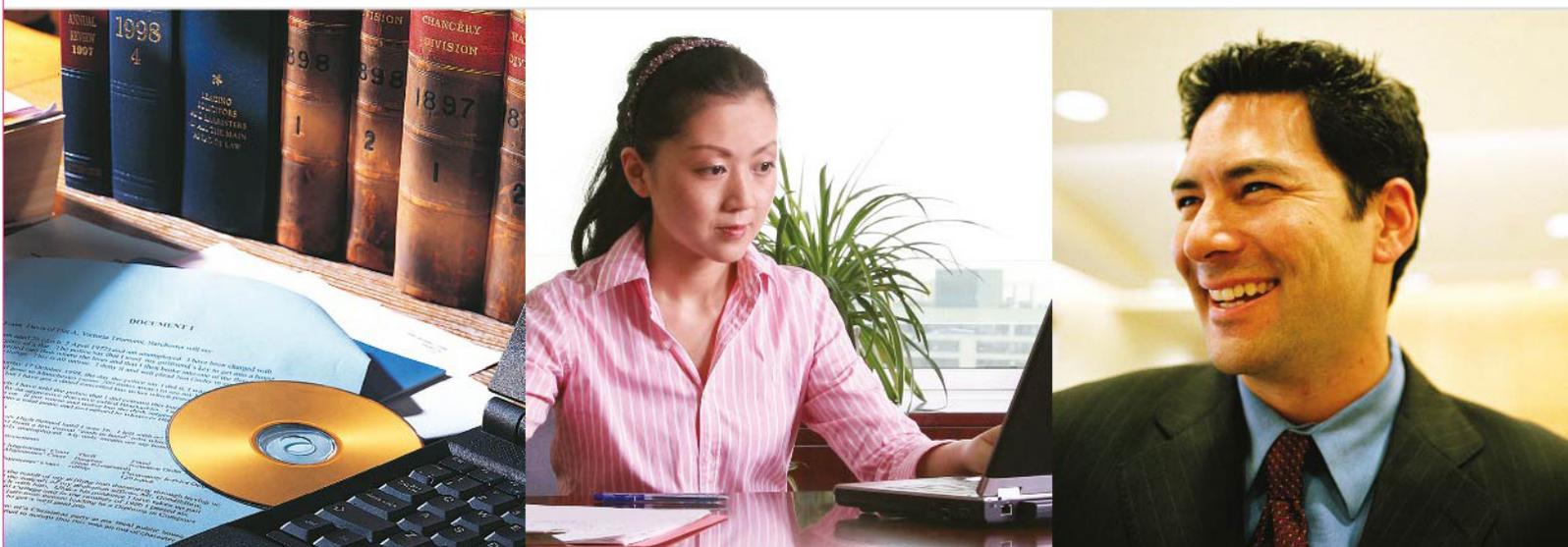


Professional Diploma Programme in Legal Executive Studies (Cycle 4)

法律行政人員專業文憑課程（第四屆）



A 2-year part-time programme specially designed and accredited to deliver the new benchmark standards for Legal Executives set by The Law Society of Hong Kong

Graduates of this programme are eligible to use the title of "Legal Executive" in Hong Kong provided that they have complied with the minimum education and/or work experience requirements stipulated by The Law Society of Hong Kong in its revised Benchmarks for Legal Executive Courses issued in December 2011

Professional Diploma Programme in Legal Executive Studies

法律行政人員專業文憑課程

“This well-structured Programme is an important step in enhancing the professionalism of support staff within legal firms and is a most welcome addition to legal education in Hong Kong.”

Professor Mike McConville

Research Professor
Faculty of Law
The Chinese University of Hong Kong

「這課程內容設計完善，除有助法律界從業員提升其專業知識外，也令本港的法律教育更趨完備。」

麥高偉教授
香港中文大學法律學院研究教授

“Time and effort very well spent.”

Alice Ho

Cycle 1 graduate

Why Become a Legal Executive?

Legal Executives are fast emerging as a trusted group of professionals who provide support to lawyers in professional practice, business and government throughout Hong Kong. As a Legal Executive, you will play an essential role in ensuring that the business of justice is conducted effectively and professionally. It is an exciting and challenging career choice.

How to Become a Legal Executive?

