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EDITORIAL

Language Usage in the School of Law

As far as the language aspect is concerned, the 'Law Medis' stands out as an anomaly among student publications in Hong Kong. A cursory look at the current periodicals of the faculty societies of this University and those of the student unions of the two universities and other post-secondary colleges will immediately reveal the fact that English is rarely used as a general means of communication by the Hong Kong student community in this day and age.

Gone are the days when English was the only official language in Hong Kong. Gone are the days when HKU students took pride in being among the privileged few who could use English. Gone are the days when the 'Undergrad' editorials were written in English. This is a new era in which university students are among the most active campaigners for the use of the Chinese language in education and in society.

Where do law students stand in the midst of the forces of the new era? To what extent are we behind the times? How should we respond, if we decide that some response is necessary? These are complex issues for us to think about. In this editorial, however, we only wish to point out that the predominant use of the English language in the Law School has its explanation in practical considerations.

Nearly all members of the teaching staff in this School cannot read Chinese. Neither can some of the students, that is, the non-Chinese ones. Most students have come from Anglo-Chinese Grammar Schools, where English is the medium of instruction, and it is not therefore surprising that they may use English more proficiently than Chinese. This is especially so after years of studying law, in which English is constantly used and opportunities to write in Chinese are few. And although most of us speak Cantonese in daily life, this does not help our standard of written Chinese, which is so different from the Cantonese dialogue.

So long as these factors remain operative, any radical change in the mode of language usage in this School is highly unlikely. A language has a diversity of functions, among which an important one is the preservation, transmission and development of cultural values from generation to generation. In the setting of the Law School, the primary one is the facilitation of communication, and the extent to which a particular language is used therefore depends on how convenient it is as a tool of communication. It follows that the prevalent use, especially for written purposes, of the English language here does not necessarily mean that law students are in some way prejudiced against the Chinese language, or, for example, that we are not in sympathy with the promotion of the use of Chinese in secondary education. The latter is a distinctly different issue, and, to use a legal expression, each case must be decided according to the merits of its own facts.

What Has Been Going On So Far

by Denis Lau, Chairman, Law Association

This year's election took place on 6th November, 1978, following the Annual General Meeting which was held on 3rd November, 1978. A full cabinet was elected, Despite the fact that three cabinet members were co-opted due to technical errors on the nomination forms, all obtained more than the required number of votes.

So far two social functions were organised: the BBQ and Christmas Party. Both turned out to be very successful. In the Christmas Party, a good number of teaching, office and library staff also came along with their families. Among them were Professor Evans and Professor Willoughby. Thanks were due to our Social Convenor and those who have helped her as well as all the participants in making the events a success, especially the alumni.

Two welfare items were introduced this year, that is, the Law Student Directory and the Christmas card, and they were warmly received. A new system of order-form for all welfare items was instituted whereby the Treasurer is in charge of selling welfare items such as the Law Association paper, tie and T-shirts.

The committee members of the Legal Education Project Committee have been appointed recently after a forum in which the role and function of the Committee were discussed. During its first meeting on 7th December, 1978, the committee resolved to continue with the work of giving legal knowledge lectures to secondary school students between June and September in 1979. There is also a plan to augment the lecture with visual aids in the form of slides for the lectures.

An ad hoc constitution revision sub-committee was set up, headed by Mr. Eric Au of 3rd year. Its report and recommendations may help the Executive Committee to propose constitutional amendments in order to reflect the present-day needs and anticipate the developments of the Law Association in future.

In the Inter-Faculty Athletics Meet (Final) held on 9th December in the Aberdeen Sports Ground, we came out as fifth in the overall result and third in the ladies' events. Miss Barbara Hung of 2nd year won the lady individual championship. A warm thank-you for all those who have participated in the various events and cheering and a hearty congratulation to all those who have won their awards! A football match was held at the HKU Sports Centre on 31st December, 1978. On the one side was the team made up of staff, alumni and PCLL students, and on the other our LLB team.

Miss Rebecca Tai of 2nd year has just been appointed as the student member of the School Library Committee. If you have any idea on improving the library facilities, please feel free to communicate with her.

A membership campaign was launched in December 1978 and succeeded in adding some more members to the Association. For the first time membership cards were issued to all members. Letters have also been sent to alumni inviting them to become associate members. For those who have not yet joined as members, we urge you to become one so that your interest can be better served by the Law Association. Please kindly contact Mr. Thomas Kwan of 3rd year for membership enrolment.

Before closing, I sincerely wish everyone good luck and success in the coming year!

December 1978.
A song from the BBQ

The LLB team which fought the Battle of Dec 31.
* A word of thanks*

I would like to express my gratitude to all the participants of the Christmas Party, especially the members of staff and helpers, who have done so much in organizing the event.

Nancy Lau, Social Convenor, LA
A Rolling Stone Does Gather Moss

– an interview with Mr Griffith –

by Ankana Livasiri and Ronnie Tang

If you see a tall lean man with short dark hair walking briskly down the corridor on the 5th floor, that is Mr Griffith, one of our new law lecturers. Mr Griffith comes from Britain and is an experienced teacher. He is an Oxford law graduate, and was subsequently called to the Bar by the Inner Temple.

