

REGULATIONS FOR THE POSTGRADUATE CERTIFICATE IN LAWS (PCLL)

(See also General Regulations)

Admission requirements

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) pass the Common Professional Examination of Hong Kong or of England and Wales and satisfy this University as to the candidate's competence in the required law subjects¹ provided that the candidate has also obtained at least a second class honours degree in a discipline ; and
 - (b) if applying on the basis of a degree in law of a university or comparable institution other than this University, the City University of Hong Kong (formerly known as City Polytechnic of Hong Kong) and The Chinese University 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 admission²; and
 - (ii) at the level that may be prescribed from time to time by the Board of the Faculty of Law.
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Award of the certificate

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.
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Length of curriculum

LL49. The curriculum shall extend over not less than one academic year and shall include an examination. For a part-time candidate, the curriculum shall extend over not less than two academic years and shall include an examination in each year.

Completion of curriculum

¹ A candidate's degree must be in common law, should normally be from a Hong Kong or Commonwealth institution. A candidate must also demonstrate competence in the following required law subjects or subject areas (or subjects recognised as their equivalent): Constitutional law, Contract, Criminal law, Land law, Tort, Equity, Civil Procedure, Criminal Procedure, Evidence, Business Associations, Commercial Law, Hong Kong Constitutional Law, Hong Kong Legal System and Hong Kong Land Law..

² An IELTS band score is valid for three years.

LL50.

- (a) To complete the curriculum a candidate shall
 - (i) follow instructions on the syllabuses prescribed and complete all 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:
 1. All Compulsory Core Practice Areas;
 2. Three Electives as selected by the candidate and approved by the Department of Professional Legal Education; and
 3. Professional Practice and Management.
- (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.
- (c) Full-time candidates must complete the curriculum within three years, whereas part-time candidates must complete the curriculum within five years, inclusive of any period(s) of leave of absence in between. Such period cannot be extended save in exceptional circumstances and with the specific permission of the Board of the Faculty of Law.

Assessment

LL51. In each examination, the examiners may take into account a candidate's performance in all aspects mentioned in LL50(a) above. The examiners may at their discretion prescribe one or more oral assessments for any candidate.

Re-examination

LL52. A full-time candidate who has failed to satisfy the examiners in any paper(s) prescribed in LL50(a)(iii) at first attempt shall be permitted to attend a supplementary examination in the paper or papers of failure. A part-time candidate in his first or second year who has failed to satisfy the examiners in any paper(s) prescribed in LL50(a)(iii) at first attempt shall be permitted to attend a supplementary examination in the paper or papers 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 attended a supplementary examination under LL52 without satisfying the examiners; may be permitted to attend for re-examination in all the papers specified in LL50(a)(iii); and if so permitted, may be required to repeat the curriculum; 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 papers examined in that year; and if so permitted, may be required to repeat the curriculum for the relevant year; 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 any paper(s) prescribed in LL50(a)(iii) may be permitted to attend a supplementary examination in the paper or papers of failure. A part-time candidate who has failed to satisfy the examiners at a re-examination in any paper(s) prescribed in LL50(a)(iii) may be permitted to attend a supplementary examination in the paper 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.

Discontinuation

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

Publication

LL57. The names of the successful candidates shall be published alphabetically.

Distinction

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

A. Compulsory Core Practice Areas

PCLL8010 Civil Litigation

Conduct of civil cases (including introduction to alternative dispute resolution and Legal Aid) and, in the context of the application of procedural rules, carry out practice exercises involving the use of the skills of problem solving, case analysis, legal research and writing, interviewing, conferencing, drafting (including pleadings, affidavits and witness statements) and pre-trial advocacy.

PCLL8050 Criminal Litigation

Conduct of criminal cases and, in the context of proceedings, carry out practice exercises involving the use of the skills of problem solving, case analysis, interviewing, conferencing, drafting (including indictments and grounds of appeal), legal research and writing (including advice/opinion on pre-trial issues) and pre-trial advocacy.

PCLL8020 Corporate and Commercial Transactions I

Overview of corporate practice and the basics of commercial transactions including: issue and transfer of shares of a private limited company, analysis of a shareholders agreement, understanding and interpretation of financial statements of a company, bank financing and purchase of shares in a private company; and, in such contexts, carry out practice exercises which involve the skills of problem solving and document analysis.

PCLL8030 Property Transactions I

Overview and the conduct of a typical property transaction and, in such context, carry out practice exercises involving the use of the skills of title investigation, problem solving and legal research and writing.

Title registration, succession to property (including analysis of wills and procedure for application for grants) and tenancy will also be covered.

B. Elective Practice Areas

(Candidates are required to choose three Elective Practice Areas from the list below. Not all Elective Practice Areas may be offered every academic year.)

PCLL8100 Trial Advocacy

The conduct and process of a criminal trial and, in such context, carry out practice exercises involving the use of the skill of trial advocacy in respect of opening address, examination-in-chief and cross-examination (including dealing with witnesses and exhibits) and closing speech.