To use the title “Legal Executive”, one must graduate from a programme which meets the benchmark standards of The Law Society of Hong Kong. The Professional Diploma Programme in Legal Executive Studies has been developed by the School of Continuing and Professional Studies of The Chinese University of Hong Kong (CUSCS) and The Chartered Institute of Legal Executives (CILEx) especially to deliver these standards and the Professional Diploma will be jointly awarded by CUSCS and CILEx.

Background

The Council of The Law Society of Hong Kong has approved a series of “Benchmarks for Legal Executive Courses” to promote the standards and ethical values of Legal Executives in Hong Kong law firms. From September 2008, Legal Executive programmes must comply with the Benchmarks in order for graduates of such programmes to be eligible to use the title “Legal Executive” in Hong Kong.

CILEx and CUSCS both share the aspiration that a high quality programme, based on The Law Society of Hong Kong’s benchmarks, will contribute substantially to the skills set of non-admitted staff performing legal work in law firms, barrister’s chambers as well as other professional and private business, government and law enforcement sectors.

CILEx

The Chartered Institute of Legal Executives (CILEx), a professional body representing 22,000 Chartered Legal Executive lawyers and trainee Chartered Legal Executives, is recognised by the Law Society of England and Wales and the United Kingdom Ministry of Justice as a provider of one of the three core routes to becoming a qualified lawyer in England and Wales.

CUSCS

SCS, as an extension of CUHK, has an unwavering commitment to provide quality continuing and professional education to the community and unleash people’s potential. Having been a pioneer and leader in lifelong education in the territory since its inception in 1965, the School provides abundant learning opportunities for the local community and the region.

Programme Objectives

The Programme aims to provide an opportunity for students to learn about substantive Hong Kong law and practice, and to gain experience of skill-based tasks necessary for them to make a significant contribution to the workplace organisations they serve, and the wider community.

The specific objectives of the Programme are:

- (a) to equip students with a general foundation of knowledge in selected areas of law and practice procedures;
- (b) to alert students to the inter-relationship between legal principles and legal practices; and
- (c) to equip students with the basic skills to provide support to solicitors in various types of professional legal practice, including court appearances wherever permitted.

Programme Duration and Structure

This Programme consists of **10 modules** with a total of **333 contact hours**. Participants will take about **2 years** to complete the Programme by **part-time study mode**.

Module Title	Contact Hours
Module 1 - Hong Kong Legal System and Method	32
Module 2 - Professional Ethics, Legal Writing and Research	18
Module 3 - Law of Tort and Civil Practice	60
Module 4 - Contract Law	30
Module 5 - Business Law	24
Module 6 - Criminal Law and Practice	35
Module 7 - Family Law and Matrimonial Practice	31
Module 8 - Succession and Probate Practice	26
Module 9 - Land Law and Conveyancing Practice	47
Module 10 - PRC Law	30
Total:	333

The module contents are shown on pages 6 to 12.

Professional Skills Gained for Law-related Work

The Programme will cover essential professional skills such as client care, advocacy, legal drafting and writing. Advocacy is taught (in association with Module 3) via face-to-face tuition and online video, and is designed to prepare students to present a typical three-minute hearing before a judge or master. Students' legal writing skills will be developed and strengthened by online electronic materials tailor-made for this Programme.

Delivery Mode

This Programme will be delivered by face-to-face instruction. Seminars and small group sessions will be arranged to facilitate students' learning. Face-to-face teaching activities will be supplemented by access to CILEx's Student Area. Students are also required to devote approximately 5-10 hours for self-study each week using CILEx tailor-made manuals.

Medium of Instruction

Teaching activities will be conducted in English. Learning materials are in English accompanied by Chinese translation of key terms. All assessments are in English.

Admission Requirements

Applicants seeking admission to this Programme should meet the following minimum requirements:

- (a) have obtained passes in 5 subjects in HKCEE including English Language at Grade D (Syllabus B) (or equivalent) or Level 3, or equivalent qualification; OR
- (b) mature students at the age of 21 or above with at least 2 years' working experience.

In some cases, applicants may be invited to attend an informal interview prior to acceptance for admission to the Programme.