How Mr Griffith took up teaching is a colorful story, and one which at times discloses a bed of thorns. After graduating, still unsure whether to become a private legal practitioner, he applied for a teaching post in a girls’ school. Since then he has taught, on and off, in various institutions, his most unforgettable class being the first one he ever took. In the main he taught English, but he has also given lessons in other subjects – including Scripture! Between jobs, Mr Griffith passed his Bar Finals, but it was not until nearly two years later that he began his Lincoln’s Inn pupillage. This interim gap, Mr Griffith explained, was filled with three things: busy doing nothing, working as an agricultural labourer in the Middle East, and enrolling himself once more as a student in Oxford to read for his Certificate in Education.

It was while teaching part-time at the Liverpool Polytechnic and Liverpool University that Mr Griffith was confronted with the choice of being a full-time lawyer or full-time teacher. He decided to devote his time to his students, and accepted a full-time appointment at Liverpool University.

Since leaving Liverpool and before coming to Hongkong, Mr Griffith travelled overseas for several years. His footsteps covered Europe, the Soviet Union, the Middle East, North America, and Japan (where he taught English Language in Tokyo) as well as the Indian sub-continent and parts of South-East Asia. He hopes to travel from Hongkong to other South-East Asian countries, China, and – hopefully – South America as well.

Mr Griffith told us that he was not swept off his feet by Hongkong. He said that there was a ‘pressure’ in the colony, which he could not escape from except by going abroad. However, there are also many aspects of Hongkong that he likes: the variety of life, his work, his colleagues, and his students, whom he found to be well-disciplined and respectful. However, he objected to our methods of studying and our attitude towards it as well. He noticed that Hongkong students have a tendency to accept wholesale what has been said. He expressed the view that students lacked an attitude of challenge and should challenge more what they have been taught. To put it bluntly, he said that HKU students expect to be spoon-fed. Rather, he would prefer his students to be less academic and rely more on their innate common sense when dealing with legal problems. A lawyer, he said, should be an all-round person, not one who has geared his attention only to the legal details of life.
Miss Alexa Cheung was once a student in this very Law Department, and that was not long ago. She finished the PCLL here in 1977, and then went to London where she spent one year for her LLM at the London School of Economics. Mr Michael Sandor was her classmate there. Both of them have become lecturers in this School of Law at the beginning of the academic year 1978-79.

When Miss Cheung matriculated as an arts student from DGS five years ago, she had never thought of taking up Law, not to say of finally taking up a lecturing post in HKU. But then there was not much choice. She considered Literature, but decided that she would not do it at HKU. Economics was quite attractive, but she was not a mathematics student, which would be the ideal. So she entered the Law Department, where she was to emerge three years later with First Class Honours.

Although she also got her LLM with Distinction at London, which promised great opportunities for her there, she is glad that she made the choice of coming back. Hong Kong has always been her home, she was born and educated here, she can identify herself with this place, and, furthermore, her family lives here.

We had a most rewarding interview with her on the afternoon of 4 December. The following is some of what she said about various aspects of her experience as a student and a teacher.

studying for the LLM in London . . .

'It means less pressure than the Bachelor degree. There are four lectures a week, and no tutorials. I did four papers by examination at the end of the year. Here in HK you sit in the Library and people come to you with their problems, saying they haven't done this, they haven't done that, and you get very worried. Everybody puts pressure on everybody. There nobody bothers about you. It is supposed to be a good school, everybody going there has a First or at least a Second A, and everybody thinks he's great. ....... The experience of staying in London is very worthwhile.'

returning here to teach ...

'I don't think there has been any change here. It's always the same pattern. Students work hard, they stay in the Library, they skip lessons. As for lecturers, they come and go .... But now I am looking at things from the other side of the fence. Students come to my tutorials, prepared to answer my questions, whereas before we as students discuss things on another level. So it is difficult for me to compare the students of today with those of yesterday .... Some people here have taught me before, and now I have become good friends with them. But because of the fact that I've been a student here, I sometimes have difficulties.'
memorable moments during student years here...

'There was the relief I felt when I put down my pen after I finished the last exam paper every time. I was always sick and nervous during exams but when I finished the last paper I felt very well again. I think the joy of having finished the papers is much greater than seeing my name on the passing list.'

'I was one of the mooters during Lord Denning's visit here in 1977. He is a very great man. On the day of the moot, I did not have any breakfast in the morning, I was very nervous and was shivering when he came into the room. He told a couple of jokes, and in two minutes I felt completely at ease, just like in a tutorial. My case was a hopeless one, but we tried our best. Then we had buffet lunch on the seventh floor. Lord Denning invited me to see him in London (I told him I was going there for my LLM), which I did. ... His visit was a worthwhile experience for everyone present. But just like any experience in life, it comes, it makes you feel great, it goes away, and all you are left with is a memory. As time goes by, it fades into the past. It does not mean so much now as it did at that very moment.'

a lecturer's work...

