

ONLINE LEGAL EDUCATION IN THE MACAO SPECIAL ADMINISTRATIVE REGION (CHINA)

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Abstract

This report covers the development of online legal education in the Macao Special Administrative Region (SAR) of the People's Republic of China in the context of the COVID-19 pandemic declared by the World Health Organization (WHO) in March 2020. It describes the overall features of the higher education institutions before it studies the example of the University of Macau, Macao's only comprehensive public university. Against the backdrop of the overall macroeconomic impact of the pandemic on the Macao economy, the report shows what steps had been undertaken before the outbreak of the pandemic and how these had helped to provide exclusively online or hybrid classes during the pandemic. Based on these findings it concludes with some general remarks about the impact of online legal education against the overall trend of a changing legal profession in the future.

Keywords: COVID-19 pandemic; online education; legal education; Macao SAR

1. INTRODUCTION

For a concise account of the status of both online and offline legal education in the Macao Special Administrative Region (SAR) of the People's Republic of China (PRC), it is first useful to provide some general background information on the many unique characteristics of the Macao SAR (MSAR). In geographical terms, it covers a small peninsula plus two connected islands located on the shores of the South China Sea, on the Western side of the Pearl River Delta across from

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Hong Kong. Over the past century, its size increased from 11 to around 31 square kilometres mainly through land reclamation from the surrounding sea.

From a macroeconomic perspective, the MSAR had experienced a rapid development and strong economic boom since the early 21st century, albeit with strong fluctuations. Since then, the economy of the MSAR has been generally dominated by services, which account for over 95% of GDP, with gaming as its main economic activity accounting for roughly half of the GDP in 2018.¹ In 2019, Macao had one of the highest per capita incomes in the world, of about USD 79,977. Before COVID-19, the MSAR was expected to become the economy with the world's highest GDP per capita in 2020. However, since the World Health Organization (WHO) declared the pandemic in March 2020, revenues fell drastically due to a temporary shutdown of the casinos and the sharp decline in visitors from continuing travel restrictions imposed due to health concerns in the wake of the pandemic.² For instance, compared to 2019, several months in 2020 had experienced a steep decline in the monthly gross revenue of games of fortune for up to 97% compared to the same month a year before.³ Overall, the fiscal year 2020 recorded a real GDP growth for Macao of minus 56.3 %.⁴ In April 2021, however, ranking from the International Monetary Fund (IMF) moved the MSAR up by 13 positions from 25th in 2020 to 12th in 2021.⁵

Since substantial fiscal surpluses were posted before 2020, it was possible to mitigate the negative effects of the pandemic on the economy caused by decreased direct taxes from gaming. The government put in place several fiscal packages to offset the negative effects of COVID-19 on economic activities, including cash handouts to residents, additional health spending, transfers to eligible employees, transfers to certain services providers and utilities free of charge for residents for three months to mention but a few.⁶

Due to improved conditions based on measures facilitating travel at least between the MSAR and Mainland China, the situation has gradually improved, although uncertainties remain and future developments largely depend on the detection of new cases of COVID-19 in Macao and in Hong Kong as well as Mainland China. In March 2022 there was still a high level of uncertainty not only because

¹ WTO Secretariat, "Trade Policy Review: Macao, China", WT/TPR/S/402 (10 November 2020) at 7.

² Vera Lúcia Raposo and Man Teng Iong, "The struggle against the COVID-19 pandemic in Macao", (2020) *BioLaw Journal/Rivista de Biodiritto* 747-752; available at: <https://www.biodiritto.org/content/download/3898/45987/version/1/file/68+Raposo+Iong.pdf>.

³ Gaming Inspection, and Coordination Bureau (DCIJ), "Monthly Gross Revenue from Games of Fortune"; http://www.dicj.gov.mo/web/en/information/DadosEstat_mensal/2020/index.html.

⁴ Knoema, "World Data Atlas: Macau – Gross domestic product in constant prices growth rate"; <https://knoema.com/atlas/Macau/Real-GDP-growth>.

⁵ IMF, "World Economic Outlook database: April 2021"; <https://statisticstimes.com/economy/projected-world-gdp-capita-ranking.php>.

⁶ WTO Secretariat, "Trade Policy Review: Macao, China", WT/TPR/S/402 (10 November 2020) at 7.

of the pandemic, but also the current process to restructure the gaming industry in the context of the amendment of the gaming law and pending renewal of the casino licenses, which will now expire in December 2022.⁷

As a last important element important for online education is also to mention that as from 2019 onwards, 86.5% of the population of the MSAR had access to Internet compared to 61.3 % in 2012.⁸

Before looking more closely at the status of both online and offline legal education in the MSAR, it is useful to first highlight some of the special and unique legal features of the MSAR that are enshrined in the Macao Basic Law. Following that, the report provides a brief overview of the organization of the legal profession and legal education in Macao. Last, the various concrete measures taken in the time of the pandemic towards online legal education will be presented, before the conclusion ends with a short summary and an outlook to the future of legal education in the MSAR.

1.1. MACAO'S UNIQUE LEGAL FEATURES

From a historical perspective, Macao is special because of its former status as a Portuguese administered territory which lasted for several centuries until 20 December 1999, when the PRC resumed the exercise of sovereignty over Macao.⁹ Legally, Macao is since then governed by the Macao Basic Law (MBL), adopted by the National People's Congress pursuant to Article 31 of the PRC Constitution.¹⁰ This article implements the so-called "One Country, Two Systems" principle, which provides the constitutional basis for the establishment of SARs, such as those of Macao and Hong Kong.¹¹

⁷ Pedro Cortés, "Macao Gaming Industry 8.0 – Public Policy Beyond 2022" (2021) 25(2) *Gaming Law Review* 50-65 and Changbin Wang, "Regulations and Practice of Casino Reversion in Macao: What Further Should Be Done?" (2022) 26(1) *Gaming Law Review* 2-9.

⁸ WTO Secretariat, "Trade Policy Review: Macao, China", WT/TPR/S/402 (10 November 2020) at 11 and 100.

⁹ See also Richard Louis Edmonds and Herbert S. Yee, "Macao: From Portuguese Autonomous Territory to Chinese Special Administrative Region" (1999) 160 *The China Quarterly* 801 and Yash Ghai, "The Basic Law of the Special Administrative Region of Macau: Some Reflections" (2001) 49(1) *The International and Comparative Law Quarterly* 183.

¹⁰ The Basic Law of the Macao Special Administrative Region of the People's Republic of China (MBL) (Adopted at the First Session of the Eighth National People's Congress on March 31, 1993 and promulgated by Order No.3 of the President of the People's Republic of China on March 31, 1993, and effective as of 20 December 1999); *Lei Básica da Região Administrativa Especial de Macau da República Popular da China*; available at: <https://bo.io.gov.mo/bo/i/1999/leibasica/index.asp>.

