

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

*These regulations apply to students admitted to the PCLL curriculum in the academic year 2017/18 and thereafter.*

*(See also General Regulations and the Regulations for Taught Postgraduate Curricula)*

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### **PCLL1. Admission requirements**

To be eligible for admission to the courses leading to the Postgraduate Certificate in Laws (PCLL), a candidate

- (a) shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula; and
  - (b) shall either
    - (i) hold a degree with at least a second class honours degree or equivalent in law<sup>1</sup> from a university or comparable institution accepted for this purpose; 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 subjects<sup>1</sup> provided that the candidate has also obtained a degree with at least a second class honours or equivalent in a discipline; and
  - (c) 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 and The Chinese University of Hong Kong under (b)(i) above, shall produce evidence of sufficient academic attainment and may be required to pass a qualifying examination; and
  - (d) 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 admission<sup>2</sup>; 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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<sup>1</sup> A candidate's degree must be in common law and will 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 and Trusts, Civil Procedure, Criminal Procedure, Evidence, Business Associations, Commercial Law, Hong Kong Constitutional Law, Hong Kong Legal System and Hong Kong Land Law.

<sup>2</sup> An IELTS band score is valid for three years.

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**PCLL2. Period of study**

(a) The curriculum for the PCLL shall normally require (i) two semesters of full-time study, extending over not fewer than one academic year, or (ii) four semesters of part-time study, extending over not fewer than two academic years, and, in both cases, shall include any assessment to be held during each semester.

(b) Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of (i) two academic years of full-time study or (ii) three academic years of part-time study, except with the approval of the Board of the Faculty of Law.

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**PCLL3. Curriculum requirements**

(a) To complete the curriculum a candidate shall

(i) follow instructions and attend classes as required;

(ii) satisfactorily complete all coursework requirements including participating in such practical exercises and visits as may be organized as part of the curriculum; and

(iii) pass in courses totalling 72 credits in the manner specified as follows:

1. 45 credits of Compulsory Core Practice Areas;

2. 27 credits of Electives as selected by the candidate and approved by the Department of Professional Legal Education; and

(b) Full-time candidates must satisfactorily complete the curriculum within two consecutive semesters that they have registered, whereas part-time candidates shall satisfactorily complete the curriculum specified for the first year before being permitted to commence the curriculum for the second year.

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**PCLL4. Assessment**

(a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/or any other assessable activities. In each course, the examiners may take into account a candidate's performance in all aspects mentioned in PCLL3(a) above. Only passed courses will earn credits.

(b) Candidates suspended under Statute XXXI shall not be allowed to take, present themselves for, and participate in any assessments during the period of suspension, unless otherwise permitted by the Senate.

- (c) There shall be no appeal against the results of examinations and all other forms of assessment.

**PCLL5. Re-assessment, repeat and discontinuation**

- (a) A candidate who has failed to pass in any course(s) for which he / she has registered at first attempt shall be permitted to attend a re-assessment / re-examination in the failed course(s).
- (b) Subject to the provisions of PCLL5(c) and (d),
- (i) a full-time candidate who has failed to pass in any course and has attended a re-assessment / re-examination under PCLL5(a) without passing, the Board of Examiners shall recommend repeat of the curriculum and such candidate shall not be eligible for any mark of distinction.
- (ii) a part-time candidate in his/her first or second year who has failed to pass in any course and has attended a re-assessment / re-examination under PCLL5(a) without passing, the Board of Examiners shall recommend repeat of the year and such candidate shall not be eligible for any mark of distinction.
- (c) (i) A full-time candidate who, after repeating the curriculum pursuant to PCLL5(b)(i) has failed to pass in any course may be permitted to attend a re-assessment / re-examination.
- (ii) A part-time candidate who, after repeating the relevant year of study pursuant to PCLL5(b)(ii), has failed to pass in any course of that year may be permitted to attend a re-assessment / re-examination.
- (d) A candidate who has
- (i) attended the re-assessment / re-examination pursuant to PCLL5(c) without passing; or
- (ii) exceeded the maximum period of registration specified in PCLL3(b),
- shall be recommended discontinuation of studies unless otherwise permitted by the Board of the Faculty of Law to repeat pursuant to PCLL5(b).

**PCLL6. Absence from examination**

Candidates who are unable through illness to be present at any assessment pursuant to PCLL4(a) of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within two weeks of the first day of the candidate's absence from any examination. Any supplementary examination shall be part of that academic year's examinations as first attempt,

and the provisions made in the regulations for failure at the first attempt pursuant to PCLL4 and PCLL5 shall apply accordingly.

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**PCLL7. Requirements for graduation**

To be eligible for the award of the Postgraduate Certificate in Laws, candidates shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula, and complete the curriculum within the maximum period of registration as specified in these regulations and syllabuses of the curriculum.

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**PCLL8. Distinction**

On successful completion of the curriculum, candidates who have shown exceptional merit may be awarded a mark of distinction for the whole examination as determined by the Board of Examiners, and this mark shall be recorded in the candidate's certificate.