'I enjoy myself much better as a lecturer than as a student. Not because the work is less, but because there is less pressure. The student's target is to satisfy his teacher, so that he cannot complain that the student has not studied. But as a teacher you have to satisfy forty students, who may come up with all sorts of strange questions, and you must be prepared for all situations. ... After a few years it may become easier as you get used to it, but it may perhaps be repetitive and boring too.'

'A good lecturer is one who revises and improves his lecture notes all the time to help students understand better. He will be getting feedbacks from students, so that he knows what to talk about more and to clarify and what less because it is unnecessary to explain further. ... Lectures should contain at least the skeleton of the subject, and areas of particular interest or difficulty can be discussed. But it should be made clear that students must do more themselves. It would be no answer in a tutorial to say that the point raised is not in the lecture notes.'

the student-teacher relationship...

'I really don't know what it should be. I am still figuring it out myself. At first I thought it should be a casual relationship, but I am not so sure now. If it is too casual, students will take things for granted, so that they will have the nerve to walk into a tutorial room totally unprepared. At the end of the day, who is going to suffer? It will be the students themselves.'

a good law student...

'He or she is a nice person, considerate, not selfish, willing to help others and discuss things. There are some very selfish people here. Every year, we lose a lot of books. Now there are two reasons. The first is to deprive fellow classmates. The second is to save money. I think the former is more paramount. There are books which disappear in the beginning and reappear at the end of the year. And they are not the usual textbooks, like Treital, of which there are a number of copies. ... A student need not be "good" in the sense that he gets a First Class every time. In fact a person who gets a First may not do as well in practice as one with a Third, and the reason may very well be that the latter is more approachable.'

examinations...

'I think examinations do not measure actual academic achievements as much as they measure flair. The difference between a First Class and a Second A is not as much a matter of substance as of flair. It depends on how you frame your answer.'

'How to answer a question is a very personal thing. And examination technique is not something that can be taught. You must learn, acquire and develop it through the years. In tutorials teachers can tell you what areas of a problem to discuss and what not to, you try to figure out why, to draw out the theme and apply it to other problems. But in answering these new problems you are entirely on your own.'

studying law...

'I cannot suggest anything as far as study method is concerned. Each person does things according to what he wants to do. Each must strike his own balance, and it depends on what his priorities are - what he expects from himself, how ambitious he is. ... I think the most important thing in life is to make oneself happy, or to be able to do what one wants to do. It's no use getting a First Class and remaining unhappy.'
Maybe you didn't know, and perhaps you don't care, but if you were to ask, we could tell you something about our new lecturer – Mrs Sussex.

Mrs Sussex was offered a place in Oxford to read English but she turned it down and went instead to a London university to study law. After graduating with a LLB and LLM three years ago, she decided to engage herself in university work rather than lead a hard, highly-disciplined life of a downtown barrister. "I always enjoyed teaching. When I first qualified, the thought of practising filled me with terror, I couldn't have stood up in the courtroom despite all the training I've gone through . . . ." said Mrs Sussex. Unfortunately, her teaching career was interrupted when her husband decided to join a local solicitor firm – JSM. So she packed her bags and crossed the many miles with her husband to settle in a land completely strange to her. She then talked with Professor Evans about her possibility of teaching here, and her application was duly accepted. So here she is, happily with us, and happily starting a new life.

Sitting comfortably in her room, always full of easy laughter, Mrs Sussex talked about her impression of local students. She found them nice, enthusiastic, unbelievably hardworking and very polite – which was something she couldn't quite get used to. It would be wrong to condemn them as being too passive and without originality. She noticed some of them were very bright and had plenty of original ideas. Others, though more silent and reserved, did not necessarily mean they lack original thoughts. When a comparison was made between English and local students, Mrs Sussex thought more serious in their attitude and consistent perseverance. English students took things easier. They didn't have to leave everything to just before the exam, to know that most PCLL students, who had thought that they hadn't much to lose could go downtown and take the teaching method. Mrs Sussex said that she was not in a position to say, but "the School. But the teaching method was good with a friendly atmosphere, it was also possible for anyone to make without the need of making an appointment. In many U.K. universities, it was always so troublesome to see the Dean. As to the administrative level, Mrs Sussex realised that the School was at the moment facing certain difficulties because of the expansion next year. More staff and more students would be joining the School and more facilities would be needed to cope with this. Mrs Sussex also felt that the curriculum offered by the School was too limited and could be wider. But since the School was very much tied to the Law Society and the Bar Association, the curriculum tended to be as practical as possible. Moreover, the School didn't have the necessary money and expertise to start a wider curriculum. When it came to the method of teaching, Mrs Sussex thought that it was good to have lectures and classes, but she hoped that there could be more co-operation between lecturers and tutors. It was unfortunate that the School hadn't a system whereby everything that was said in lectures could be handed over to tutors, so that the tutors knew exactly what the students knew from their lecturers. Mrs Sussex also felt that the School was not too examination-oriented. The idea of continuous assessment gave local students an advantage over their English brothers. Essays, assignments and performance in class were all taken into account and this always helped in borderline cases. In many more conservative universities in U.K., it was still the final exam that decided everything.

