

THE UNIVERSITY OF HONG KONG

FACULTY OF LAW

PROCEDURES FOR THE DEGREE OF DOCTOR OF LEGAL SCIENCE (SJD)

(Applicable to students enrolled in or after 1 September 2016 until further notice)

SJD1. Definitions

“Faculty” as stated in the procedures below refers to the Faculty Higher Degrees Committee (FHDC) and/or the Faculty Board.

“Department” refers to the Department of Law or Department of Professional Legal Education.

SJD2. Admissions

1. Enquiries from intending applicants should be directed to the Faculty for a reply.
2. Before submission of a formal application, the Faculty and potential applicants are encouraged to discuss the proposed research plan, the availability of appropriate supervision and funding, and the suitability of the applicant to pursue programmes offered by the Department.
3. A candidate for registration shall submit to the Graduate School an application on the appropriate form, together with the prescribed application fee and documentation. Academic Referees’ Reports should be forwarded to the Graduate School by the referees at the same time as the application is submitted.
4. Applicants who are seeking admission on the basis of qualifications from overseas universities or comparable institutions of which the language of teaching and/or examination is not English are required to submit evidence that they have obtained a score or grade as specified in General Regulation in any one of the listed tests of English proficiency; unless in special circumstances they are exempted from this requirement by the Board of Graduate Studies (BoGS) upon the recommendation of the Faculty.
5. An application and the name(s) of the proposed supervisor(s) shall be considered by the FHDC for recommendation to the BoGS. The Graduate School shall consider whether an applicant is eligible for admission under LL71 and LL71A of the Regulations for the Degree of Doctor of Legal Science (Regulations) and General Regulation, and whether the applicant should be admitted into a 3-year or 4-year programme.
6. The Faculty shall decide:
 - (a) where the applicant is eligible for admission, that he or she be admitted with or without being subject to the requirement of passing a qualifying examination (see SJD3 below); or
 - (b) where the applicant satisfies the requirements for admission in all respects except that relating to English proficiency as stipulated in General

Regulation, that the applicant be admitted through a waiver of the requirement, where there are special circumstances which merit the granting of such a waiver; or

(c) where the applicant is not eligible for admission under LL71 and LL71A, that the applicant be conditionally admitted subject to his or her attaining academic qualifications which satisfy the Regulations; or

(d) that the application is deemed unsuccessful.

The Graduate School shall notify the applicant of the decision of the BoGS via the on-line application system. In addition, offers/conditional offers will be sent to successful applicants separately.

7. A recommendation on whether or not to admit shall normally be made by the Faculty within one month of the receipt of the application by the FHDC.
8. The offer of admission shall contain a stipulation that the candidate must confirm in writing that he or she would comply with the rules and regulations of the University, and in particular, with the provision regarding the prohibition of concurrent registration.
9. Once an application is deemed unsuccessful, all documentation pertaining to that applicant shall be destroyed. All documentation pertaining to successful applicants shall be retained.

SJD3. Qualifying Examination

Where a qualifying examination is required, the Faculty shall appoint at least two examiners on the recommendation of the FHDC. A recommendation on pass or fail shall be made by the examiners to the FHDC. The Faculty shall then make a recommendation to the BoGS for approval or otherwise of admission under the relevant programme.

SJD4. Registration and Fee Payment

1. A candidate shall be permitted to register only on the first day of September or the first day of January of each year.
2. The Chairman of the FHDC and the candidate shall confirm the candidate's status as full-time or part-time.
3. The fees for higher degree studies shall be charged as set out in the General Regulation. Fees shall be charged even if a candidate is pursuing his or her study overseas. Once a thesis is submitted for examination a candidate need not pay additional fees, unless he or she is required to revise and resubmit the thesis for a new examination, whereupon a second examination fee is charged.

SJD5. Probation and Confirmation of Candidature

1. One month before the expiry of the probationary period under LL78, the supervisor(s) and the candidate shall be required to submit respectively to the

FHDC a “Supervision Report” (only one Report should be submitted for each student) and a “Candidate’s Progress Report” (to which a detailed scheme of research must be attached).