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## SYLLABUSES FOR THE POSTGRADUATE CERTIFICATE IN LAWS

### STRUCTURE

Candidates are required to complete eight 9-credit courses, totalling 72 credits, including (i) 45 credits of compulsory core practice areas and (ii) 27 credits of electives in accordance with the regulations for this postgraduate certificate programme:

#### **Compulsory Core Practice Areas**

- . PCLL8010 Civil Litigation (9 credits)
- . PCLL8050 Criminal Litigation (9 credits)
- . PCLL8020 Corporate and Commercial Transactions (9 credits)
- . PCLL8030 Property Transactions I (9 credits)
- . PCLL8040 Professional Practice and Management (9 credits)

#### **Electives Practice Areas**

*(Candidates are required to choose three practice areas from the list below)*

- . PCLL8100 Trial Advocacy (9 credits)
- . PCLL8101 Commercial Dispute Resolution (9 credits)
- . PCLL8102 Personal Injury Litigation (9 credits)
- . PCLL8103 Matrimonial Practice and Procedure (9 credits)
- . PCLL8104 Property Litigation (9 credits)
- . PCLL8105 Drafting Commercial Agreements (9 credits)
- . PCLL8106 Property Transactions II (9 credits)
- . PCLL8107 Listed Companies (9 credits)
- . PCLL8108 China Practice (9 credits)
- . PCLL8109 Wills, Trusts and Estate Planning (9 credits)
- . PCLL8110 Use of Chinese in Legal Practice (9 credits)
- . PCLL8112 Employment Law and practice (9 credits)

NOTE: Not all Elective Practice Areas may be offered in every academic year and a candidate may choose one only of areas which are taught on the same day. Places in each course are limited. In the event of over-subscription to a course, places will be awarded through ballot.

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## SYLLABUSES FOR THE POSTGRADUATE CERTIFICATE IN LAWS

### COURSE DESCRIPTIONS

#### A. Compulsory Core Practice Areas

##### PCLL8010 Civil Litigation (9 credits)

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

Assessment: 70% Civil Litigation (3.5% Client interviewing\*; Final examination: 38.5% Pleadings, 28% Affidavits)

30% Civil Advocacy\* (30% Final oral assessment by external assessors)

\* *Client interviewing and Civil Advocacy are oral assessments.*

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##### PCLL8050 Criminal Litigation (9 credits)

Conduct of criminal cases and, in the context of proceedings, the carrying out of practical exercises involving the skills of problem solving, case analysis, interviewing, conferencing, identifying grounds of appeal, legal research and writing (including advice/opinion on pre-trial issues). Criminal advocacy, including communication skills, case preparation and non-trial advocacy, focusing on client care and interviewing, bail applications and pleas in mitigation. Professional conduct and ethics are pervasively taught throughout the course.

Assessment: 50% Criminal Litigation (25% Coursework, 25% Final examination), 50% Criminal Advocacy (15% Client interviewing\*, 30% Oral submission\*, 5% Written court report)

\**Client interviewing and Oral submission are oral assessments.*

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##### PCLL8020 Corporate and Commercial Transactions (9 credits)

Overview of corporate practice and the basics of commercial transactions including: incorporation and operation 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, the carrying out of practical exercises involving the skills of problem solving and document analysis.

Assessment: 100% Final examination

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##### PCLL8030 Property Transactions I (9 credits)

Overview and the conduct of a typical property transaction and, in such context, the carrying out of practical exercises involving the skills of title investigation, problem solving and legal

research and writing. Succession to property (including analysis of wills and procedure for application for grants) will also be covered.

Assessment: 20% Mid-term assessment, 80% Final examination

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#### PCLL8040 Professional Practice and Management (9 credits)

Professional codes of conduct for solicitors (Solicitors' Guide of Professional Conduct) and barristers (the Bar Code), ethical questions, 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.

Assessment: 12% Mid-term assessment (Accounts component), 88% Final examination (Contentious & Non-Contentious components)

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### **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 in every academic year and a candidate may choose one only of areas which are taught on the same day. Places in each course are limited. In the event of over-subscription to a course, places will be awarded through ballot.)

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#### PCLL8100 Trial Advocacy (9 credits)

The conduct and process of trials. The course includes the analysis of case papers followed by preparation for and conduct of trials, incorporating the delivery of legal submissions, addresses to judge and jurors, the examination of witnesses and management of case exhibits, all in accordance with the applicable law, procedure, evidential rules and professional ethics. The course also includes training and assessment in written advocacy. The course focuses on intensive practice sessions with both live and recorded reviews of opening address, closing address, examination and cross examination of witnesses including expert witnesses. It concludes with a mock trial and assessments held at the High Court.

Assessment: 25% Opening, 25% Examination-in-chief, 25% Cross-examination, 25% Closing  
 \* *All four are oral assessments.*

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#### PCLL8101 Commercial Dispute Resolution (9 credits)

The conduct of resolving commercial disputes, in the context of two case studies: (1) a multi-party contractual dispute; and (2) a shareholder dispute leading to winding-up of a company or an application under the unfair prejudice regime of the Companies Ordinance. In addition to building on their contentious skills from the Civil Litigation component of PCLL 8010, students will be introduced to arbitration and mediations. Students will carry out practical 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 negotiation skills in teams in a mock mediation, facilitated by an accredited mediator.