As regards to her impression of lawyers in general, Mrs Sussex detected a certain amount of arrogance in them. Mainly because it was such a hard struggle. There were also certain differences between lawyers in Hong Kong and those in U.K. English lawyers tended to be more specialized and less money-minded. They had job-satisfaction and they really enjoyed what they were doing and not necessarily because of the money they could have earned. To enter the law profession was considered as a very respectable thing to do in U.K. Furthermore, English lawyers were less wealthy because of a very much higher rate of income tax, Mrs Sussex also gathered that the standard of Hong Kong lawyers was gradually rising. When asked about whether it was justifiable for lawyers to charge high fees, Mrs Sussex thought that certain barristers did charge far too high fees for what they did but this situation would level out with the rising standard of the Bar and keen competition as more students entered it. Sometimes lawyers had to bear in mind that they had expensive offices to run and a large administrative staff to pay, so it was necessary to charge high fees.
SCIENTIST, LAWYER, MANAGER AND TEACHER

—an interview with Mr Sandor—

by Elizabeth Mo and Philip Li

We really had no idea as how to start our conversation with Mr Sandor before we entered his office, except that, perhaps, we might start off with that dry and odd introduction such as: ‘Mr Sandor, it’s really our pleasure to have a chat with you on such a beautiful afternoon . . .’

But we at once realized that our planned approach was unnecessary when we stepped into his office. It’s a big Australian smile, a ‘trademark’ of Mr Sandor, if we may say. On pouring two cups of coffee to us, he started explaining the type of sugar he uses. (Oh, he’s also an expert in coffee-drinking!) Since he had just had a swim, we started talking about his hobbies. He said he likes swimming (even in winter) and body-surfing. He likes eating, particularly Chinese food. He likes dancing and music, such as modern jazz and even disco music. He can play the piano too. Besides, he learnt to play judo in university. He’s a black-belt. (Beware!)

A Hungarian, born in Australia one year after his parents immigrated to Australia in 1939 (don’t try to calculate his age please!), he received his university education in the University of Melbourne. He chose science and law — choosing the former because he once thought of being a geneticist, choosing the latter because people told him that he liked talking and arguing (which he admits) and thus should be a lawyer. Graduated in 1963, he started being a solicitor for a short while in Melbourne and Canberra. Later, he worked for the Attorney-General over some law reform work. In 1966, he left for HK and worked as a Crown counsel until 1970. After these four years, he went back to Melbourne and thought of going to the Bar. But he had not enough fund to last for the three years. He then decided to look for something he was interested in. Since he had long been interested in the relationship between law and computer, he applied for a post in IBM and was accepted. He began to receive engineering and marketing training. In two years’ time, he was promoted product manager. With this experience, he turned to another big company in 1975. From 1975 to 1977, he swirled in the business pool. There he tasted the marvellous experience of taking up big responsibilities such as mobilizing working team. He came across real intelligent men, educated and experienced. But he also suffered the pressure of this complicated business world. ‘There was no life, not a little piece of time for yourself. The creativity that always kept me going was gone. You are entirely at the mercy of the pressure.’

The environmental factor has switched him back to law again. Past experience in law and the business world such as ability to motivate, to stimulate feedback from customers, ability to question assumptions and finalize decisions drove him to the idea of teaching. He then went to London, wanted to learn to be a lawyer again before taking up teaching. He felt very strongly the urge of teaching, not only because of his experience in the business field, but also because he had been taught badly in law. In 1978, among the several letters of application that he posted, the reply from the School of Law of HKU reached him first, and he was here since then — sitting in his office in the Fifth Floor of the Knowles Building, HKU.

The new station of life is not a rose bed at all. Here, pressure still exists. But the difference is that, for here the pressure comes from himself whereas in the business world, it comes from others. The present challenge is to impart knowledge, stimulate feedback and develop understanding and it’s no easy task. Something that makes the present task more challenging is that the students here are all indoctrinated under this educational system. They are so accustomed to working so hard that it is difficult to develop their critical faculty that is so important in legal studies. Yet, it is such characteristics that make his task more challenging and attractive. Besides, the students are friendly and respectful, making his future years of teaching more beautiful and promising.

The chat was over. The tape-recorder’s reel stopped. The sun was setting, beams slanting into his office through the blind. We left his office, with a friendly good-bye and an unforgettable memory — to chat with a warm, friendly and wonderful man!
New Developments in Free Legal Services in Hong Kong

The value of a well-trained legal profession in society is doubtful, if its service is unavailable to anybody except the very rich. Indeed, nothing is further from the spirit of law, than that justice be denied to someone for the simple reason that he cannot afford the lawyer's fees. Consequently, it has been a long-established practice in most advanced countries for public funds to be used to bring legal services to all those genuinely in need of them.