¹¹ Article 31 of the Constitution of the People's Republic of China (PRC) adopted at the 5th Session of the 5th National People's Congress and promulgated for implementation by the Announcement of the National People's Congress on 4 December 1982.

The Macao Basic Law established the MSAR as “an inalienable part” of the PRC and, as such, authorizes it “to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication”.¹² This far-reaching autonomy also gives Macao a truly unique status of a “glocal” (both global and local) player.¹³ This is manifest, for instance in the right to use its own regional flag and emblem in addition to the national flag and emblem of the PRC.¹⁴ It is also reflected in its right to actively participate in international organizations, including membership in the World Trade Organization (WTO)¹⁵ and the International Monetary Fund (IMF)¹⁶ as well as associate membership in UNESCO.¹⁷

In practice it means that the MSAR enjoys a wide range of local and even external powers, with the important exceptions of foreign affairs and defence, which are to be exercised by the PRC government.¹⁸ This autonomy also extends to education policy, laid down in Article 121 MBL as follows:

Chapter VI Culture and Social Affairs

Article 121

The Government of the Macao Special Administrative Region shall, on its own, formulate policies on education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the recognition of educational qualifications and the system of academic awards so as to promote educational development.

The Government of the Macao Special Administrative Region shall, in accordance with law, gradually institute a compulsory education system.

¹² Articles 1 and 2 MBL, *supra* note 10. At the same time, several laws apply nation-wide and a list of the national laws applicable in the Macao SAR are included in the Annex III of the Macao Basic Law.

¹³ Rostam J. Neuwirth, “Governing ‘Glocalisation’: A View from the Macau Special Administrative Region of China” (2011) 3(1) *City University of Hong Kong Law Review* 89.

¹⁴ Rostam J. Neuwirth, “The Regional Flag of the Macau Special Administrative Region (SAR) of the People’s Republic of China: A Synaesthetic Exploration” in Anne Wagner and Sarah Marusek (eds.), *Flags, Color, and the Legal Narrative – Public Memory, Identity, and Critique* (Berlin: Springer International, 2020).

¹⁵ World Trade Organization (WTO), “WTO Members and Observers”; https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm.

¹⁶ International Monetary Fund (IMF), “Macao Special Administrative Region of the People’s Republic of China”; <http://www.imf.org/en/Countries/MAC>.

¹⁷ UNESCO, “List of the 195 Members (and the 11 Associate Members) of UNESCO”; http://www.unesco.org/eri/cp/ListeMS_Indicators.asp.

¹⁸ Articles 13 and 14 MBL, *supra* note 10. While the Macao SAR enjoys a high degree of autonomy, the Central People’s Government shall be responsible for the foreign affairs relating to the Macao Special Administrative Region. The application of the PRC’s international treaties in Macao are decided by the Central Government on case-by-case basis in accordance with the needs of the Macao SAR and in consultation with the local government.

Community organizations and individuals may, in accordance with law, run educational undertakings of various kinds.

Furthermore, Article 122 MBL stipulates that “all educational institutions in the Macao Special Administrative Region shall enjoy their autonomy and teaching and academic freedom in accordance with law” and enjoy further freedoms related to their activities.

Finally, the Macao legal system is often described as belonging to the civil law family (or “Roman-German” or “continental European” tradition) due to its close historical ties with the Portuguese legal system.¹⁹ It is further supported by its close ties to the legal system of the PRC. However, due to further influences from the neighbouring Hong Kong SAR, which is usually classified as belonging to the common law tradition,²⁰ as well as other factors, the legal system of Macao has also been classified as “mixed” or “hybrid” legal system.²¹ For instance, since the Macao legal system belongs to the civil law family, the judgments of the courts do not enjoy the status of case law due to the absence of the *stare decisis* principle. At the same time, the jurisprudence of Macao courts is not entirely irrelevant for the interpretation of the legal rules, especially in cases regarding novel legal issues and those not covered in the legislation.

A further important element contributing to the unique characteristics of the Macao legal system in general, and of great relevance to its legal education in particular, is the strong prevalence of linguistic pluralism.²² This is first enshrined in the MBL itself, which in Article 9 states that “[I]n addition to the Chinese language, Portuguese may also be used as an official language by the executive authorities, legislature and judiciary of the Macao Special Administrative Region”.

The bilingual characteristic and parallel use of Chinese and Portuguese has also strongly influenced the legal system as well as the system of legal education.²³ In fact, Macao’s legal system, its educational and even daily life have also strong

¹⁹ Paula Nunes Correia, “The Juridical System of Macau: A Comparative Law Perspective”, in Manuel Trigo (ed.), *Report on Macau Law* (Macao/Hong Kong: University of Macau/LexisNexis, 2014) at 10-14, Raquel Ferreira Alves, “Macao Special Administrative Region of People’s Republic of China Jurisdiction” (May/June 2017), *GlobaLEX* (New York University); available at: <http://www.nyulawglobal.org/globalex/Macau.html> and Alexandr Svetlicinii, “Introduction to Macao Law”, in *Legal Systems of Asia: A Short Guide* (Korea Legislation Research Institute, 2016), at 39-51.

²⁰ Paulo Cardinal, “Fundamental Rights in Macau: From Territory under Portuguese Administration to Special Administrative Region of the PRC” in Jorge Godinho (ed.), *Studies on Macau Civil, Commercial, Constitutional and Criminal Law* (Hong Kong: Lexis Nexis, 2010) 1 at 7.

²¹ Ignazio Castellucci, “Legal Hybridity in Hong Kong and Macau”, (2012) 57 *McGill Law Journal* 665.

²² Andrew Moody, *Macau’s Languages in Society and Education: Planning in a Multilingual Ecology* (Cham: Springer, 2021).