Assessment: 20% Mediation skills\*, 10% Mediation report, 35% Pleading drafting assessment, 35% Affidavit drafting assessment, Advocacy exercise\* (*Pass/Fail basis*)

\* *Mediation skills and Advocacy exercise are oral assessments.*

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#### PCLL8102 Personal Injury Litigation (9 credits)

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

Assessment: 25% Mid-term assessment, 75% Final examination

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#### PCLL8103 Matrimonial Practice and Procedure (9 credits)

The conduct of all the major substantive areas of practice in matrimonial proceedings in the Family Court (District Court) and in the High Court, including marriage and divorce, child advocacy and children dispute resolution rules, custody care and control, financial orders (ancillary relief), family dispute resolution procedure, the law post *White v White*, *LKW v DD*, pre-nuptial agreements, Hague Conventions (child abduction), alternative dispute resolution family mediation and collaborative practice, injunctions and domestic violence, remedies, enforcement and appeals, in such contexts, the carrying out of practical exercises involving the skills of problem solving, interviewing, conferencing and advising, negotiation and mediation, document analysis (including expert reports) and drafting special pleadings and notices.

Assessment: 50% Oral assessment, 50% Final examination

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#### PCLL8104 Property Litigation (9 credits)

The conduct of property litigation including vendor-purchaser summonses concerning title to immovable property, disputes between vendor and purchaser over a sale and purchase agreement of interests in land, issues between landlord and tenant and disputes concerning management of buildings and, in such contexts, the carrying out of practical exercises involving the skills of problem solving, drafting of pleadings and affidavits and opinion writing.

Assessment: 100% Graded assignment (*with 4 ungraded pieces of coursework beforehand*)

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#### PCLL8105 Drafting Commercial Agreements (9 credits)

Introduction to the drafting of agreements in commercial and corporate transactions including



drafting a typical sale and purchase agreement, a joint venture agreement, and an agreement for the acquisition of shares in a private company, and the carrying out of practical exercises involving the skills of problem solving, document analysis and agreement drafting.

Assessment: 100% Final examination

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#### PCLL8106 Property Transactions II (9 credits)

The conduct of property transactions including sale and purchase, mortgage and tenancy of immovable property, property redevelopment, commercial tenancies and project conveyancing and in such contexts, the carrying out of practical exercises involving the skills of legal problem solving, legal research, letter writing (including raising and answering requisitions and advice) and drafting (including sale and purchase agreements, assignments, statutory declarations, undertaking letters and mortgages).

Assessment: 20% Mid-term assessment, 80% Final examination

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#### PCLL8107 Listed Companies (9 credits)

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, the carrying out of practical exercises involving the skills of problem solving, document analysis, advising and letter writing.

Assessment: 10% - Class participation and coursework, 40% Online quizzes, 50% Final examination

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#### PCLL8108 China Practice (9 credits)

Introduction to PRC law and practices in property and land transactions, company law, mergers and acquisitions and joint ventures, and in such contexts, the carrying out practical exercises involving the skills of problem solving, legal research, letter writing, document analysis and document drafting.

Assessment: 5% Mid-term legal research exercise, 20% Mid-term drafting exercise, 75% Final examination

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#### PCLL8109 Wills, Trusts and Estate Planning (9 credits)

Introduction to estate planning and use of inter vivos gifts, insurance policies, trusts and wills in serving planning purposes and, in such contexts, the carrying out of practical exercises involving 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.

Assessment: 10% Mid-term client interviewing\*, 20% Mid-term Wills drafting assessment, 5% Course work Fact-finding Exercise, 30% Group written advice summary & presentation\*, 35% Final examination

\* *Mid-term client interviewing and Group presentation are oral assessments.*

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#### PCLL8110 Use of Chinese in Legal Practice (9 credits)

This subject aims at developing the Chinese verbal and written communication skills required for legal practice. Enrolment is limited to those who have not taken Use of Chinese in Law I (LLAW3055) and/or Use of Chinese in Law II (LLAW3004) under the LLB programme. It will be taught in Chinese (Cantonese) and applicants are required to complete a pre-class aptitude test for screening purposes.

The course will begin with an introduction to the use of English-Chinese law dictionaries and glossaries of legal terms. It will then examine the characteristics of the Chinese language as well as those of the legal language. Students will learn how to express themselves more clearly and fluently in Chinese through practice. They may be asked to draft Chinese legal documents, translate English legal documents into Chinese, explain to lay clients in Chinese the legal issues identified in a legal transaction or a litigation case, or to conduct mediation or negotiation in Chinese.

Assessment: 30% for 3 Written assignments (10% each), 20% Client interviewing assessment\*, 50% Final examination

\* *Client interviewing is an oral assessment.*

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#### PCLL 8112 Employment Law and Practice (9 credits)

This course examines the substantive law (as defined by both common law and statutory rights), practice, and procedure relating to the formation, operation, and termination of the employment relationship.

Assessment: 30% Interviewing and conference skills assessment\*, 70% Final examination

\* *Interviewing and conference skills assessment is an oral assessment.*