Since the establishment of the Legal Aid Department in 1967, free legal representation has been available in Hong Kong, but only at the District Court level or above, plus other restrictions for both civil and criminal matters. This implies that over 90% of all cases tried, which are dealt with in the magistrates, are not covered by formal legal aid.

Overt attempts at extending legal services to the public include a former legal advice scheme run by the HK Council of Social Service, which began operation in 1969, and the HKU Legal Aid and Advice Clinic, which started operation in 1975, with the participation of the PCLL students in this School. However, while many lawyers have been most generous in giving support to the above schemes, it is obvious that, with new social and economic developments, generally higher educational standards, and an increased degree of sophistication in every aspect of life, these alone would hardly be adequate in coping with increasing public need.

The situation has been duly criticized over the past years. In response to the rising call for change Government in 1978 announced the introduction of the LAW SOCIETY LEGAL ADVICE AND ASSISTANCE SCHEME, to be run by the Law Society and financed by the Government. The Scheme is divided into two parts:

**Free Legal Advice Scheme** – This replaces the former schemes run by the HK Council of Social Service and the HKU Legal Aid and Advice Clinic and has been in operation since November 1978. The service is open to all. Application is made at any of the referral agencies, of which there are over 78, including all the City District Offices and other voluntary organisations.

Free legal advice is given every Thursday night by three voluntary solicitors at each of the two centres at the Eastern and Mongkok CDO's. Besides counselling, the service also includes the drafting of simple legal documents; but where litigation is necessary, the client must seek the help of private solicitors' firms, or is referred to Legal Aid if the case is eligible.

About 150 lawyers participate in this scheme, rendering their service free. PCLL students in this School also offer their helping in sitting with the solicitors in their interviews with clients.

**Magistrates' Court Duty Lawyer Scheme** – This started operation on January 2, 1979. At the cost of $1000 per day, one duty advocate is employed at each of three magistrates – Causeway Bay, Sanpokong and North Kowloon – to appear on behalf of any person charged with any of the following seven offences:

1. Membership of and professing to be member of unlawful society.
2. Loitering – section 26(a) of Summary Offences Ordinance.
3. Loitering with intent – section 26(c) of Summary Offences Ordinance.
4. Unlawful possession – section 30 of Summary Offences Ordinance.
5. Going equipped for stealing – section 27 of Theft Ordinance.
7. Possession of Dangerous Drugs – section 8 of Dangerous Drugs Ordinance.

Basically, one duty lawyer will appear each morning to deal with pleas in mitigation of sentence and applications for bail for those pleading not guilty. It is hoped that all cases within these categories can be completed before lunch. Pleas of not guilty will be heard on a different day in a different court by another lawyer.

A full-time liaison officer is employed at each of the three magistrates, whose duty is to:

1. Interview those who have been charged with any of the above offences and have indicated their intention to be represented by the duty lawyer;
2. Present an account to the lawyer on duty, enabling him to adequately represent the defendant.

Since the lawyer's knowledge of the facts of the cases comes from the liaison officer, the latter, occupying an intermediary role in the operation, must be extremely skilful. For this, training is provided.

It is obvious that the schemes in their initial stages as outlined above can hardly meet all the need. Encouraging, however, is the sign of support shown by many lawyers, which makes future expansion of the schemes possible.

Indeed, hopes are running high for the opening of new centres of the Legal Advice Scheme, which has been received with enthusiasm for the two months since its introduction. Over a hundred cases were dealt with in the first month. This represents a 150% increase as compared with figures in the former scheme. As a result, the average waiting-time may be as long as three weeks. In spite of this, according to the Administrators of the Scheme, most clients were satisfied and found the ¾ to 1½ hour interview with the lawyer to be of real help. So far, the scheme has been on the whole successful.

In contrast, one tends to feel more concerned about the effectiveness of the Duty Lawyer Scheme, in view of certain operational difficulties that may be encountered. In the first place, one duty lawyer at each of the magistrates may not be sufficient to deal with all the relevant cases in the day. This is especially so with pleas of not guilty or applications for bail, which may be laborious and time-consuming. Even if more than one duty lawyer were employed at each magistracy, it can be foreseen that, with free legal representation available, pleas of not guilty would certainly
increase. This may cause difficulties in the work of the magis-
tracies in their perpetual race against time. In view of all
these, therefore, the liaison officers are to be particularly on
their guard in handling cases in which the defendants intend
to plead not guilty.

Besides the present limitation in the scope of the
Scheme (available only in three magistracies for seven
scheduled offences), there may of course remain the basic
objection that the presence of duty lawyers in magistracies
is not as good as, and cannot be a substitute for, formal Legal
Aid. It is well understood that proper preparation of a case
requires considerable time and effort in doing legal research,
interviewing the witnesses, etc., none of which the present
scheme could adequately allow. However, the mere avail-
ability of duty advocates in magistracies certainly reduces the
possibility of injustice being done to defendants who other-
wise could be at a great disadvantage, especially if they are
totally ignorant of the law, and with a preconceived fear of
the court. In this respect, at least, the present scheme is of
true value, not to say of the work and chance for gaining
more experience that it provides, especially for the junior
members of the legal profession.