2. A candidate registered for the 4-year degree programme shall be required to have satisfactorily completed the coursework specified in LL77(a) and at least five of the modules or credit units specified in LL77(b) and LL77(A) by the end of the probationary period. For a candidate registered for a 3-year degree programme, he or she shall be required to have satisfactorily completed the coursework specified in LL77(a) and at least five of the modules or credit units specified in LL77(b) and LL77(A) by the end of the probationary period. Failure to do so may lead to the termination of candidature.
3. A panel of the FHDC shall hear a presentation of the candidate’s research and consider the reports and the coursework results of the candidate before deciding on the confirmation or termination of the candidature, or an extension/shortening of the probationary period.

SJD6. Period of Study

1. Candidates are expected to submit their thesis and complete coursework, where necessary, within the specified period of study.
2. The thesis may be submitted only after confirmation of candidature and completion of the minimum study period as set out in LL74, where applicable.
3. A candidate may however, after confirmation of candidature, apply for an extension beyond the specified period of study. Detailed justifications for the extension, a study plan for the requested period of extension and the recommendation of the supervisor(s) should be submitted.
4. All such applications for extension must be made to the FHDC no later than three months before the period of study is due to expire. The Faculty shall then forward the recommendation of the FHDC, in the light of comments from the supervisor(s), to the BoGS.
5. Any extension beyond the specified period of study will be granted only upon the demonstration of sound justification accepted by the BoGS.

SJD7. Coursework Requirements

1. All candidates shall be required to take courses as specified in the coursework syllabuses. The FHDC shall approve the coursework curricula and syllabuses of Faculty/departmental courses and any subsequent amendments thereto and the BoGS shall be kept informed of the details of any approval granted.
2. Courses previously undertaken may count towards coursework requirements. A candidate who has successfully completed the required course(s) or equivalent(s), either from this University or a comparable institution, may, on production of suitable documentation, be exempted from taking the course(s). Any such application shall be considered by the BoGS, on the recommendation of the supervisor(s) and the FHDC. Where exemption is sought in respect of non-compulsory courses for which a range of options is available, candidates

should be encouraged to take other courses which they have not previously attempted, if such are useful for their studies. Applications for the substitution of a prescribed Faculty/departmental course by a course outside the curriculum shall be approved by the FHDC.

3. The coursework selection of each candidate shall be determined by the FHDC, taking into account the views of the candidate and the supervisor(s).
4. Candidates shall normally take courses immediately upon registration as stipulated in LL77 and LL77(A). All coursework requirements must be completed before thesis submission.
5. Candidates may be allowed to change course selection within the first two weeks after the commencement of the course, subject to the approval of the FHDC.

SJD8. Mandatory Training on Teaching Skills

As a policy approved jointly by Teaching and Learning Quality Committee and the Policy Board of Postgraduate Education, candidates who register in September 2011 and thereafter and who are required by Faculties/Departments/other units to undertake teaching and/or assessment duties are mandatorily required to complete a training course “Certificate of Teaching and Learning in Higher Education: Stage 1” offered by the Centre for the Enhancement of Teaching and Learning (CETL) before Faculties/Departments/other units assign such duties to them. Candidates who are able to provide documentary evidence of having obtained equivalent teaching skills training may apply directly, on the recommendation of their supervisors, to the Executive Director, CETL for exemption.

SJD9. Leave of Absence

1. Applications for leave of absence from Hong Kong and/or from the approved course of study and research, or for vacation purposes, shall be made in writing as early as possible and in advance of the proposed leave period, except for sick leave which cannot be anticipated. The application shall be addressed to the FHDC via the supervisor(s). Permission for leave of absence of up to one month may be granted by the FHDC on the recommendation of the candidate's supervisor(s). An application for absence for a period exceeding one month shall be considered by the FHDC. The appropriate committee(s) shall also determine whether or not the leave of absence is for study purposes. In granting permission for leave of absence for study purposes, the relevant committee(s) shall satisfy itself that appropriate arrangements have been made for the continued and adequate supervision of the candidate. If the candidate is to be attached to an academic institution elsewhere while on leave of absence, the committee granting leave may require evidence that guidance will be available from a suitable person at that institution. If the leave of absence for study purposes is approved, or if the period of vacation leave is that to which a full-time candidate is entitled, or in the case of granted sick leave, the candidate shall not be required to extend the period of study by the period of absence. Since the maximum amount of study leave and non-study leave allowed in a programme is in each case twelve months cumulatively (see LL75), a candidate who wishes to be away for longer than the permitted periods shall normally be

required to withdraw his or her candidature but will be allowed to apply for admission subsequently. The period of study shall then begin afresh.