²³ Salvatore Casabona, “The Law of Macau and Its Language: A Glance at the Real Masters of the Law” (2012) 4(2) *Tsinghua China Law Review* 223-254 and Tong Io Cheng, “Linguistic Pluralism and the Legal System of Macau” (2020) 7(1) *Journal of International and Comparative Law* 183.

traits of multilingualism, first given the parallel usage of Mandarin and Cantonese as well as the English language. English had already back in the 1980s been considered a significant language in Macao, but has also gained importance given Macao's role as a world casino hub and as a language of instruction in education.²⁴

In sum, these different legal and other characteristics of the MSAR establish it not only as a unique global player in the world but also a very fruitful micro-laboratory for research in different areas, including notably law and legal education. These and other characteristics also make it a curious place to inquire into the relationship between offline and online legal education, as another final unique characteristic attributed to Macao is its reputation as a place where multiple opposites meet and eventually often become reconciled.²⁵

1.2. BACKGROUND: LEGAL PROFESSION, UNIVERSITIES AND IT SYSTEMS GENERALLY

1.2.1. *The Legal Profession in the MSAR*

The entry to Macao legal profession has been regulated by the Statute of Lawyers 1991 as amended in 1995 (the “Lawyers Statute”)²⁶ and Access to Legal Practice Regulation 1999, promulgated by the Macao Association of Lawyers (AAM)²⁷ as updated on 16 May 2017 (“Access to Advocacy” or “ATA Regulation”)²⁸. Only the lawyers and trainee lawyers registered with the AAM are permitted to perform activities of the legal profession including the exercise of judicial mandate and provision of legal advice.²⁹ While the estimated number of registered lawyers is around four hundred and sixty, the total of the trainee lawyers

²⁴ Werner Botha, “English-Medium Instruction at a University in Macau: Policy and Realities” (2013) 32(4) *World Englishes* 461–475 and Werner Botha and Andrew Moody, “English in Macau” in Kingsley Bolton, Werner Botha and Andy Kirkpatrick (eds.), *The Handbook of Asian Englishes* (Hoboken: John Wiley, 2020) 529-546.

²⁵ Benjamim Videira Pires, *Os extremos conciliam-se: (transculturização em Macau)* (Macao: Instituto Cultural de Macau, 1988) at 213-215.

²⁶ Decree-Law No. 31/91/M as amended by Decree-Law No. 42/95/M.

²⁷ *Associação dos Advogados de Macau*, <https://www.aam.org.mo/>.

²⁸ See Regulation BO no. 50/1999 promulgated by the Macao Public Association of Lawyers (AAM) as updated on 16 May 2017.

²⁹ However, the Lawyers Statute and the ATA Regulation recognizes that university law professors may provide written legal opinions without considering themselves as practicing law and legally qualified law graduates serving as civil servant may provide legal advice as part of their duty, albeit waiving the requirement of having to formally register as a lawyer with the AAM. See Article 11 (2) and (3), Decree-Law No. 31/91/M and Article 1 (2) and (3), Regulation BO no. 50/1999.

is projected to be around one hundred and twenty.³⁰ As part of the training, the AAM organizes training courses on professional ethics and practice areas relating to litigation, registration and notarization. Moreover, to supplement the training, attendance to seminars, conferences or other activities beneficial to the practice may also be required.³¹ Although the AAM is the body comparable to the bar association in other jurisdictions, it enjoys a special status in the Macao legal system as a public association.³² The AAM not only enjoys exclusivity in registering lawyers but also is the only public sector association endowed with regulatory powers.

The Lawyers Statute and the ATA Regulation govern the entry requirements to the profession as well as various aspects of the legal practice. For example, the lawyers who are civil servants or administrative agents are prohibited from practicing law in matters connected with their employment in public or administrative services.³³ Similarly, the activities or functions of certain vocations, which have the potential to undermine the independence and dignity of the profession, are declared as incompatible with the practice of law.³⁴ Such incompatibility could arise irrespective of the nature and type of rendering of the said activity or function or

³⁰ Associação dos Advogados de Macau, Advogados, <https://aam.org.mo/os-advogados/advogados/page/47/> and Associação dos Advogados de Macau, Estagiários, <https://aam.org.mo/os-advogados/estagiarios/page/12/>.

³¹ Article 25 (1) and (3) of Regulation BO no. 50/1999. There is no specific reference or prohibition to online offering of the training courses or online attendance of the seminars and other activities. However, given the wider use of online tools in university legal education, as well as in its seminars and conferences organized online, participation in such events should gain general recognition to satisfy relevant requirements. For the scope of online legal education in neighbouring Hong Kong see the draft report of Lui, Wilson and Lee, Alice Suet Ching, Online Legal Education in Hong Kong (January 31, 2022). University of Hong Kong Faculty of Law Research Paper No. 2022/03, Available at SSRN: <https://ssrn.com/abstract=4019847>.

³² AAM enjoys a privileged legal status of public association in comparison with the local bar associations in some neighbouring jurisdictions. For example, in the neighbouring Hong Kong SAR, the Hong Kong Bar Association is registered under the Societies Ordinance under which any club, company, partnership or association of persons, whatever the nature or objects could be registered as a legal person. See 2(1) of the Hong Kong Societies Ordinance (Cap. 151).

³³ The prohibition is mandated if the civil servants or administrative agents are even in the situations of retirement or inactivity or on unpaid leave or on reserve. Similarly, the SAR Legislative Assembly (LA) members and municipality councillors are not permitted to exercise judicial mandate in certain prescribed circumstances. See Article 22, Decree-Law No. 31/91/M and Article 3 of Regulation BO no. 50/1999.

³⁴ The vocations, which activities or functions are declared as incompatible to the practice of the profession, includes incumbents or members of governmental bodies and certain people serving in the offices of those bodies (excluding the members of the LA); prosecutors, employees and agents of the courts; certain people serving in the municipal bodies; notaries, registrar, official and agents of the notary and registration services; employees and agents of public services (excluding teachers in public institutions); serving members of the armed or military forces; certain brokers and auctioneers; and any vocation that by virtue of their nature or the special law governing them are considered as incompatible with legal practice as well as vocations that contractually mandates exclusive dedication. See Article 21 (1), Decree-Law No. 31/91/M and Article 2 (1), Regulation BO no. 50/1999.

designation, mode of remuneration, and the legal regime under which they are rendered.

Four key entry requirements must be satisfied by all persons seeking to enrol as a lawyer in Macao. First, enrolment requires a law degree from a university in Macao or any other law degree that is recognized in Macao. Secondly, a legal traineeship (internship or pupillage) for a prescribed period must be completed. Thirdly, a written declaration from the candidate confirming the absence of incompatibilities for the exercise of the profession shall be submitted. Fourth, the absence of any other restrictions to the right of registration should be proved by the furnishing of a no-criminal-record certificate and a written declaration by the candidate.

These restrictions on the right to registration are identified by the Lawyers Statute and the ATA Regulation, which prescribe a list of persons with certain characteristics whose registration as a lawyer can be refused. Such persons include those who are morally unfit to practice including those convicted of gravely dishonourable crime; those who have no full enjoyment of civil rights; those who lost the capacity to administer people and assets by virtue of a final sentence; those who suffer incompatibility or inhibition in legal practice; those who lack professional qualifications to practice law and specifically magistrates and employees, who were dismissed, retired or inactivated due to lack of moral integrity. The process of the 'verification' and 'declaration' of the moral integrity for the purpose of any of these grounds must follow prescribed procedures including requirements of specific disciplinary proceedings and approval by the Superior Advocacy Council (SAC).³⁵ Criminal conviction as a bar to seeking registration is relaxed in case of rehabilitated convicted persons under certain conditions.³⁶

In addition to the four standard entry requirements, the candidates seeking enrolment as a lawyer with a law degree obtained from outside Macao must satisfy additional conditions. First, such candidates must complete the attendance of a prescribed course on adaptation to the Macao legal system.³⁷ However, the requirement of attendance in the adaptation course is exempted in certain cases.³⁸

³⁵ The Lawyers Statute recognizes SAC as the professional disciplinary body with exclusive disciplinary jurisdiction over lawyers and trainee lawyers and elaborates its characterization, competence, composition, mandate and rules of deliberation. See Articles 2, 4, 5, 6, 9, 10, 40 and 41 of Decree-Law No. 31/91/M and Articles 4, 10 and 41 of Decree-Law No. 42/95/M.