In conclusion, we note that it is but natural for the
Law Society Legal Advice and Assistance Scheme in its
initial stages to have deficiencies. While the Scheme was
introduced as Government’s attempt to cope with a long-
standing need, further changes may become necessary if,
upon a more mature evaluation of the Scheme after a longer
period of its operation, it is found to be inadequate in cop-
ing with such need. Also, the Duty Lawyer Scheme, being in
mature different from Legal Aid, is not necessarily intended
as a compromise: extension in Legal Aid may still be called
for, on parallel lines with the present Scheme, so far as
resources allow, if it is felt to be what society really needs.

Acknowledgement

We would like to express our sincere thanks to:
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Johannes Chan
Kelvin Lo
Eric Pun
Anthony Shin
Christine So

December, 1978
Admission Into Law Schools

by Ronnie Tang

What qualities go to make the good law student and eventually the good lawyer? Glanville Williams, in his famous book *Learning the Law*, says that among all the desirable qualities making the successful barrister, quickness of thought, a good memory and a sound constitution are most important. For the successful solicitor, he says he should have a knowledge of human nature, practical wisdom, and the ability to dictate a good letter, apart from a good knowledge of property and company law. He impliedly says that these qualities are also important for law students since it is obvious that the few years at the law school will not give a person these qualities if he does not have them when he enters the law school. So the problem with most law schools is to find out who are and who are not suitable to study law and to work as a lawyer on finishing the course of study.

In the United Kingdom and Hong Kong, law is a course for the undergraduates. Naturally, 'A' Level results form the basis of admission. Good results in English Language and other 'A' Level subjects are usually required. Good English is certainly important for a law student as well as for a good lawyer. But are good 'A' Level results indication of intelligence, good memory and an analytical mind? Various methods have been used to supplement the reliance on 'A' Level results. For example, in the HKU Law Department (as it was called before 1978), interviews and some tests on current affairs and quasi-legal problems have been used.

In the United States, a slightly different method is used. First, it must be noted that law is a postgraduate course in American universities and colleges.

In the prospectus of the Harvard Law School: 'In order to become a successful law student and a good lawyer, one must be able to read intelligently, to think logically, and to express himself clearly. These abilities or skills are fundamental. Successful law study requires that many hours be spent in the company of books and articles, in classrooms and in discussion groups. Law students must eat, sleep, walk and talk the law if they want to do well. Young men and women who lack a real liking for books and libraries, for reading and thinking, for long hours at a desk are best advised not to go to law school.'

The American method of selection has been suggested as 'we are not trying to find out who are best able to study law, but are trying to find out and discard those who are most probably not suitable to study law at all.'

Who are those most probably unsuitable to study law? Obviously, those who have below-average language capabilities and below-average intelligence.

American Law Schools adopt a standard test, prepared by a group of testing experts at Princeton testing centre in New Jersey. If you have sat for such tests as the SAT and AT or TOEFL, then you may have a good knowledge of the American way of testing. Usually, it takes the form of objective tests, scoring one mark on getting a right answer but losing ¼ or ⅓ of one mark on getting a wrong one. The test is divided into several parts. The first part tests English. The second part contains questions on some 'artificial languages' which test logical thinking and analysis.

The third part is a semi-IQ test. The fourth part contains some questions on law and to answer these legal questions well requires more than a layman's commonsense. In the United States, competition for entry into law schools is extremely keen. Although the results of this test do not constitute the sole basis for determining whether a candidate should be admitted (things like the class of degree the candidate has got, the former university or college report and possibly the result of an interview would also be taken into account), scoring low grades in the test generally indicates non-suitality to study law.

In Japan, law is an undergraduate course. As graduates from faculties of law are most likely to be the future senior officers of the government, diplomats and business executives, apart from having the monopoly of being a lawyer, all the best talents in Japan yearn to take a seat in the faculties of law of either Tokyo, Kyoto or Waseda University. Japan is famous for its 'system of examinations catering for every member of society from infants entering kindergartens to university graduates entering the civil service'. The entrance examinations of each university are similar to the Matriculation 'A' Levels of Hong Kong. But Japanese students are required to study far more subjects and to memorize far greater amount of detailed facts. The Japanese examinations are famous for their meticulousness. Law faculties would usually take the highest scorers in the entrance examinations, which usually form the sole basis of admission.

As seen from the examples outlined above, different law schools have different methods of determining which candidates should be admitted. This may be due to different educational requirements or different social needs. So there is no point saying that a particular law school offers a particularly good method of selection.

