

# LAW MEDIA



*Law Association*  
*University of Hong Kong*

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### **VOTES OF THANKS TO OUR RESIGNED COLLEAGUES**

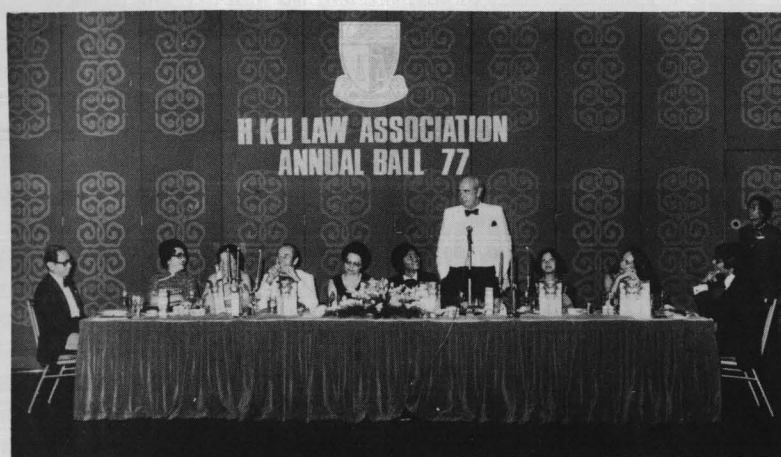
We would like to deliver our sincerest thanks to our publication secretary, Miss Kathleen Suen who has just resigned. All the year long, we have worked together happily and it is beyond reasonable doubt that the Law Media has been much improved in her hands. Unfortunately, she has to leave us when the seeds she has sown have just grown up. Dear Kathleen, we DO hope you would have a very bright future.

Further thanks must also be extended to editorial members, Miss Angelina Goh and Mr. Leo Li who have resigned. Again, we wish them a very bright future.

## WHAT'S ON CORNER

### Annual Ball

This year's grand function — the Annual Ball — was held on 23rd July, 1977 in the Grand Ball Room of Hilton Hotel. The Honourable Mr. Justice A. Zimmern was our patron; and Mr. & Mrs. Chau Kai Bong were our vice-patrons. Our guests of honour included the Honourable Sir Denys Roberts, Mr. Justice T.L. Yang and Mr. R.A.V. Ribeiro. The night was a success, with all the participants coming to a full swing as the evening passed along.



From Left to Right:

Mr. Justice T.L. Yang; Mrs. Yang; Miss Mandy Roberts; Sir Denys Roberts; Mrs. A. Zimmern; Mr. Eric Chan; Mr. Justice A. Zimmern; Miss Teresa Lee; Mrs. Ribeiro; Mr. Ribeiro.

### Justitia

It is glad to learn that the 'Justitia 1977' has won the Bank of America Research Scholarship to conduct a survey on Small Claims Tribunal. The object of this survey is manifold:—

- a) to examine whether Small Claims Tribunal is really working for men in the street or rather as a debt-collecting agency for large companies;
- b) to sort out the difference in the outcome of a trial when a party is legally represented and when he is not;
- c) to see how the tribunal function;
- d) to observe the public response to the Small Claims Tribunal.

At present, they have finished the interviews with the public and is beginning to conduct interviews with the parties to the litigation. The Editorial Board would like to thank all those who had helped to take notes in the court and conduct interviews.

As the 'Justitia 1977' is now under preparation; the Editor-in-Chief, Mr. Benjamin Yu, cordially invites all those who have any suggestion to contact him at any convenient time.



**Our new lecturer, Mr. Bramwell**  
**— His opinions on a few matters of our concern.**



After twenty-five years of practice in a local government department in England, Mr. Bramwell thought that the time was due for a change, a drastic change "before he got too old". He had been interested in university work. The desire to see more of the world and different sorts of environment led him to come to HKU.

What is the difference between being a lecturer and a practitioner? Mr. Bramwell said that one would be a bit out of touch with what actually went on in practice as a lecturer. There was much less law when one was in practice, it was mainly common sense and experience which came in time. But in the university, it was practically all law.