³⁶ The conditions include that the relevant inquiry proves the manifest dignity of the applicant in the last three years of the five-year period and establishes that a complete moral recovery is reached.

³⁷ Article 4 (2) Regulation BO no. 50/1999.

³⁸ For example Macao law professors with an academic masters or higher with a teaching experience of more than two academic years in a university in Macao and former judicial magistrates, prosecutors, registrars and notaries, who have served more than two years in Macao with the last classification of "Very Good", are exempted from the adaptation course. Moreover, the AAM also has the power to grant such exemption to law graduates from universities in countries with

The objective of the adaptation course is to study the legal system of Macao as well as the specificities in relation to the associated legal systems. Although, the AAM is endowed with the responsibility for the general orientation of the course, it has the power to recognize courses offered by reputable entities in Macao with an identical value.³⁹ The AAM not only prescribes the duration of the adaptation course but also its structure. While prescribing a general duration of a minimum twelve months to a maximum of fifteen months, the ATA Regulation recognizes the freedom of AAM to exceptionally reduce the duration of the adaptation course (with a guaranteed module on introduction to Macao legal system) for law graduates from universities in countries with similar legal systems to Macao. Regarding structure, the ATA Regulation mandates six specific modules covering the introduction to Macao legal system, private international law, administrative law, civil law, commercial law and criminal law. In addition to prescribing specific modules, the ATA Regulation also provides the assessment method to be adopted at the end of each module.⁴⁰

Second, the candidates seeking enrolment as a lawyer with a law degree obtained from outside Macao are required pass the exams for admission to the internship, and the AAM is endowed with the power to prescribe the nature and content of those exams. Failure in the admission test imposes a two-year waiting period before providing the possibility of repeating the test.

Specific entry requirements to the legal profession in Macao have been subjected to judicial interpretations in legal disputes challenging certain related decisions of the AAM, involving candidates seeking enrolment as a lawyer with a law degree obtained in Macao as well as candidates seeking the enrolment with a law degree obtained from outside Macao. In 2013, the decision of AAM not to permit a candidate with the law degree conferred by the Macau University of Science and Technology to enter the internship training on the grounds that the degree program did not contain mandatory courses on Macao law was challenged by the candidate before the administrative court. The decision of the administrative court granting the challenge was subsequently appealed by the AAM in the Court of Second Instance. Although the appeal was partially granted on certain technical grounds, the Court basically held that the AAM cannot deny enrolment on the ground that the

legal systems similar to Macao and who have gained more than two years of experience in exercising legal functions in Macao, which by their very nature and extent provides for adequate grasp of the legal system in Macao.

³⁹ For example, the Introduction to Macao Law Program offered by the Faculty of Law, University of Macau is recognized by the AAM as the program with identical value, the completion of which will satisfy the requirement of the adaptation course.

⁴⁰ The assessment method for the modules is derived from the method (with necessary adaptation) prescribed for evaluation of certain other modules mandated during the internship period, which is required subsequent to the completion of the adaptation course for the successful entry into the profession as a lawyer. See Article 17 (4), Regulation BO no. 50/1999.

degree in question did not correspond to a degree in Macao law, especially when that degree has been duly authorized and approved by the government.⁴¹

Judicial challenges have also been mounted in cases of candidates seeking enrolment as a lawyer with a law degree obtained from outside Macao. In 2014, the Court of Second Instance was asked to determine a challenge against the decision of the AAM not to approve the participation of a candidate in the first phase of the internship admission test on the grounds that the candidate completed a four year law degree offered by Huaqiao University in China in a span of three years and the total teaching hours of legal subjects in the qualified degree program were less than the total teaching hours of law courses in the law degree of University of Macau. In addition, reasons like more than one third of the credits in the degree program in question being allocated to non-law subjects and a lack of any class time for studying Macao law also precipitated the decision not to approve the candidate's participation in the admission test. The Court held that the qualification of the candidate cannot be refused recognition on the basis that the candidate, out of personal earnest efforts, has completed the requirements of the degree program one year earlier than the normal study period. The Court also found that there was a mistaken belief as to the extent of credits in non-law subjects and reason of insufficient teaching hours of Macao law cannot form the basis of the decision not to recognize the degree. Consequently, the Court held that the decision of AAM not to recognize the degree of the candidate in the instant case was flawed and it was an unreasonable exercise of discretionary powers.⁴²

In 2018, a candidate challenged the decision of the AAM rejecting his application for granting exemption from the internship requirement for registration as a lawyer. The candidate sought an exemption under Article 19 (4) (a) of the 1991 Lawyers Statute, granting exemption to law professors with a master's or higher degree along with a university teaching experience in Macao for more than two years. Although, the candidate had obtained the law degree from Jinan University, which is situated in Mainland China, the recognition of the degree was successfully obtained from the higher education authority of Macao in 2000. In addition, the candidate had also successfully completed the Introduction to Macao Law course and a Master of Law degree from the University of Macau. Although the candidate seemed to have satisfied all the requirements for seeking and exemption from the internship, the AAM rejected his application on the ground that the recognition of the candidate's law degree, which was approved by the education author-

⁴¹ Case No 664/2013, Administrative Appeal Decision rendered on 23 October 2014 by the Court of Second Instance of Macao SAR. Irrespective of the outcome of this specific case, the decision is perceived to have recognized that the knowledge of Macao Law is of decisive importance for the exercise of legal professions in the SAR.