2. A candidate who has been granted leave of absence for study purposes, vacation leave within the entitlement period or sick leave shall be required to pay the normal fees. A candidate who has been granted non-study leave is not required to pay any fees during the period of absence but shall not be allowed to follow the course of study and research and present himself or herself for examination.
3. A candidate who has been absent for any period shall be responsible for making up for any coursework and/or research which has been missed as a result of his or her absence.

SJD10. Supervision and Progress

1. A supervisor or supervisors shall be appointed for a candidate by the BoGS on the advice of the Faculty which shall in turn have regard to the recommendation of the FHDC, and with the agreement of the candidate. In the case of co-supervision, the FHDC shall designate who the primary supervisor is. New supervisor(s) may be appointed on the recommendation of the Faculty if the BoGS deems it necessary.
2. In addition to the appointment of a primary supervisor, either (i) a co-supervisor shall be appointed; or (ii) a mentor shall be assigned, on the understanding that it is for the benefit of the candidate rather than for assisting the primary supervisor; or (iii) an Advisory/Supervisory Panel or Committee shall be established, for each candidate. The purpose of this arrangement is to provide the candidate with an additional/alternative source of support on the understanding that a person providing continuity advice and guidance at an earlier stage could be helpful in pre-empting/alleviating the occasional situations when a candidate's relationship with the primary supervisor is suffering strain or if there is a conflict between the primary supervisor and candidate.
3. Supervisors and mentors shall be Teachers of the University as defined in the University Ordinance and Statutes, or Honorary or Visiting Teachers. Visiting and Honorary Teachers cannot serve as primary supervisors, with the exception of Research Assistant Professors who are appointed as Honorary Teachers. However, when a Research Assistant Professor holding an honorary appointment is appointed as the primary supervisor, another full-time Teacher should be appointed as co-supervisor to ensure continuity of supervision. The mentor does not necessarily have to be in the same research field as the student.
4. If the sole supervisor proceeds on leave for two or more months, the FHDC shall appoint an acting supervisor for the candidate, unless satisfactory supervision arrangement can be made.
5. If a teacher, who in the view of the FHDC, has no previous supervisory experience, is proposed as supervisor for the first time, a co-supervisor with supervisory experience shall be appointed for the candidate, in consultation with the FHDC.

6. In appointment of supervisors, all new teachers and Research Assistant Professors joining the University on July 1, 2012 and thereafter must have attended or must complete attendance of the seminar on Responsible Conduct of Research organized by the Research Services within 12 months after they have joined the University, before they are eligible to be supervisors, unless exemptions have been granted by the University Research Committee via the Head of Department and Faculty Dean on exceptional circumstances.
7. Supervisors and candidates shall read the “Good Practices for Supervisors” and “Good Practices for Research Postgraduate Students” which are available in the Graduate School Handbook.
8. After confirmation of candidature a candidate shall be required to submit a progress report bi-annually and may be required by the Chairman of the FHDC to give one or more seminars on any part of his or her research.
9. The FHDC shall on each reporting occasion be required to provide comments on the supervision and/or progress on the reports and shall show their comments to the supervisor(s) and the candidate.
10. If the Faculty approves that the probationary candidature be terminated early or not confirmed, the candidature shall be allowed to lapse. An appeal with full justifications given may be submitted by a candidate to the BoGS against a decision by the Faculty to terminate his/her probationary candidature. In respect of a candidate whose candidature has been confirmed, but who subsequently is recommended by the supervisor(s) and the FHDC to discontinue studies because of unsatisfactory progress, the procedures to be followed are stipulated in SJD11 below.
11. During the course of study, candidates may be required to give one or more seminars on the subject of their course of study and research, and may be required by the Faculty to perform satisfactorily in the conduct of such seminars before their candidature can be confirmed. Such a requirement may even constitute a condition for the award of the degree.