Eligibility to use the title of "Legal Executive" in Hong Kong

Graduates of this Programme seeking eligibility to use the title of "Legal Executive" in Hong Kong MUST comply with the following requirements stipulated by The Law Society of Hong Kong in its revised Benchmarks for Legal Executive Courses issued in December 2011:

- (i) have obtained a pass in 5 subjects in HKCEE or a combination of results in 5 HKDSE subjects of Level 2 in NSS subjects, [or "Attained" in ApL subjects (subject to a maximum of 2 ApL subjects) and Grade E in Other Language subjects] OR have been in law-related employment in Hong Kong for 3 years; AND*
- (ii) have obtained a minimum grade of D in English Language (Syllabus B) (or equivalent) in pre-2007 HKCEE, or a minimum Level 3 in English Language from 2007 HKCEE onwards, or a minimum overall score of 6 in IELTS, or a minimum Level 3 in English Language in HKDSE since 2012.*

Award of Professional Diploma

Students' performance is monitored and assessed on a continuous basis through class participation, coursework and final examination.

The Professional Diploma in Legal Executive Studies will be jointly awarded by CILEx and CUSCS to students who:

- (a) have achieved an attendance rate of at least 70%; and
- (b) have passed in the assessment of the 10 modules.

Progression to Further Studies

If students achieve a good pass in this Programme, they will fulfil the entrance requirements for a law degree programme at University of London (External LLB Programme); Nottingham Law School, England; De Montfort University, Leicester, England; or Cardiff University, Wales. Other progression opportunities are likely, subject to confirmation from a number of other institutions.

Attaining the Professional Diploma in Legal Executive Studies may assist non-JUPAS applicants to LLB programmes of tertiary institutions in Hong Kong provided they are over 25 at the time of application.

Teaching Faculty

The team of instructors includes Hong Kong-based professional experts in the related field, legal academics and experienced practitioners.

Class Schedule and Venue

In **Year 1**, classes will be held on **Tuesday** and **Friday** evenings with some Wednesday evenings from 7:00 pm to 9:45 pm at CUSCS Central Learning Centre (Bank of America Tower, 12 Harcourt Road, Central, Hong Kong). In addition, small group weekend sessions associated with each module will be held.

4 In **Year 2** of the programme, classes are likely to be held on **Monday** and **Wednesday** evenings.

Closing Date for Application

3 August 2012

Programme Commencing Date

14 September 2012

Tuition Fee

The tuition fee for the entire 2-year programme is HK\$76,000.

Upon receipt of official notice of admission, students can pay the tuition fee by 2 equal instalments. The 1st instalment has to be paid before the commencement of the Programme. The 2nd instalment is due 10 months after the commencement of the Programme. The fee includes all tuition, examination and certification fee, as well as CILEx study manuals. *(Fee paid is neither refundable nor transferable under any circumstances.)*

Application Procedure

A completed enrolment form must be accompanied by the following and sent to:

**Programme Coordinator
Professional Diploma Programme in Legal Executive Studies
School of Continuing and Professional Studies
The Chinese University of Hong Kong
Room 308, 3/F, East Ocean Centre
98 Granville Road
Tsim Sha Tsui, Kowloon**

1. Copies of educational certificates; and
2. Documents showing years of experience in law-related employment; and
3. An application fee of HK\$100 by cross cheque or cashier order made payable to “The Chinese University of Hong Kong” or by credit card.
(Fee paid is neither refundable nor transferable under any circumstances.)

On-line application is also available at www.scs.cuhk.edu.hk

Insufficient documents submitted may result in delay in processing the application.

Upon acceptance for admission to the Programme, applicants will be notified by letter to pay the tuition fee.

Enquiry

Telephone: 3943 4803 / 3943 4804

Fax: 2739 3033

Email: scs-pa@cuhk.edu.hk

Web-site: www.scs.cuhk.edu.hk

This is an exempted course (Reference No.: 551882) governed by the Non-local Higher and Professional Education (Regulation) Ordinance, the Government of Hong Kong Special Administrative Region. It is a matter of discretion for individual employers to recognise any qualification to which this programme may lead.

Programme Contents

Module 1 : Hong Kong Legal System and Method **Contact Hours: 32**

Objectives

This module aims to provide students with basic knowledge of the legal system in Hong Kong and of legal reasoning skills. The central focus will be to provide students with an overview of the legal system and introduce the range of analytical legal skills required to access and process rules of substantive law and procedure.