⁴² Case No 775/2014, Decision rendered on 14 April 2016 by the Court of Second Instance of Macao SAR.

ity under the Decree Law No. 39/93/M, was subsequently revoked by the Administrative Regulation No. 26/2003 and the verification of the academic qualification under the regulation rendered the degree not suitable for registration as a lawyer due to its taught components as well as the effective teaching time of the classes not satisfying the regulation. However, the decision of the AAM was quashed by the administrative court, which held that recognition of academic qualification of the candidate is long lasting and such recognition is not limited only to the period in which Decree No. 39/93/M was in force. Therefore, it was held that AAM did not enjoy the discretion to seek the verification of the academic qualifications under the Administrative Regulation No. 26/2003. Upon an appeal by the AAM, the Court of Second Instance concurred with the administrative court.⁴³

1.2.2. Higher Education Institutions in the MSAR

Despite its small size and population of little more than 682,500 inhabitants,⁴⁴ Macao hosts several higher education institutions including several universities, both public and private. Among those, three universities offer comprehensive legal education in Macao, although only the University of Macau (UM) offers legal programs qualifying for admission to the local bar. It is the only public comprehensive university in Macao, founded in 1981.⁴⁵ At present, UM offers legal undergraduate and postgraduate programs in Chinese and Portuguese languages as well as postgraduate (Master and PhD) in English language. The other two are both private universities: the Macau University of Science and Technology (MUST), founded in 2000⁴⁶ and the City University of Macau (CityU), which was originally founded as the University of East Asia in 1981 but renamed in 2011.⁴⁷

⁴³ Case Number 1097/2018, Decision rendered on 2 July 2020 by the Court of Second Instance of Macao SAR.

⁴⁴ Government of Macao Special Administrative Region, Statistics and Census Service, “Statistics”; <https://www.dsec.gov.mo/en-US/>.

⁴⁵ University of Macau (UM); <https://www.um.edu.mo>.

⁴⁶ Faculty of Law of the Macau University of Science and Technology (MUST); <https://www.must.edu.mo/en/fl>.

⁴⁷ School of Law of the City University of Macau (CityU); <https://sol.cityu.edu.mo/>.

The University of St. Joseph (USJ) is a private Catholic university founded in 1996, which offers a master program in law in English language as part of its Faculty of Business and Law.⁴⁸ Other higher education institutions in Macao include:⁴⁹

- Macao Institute for Tourism Studies;⁵⁰
- Kiang Wu Nursing College;⁵¹
- Macao Polytechnic Institute;⁵² and
- Macau Millennium College.⁵³

Overall and given its small size, Macao offers a great variety of higher education institutions, as the Government declares:

Macao currently has 4 public and 6 private higher education institutions, including integrated education-based and research-based universities, multidisciplinary polytechnic institutions focused on applied education, as well as professional institutions that focus on training tourism and exhibition and meeting planners, gaming specialists, paramedics, and other management professionals.

Even though Macao's modern higher education institutions have a relatively short history, they have developed and flourished during the past 30 years, attracting an increasing amount of non-local students.

At the same time, in recent years, over 50% of local high school graduates stay in Macao to further their education. Macao's higher education institutions are attractive to both locals and non-locals alike.⁵⁴

⁴⁸ University of Saint Joseph (USJ) (formerly Inter-University Institute), Master Programme of Lusophone and International Public Law; <https://www.usj.edu.mo/en/courses/ma-lusophone-international-public-law>.

⁴⁹ Education and Youth Development Bureau (DSEJ) of the Government of the Macao SAR, "Higher Education Institutions"; https://portal.dsedj.gov.mo/webdsejspace/internet/Inter_main_page.jsp?id=77748.

⁵⁰ The Macao Institute for Tourism Studies (IFTM), "General Information" (The IFTM was established in 1995 as a public institution of higher education in Macao that offers degree programmes and professional training in tourism and hospitality. It is under the supervision of the Secretary for Social Affairs and Culture of the Government of Macao Special Administrative Region); <https://www.iftm.edu.mo/>.

⁵¹ Kiang Wu Nursing College of Macau (KWNC), founded in 1923, is a subsidiary institution of Kiang Wu Hospital Charitable Association (KWHCA); http://www2.kwnc.edu.mo/?page_id=5481.

⁵² Macao Polytechnic Institute (MPI) is a public higher education institution with an emphasis on applied knowledge and skill; <https://www.ipm.edu.mo/en/index.php>.

⁵³ The Macau Millennium College was founded in August 2001 by well-known educators and businessmen in Hong Kong and Macao and soon recognized by the Macao SAR government as a private institution of tertiary education in Macao.; <https://www.mmc.edu.mo/>.

⁵⁴ Education and Youth Development Bureau (DSEDJ), "Institutions' Information"; <https://portal.dsedj.gov.mo/webdsejspace/site/studyinmacau/en/institutions.html>.

In sum, the Macao Government has repeatedly expressed its intention to work to enhance the quality of tertiary education and promote its sustainable development.⁵⁵ In line with the generally strong economic data, major investments in infrastructure as well as the high Internet penetration rate, the Macao Government has also provided the necessary resources to achieve the goals set in the field of education. In a recent interview, the former rector of UM has also stated that “higher education in Macau has developed fast with very good government funding”.⁵⁶

2. MOVES TOWARDS ONLINE LEGAL EDUCATION

2.1.1. *Anti-Epidemic Measures and Moves Towards Online Legal Education at the University of Macau*

The epidemic situation with the COVID-19 pandemic has been an important factor for the move towards online legal education in MSAR. The following account summarizes the experiences at UM, the only comprehensive public research university in the SAR. The pandemic had brought it considerable hardship and numerous cost-saving measures were introduced, which affected especially the funding for a variety of research activities. Perhaps as a direct consequence, but also as part of a SAR-wide outlook, in early 2021 UM announced it would increase its bachelor degree tuition fees for residents and non-resident students for the 2021/2022 academic year. For example, the tuition fees for local Macao resident were reported to have “increased by 21 per cent for four-year and five-year bachelor degrees to MOP120,000 [about USD15,000], and MOP150,000 [USD18,500], respectively.”⁵⁷ The UM Five-Year Development Plan (2021-26) provides for an increase in the number of postgraduate students, which will bring the total student body from the current 12,000 to about 17,000 students.⁵⁸

⁵⁵ The Government of the Macao Special Administrative Region, “Policy Address for the Fiscal Year 2021: Strengthening the foundation for consolidation Tackling challenges head on” (2021) at 37; https://www.gov.mo/en/wp-content/uploads/sites/2/2021/01/2021_policy_e.pdf.

⁵⁶ João Paulo Meneses, “Special Report – “Higher education in Macau has developed fast with very good government funding” *Macau Business* (28 March 2021); <https://www.macaubusiness.com/special-report-higher-education-in-macau-has-developed-fast-with-very-good-government-funding/>.

⁵⁷ Nelson Moura, “University of Macau increases bachelor degree tuition fees,” *Macau Business* (10 March 2021); <https://www.macaubusiness.com/university-of-macau-increases-bachelor-degree-tuition-fees/>.

⁵⁸ University of Macau, Five-Year Development Plan (Academic Years 2021/22-2025/26) (Outline), https://www.um.edu.mo/wp-content/uploads/2021/12/UM-Five-Year-Development-Plan_EN.pdf.