SJD11. Discontinuation

1. A candidature may be discontinued under the provisions of LL79(b). In this connection, students are advised to refer to the relevant sections of the General Regulation and the Graduate School Handbook.
2. Recommendations for discontinuation under the provisions of LL79(b) may be initiated and considered by the FHDC, the Faculty Review Committee and the Faculty Board for recommendation to the Senate Committee on Discontinuation.
3. A candidate whose progress is unsatisfactory, or who has failed to meet the coursework requirements as laid down in LL77, 77(A) and LL81 may be discontinued. A recommendation for discontinuation may be made by the supervisor(s), to the FHDC, the Faculty Review Committee, for recommendation to the Faculty Board, where appropriate, and then to the Senate Committee on Discontinuation.

SJD12. Notice of Intention to Submit Thesis

1. A candidate shall serve written notice to the Chairman of the FHDC of his/her intention to submit the thesis for examination, at least three months before the expected date of submission. The candidate shall send, at the same time, a copy of such notice to his/her supervisor(s). Applications for a waiver of the 3-month notification period shall be approved by the Faculty.
2. Upon receipt of such notification, and in any case before the thesis is submitted, the FHDC shall recommend the appointment of examiners for the thesis and the oral examination. (SJD14(2) below governs the appointment of examiners)

SJD13. Submission of Thesis

1. Before a candidate submits his/her thesis for examination, he or she is required to conduct a self-check on the originality of his/her thesis and amend it, where appropriate, in consultation with supervisor(s) if necessary. This requirement applies to all theses submitted for examination. The candidate should then pass a copy of the finalized thesis to the supervisor(s) who should complete and sign a standard proforma confirming that the thesis is ready for submission for examination. A supervisor may, under special circumstances, dissociate himself or herself from the content of the thesis by using the same proforma.
2. A candidate shall deliver to the Faculty Secretary four copies of the thesis, presented in accordance with the "Regulations governing the format, binding and presentation of theses"; accompanied by the "thesis submission" form, duly completed; and the receipt of payment of the examination fee. The Faculty Secretary shall acknowledge the receipt of the thesis and the accompanying documents; and shall send a copy of the receipt to the Director of Finance. A reminder of the requirement for the oral and any other examination shall be issued with the receipt.

SJD14. Examinations

1. Coursework Examination

A candidate is assessed by examiners appointed by the Faculty/Graduate School on each of the courses which he or she has registered to take. The assessment may be through one or a combination of methods.

2. Thesis Examination

Appointment of Examiners

- (a) Three examiners, comprising two internal examiners and one external examiner, shall be appointed once the candidate has given written notice of the intention to submit the thesis (SJD12), on the recommendation of the FHDC. The examiners shall have been appointed before the thesis is submitted. The Faculty will make the appointments on the recommendation of the FHDC, which shall provide a brief c.v. of the proposed external examiner. In cases where

there are difficulties in appointing two internal examiners, more than one external examiner shall be appointed.

- (b) Examiners shall normally be those who have completed a graduate degree at doctoral level in the relevant discipline or in a cognate area or have equivalent experience and should as far as possible have not been involved in supervision of the thesis. The internal examiners shall be Teachers of the University as defined in the Ordinance and Statutes. Supervisors and co-supervisors of the thesis cannot be examiners. Mentors and members of the advisory/supervisory panel or committee may be appointed as examiners if they have declared that they have no involvement in the supervision of the candidate's thesis.
- (c) In the case of a candidate who is a Teacher or a full-time appointee of the University who provides instruction, one internal examiner and two external examiners, shall be appointed.