AN OBITER FROM THE X'MAS PARTY

By NANCY LAU

Our respectable Doctor in the School of Law —
Lecturing First Years on Elements of Public Law,
Eloquent speeches like the Niagara Falls;
Never can we manage to catch any words at all.
The bass player of an amateurish band,
Playing occasionally at the 'Old China Hand',
With wits and humours he comes along,
Astounding the audience with his Cantonesse song.
A bachelor boy he chooses to remain.
Young girls keep sighing, 'What a pain!'
Taking his time and draining his brain,
Admirable status deservedly attained.

A legal profession he dearly embraces
Enjoying his own way over the traces.
THE PRISONER

Specially dedicated to all my first-year classmates,

On the fifth floor of the Knowles
there's a place where a few know
It's a place for morning, for evening and for night to go
It's a place where my life flows .........

On the day you enter that kingdom
Abandoned are all your freedom
Piles after piles of material to be done
Sooner or later I WILL BE DONE

Lengthen my neck and try to take some relax
Hands and heads are moving without a single rest
How dare I take just a step off my desk
Hurtled to bury again in those heavy text

Lecture is a race between hands and lip
yet sometimes I seem wandering in the mist
Exciting and trembling tutorials through
The air so cool when nothing I can do

Twenty nine pairs with a single boy odd
yet don't worry as never you'll be forgot
Classmates from all walks we do encounter
All over the world come except Africa

Fire on the mountain burnt so high
Merry Christmas though early please don't mind
Happy Birthday poster on the carrot so pretty
yet sorry when being eaten by those greedy

Puzzled am I at those GREAT traditions I sigh
Frustrated as no one ever to reason why
We are just to follow and die
why can't we keep up with the changing tide

Not a single star up in the sky
yet more than plenty block up my mind
Tomorrow
Tomorrow is just another yesterday
better to have a good dream today .........

Johannes Chan
November 1978

BITS AND PIECES

By Nancy Lau

A.C. – Appeal Cases? No way brother, it's Atlantic College. Oh boy, my two years at A.C. .........

An ancient castle with modern buildings and green fields mark the College in South Wales facing the much polluted Bristol Channel: morning swims (it's bloody cold in winter!) – tea-breaks – meals at the Dining Hall ('No second helping!', 'Trays please!') are the usual greetings from the kitchen ladies) – constructive services such as Inshore Life Boat, Estate Work, Social Service, Marine Science, Cliff and Beach Rescues – activities from artistic to scientific – chatting and smoking in the Social Centre – religious services at the Chapel (with graves all around) – sports in the gym and our raving at the Disco every Saturday night – it's just too much to mention all at once.

There are still the interesting National evenings (a display of the characteristics of individual nations), Prince Charles' visit (Thank God he's such a nice guy), underground mid-night parties, birthday showers, snow-ball fights (remember the blizzard last spring?), passing affairs and endless evenings at the sea front: swearing, screaming and slandering!

How amusing it is to have known people of different races. No discrimination of class, race, sex, religion whatsoever and our very motto is 'To foster international understanding'. Together we (400 approximately including staffs and students) did share our experience, of joy and sorrow, in this big, diversified yet well-mixed family.

'When we leave this bloody College, how happy we shall be! No more sausages for breakfast . . . . lovely voices of youngsters from 44 nations – how intimate – how sweet!

'So long Pink (they used to call me). Take care and don't forget the Hong Kong Smile,'

'Gonna miss your "sweet and sour pork"!'

'Dearest, hope you got my feelings.' 'I do, love,'

Goodness me! Those parting phrases are damn heart-breaking; and the goodbye kisses – they're right hot on my face.

Yes, I can always feel them.
Reflections on Orientation

By Spark

Seniority is a prevalent 'ought' in the School of Law. Seniors who are well-established in the School are in a natural position to command respect from the juniors. Storage of legal or fussy knowledge, familiarity with the surroundings are valuable assets and those who haven't acquire them must be humble and submissive.

I personally think that a man is to be respected as a human being irrespective of his knowledge, clothing etc. Man is endowed with dignity and desires to be loved and respected just because he is a human being. I admit that the seniors may demand legitimately more respect from the juniors because of their experience, provided it is within a reasonable degree.

I am happy to find that most members of the School are pleasant, friendly, ready to help and treat the juniors as 'equals'. However, I find some seniors (may be including myself) have exceeded the reasonable limit and thus caused fear and uneasiness in the minds of the juniors towards the School as a whole. Some freshmen refrained from going to the Orientation Camp or Tea Party simply because they were afraid of being ragged. Of course, a senior may adopt a completely different attitude in the Mass Orientation and in subsequent behaviour. But some posed themselves as unapproachable and overbearing creatures throughout.

This led me to reconsider once again the following issues:

1. The purpose of orientation.
2. The causes of the feeling of superiority
   a. self-view
   b. view of others
3. Expectation of future orientations.

I must seek first your pardon if I am unduly frank in the following discussion.

1. The purpose of Orientation.
   Generally orientation is to help the freshmen to familiarize themselves with the new environment, the studying and the people around. It is to be a self-help process with the aid of the experienced in the School.