PCLL8101 Commercial Dispute Resolution

The conduct of commercial dispute resolution, in the contexts of three case studies: (1) a multi-party contractual dispute; (2) a shareholder dispute leading to winding-up of a company / an application of section 168A of the Companies Ordinance; and (3) a claim for interlocutory and final injunctive relief in the context of breach of employment case. In addition to building

on their contentious skills from the Civil Litigation component of PCLL 8010, students will be introduced to arbitration and alternative means of dispute resolution (in particular, mediation). Students will carry out practice exercises using the skills of problem solving, interviewing, fact investigation, document analysis, conferencing and advising, drafting (including complex pleadings, memoranda, letters of advice, affidavits, and case summaries for use in mediation) and advocacy. Students will also practise their negotiation skills in teams in a mock mediation, facilitated by an accredited mediator.

PCLL8102 Personal Injury Litigation

The conduct of personal injury litigation including an employees' compensation case and common law negligence cases and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, interviewing, document analysis, drafting (special pleadings and witness statements, conferencing, advising and opinion writing,

PCLL8103 Matrimonial Practice and Procedure

The conduct of matrimonial proceedings, including mediation, in relation to custody of child, ancillary relief and care and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, interviewing, conferencing and advising, negotiation, document analysis (including expert reports) and drafting special pleadings and notices.

PCLL8104 Property Litigation

The conduct of property litigation including a vendor-purchaser summon over title to an immovable property, a dispute between vendor and purchaser over a sale and purchase agreement of an interest in land and a dispute over validity of a will passing including immovable properties and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, drafting of pleadings and affidavits, opinion writing and advocacy.

PCLL8105 Corporate and Commercial Transactions II

The conduct of commercial and corporate transactions including a typical commercial transaction, setting up a joint venture and an acquisition of shares in a private company and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, document analysis and the drafting of commercial agreements.

PCLL8106 Property Transactions II

The conduct of property transactions including sale and purchase, mortgage and tenancy of an immovable property, project conveyancing and issues relating to building management and in such contexts, carry out practice exercises involving the use of the skills of legal problem solving, legal research, letter writing (including raising and answering requisitions and advice) and drafting (including clauses in sale and purchase agreements, assignments, mortgages, guarantees and tenancies).

PCLL8107 Listed Companies

Introduction to the Listing Rules including the procedures of listing, continuing obligations of listed companies, and transactions involving listed companies, introduction to the Securities and Futures Ordinance with a focus on disclosure of interest and market misconduct, and introduction to the Takeovers Code and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, document analysis, advising and letter writing.

PCLL8108 China Practice

Introduction to PRC law and practices in joint ventures, mergers and acquisitions, listing, conveyancing, litigation and arbitration and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, legal research, letter writing, document analysis and document drafting.

PCLL8109 Wills, Trusts and Estate Planning

Introduction to estate planning and use of inter vivos gifts, insurance policies, trusts and wills in serving the purposes and, in such contexts, carry out practice exercises involving the use of the skills of problem solving, legal research, letter writing, document analysis and document drafting (including wills and trust deeds). Other procedural and practical aspects of non-contentious Probate Practice including application for grants and administration of estates will also be covered.

PCLL8110 Use of Chinese in Legal Practice

The course will comprise six modules covering oral and written skills in use of Chinese/Cantonese in legal practice: (i) Chinese writing in a legal context and legal translation, (ii) verbal communication skills in Cantonese for lawyers: client-interviewing and client-management techniques in selected contexts (iii) drafting Chinese legal documents; (iv) mediation and negotiation in Chinese; (v) use of Chinese in IPO in Hong Kong; and (vi) non-trial advocacy in Cantonese, including the drafting of Chinese submissions and other documents in the context of a criminal case. Students will enroll in three of the six modules depending on whether they have satisfactorily completed Use of Chinese in Law I (LLAW3055), Legal Translation (LLAW3612) and/or Use of Chinese in Law II (LLAW3004), and according to their individual needs.

PCLL 8111 Mediation in Chinese

Students enrolled to this elective will learn, by the end of the course, how to conduct facilitative mediation in Cantonese as a mediator. They will first be introduced to the key theories and principles behind mediation, the mediation process including various stages in mediation and the ethical issues involved. The course will also examine the legal aspect of mediation including liability of mediators with reference to recent Hong Kong cases and development of mediation in Hong Kong. Students will acquire the basic skills of a mediator such as communication skill and questioning technique through observing demonstration by experienced accredited mediators, multiple exercises, role plays and practices and self-reflection after receiving feedback from trainers and coaches. To best facilitate interactive and small group teaching of the skills, there will be a limit on the enrolment number to be set by the course co-ordinator. Students will be selected by lots drawing in case of over-subscription. Attendance is compulsory to satisfy Hong Kong International Arbitration Centre (HKIAC) Stage 1 requirement of accreditation for the Centre's General Panel of Mediators.

C. Professional Practice and Management

PCLL8040 Professional Practice and Management

Professional codes of conduct for solicitors (Solicitors' Guide of Professional Conduct) and barristers (the Bar Code) as well as various Practice Rules and Practice Directions governing relationships with clients, courts and other members of the legal profession and issues relating to client care.