Module Outline

- Structure of the legal system in Hong Kong and its constitutional context
- Classification of law in Hong Kong
- Jurisdiction of the principal Hong Kong courts and tribunals
- Composition of Judiciary in the Hong Kong Legal System
- Composition of the Hong Kong legal profession
- Role of the jury
- Access to justice
- Sources of Hong Kong law
- Nature of the common law system (including the concept of rule of law and the system of precedents)
- Legislation and legislative interpretation (including interpretation of the Basic Law)

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Module 2 : Professional Ethics, Legal Writing and Research **Contact Hours: 18**

Objectives

This module aims to provide students with basic knowledge of the important areas of professional ethics, legal writing and legal research. The central focus will be to provide students with an overview of professional ethics in Hong Kong and to introduce the legal writing and legal research skills used to develop legal reasoning, argument and legal presentation skills.

Module Outline

- Professional conduct (legal professional bodies in Hong Kong, principles and enforcement of professional conduct, practice promotion, retainer and barrister’s brief, fees, competence, privilege, duties and conflict of interest) and solicitors accounts
- Legal analysis and issue diagnosis, legal argument and legal writing

- How to find an Ordinance using paper and online resources?
- How to read an Ordinance (understand the purpose; whether it is in force); identify repealed or amended legislation, find guidance on interpretation)?
- How to use supporting information from Government and Government related websites?
- How to find statutory instruments?
- How to find a case using paper and online resources?
- How to read a case report (understand the anatomy of a case report and its interpretation in terms of legal precedence)?

Module 3 : Law of Tort and Civil Practice

Contact Hours: 60

Objectives

This module aims to provide students with basic knowledge of Law of Tort in Hong Kong and lay a foundation to illustrate key areas of civil practice (and advocacy) via a tortious context. The emphasis will be to provide students with knowledge and understanding of the essential substantive tortious principles, concepts, rules and its inter-relationship with other areas of civil law and practice.

This module will also provide a context to introduce basic knowledge and understanding of key aspects of civil practice in Hong Kong including essential principles, concepts and rules relating to the conduct of civil cases in the District Court and High Court of Hong Kong. Comments on the impact of the civil justice reforms (enacted April 2009) will be made.

Module Outline

Law of Tort

- Negligence (duty of care including psychiatric injury, breach of duty of care, causation, remoteness, defences, contributory negligence), special forms of negligence such as occupier's liability, stricter liability such as vicarious liability, negligent mis-statement, vicarious liability, nuisance, defences, damages and remedies

Civil Practice

- Methods of commencing an action and identifying the parties to it
- The formal requirements of pleadings, service, interlocutory matters, discovery, trial, settlement and compromise
- Injunctions, enforcement, costs, and appeals, and an advocacy exercise in a personal injury case study context

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Module 4 : Contract Law
Contact Hours: 30

Objectives

This module aims to provide students with basic knowledge of the various aspects of contract law with emphasis on contractual formation, contractual content, ways in which a contract comes to an end and remedies for breach of contract. Real and hypothetical legal problems will be used to enable students to identify legal concepts and issues, analyse legal tasks set and apply legal knowledge and techniques to problem scenarios.

Module Outline

- The fundamental nature of contract law
 - Contract formation (offer and acceptance, certainty of agreement, consideration, intention to create legal relations, contractual capacity, privity and exceptions)
 - Contractual terms (express and implied terms but with emphasis on exclusion clauses)
 - Factors which may invalidate a contract (misrepresentation, mistake, *non est factum*, duress, undue influence, unconscionability, illegality)
 - Ways in which a contract comes to an end (by performance, agreement, frustration, breach of contract)
 - Remedies for breach of contract (damages, specific performance, injunction)
 - Aspects of consumer law
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Module 5 : Business Law
Contact Hours: 24

Objectives

This module aims to provide students with basic knowledge of the key areas of business law and practice in Hong Kong. The emphasis will be to provide students with knowledge and understanding of the essential principles, concepts and rules relating primarily to private limited liability company and partnerships.

Module Outline

- Definitions of various types of corporate entity in Hong Kong (private limited company, public company, 'one person' company)
- Formation, constitution and winding up of Hong Kong companies
- Appointment, resignation and removal of corporate officers
- Powers and duties of corporate officers
- Regulation and formalities of company meetings
- Creation and dissolution of partnerships
- Rights and duties of partners (*inter se* and *vis-a-vis third parties*)
- Roles of the Companies Registry, the Stock Exchange and the Securities and Futures Commission
- Company Law Reform

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Module 6 : Criminal Law and Practice

Contact Hours: 35

Objectives

This module aims to provide students with basic knowledge of the criminal law and practice. The central focus will be to provide students with an overview of the criminal justice system in Hong Kong as well as the fundamental principles of criminal liability.

