

**Speech by the Hon Rimsky Yuen, SC, JP,  
Secretary for Justice  
at the LSESU HKPASS Annual Charity Dinner  
on 20 December 2016 (Tuesday)**

***Legal Education in a Changing World***

Miss Christine Chan [President of the LSESU HKPASS],  
Distinguished Guests, Ladies and Gentlemen,

It gives me great pleasure to be here with you this evening at your Annual Charity Dinner, a premier event of the London School of Economics Students' Union Hong Kong Public Affairs and Social Service Society ("LSESU HKPASS"). This evening, I am told, also marks the launch of the LSE Alumni Mentorship Programme for the fourth year in Hong Kong. May I first express my appreciation of your generosity and kindness, since the proceeds from tonight's Charity Dinner will go towards the Happy Grannies Hong Kong, an organization that reaches out to the singleton elderly in our city --- a very worthy cause to support.

2. LSE, as we all know, is an institution which has made extensive contribution in the context of both education and research. In the field of legal education, LSE has been a pioneer in the teaching of the law when the study of the law was first introduced in 1919 as an academic subject and a branch of the social sciences. It was under the considerable influence of Lord Chorley that LSE's Law Department in the 1930s and 1940s acquired its distinctive character as one where lawyers described themselves as social scientists. In fact, Lord Chorley, a key figure in the promotion of social reform and progressive causes, both within and outside the

legal profession, advocated a closer relationship between practitioners and academics that eventually inspired a complete overhaul of the English system of legal education.

3. The world has of course changed a lot since the 1930s and 1940s. Indeed, in the past few decades, the world has experienced very significant changes in many different areas, and so have the legal landscape and the legal profession in many different jurisdictions around the world. Such changes have also caused the stakeholders to rethink how legal education should be conducted. A few examples will illustrate this trend<sup>1</sup>.

4. To begin with, there is the report prepared by the Legal Services Board, entitled “*Legal Education in the Global Context: Challenges from Globalization, Technology and Changes in Government Regulation*”. This report was prepared in the summer of 2011, and concluded, among others, that “Legal education in the UK cannot be viewed in isolation from the rest of the world”. Such an observation applies, with equal force, in the case of Hong Kong and indeed many other common law jurisdictions.

5. There is then the report released in June 2013 by the Legal Education and Training Review independent research team, entitled “*Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales*”. This report, which was the result of a study jointly commissioned by the Solicitors Regulation Authority, the Bar Standards Board and ILEX Professional Standards, focused on: (1) quality and competitiveness; (2) flexibility; (3) talent management; (4) ethics; (5) new ways of learning; and (6) regulatory challenges.

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<sup>1</sup> For the development in the U.S., see, e.g., Sheldon Krantz & Michael Millemann, “Legal Education on Transition: Trends and Their Implications”, 94 (2015) Nebraska Law Review (Issue 1) 1.

6. There is also the more recent report entitled “*The Future of Legal Services*” released in January this year by the Law Society of England and Wales. This report, although primarily focused on the solicitor branch of the legal profession, contained discussions which are also relevant as to how legal education should be revisited, especially the chapters on globalization and technological advances.

7. Further, I trust you would have heard about the programme known as “A new approach to qualification” recently proposed by the Solicitors Regulation Authority (“SRA”) in England and Wales under its current policy of “Training for Tomorrow”. The programme is intended to reshape legal education and training requirements. According to its website, the SRA is now conducting a consultation on this new approach entitled “A new route to qualification: the Solicitors Qualifying Examination” (“SQE”). The SRA proposes that in order to be admitted as a solicitor, individuals would need to pass a new centralised examination – i.e. the SQE which would be divided into two parts. The first stage would test a candidate’s ability to use and apply legal knowledge and the second stage would test legal skills.

8. What is the rationale of SQE? The Chairman of SRA Board explained as follows:

“The *professions* are *changing* and *changing* fast as they respond to new pressures, new business models, new markets and new technology, both at home and in a vast *international* marketplace offering a wide range of choice to business and individual consumers.

We know that the solicitors of the future will need

outstanding skills and high professional standards in order to compete in these rapidly *changing* domestic and *global* marketplaces.”