For international students, they were still subject in March 2022 to travel restrictions, which have caused a lot of hardship to the existing UM students who could not return after the holidays in early 2020. The date for their return is still not in sight. However, as most non-resident students come from China Mainland, with which travel restrictions were generally lifted, there was no decrease in student numbers. To the contrary, at least in terms of application numbers, it seems that the global travel restrictions imposed by various countries had the effect of diverting the applications by students from China Mainland to Macao and possibly other destinations.

Table 1: student enrolment in University of Macau, Faculty of Law (2019-22) ⁵⁹			
Program	Macao residents	Non-residents (including China Mainland, Hong Kong SAR, Taiwan, foreign countries)	Total
Registered students in AY 2019/2020			
Bachelor	569	31	600
Master	163	202	365
Doctoral	14	72	86
Registered students in AY 2020/2021			
Bachelor	590	32	622
Master	174	237	411
Doctoral	16	68	84
Registered students in AY 2020/2021			
Bachelor	606	22	628
Master	114	227	341
Doctoral	14	67	81

While a significant part of its student body comes from China Mainland, with the outbreak of novel coronavirus and imposition of travel restrictions, the UM was faced with a situation where many students would not be able to return to campus after the 2020 Chinese Lunar New Year holidays. On 23 January 2020, the UM established the Task Force for Pneumonia Prevention and Control,⁶⁰ which began coordinating various anti-epidemic activities including the adjustments to the teaching process. Initially, the resumption of classes after the 2020

⁵⁹ The data is extracted from University of Macau, Facts & Figures, <https://www.um.edu.mo/about-um/quick-facts/>.

⁶⁰ University of Macau (UM), “Task force for Pneumonia Prevention and Control”; <https://www.um.edu.mo/task-force-for-pneumonia-prevention-and-control/>.

mid-year recess was postponed to February 11. Since the MSAR Government ordered further postponement of the resumption of classes in higher education institutions, the UM has switched to online teaching and learning following the principle “Keep Learning Amid Class Suspension”.

As shown in Table 1 above, most undergraduate students in UM Faculty of Law are local residents. The university has decided to resume on-site classes for the graduating bachelor students from 20 April 2020 to allow them to complete the remaining coursework without major changes or disruptions. For all other students, including postgraduates, e-learning continued until the end of the second semester of the academic year 2019/2020.⁶¹ Master and PhD thesis defences were allowed to resume from 4 May 2020 and the graduating students were allowed to apply for return to campus in order to take part in the thesis defence.

The following learning resources were available to the UM students during the e-learning period: electronic resources of the UM Library;⁶² massive open online courses (MOOC) created by UM experts and scholars on XuetangX,⁶³ distance learning materials, including lectures and discussions, on the UM Moodle⁶⁴ online learning platform. The e-learning at the UM was essentially based on the combination of using Zoom for online meetings and Moodle for out-of-class activities. The Information and Communication Technology Office (ICTO) has provided technical guidance to the students and faculty members on the use of these platforms.

The MSAR Higher Education Bureau (DSES) Guidelines on the start of the academic year 2020/2021 for higher education institutions were issued on 19 August 2020 and required the universities to set out requirements for course syllabus, assignments, teacher-student interaction, assessment, etc. Where the online teaching was carried out by means of live-streaming webinars and there was a risk of communication disruptions, the universities were required to provide the recordings of the online classes. To ensure the quality of online education, the DSES also required teaching staff to keep the records of course syllabus, teaching materials, records of teacher-student interactions, student attendance records, and assessment reports.

The academic year 2020/2021 started on 7 September 2020 with on-site teaching while observing certain social distancing measures. Classes of up to 100 students were conducted face-to-face. Classes of 100 to 200 students were divided

⁶¹ Government of the Macao SAR, Health Bureau, “Prevention of Novel Coronavirus Pneumonia – Advice on Class Resumption for Higher Education Institutions” (25 February 2020); https://www.ssm.gov.mo/docs/17595/17595_2a7ce23c856c4f17b9f73137d99f3269_000.pdf

⁶² University of Macau, Wu Yee Sun Library, “Databases”; https://library.umac.mo/html/databases/e_databases.asp

⁶³ University of Macau, “MOOC Creativity”; https://www.xuetangx.com/courses/course-v1:UMX+CRT101+2018_T4/about

⁶⁴ UMMOODLE (The electronic course management system of the University of Macau); <https://ummoodle.um.edu.mo/>

into two groups according to the number of students, with each group participating in face-to-face and online classes in rotation. Classes of more than 200 students were conducted entirely online. In addition, UM also offered e-learning to students who were unable to enter MSAR due to travel restrictions imposed by the government. As a result, UM entered a phase of hybrid teaching, requiring most teaching staff to conduct face-to-face classes while allowing for the online participation via Zoom to the students who were unable to return on campus. The hybrid teaching mode was applied in the UM for the two semesters in the academic year 2020/2021.

Shortly before the start of that year, however, the MSAR detected its first local cases of COVID-19 Delta variant. Under an Executive Order, following an evaluation by Macao's Novel Coronavirus Response and Coordination Centre, the MSAR entered a state of immediate prevention, on 3 August 2021, regarding risk of a local COVID-19 outbreak.⁶⁵ As a result, the UM temporarily moved all teaching activities online from August 16 to September 15, 2021.⁶⁶ Another suspension of teaching activities occurred during 25-28 September 2021, when the local authorities organized massive testing of the population to trace the local outbreak of COVID-19.⁶⁷ The in-class teaching was resumed on 7 October 2021 while all UM staff and students were required to receive vaccination or periodically present negative COVID-19 test results starting from 25 October 2021.⁶⁸ These arrangements were again disturbed during 5-10 October 2021 for another round of massive testing, which required the resumption of online classes from 11 October 2021⁶⁹ and face-to-face classes from 25 October 2021.⁷⁰

⁶⁵ Macao SAR Government, Information Bureau, "Macao enters state of immediate prevention in relation to COVID-19" (3 August 2021); <https://www.gcs.gov.mo/detail/en/N21HC4RsAt?1>.

⁶⁶ Macao SAR Government, Information Bureau, "UM to resume classroom teaching on 15 Sept" (24 August 2021); <https://www.gcs.gov.mo/detail/en/N21HXwTlE6;jsessionid=EA026EF0F063649034BD69E3863B69C1.app11?0>.

⁶⁷ University of Macau, Important Notice: Teaching arrangement (25 September 2021), <https://www.um.edu.mo/news-and-press-releases/press-release/detail/52554/>.

⁶⁸ University of Macau, To all faculty members and students: in-person teaching at UM will resume on 7 October (2 October 2021), <https://www.um.edu.mo/news-and-press-releases/press-release/detail/52578/>.

⁶⁹ University of Macau, Important Notice: Teaching Arrangements at UM (4 October 2021), <https://www.um.edu.mo/news-and-press-releases/press-release/detail/52579/>.