A good law student would need, so Mr. Bramwell thought, to have common sense. Primarily this was being able to see straight to the point, to see what the problem is without being diverted into different lines of thought. And also an ability to talk to people, to understand what their problems were and what they were trying to say. One could not do without an ability to reason correctly and get the facts whatever they were and apply legal principles to them and get an answer if there was one. Mr. Bramwell stressed the importance of having knowledge about all levels of the society, especially those levels one did not normally mix in. Indeed one advantage of the legal aid scheme was that students could come into contact with poor people and see how they got on with their problems. It was important to know what the majority of the people thought and how they lived; to be a successful lawyer one had to be able to deal with their problems. Very lawyer would like to have rich clients, but a lot of poor clients could often be more worthwhile than one rich client. Though obviously the rich people were more able to afford the fees, that was not the object entirely of being a lawyer. Apart from having a career and making money, one had the benefit to be able to come to university and qualified as a solicitor, one owed something to the society from which one came and ought to return that by acting for the poor members of the society.

Asked for comments on the amount of memorizing that was done, Mr. Bramwell said that there was a certain amount of it to be done obviously, but his experience with other universities was that there too much memory work was expected of the students. For example in contract, the students had to remember even the year of the cases, this was silly and too much unless the year was particularly significant, say the case was overruled sometimes later. There was not enough original thinking on the student's part; perhaps not many were capable of original thought, though Mr. Bramwell did not know yet whether it was so here.

As regards the relative usefulness of the material of our study, Mr. Bramwell would put lecture notes first, then textbooks and the cases. One would probably find it easier to remember the lecture notes than the case reports or the textbooks because one got it down in one's own writing, provided of course that one got it down correctly. Within reason, one should look at cases certainly, at least the head notes and the relevant, important passages of the judgment in important cases if one could find them. But one should not waste a lot of time reading unimportant cases which were summarized in the textbooks anyway.

It would also be important for a student to go to courts provided one went to a useful and interesting case and not just went in the middle of a case which last for three weeks and had two hours there and did not understand a word. Indeed one should select the type of cases one went to, had a summary before hand so that one would know what to look for, and had a sort of recapitulation afterwards.

When it came to the method of teaching, Mr. Bramwell acknowledged the importance of knowing the students so that he would know whether we were learning the subject or not. A good way to do this was by discussion and by giving us exercises to do; he would then get something which we had been involved, knew what we had done and could talk to us about it. The idea was to know us well enough to make us feel free to talk to him, otherwise there was no way to find out except when examination results were out and by which time it was too late. Mr. Bramwell would also hope that there would be disagreements from the students. It would stimulate the discussion, and indeed a lot of law was a matter of opinion. Even if the students were wrong, it was still good to have the arguments. And sometimes we were right.

## AFTERMATH OF THE EXAMS — LECTURERS' VIEWS.

The exams are over and the results are out. Perhaps now is the time to find out more about how we did and for those who did not do well, this is the best time to learn from mistakes. As a result, a number of interviews were conducted, during which lecturers disclosed much valuable information and aired their views, which will be of great help to many.

As far as the exam results are concerned, there were many failures in the 1st Year and a few in the 2nd. Although by now it is accepted that there will be a fair number of failures each year, lecturers still experience disappointment and express dissatisfaction. But the staff is understanding and they do take into account the possible effects of the unforeseen absences of members of staff which disrupted the organization of courses during the term. Generally, the marks were lower than anticipated and the only lecturers who had pleasant surprises were Mr. Ribeiro and Mr. Hicks and these came mainly from the 3rd Year, where many students achieved distinctions.

Since the failure rate of the 1st Year has been higher than before, one wonders whether this is an indication of a drop in standard. However, all lecturers feel that a high standard has been maintained. As seen by Mr. Lovegrove, it only indicates that the calibre of students at the end of the scale has not been as high as that of previous years. But this does not inevitably mean a drop in standard because the standard of those at the top and the middle of the scale is still very solid. "As class sizes get bigger, the failure rate increases proportionately and until the department can standardize the selection of students in the beginning, we cannot standardize the results at the end. Therefore there will be an inevitable variation of the number of students failing."

It is not often that students are recommended to discontinue studies in the 2nd Year. However, 3 students failed this year, 2 of whom have discontinued studies. Yet the markers for the 2nd Year have been the same people, applying the same standard when correcting the papers. The situation is perplexing and one can only wish these unsuccessful students best of luck in the future, hoping they will achieve success in other fields.

As for students who scored low grades in their exams and ask the reason why, no one really has the answer. Lecturers can only speculate on the possible reasons. An obvious one is that some students simply don't work hard enough. But then there are tragic stories of those who slave away all year, only managing to scrape through, or, even worse, failing in the end. Undoubtedly, some work very hard, yet they may be doing this in an inefficient and unproductive way. Both Mr. Ribeiro and Mrs. Kneebone feel that defective understanding may be the crux of the problem. Some students may not have as high a degree of intelligence as others and their perception of an area of law may be totally different. On the other hand, there may be very intelligent students who are bad examinees and may not perform their best under the pressure of a 3-hour exam. These students are what Mr. Ribeiro calls "victims of the system" rather than victims of their own inability.