9. The message sought to be conveyed by the SRA Chairman is crystal clear; the key words are “changing” and “global”. Such a message is echoed in various similar studies or discussions conducted in other common law jurisdictions. For instance, in the recently published text entitled “*Legal Education in the Global Context*” (edited by Professor Christopher Gane and Robin Hui Haung), experts in the field of legal education likewise discussed extensively the changes brought about by globalization and advance of technology.

10. So, what is happening in Hong Kong for the time being? We have a statutory body known as the Standing Committee on Legal Education and Training (“SCLET”). It was established in 2005 under the *Legal Practitioners Ordinance* (Cap. 159) and comprises representatives from the two legal professional bodies, the three local law schools, the Judiciary, the Education Bureau and Department of Justice. One of its key functions is to keep under review, evaluate, assess and make recommendations on the system and provision of legal education and training in Hong Kong.

11. In December 2013, SCLET considered it necessary to conduct a comprehensive review on legal education and training in Hong Kong through a study by independent consultants (“the Study”) with a view to enhancing professional qualifications and standards of legal practitioners to meet the emerging needs and challenges in Hong Kong’s legal sector. The Department of Justice supports this move and has provided the necessary funding.

12. A consultation paper for the Study was issued in October 2015. The consultants will not only be working on the responses to that alone but also the announcement made by The Law Society of Hong Kong in January 2016 of its plan to implement a common entrance examination (“CEE”). The Law Society’s press release announced that, among others, the Council of the Law Society had decided that, starting from 2021, a person may only enter into a trainee solicitor contract if that person has passed CEE which would be set and marked by the Law Society. We understand that the Law Society is maintaining a dialogue with the local law schools on the way forward. I am also given to understand that the Study is now expected to complete by March 2017 as it would otherwise not be meaningful unless the ramifications of the proposed CEE are sufficiently scrutinized in context. Apart from this, the consultants have also been examining closely continuing international developments including the SRA’s proposal I earlier mentioned, the consultation period for which will last till 9 January 2017.

13. The above quick survey of the developments that are taking place in the UK and in Hong Kong only serves as examples of how different institutions and different jurisdictions are tackling issues concerning legal education in a changing world. What is more important is what can be derived or learnt from conducting such a survey.

14. For those who are law students, I would suggest you to follow these trends closely so as to have a better understanding of the changes and challenges ahead of you. Not only may the future development affect you or your career development, the issues that are considered and discussed in these studies reflect the forces that are shaping our world and our future. Amongst others, law students may wish to explore how the following issues may affect their legal

education and their future as a lawyer, namely:

- (1) *Globalization and the upsurge of bilateral or multilateral trade agreements, and its impact on the development of both public and private international law:* In this regard, for those who study legal history would appreciate the strong correlation between the Industrial Revolution and the emergence of private international law. It would indeed be interesting to note how globalization (and perhaps to a lesser extent regional integration) may provide further impetus to the development of international law (whether public or private).
- (2) *Advance of technology, including artificial intelligence, and how study of the law and legal services would be affected:* In this regard, you might have heard about the projects implemented by IBM's Watson and ROSS, as well as the project undertaken by Riverview.
- (3) The Belt and Road Initiative promoted by China, and its impact on legal and dispute resolution services (which would include legal risk management from pre-contract or pre-investment stage up to the stage of resolving disputes).

15. For those who are not law students may think that what I said just now has nothing to do with them. I would beg to differ. The forces that are changing the study of law are largely global forces. These forces affect not just the study of law, but studies in other disciplines. At the very least, reviewing how global forces are changing legal studies may also throw light on how global forces may change the area that you are studying.

16. After all, we all must move with the times and tackle challenges as they surface. Students are no exception, and legal education is also no exception. However, if I may add this rider. No matter how the world has changed, legal education should serve the ultimate purpose of producing generation after generation of graduates who have a strong sense of justice and who are prepared to serve the community by maintaining and upholding the rule of law, a core value that no changes of the world can diminish its importance.

17. On this note, may I wish all of you every success in your ventures, whether they are law-related or otherwise. I would also like to congratulate the organizer for making this Annual Charity Dinner such a great success and to wish you all a very enjoyable evening as well as a very Merry Christmas.

Thank you.