⁷⁰ University of Macau, To all faculty members and students: face-to-face classes at UM will resume on 25 October (21 October 2021), <https://www.um.edu.mo/news-and-press-releases/press-release/detail/52679/>.

2.1.2. Technical Support for Online Legal Education at the University of Macau

Even before the pandemic, the University of Macau has been actively promoting blended learning,⁷¹ the traditional in-class teaching combined with the application of various e-learning technologies to enhance the student engagement outside the classroom. At the university level, the coordination of these activities was entrusted to the inter-departmental Committee on Teaching and Learning Enhancement (CommTLE). The CommTLE is composed of representatives of all faculties and institutes. It meets on a regular basis for discussions on the development and implementation of the university teaching policies.

The Centre for Teaching and Learning Enhancement (CTLE) is an academic support unit overseen by the Vice-Rector for Academic Affairs. The CTLE is charged with enhancing the quality of teaching and learning through offering specific programs for faculty growth and development. It provides teaching evaluation and enhancement services, professional development courses, educational development projects, research and other professional services. The CTLE has been promoting blended learning through the faculty learning communities (FLCs) consisting of academics from different faculties and institutes engaging in joint professional development activities. The CTLE supported the functioning of two such FLCs: on teaching portfolio and on blended learning. The purpose of this Teaching Portfolio FLC is to help UM academic staff develop one of the key documents reflective of one's professional development as a university teacher. Blended Learning FLC was aimed at helping UM academic staff to develop their own blended learning projects for the courses they are currently teaching.

The CTLE has been helping faculty members with provision of studios with equipped devices and support of student trainees. Instructors have used the CTLE studios for producing their instructional videos, with different levels of assistance requested, ranging from standby of the CTLE's trainees to full support from the CTLE staff (video production plus post-production work, such as video editing). For this initiative, the CTLE did not recommend recording captured on Zoom, as doing so would diminish the sound and image quality of the instructional videos. Furthermore, the CTLE organized various tailor-made workshops for the Blended Learning FLC and offered different forms of resources on the Moodle platform dedicated to this initiative. The CTLE also offered personal consultations for colleagues interested in getting help with the design of their videos or blended learning courses. However, very few members had requested a consultation. This could be due to the fact that professors were required within a short period of time to

⁷¹ Katrine Wong and Chris Fulton, University of Macau, Centre for Teaching and Learning Enhancement, "Implementation and design of blended learning in higher education" (20 October 2020); <https://ctle.um.edu.mo/2020/10/20/implementation-and-design-of-blended-learning-in-higher-education/>.

switch to online teaching, which did not left much room for advanced video recording and editing.

Since development and operation of the blended learning project required additional time and resources from the faculty members involved, the CTLE has supported their efforts by organizing yearly Teaching Assistant (TA) Training Workshop Series. For example, in 2020, 440 postgraduate students completed this year's TA Training Workshop Series with a certificate. 60% of students signed up the workshop series after being told by their respective faculties, while 40% were informed about the workshop series from the university bulletin (UM Today). Over 90% of respondents to a CTLE survey conducted among the workshop participants agreed that the online resources were well organized and thought that the provided videos, readings and assignments were useful and helpful in learning about teaching and learning. 76% of respondents agreed the workshop series should be mandated for the first-year doctoral students while 63% agreed it should be required for all first-year master students.

The Information and Communication Technology Office (ICTO) provides information technology (IT) facilities for general teaching, learning and research activities; adopts or develops IT systems that facilitate the management of teaching and living facilities in campus; explores and promotes the use of most suitable IT systems. The ICTO is primarily responsible for the technical side of online education and offers technical support to the faculty members when using Moodle⁷² and Zoom⁷³ platforms in blended learning or online teaching.

2.1.3. Moodle and Zoom as Primary Platforms for Online Legal Education at the University of Macau

From the outset of implementing e-learning technologies, the UM opted for Moodle and Zoom platforms as primary platforms for online education. Even prior to the COVID-19 pandemic, which forced the move to online teaching, the UM through CTLE has been actively promoting the use of Moodle for sharing teaching materials and conducting various learning activities out of the classroom. Initially, the Faculty of Law was relatively slow in embracing the use of Moodle platform as most professors preferred to rely on traditional in-class teaching with limited out-of-class learning activities. The outbreak of the COVID-19 pandemic has accelerated the process of adopting Moodle for online and hybrid teaching. To assist teachers in using various functions of Moodle, the CTLE has provided concise

⁷² University of Macau, Information and Communication Technology Office, "UMMoodle"; <https://icto.um.edu.mo/teaching-learning-research/ummoodle/>.

⁷³ University of Macau, Information and Communication Technology Office, Quick start to eLearning for teachers; <https://icto.um.edu.mo/teaching-learning-research/quick-start-to-elearning-for-teachers/>.

guidance on: collecting student feedback;⁷⁴ online assessments and exams;⁷⁵ conducting instant polls;⁷⁶ using discussion forums.⁷⁷ The following statistics illustrate the Faculty’s usage of Moodle platform.

Table 2: University of Macau, Faculty of Law Usage of Moodle (2020-21)

Active Undergraduate Courses ⁷⁸			Minimally Active Undergraduate Courses ⁷⁹		
Spring 2020 (active)	Fall 2020 (active)	Spring 2021 (active)	Spring 2020 (min. active)	Fall 2020 (min. active)	Spring 2021 (min. active)
14	1	1	79	41	39

Active Postgraduate Courses			Minimally Active Postgraduate Courses		
Spring 2020 (active)	Fall 2020 (active)	Spring 2021 (active)	Spring 2020 (min. active)	Fall 2020 (min. active)	Spring 2021 (min. active)
20	0	2	83	41	25

The total number of activity log records for undergraduate courses on Moodle in the faculty of law: Spring 2020 (405,033); fall 2020 (217,391); spring 2021

⁷⁴ University of Macau, Centre for Teaching and Learning Enhancement, “Going paperless: Collecting student feedback using UMMoodle” (9 November 2016); <https://ctle.um.edu.mo/2016/11/09/going-paperless-collecting-student-feedback-using-ummoodle-2/>.

⁷⁵ University of Macau, Centre for Teaching and Learning Enhancement, “3 Tips on Online Assessments and Exams” (20 November 2020.); <https://ctle.um.edu.mo/2020/11/20/3-tips-on-online-assessments-and-exams/>

⁷⁶ Chris Fulton, University of Macau, Centre for Teaching and Learning Enhancement, “3 Tips on Polls in UMMoodle” (24 August 2020); <https://ctle.um.edu.mo/2020/08/24/3-tips-on-polls-in-ummoodle/>.

⁷⁷ Chris Fulton, University of Macau, Centre for Teaching and Learning Enhancement, “Two Takeaways from a Meet-up on Discussion Forums in UMMoodle” (7 August 2020); <https://ctle.um.edu.mo/2020/08/07/two-takeaways-from-a-meet-up-on-online-discussion-forums-in-ummoodle/>.