   At the pre-entry stage, an understanding of the new surroundings is helpful in preparing and planning for the future. It will of course be the more useful if they can have a rough idea of what they are going to study and are properly motivated by feeling the relevance of the subject to them.

   When the first term starts, they have to familiarize among themselves, with all the people around, with the thick piles of duplicated materials, the techniques to be adopted in their studies and to adjust themselves to the new routine.

   I feel that no preconception is to be injected into the trebling minds of freshmen before they actually taste the life in the Law School, since everyone's reaction to the environment may be different. A wrong picture may unduly create pressure and anxiety for them from which they will not easily free themselves.

   A very popular version of the purpose of orientation runs something like this: those who can enter the University are usually brilliant during their secondary school days. Some are too arrogant (or usually called 'chui chik') and their pride should be subdued by ragging.

   To a certain extent, this is true. But unfortunately, one's pride is not easily subdued by instance(s) of humiliation. The experience may make him withdraw further from the School and its people, which would be highly detrimental to him.

   I don't know whether there is any formula to help one learn to be meek. Perhaps a broad mind and self-understanding are the formula.

2. Causes of the feeling of superiority.
   a. self-view.

   The School is a cold, new place for a freshman, who will feel insecure and uncertain. Facing the unknown future and the unfamiliar people, it is natural that he wants to protect himself. His self-view about himself is likely to be unstable in the sense that he may feel perfectly confident at one moment and desperate at another in swallowing the dry law.

   In the uncertainties, he waits for his potential to be assessed and at the same time coats himself with pride to protect his own self-image.

   As he survives one or more exams, his self-confidence develops gradually or speedy. The thought that he is a lawyer-to-be is a constant source of consolation and pride. He may be regarded as an elite by his family, peer groups etc. (though a mere junior in any solicitor firm).

   b. view of others.

   'Self' is always the paramount consideration for everyone on honest introspection. Some people simply think that everyone in the world is their inferior. Some feel themselves inferior to others in every way. But in order to protect the self, they entertain unrealistic images of their own. They may imagine themselves to be brilliant scholars when they raise some intelligent points in tutorials. Some may express their pride overtly by speech or overbearing posture. The more terrible form is the hypocritical type. All these psychological imbalances spring from a lack of self-understanding.

   It is true that self-centredness is one's great enemy and difficult to be freed from, especially if one has no frame of reference in understanding oneself. Nevertheless, let us recognize the fact that we look too much at others' extrinsic qualities, such as wealth, possessions, clothing, degrees... We ourselves also attach too much emphasis on ours too. We fail to look inside our thoughts and minds and realize what we actually are. One would abhor the consequences of acting on one's thoughts. Could we learn to be more humble if we understand honestly what we actually are?

   It is my sincere wish that no snags would be created by this School. It is not unusual that some practising lawyers can keep their clients (of course the not-so-rich type) for 'n' hours without justification or reasonable cause without a stir of their conscience. Is the time of the poor not valuable just because they are poor?

   Some ideas have been put forward in the first issue.

   And I would like to use this opportunity to extend my sincere thanks to those who help in the Orientation. Lastly, I would like to point out that programmes do not per se matter: It is the people involved that do.

P.S. 'He' includes the feminine gender in this article.
中文，願妳安息

陳文敏

三千載洪濤奔流，流不盡鬱鬱長江，曾懷一股熱血，破洪濤，闖長空，換來卻是絲絲惆悵……

故國河山，我不曾見過北國冰封，萬里雪飄的情景，更未曾聽過「起來，我們不願做奴隸的人民……」的洪亮噪音，然而，東江水來陣陣柔弱的呻吟，呻吟的竟是我我母語的哀求……

大字報一張緊接一張，講座，研習，噢，似乎這一切皆與我無關，五個院系已先行表示意見，支持中通，然而，我們就似乎只是個旁觀者，或者，這裏所發生的事與我們無關，又或許，我們根本不屬於這國度……

我不敢談大學理想，亦無力負起社會責任，更近視到不能放眼世界，然而，我能不對著這點點哀號而嘆息嗎？好一句「大海不會欺騙白浪，既然是遺民，就該忘了國歌……

風在吼，馬在嘶，黃河卻不再沸騰，幽冷的長城仍幽冷如昔，沉黙的長江還我沉黙，沉黙……筆桿是那樣沉重，母語竟是那樣陌生，長廊的空氣卻依舊那樣冷凝，冷凝的空氣卻凍不住澎湃的熱血，難道我們還沉黙不夠嗎？

還是匆匆而來，匆匆而去，明天，或許我們會連喘息一聲的時間也沒有……

無奈中帶點比無奈更無奈的奈何，趁今日尚會嘆息時，讓我長嘆一聲，「母語，別矣！」斷柱殘垣埋葬了文明的遺跡，空遺殿前的古鐘奏響歷史的悲歌，干戈酒

不盡遊龍熱血，鐵蹄踏不過榮華的脈絡，但今日，

暴風竟吹落台前的玉梅

洪濤沖破了社稷與江山……
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