Examiners' Evaluation of SJD Theses and Reports

- (d) The Faculty Secretary shall schedule a notional date for the oral examination, at the same time when the thesis is sent out to the examiners, on the understanding that the notional date would be confirmed or that an actual date for the examination would be determined nearer the time. The examiners shall read the thesis and shall submit separate written reports direct to the Faculty Secretary. The examiners are requested to report within six weeks from the date of the receipt of the thesis. At the same time, the examiners are asked to note the notional date for conducting the oral examination. If the report is not received by the due date, a reminder shall be sent out by the Faculty Secretary. If any report is still outstanding by the end of three months, the Faculty should take appropriate action e.g. the appointment of a new examiner. All examiners' reports should be kept "confidential" until the examination process has been completed. Each report shall include an opinion as to whether or not the examiner considers:
 - (i) that the thesis is of sufficient standard¹ for the degree of SJD; or
 - (ii) that the thesis is not of sufficient standard for the degree of SJD in its present form² but should be revised and re-submitted for a new examination; or
 - (iii) that the candidate should be failed with no opportunity to re-submit the thesis.

¹Any suggested minor corrections or revisions (e.g. corrections of typographical errors and errors in nomenclature, improvement in phrasing, or rewriting of small sections of the thesis) should be outlined in the examiner's report. It is understood that it will be the responsibility of the supervisor to discuss the suggested changes with the candidate, to determine which should be incorporated in the

thesis before its final submission. Minor corrections and amendments must be made within a period of one month.

²*This recommendation reflects the examiner's opinion that further research, re-analysis of data, or substantial rewriting of at least part of the material is required.*

Appointment of Thesis Examining Committee (TEC)

- (e) A TEC shall be established to conduct an oral examination and subsequently to consider the opinions of the examiners and determine which of the three options in SJD14(2)(d) is to be recommended. A TEC shall consist of a Chairman and four (3 voting + 1 non-voting) members. The internal examiners and the external examiner are voting members while the candidate's (primary) supervisor is an ex-officio, non-voting member of the Committee. The Chairman, who is a non-voting member, shall be appointed by the Faculty from a pool of academics, preferably at Associate Professor level or above, to be nominated by the Dean of the Faculty and approved by the BoGS. The TEC Chairman shall be a Teacher who is eligible to be a supervisor; and, as far as possible, shall not be from the same department or subject area (in the case of a unitary faculty) as the candidate, but appointed from a cognate discipline so as to have sufficient understanding of the subject of the thesis. The Chairman should ensure that the examination is conducted in a fair manner, and make a recommendation to this Examining Committee on whether a fourth independent examiner should be appointed if the TEC cannot reach a consensus on the examination result after the oral examination. A person appointed as an examiner who is not a Teacher of the University shall receive an honorarium. Only one such honorarium shall be payable to each examiner for the examination, including re-examination, of each candidate.

Participation of Examiners in Oral Examination

- (f) In cases where one or more examiners is/are of the view that the thesis is of insufficient standard for conferment of the degree, it is mandatory for the external examiner to participate in the oral examination. If the external examiner is not available in Hong Kong at the meeting of the TEC to determine the examination result, a meeting by means of teleconferencing or video-conferencing shall be held to obtain the external examiner's direct input to the oral examination. Only if such means prove not to be possible should Faculties consider appointing an additional examiner to represent the external examiner at the oral examination. Prior approval of the BoGS shall be required for the appointment of an additional examiner who shall meet the requirements stipulated in SJD14(2)(b) above. In cases where all the examiners agree that the thesis is of sufficient standard for the conferment of the degree, Faculties are still encouraged to arrange for the participation of the external examiner in the oral examination through any of the means stipulated above.

Oral Examination

- (g) The oral examination is compulsory. The oral examination shall normally be held in Hong Kong by the TEC.
- (h) The Faculty Secretary shall give the candidate at least one week's notice of the date of the oral examination.
- (i) In special cases where an oral examination cannot be held in Hong Kong, special approval shall be sought from the BoGS.
- (j) An oral examination is normally considered a closed examination, although the Chairman may extend invitations to those who have been closely associated with the preparation of the thesis. Questions will only be raised by members of the TEC. (See SJD14(2)(e) above.)
- (k) Following the oral examination, the TEC will meet *in camera* to render an overall assessment of the thesis and of the candidate's ability to defend his/her work.
- (l) Where another examination, in addition to the oral examination, has been recommended by one or more specialist examiners, the TEC shall decide whether any other further examination shall be necessary; and if so, the method of examination and the examiners to be appointed. This other examination shall also be assessed by both the internal and external examiners.

