regulation G12.

LL57. The names of the successful candidates shall be published alphabetically showing a mark of distinction or credit where awarded in any individual subject.

LL58. A candidate who has shown exceptional merit at the whole examination may be awarded a mark of distinction for the whole examination and this mark shall be recorded in the candidate's certificate.

SYLLABUSES FOR THE POSTGRADUATE CERTIFICATE IN LAWS

PCLL7001 Conveyancing and Probate Practice

Conveyancing: introduction to land holding in Hong Kong; overview of a typical conveyancing transaction; contents of sale and purchase agreements; drafting, approval and negotiation of formal sale and purchase agreements; typical clauses in formal sale and purchase agreements; nature of title; showing and giving good title; execution of conveyancing documents; checking title; raising requisitions on title; answering requisitions on title; completion procedures including completion by undertaking; contents of assignments; drafting of letters raising and answering requisitions and drafting of assignments.

Testate and intestate succession; drafting of wills; executors and administrators; grants of probate and letters of administration; administration of estates: foreign element problems.

Stamp duty; incidence and principles of assessment; chargeability and exemptions applicable to conveyancing transactions.

PCLL7002 Civil and Criminal Procedure

The conduct of civil litigation in the High Court and District Court: considerations prior to commencement; jurisdiction of courts; parties and joinder; commencement of proceedings by writs and originating summonses, application for judicial review, matrimonial proceedings; service of process; pleadings (Statements of Claim, Defences and Counter-Claims); third party proceedings; summary disposal; interlocutory proceedings; discovery and interrogatories, admissions; pre-trial security; compromises and settlements; aspects of the civil trial and costs, civil appeals, enforcement of judgments. This course will include practical instruction or exercises in drafting documents used in civil litigation including for example writs and summonses, affidavits/affirmations, pleadings, counsel's opinion and letters of advice.

The conduct of criminal cases in Magistracies, District Courts and the High Court. Police powers including arrest, detention, search and seizure, questioning; remedies for abuse of police powers, bail, jurisdiction of criminal courts; commencement of criminal proceedings and procedures to compel appearance; transfers and committals; indictments, preparation for trial and discovery in criminal proceedings; pleas, plea bargaining; juries and aspects of criminal trials; costs; sentencing options, procedures and principles; criminal appeals. This course will include practical instructions or exercises in making bail applications, making pleas in mitigation, drafting notices of appeal, advice and opinions on evidence.

PCLL7003 Commercial Law and Practice

This course is designed to provide an introduction to practical commercial and corporate problems. The main emphasis will be placed on the practice of the law although some substantive law will be taught. The areas of study will be drawn from the following: business associations; companies; share acquisitions; joint venture; insolvency; service contracts; financing. This course will include instruction in commercial problem solving skills, drafting commercial documents and advice letters and basic understanding and interpretation of commercial accounts and financial statements.

Stamp Duty – incidence and principles of assessment: chargeability and exemptions applicable to corporate and commercial transactions.

PCLL7005 Advocacy

The objective of the course is to equip students with fundamental advocacy skills and to enable them to continue to develop such skills through observation and practice during pupillage or as a trainee solicitor. The training is in the context of pre-trial and trial advocacy in both civil and criminal proceedings.

Throughout the course student advocates are also required to master the skill of providing effective feedback. The purpose of this is to develop communication; critical analysis; self-evaluation; interpersonal-relationship and note taking skills: all of which are essential to the practising lawyer.

A significant course component consists of practical advocacy exercises in which practitioners, both barristers and solicitors, provide oral and written feedback on individual performances.

Preparation and presentation of the briefs for the practical exercises develops skills of case preparation; fact management; theory of the case; issue identification; evidential analysis; application of legal principles and effective presentation of written and oral argument.

Briefs require student advocates to assess ethical issues; the role of barristers and solicitors and their respective relationships with the court and the lay client.

The programme includes practitioner demonstrations of briefs previously performed by student advocates allowing observation of a variety of advocacy styles and the opportunity for discussion with and explanations by practitioners.

Students advocates will have additional opportunity to receive feedback from practitioners on video-recorded practices.

Student advocates are also required to undertake formal visits to courts and will complete an assessed court attendance report. The course will be assessed by oral assessments before members of the judiciary and legal practitioners.

PCLL7006 Professional Practice

The objectives of the course are to increase the awareness and sensitivity of student-practitioners to their professional obligations, to develop their ability to deal with day-to-day problems of conduct and to provide foundations for competent, effective representation of clients.

The professions; lawyers and professional negligence; organization and discipline; lawyer and client – instructions, retainer, duty to communicate, duty of confidentiality, fiduciary relationship, handling of client's money with a specific reference to the Solicitors' Accounts Rules, delay. Conflicting duties and interest. Professionalism and client care. Relationships with the Court, the Bar and others. The Bar Code. Legal Aid. Remuneration. The Practice Rules.