Some students have the disadvantage of being slow writers. However, it's nice to hear that markers are human and are sympathetic. If it is obvious that a student is pressed for time and leaves the last question unfinished, this will be taken into account.

Another reason, as suggested by Mr. Miller, is that many students fail either to deal with the facts of the question or to discuss questions in depth. As a result, markers are faced with rambling answers, wondering whether the student has failed to stop the issue or simply has not studied his notes well enough. Students should present a logical answer, relating it to the facts in the question. This is a matter of mastering an exam technique. But Mr. Allcock feels that as long as a student has done his homework and has written down his knowledge of that area of law, though in a disorganized manner, then he can still pass.



Although English expression is not a problem in the department, a student with lucidity of expression has a definite asset. As for those students who, under the tension of 3 hours, forget about their grammar and allow their English to run havoc, they may be glad to know that markers constantly remind themselves that it is the substance of the answer that counts, and not its linguistic form. Therefore, they are prepared to turn a blind eye to grammatical mistakes and try to make as much sense out of an answer as possible.

Last but not least, there is also the matter of luck and confidence, which you either have or don't have.

No doubt many students, especially 1st Years, wonder why Contract always seems to be such a difficult obstacle to overcome. Perhaps, it is because Contract is a particularly hard subject. But, Mr. Lovegrove thinks otherwise. As far as he can see, students coming up from secondary school are used to memorizing their notes. Yet Contract is a caselaw subject, requiring powers of analysis rather than memory-work and those who fail Contract simply have not been able to analyze the cases as well as other students. This year, students have neglected to cite local cases, in spite of the emphasis laid on local materials during tutorials. Perhaps an undue reliance on textbooks, which lack Hong Kong cases, is a direct cause.

Many of us would have noticed by now that people's study-patterns vary. Some work at home while others prefer the library. Some find casebooks indispensable, while others hardly ever read them. Since we are already attending university, we must develop our own methods of study and this is purely a matter of subjective preference. Some intelligent students are capable of digesting masses of materials and additional reading. However, there are those who may derive more benefit out of reading a single chapter in a casebook, preferring a concentrated focus on one area of law.

Mrs. Kneebone finds our students tend to take down every word during lectures, instead of making brief and concise notes. This difficulty in selecting relevant facts and issues prevents a good understanding. Mr. Allcock shares a similar view. He feels that a student has more to gain by making his own notes in his own style and handwriting, than to memorize passages from textbooks which he only regurgitates in exams. As for the place of study, one must choose whatever is congenial. However, members of staff feel that the library has become a less attractive place to work in because of the noise from students who carry on everyday conversation in tones which one can hardly describe as whispers. We students should remember this and try not to give staff, or anyone else, any cause for complaint in the coming year.

After having been in the same tutorial class for a year, students think they have a fairly good idea of their colleagues' abilities, and as the exams approach, some tend to make out a mental list of those who may do well and those who will be needing a lot of luck. However, from the lecturers' point of view, the performance of students in tutorials are generally not a good indication of their performance in exams. Those who talk most and have quick answers may not do well under exam pressure. Yet quiet and shy students who are ill at ease in group surroundings may do very well in exams, where there is less interaction between lecturer and student. Moreover, tutorials are based on one topic, where students are looking in depth at one area of law. But in exams, the area is much broader and this is the time to test the individual student of his comprehension of the whole year's work.

Most lecturers feel that law students take their work very seriously and there seems to be great pressure on them to do well. A word of advice is that there must be a balance of work and relaxation. It is important and vital to take one's mind off work every now and then and after a few hours at the Sports Centre, you can return to your work feeling refreshed. However, there are extreme cases of students spending too much time on the sports field. These people deserve

little sympathy if they fail in their exams. Therefore, although extracurricular activities are essential, one must be sensible about the amount of which to indulge in.

Students should also exercise intelligence in the way they study. In Mr. Ribeiro's opinion, students can be divided into two basic types — teacher-oriented students and task-oriented students. The former are those who attend all lectures, take down notes diligently, go through worksheets in clockwork fashion, and finish all assignments given to them. These students rely on their teachers to define their work process for them. The latter define their work process for themselves. They use lectures and worksheets as a guide, but ultimately it is they who decide, in a mature and intelligent fashion, how and what to study.