Thesis Examination Result

- (m) After the oral examination and any other examination, where required, the TEC shall inform the Faculty Secretary which option in (i) to (iii) of SJD14(2)(d) they would recommend, and in the case of (d)(ii), whether a new oral or other examination is required.
- (n) No candidate shall be permitted more than two submissions of thesis or more than two oral examinations.
- (o) If the Committee recommends option (i) or (iii) of SJD14(2)(d) above, the Faculty Secretary shall inform the appropriate authority of the Faculty to make a recommendation to the BoGS as in SJD14(2)(t) below.
- (p) Where corrections and amendments to the thesis are required, the Faculty Secretary shall inform the student of such as soon as possible in order that the corrections and amendments can be addressed without delay.
- (q) When the TEC decides that a candidate is required to revise and re-submit the thesis for a new examination as in 14(2)(d)(ii), the Faculty Secretary shall inform the candidate of such. At the same time the candidate shall be informed that attendance may be required at a new oral or any other examination. The candidate shall be required to

produce a summary of the amendments made to the revised thesis, on re-submission.

- (r) A re-submitted thesis will be examined by the original examiners who shall advise whether a new oral examination or any other examination is required, and may recommend only:
 - (i) that the thesis is of sufficient standard¹ for the degree of SJD;
or
 - (ii) that the candidate should be failed.

¹*Any suggested minor corrections or revisions (e.g. corrections of typographical errors and errors in nomenclature, improvement in phrasing, or rewriting of small sections of the thesis) should be outlined in the examiner's report. It is understood that it will be the responsibility of the supervisor to discuss the suggested changes with the candidate, to determine which should be incorporated in the thesis before its final submission. Minor corrections and amendments must be made within a period of one month.*

- (s) The TEC shall be invited to consider the written reports on the re-submitted thesis from the examiners and to make a decision on whether the candidate is required to attend a new oral examination or any other examination, subject to SJD14(2)(n). If a second oral examination is required, the Faculty Secretary shall follow SJD14(2)(g) to (k) above and organize a new oral examination.

Candidate's Final Examination Result

- (t) The recommendation of the TEC shall be forwarded to the Faculty. The recommendation of the Faculty on the result of the SJD programme should be passed to the BoGS for a decision on behalf of the Senate. All the relevant documents on the case should be attached.

Time Limit for Revision

- (u) The final version of a SJD thesis not requiring re-examination shall be submitted to the Faculty Secretary within 1 month, unless specified otherwise, of the date on which the student is informed of the examination result. If a corrected thesis is not submitted within 2 months of this deadline, the programme will be terminated.
- (v) SJD theses requiring re-examination shall be resubmitted to the Faculty Secretary within 12 months, unless specified otherwise, of the date on which the student is informed of the examination result. Students requiring re-submission and re-examination of theses must maintain their registration during this period. Failure to resubmit the revised thesis within 12 months will result in the termination of the student's programme.
- (w) Any departure from the above i.e. a special case, requires the approval of the BoGS.

SJD15.**Coursework Examination Results**

1. The Faculty shall make recommendations on the examination results of the candidates in the departmental/faculty courses taken in accordance with LL77, LL77(A) and LL81, to the FHDC for a decision. The Graduate School shall make recommendations on the candidates' examination results in Graduate School courses to the BoGS for a decision.
2. In the event that a candidate has failed in any course (which, for this purpose, covers both the re-examination of the same course and the "alternative" course) in a second attempt, he or she may be recommended for discontinuation, or termination of candidature if still within the probationary period of study. The normal procedures for discontinuation and termination (as laid down in SJD11 above) shall be followed.
3. Candidates who are unable because of illness to be present for any written examination may apply for permission to present themselves for a supplementary examination. Any such application shall be made on the form prescribed within two weeks of the first day of absence from any examination. The supplementary examination shall be held at a time to be determined by the FHDC (for departmental/faculty courses) or the BoGS (for Graduate School courses) as appropriate. Candidates who fail to satisfy the examiners in one or more papers in such a supplementary examination shall be considered as failure at the first attempt.

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