Module Outline

Criminal Law

- Fundamental principles of criminal liability
- Requirements of key criminal offences (non-fatal offences against the person, homicide (including partial defences), theft, offences involving obtaining by deception, making off without payment, fraud and theft related offences)
- General defences (insanity, intoxication, self-defence, duress etc.)
- Participation in crime
- Inchoate offences

Criminal Practice

- The context of criminal litigation within the Hong Kong Legal System
- How crime is investigated?
- How to commence criminal processes?
- Criminal process from charging to trial
- Trial process (in the Magistrate's Court, District Court, Court of First Instance and Juvenile Court)
- Sentencing
- Appeal processes

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Module 7 : Family Law and Matrimonial Practice
Contact Hours: 31

Objectives

This module aims to provide students with basic knowledge of Family Law and Matrimonial Practice in Hong Kong. The emphasis will be to provide students with knowledge of the legal and policy framework of family law and practice, as well as an understanding of the essential principles, concepts, rules relevant to the formation, regulation, dissolution of the family unit.

Module Outline

- Legal and policy framework of Hong Kong family law (including human rights)
 - Requirements of marriage (nullity, comparison with other family concepts)
 - Judicial termination and termination of marriage
 - Consequences of terminating a relationship (division of property, maintenance and financial provision)
 - Custody and access issues relating to children
 - Domestic violence
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Module 8 : Succession and Probate Practice
Contact Hours: 26

Objectives

This module aims to provide students with basic knowledge of the key areas of the Law of Succession and Probate Practice in Hong Kong. The emphasis will be to provide students with knowledge and understanding of the essential principles, concepts and rules relating to the drawing up and execution of a will, the revocation of a will and the law relating to intestacy. In addition, the powers and duties of personal representatives will be examined and the rules relating to family provision.

Module Outline

- Drawing up and executing a will (nature and function of a will, testamentary freedom, formalities, capacity)
- Main clauses of a will (basic and standard clauses, specific and general gifts, lapse of a gift, property not forming part of estate)
- Revocation of a will (circumstances which revoke a will, effect of dissolution or annulment of marriage)
- Intestacy (circumstances of intestacy, distribution of an 'intestate' estate, priority of entitlement)
- Powers and duties of PRs (classes of PRs, powers and duties)
- Rules relating to family provision (Investment (Provision of Family and Dependents) Ordinance)
- Criteria for orders for payment, distribution of estate and rules on wills and succession in probate practice and administration of estate

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Module 9 : Land Law and Conveyancing Practice

Contact Hours: 47

Objectives

This module aims to provide students with knowledge of the essential principles of land law, conveyancing and tenancy practice. Besides providing students with an overview of property rights, essential principles of the land tenure system in Hong Kong, concepts of ownership and how interests in land are created, acquired, transferred or disposed of, it will also cover the practical aspects of conveyancing and tenancy practice.

Module Outline

Land Law

- Nature and types of property
- Basic principles of land law system and terminology
- Land law concepts (proprietary estoppel, co-ownership, easements, land covenants and mortgages)
- Formalities for creation, transfer and disposal of interests in land
- Instruments registrable under the Land Registration Ordinance and rules of priority

Conveyancing Practice

- Procedure for sale and purchase of land
 - Conveyancing procedures and documentation (preliminary sale and agreement, sale and purchase agreement, assignment, and mortgage)
 - Legal aspects relating to tenancy agreements (types of tenancy agreement; rent, repair, termination, assignment or sub-letting of tenancy agreements; tenancy agreement clauses; obligations of landlord and tenant; post completion issues)
 - Lands Tribunal
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Module 10 : PRC Law