Unfortunately, students here tend to fall within the first category. What Mr. Ribeiro would like to see is students becoming more task-oriented. It is in their best interest that they should work out an area of law for themselves, because the lecturer's perception may be different from theirs. As to the amount of work, it is quality and not quantity that counts.

As stated earlier, it is inevitable that there will be failures each year, due to the uncertain admission procedures of the department. Perhaps you would like to know what is the criterion for admission. The prime factor is A level results, which give lecturers a fairly good idea of a student's academic ability. Another method is through interviews, during which a number of factors will be considered — ability to work hard, good English, logical thought process and motivation. But interviews may not be reliable because they are subject to personal interaction between two individuals. Therefore, there is no perfect way to find out an applicant's aptitude for law.

That being the case, there will always be failures in the department and is it advisable for them to repeat? Many cannot handle the idea of being a failure and one can understand their desire for a second chance. However, they should seek the advice of lecturers before appealing to the Faculty Review Committee. If a student has no aptitude for law, then it is a waste of time to repeat. The Committee has to be cruel or kind, and the 1st Year is the best place to stop students with no potential for law. The Committee is generally sympathetic and works in the interest of students. Therefore, if you are not suited for law, you must not jump to the conclusion that you will not do well in other fields. Students should have a positive approach and as Mr. Allcock says: "The earth is a big blue marble going about in space. You're just living here for a short time, so you've got to live your life and get as much out of it as you can. If you feel failing the law course is the end of the world, then you've got the wrong perspective because the world's still going round and you're still alive."

As Mr. Ribeiro is leaving the department, it would be most appropriate to conclude this article with a few words from him: "Next year staff will be needing your understanding and patience as 3 members of staff will be leaving and no doubt there will be occasional hitches in the running of the course. A change has also been brought about next year. In the 2nd Year Mercantile Law will be compulsory and Evidence will not be offered. The reason is that staff feels it is better to have an immediate follow-up from 1st Year Contract before students lose touch of contractual principles. As approximately 100 students will be taking Mercantile Law, co-operation on the part of students will be vital to the smooth running of the course. Furthermore, students should give staff more feedback because only you students know what your problems are. Therefore there should be more means of communication between staff and students. I also hope to see the department expand its curriculum, offering more interesting subjects. Finally, I look forward to coming back after one year."



## LAW WITHOUT GRAVITY

Here lies a lawyer,  
 Laugh if you will.  
 In mercy, kind Providence,  
 Let him lie still.  
 He lied for his living,  
 He lived while he lied.  
 When he couldn't lie longer,  
 He lied down and died.

\* \* \* \* \*

PROFESSOR OF LAW: If you have the facts on your side, hammer them into the jury, and  
 if you have the law on your side, hammer it into the judge.

STUDENT: But if you have neither the facts nor the law?

PROFESSOR: Then hammer on the table

\* \* \* \* \*

LAWYER (handing cheque of eight hundred dollars to a client who had been awarded four  
 thousand dollars): There's the balance after deducting my fee. What are you  
 thinking of? Aren't you satisfied.

CLIENT: I was just wondering who got hit by the car, you or I.

\* \* \* \* \*

Defendant in a Magistrate Court action: 'As God is my judge, I did not take the money.'

JUDGE: He isn't. I am. You did.

\* \* \* \* \*

Barrister to all male jury:—

Gentlemen, shall this charming young lady be cast into a lonely cell, or shall she return  
 to her beautiful little flat at 34 Peak Road, telephone 5-222222?

\* \* \* \* \*

\* \* \* \* \*

整齊的衣服  
 只代表虛榮心的滿足  
 却遮不了精神的空虛……  
 驕傲的笑容  
 只代表 偽的禮貌  
 却揮不走那孤獨的感覺……  
 「敲門的烏鴉，  
 你忘了  
 你的理想？  
 你的目標？」  
 它  
 落寞的搖着頭  
 但  
 仍然是笑着  
 同樣的笑容  
 永遠的笑着，笑着……  
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 是我？  
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 是你？  
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林凡：  
 聖誕的假期  
 濃濃的咖啡  
 是苦？  
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 不是那濃馥的味道  
 而是那苦澀的餘渣……  
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 偶然的相遇  
 留下的只是那一股股淡淡的愁……  
 洒脫的背後  
 只覺那陣陣的  
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 婉惜  
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 我付出的一切  
 換來的就只有那麼  
 一點點的  
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