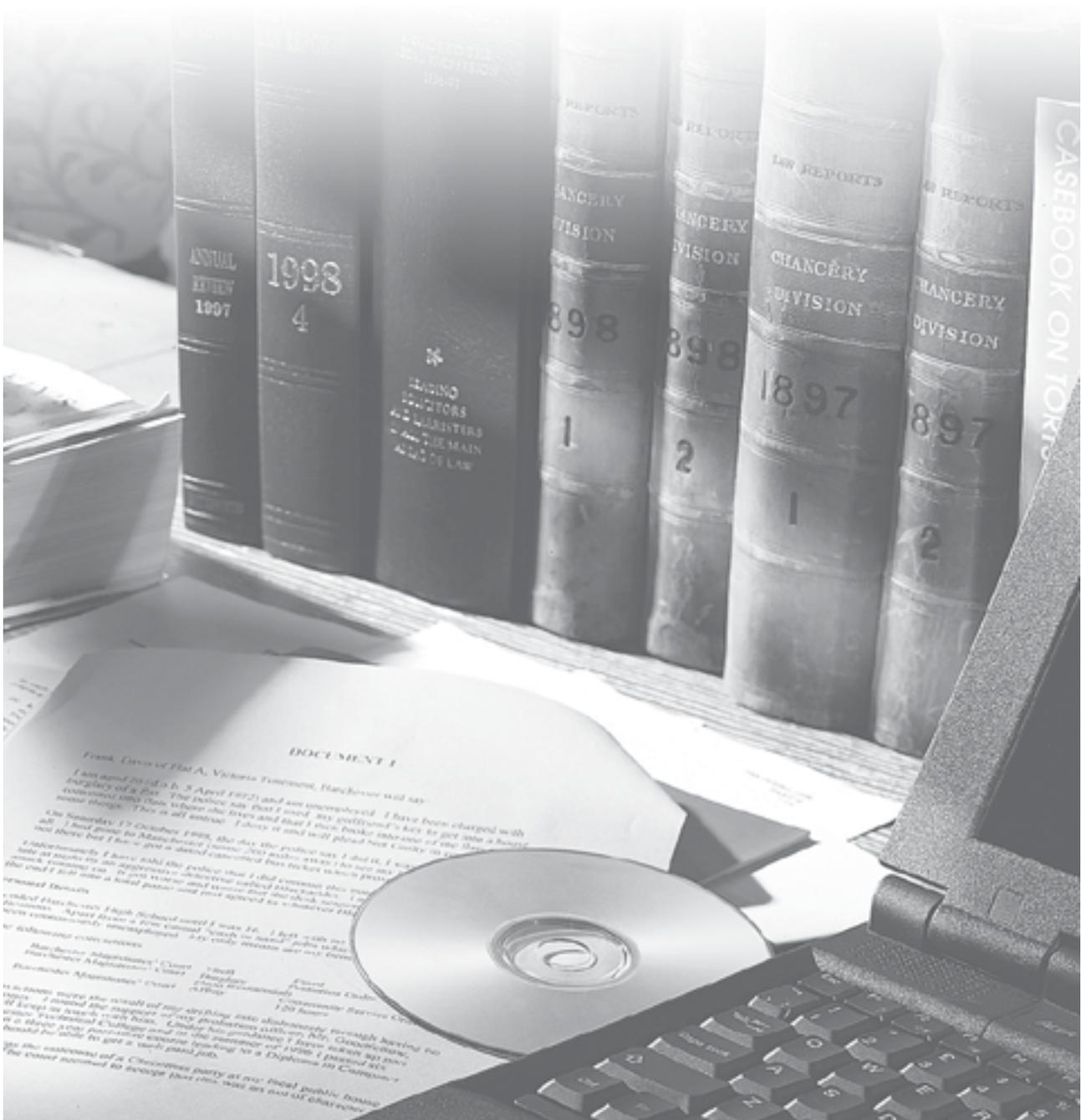
Contact Hours: 30

Objectives

This module aims to provide students with an overview of the history, structure and key principles of PRC law. It will look at the historical origins and constitutional development of modern Chinese law as well as the special characteristics which distinguish it from other legal systems, and the structure (both civil and criminal) and sources of the Chinese legal system.

Module Outline

- Historical origins of modern Chinese law
- Development of the Chinese constitution
- Chinese legislative organs and process
- Sources of Chinese law
- Structure of the Chinese courts system
- Judiciary and legal profession
- Civil and criminal justice systems
- Company law and marriage laws of the PRC



總辦事處

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The Chinese University of Hong Kong****Head Office**

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The Chinese University of Hong Kong, Shatin, N.T.

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