⁷⁸ An active course requires at least three forum posts (in announcements forum, discussion forum or advanced forum) and three files or URLs and one assignment, questionnaire, quiz, or Turnitin assignment.

⁷⁹ A minimally active course requires two forum posts (in announcements forum, discussion forum or advanced forum) and three files or URLs posted.

(194,840). Log records include an event or action performed by a teacher or student, e.g., view a resource, submit a forum post, update an activity, etc.

In March 2020, the CTLE conducted a survey to better understand the experiences and ways in which UM faculty members were using the Zoom platform in their online teaching.⁸⁰ The survey was completed by 138 faculty members. 99% of the respondents used Zoom for online class meetings as it was a UM requirement. 50% and 46% have moved their work meetings and supervision meetings to the Zoom platform. 42% of respondents claimed they have used Zoom both for lecturing and online activities (quizzes, discussions, feedback, etc.). Most respondents pointed to the following three resources that helped them with navigating Zoom: a CTLE step-by-step guide on how to use Zoom for online classes; video demos and blog posts on teaching with Zoom on the CTLE website; and support by the ICTO helpdesk.

Overall, UM faculty members considered that Zoom integration with Moodle facilitated communication and teaching. The respondents noted the following challenges: time and resources needed to refine online teaching materials and activities to align with students' preferences; unstable Internet connections; issues of access to IT systems from the Mainland China; poor quality microphones, headphones and web-cameras; and a lack of software to edit video recordings. The CTLE has also received the feedback concerning the following problems: time lag during screen sharing; disengaged students and the difficulty to track student participation and understanding; lack of interactivity and eye-contact compared to face-to-face teaching in a classroom; lack of the necessary hardware, such as built-in camera, microphone, writing pad, headphone, to facilitate a quality Zoom session, and lack of software to edit video record of the lecture; need to multi-task (simultaneously teach, share/switch screens and read chat discussions); lack of expertise in shooting conditions & techniques such as lighting, presenting a pleasant look in front of camera; and poor applicability to practical/skill-based course teaching requiring step-by-step demonstration.

The above statistics demonstrate that the forced move to the online teaching in spring 2020 due to COVID-19 was the primary factor affecting the use of Moodle platform by the law faculty members. At that time, UM required all teachers to record their classes and make them available via Moodle. A more than 50% drop in Moodle usage starting from fall 2020, continuing to drop in spring 2021, further supports the conclusion that there is limited motivation and ability to maintain blended learning teaching when on-site teaching is possible. The traditional features of legal education, which require the students to jointly engage in problem solving and discussions guided by the teacher in class prompt both the teachers and students to favour face-to-face in-class meetings as opposed to online education. As shown in the Table 3 below, the relatively small class sizes in Master programs taught in English and Portuguese languages permit an active interaction of students and their participation in various in-class learning activities. The results

⁸⁰ University of Macau, Centre for Teaching and Learning Enhancement, "Quick Survey Results: The Ups and Downs of Teaching Online with Zoom" (7 April 2020); <https://ctle.um.edu.mo/2020/04/07/quick-survey-results-the-ups-and-downs-of-teaching-online-with-zoom/>.

of the CTLE survey on using Zoom and the comments provided by the respondents also demonstrate the limitations of the online interaction as opposed to face-to-face contact for problem-solving and group discussion activities frequently practiced in the legal education.

Table 3: class size in Master programs of the University of Macau, Faculty of Law

Program	AY 2019/2020 (number of students in class)	AY 2020/2021 (number of students in class)	AY 2021/2022 (number of students in class)
Master of Law (in Chinese)	81	88	89
Master of International Business Law (in English)	23	21	22
Master of Law in European Union Law, International Law and Comparative Law (in English)	10	14	29
Master of Law (in Portuguese)	14	8	not offered

Last but not least, the use of various online education methods must be monitored closely in line with the wider context, as for instance, the COVID-19 pandemic was found to have aggravated the common mental health problem in adolescent and young adult populations known as “problematic mobile phone use” and “problematic Internet use” or “Internet addiction”.⁸¹ Additionally, a study tracking public opinion about online education since COVID-19 in PRC published in February 2022 revealed that users of Weibo holding “neutral views about online education dropped to 33.04% while those with negative views increased to 51.63%”. It concluded that while the value and benefit of online education are acknowledged, the negative views shown in the datasets should alert us to staying critical about it.⁸²

⁸¹ Dan-Dan Xu et al., “Internet addiction among adolescents in Macau and mainland china: prevalence, demographics and quality of life” (2020) 10(16222) *Scientific Reports* 1-10; doi: 10.1038/s41598-020-73023-1 and Hong Cai et al., “Identification of central symptoms in Internet addictions and depression among adolescents in Macau: A network analysis” (2022) 302 *Journal of Affective Disorders* 415-423.

⁸² Mingming Zhou and Hao Mou, “Tracking public opinion about online education over COVID-19 in China” (2022) *Educational Technology Research and Development* 1-22, at 10 and 18; <https://doi.org/10.1007/s11423-022-10080-5>.

3. CONCLUSION

The MSAR of the People's Republic of China holds a very unique position in the world not only due to its legal system, but also in historic, cultural, linguistic and economic terms. These unique legal characteristics provide great opportunities for the economic development but also pose serious challenges in the area of legal education and training of future lawyers particularly in a rapidly changing local, regional and global context. Thus, this report exemplified some of the particular challenges that legal education in the MSAR faces by looking at the programs offered by the University of Macau. It also cast light on the developments in the specific area of online education both before and during the COVID-19 pandemic with a view of allowing for a short outlook into a "post-pandemic" future.

To briefly summarize, the overview of the legal profession in Macao revealed an innate link between university-level and further legal education and the conditions for seeking license as a legal practitioner in the MSAR. The significance of legal education in Macao law manifests not only in the minimum educational qualification requirements for the entry into the profession but also for the entry into the internship exam, as well as the pupillage. Relevantly, although one of the basic qualification requirements for the entry transcends law degrees obtained locally, any foreign law degree through which the entry is sought should be locally recognized under the relevant regulations and be supplemented with an adaptation course in the local law.

The significance of local legal education in Macao law is evident from the latter requirement and the bifurcation of the relevant legal education in this regard, namely the responsibility of the AAM for the adaptation course, as well as its power to recognize courses offered by reputable entities in Macao. This enables the local higher education institutions to develop viable professional legal education programs. The explicit recognition of the Introduction to the Macao law program offered by the Faculty of Law of the University of Macau by AAM evidences this fact, and the ability of the institution to align its programs to meet the local legal profession entry standards for foreign law degree holders. This is further reinforced by the judicial decision rendered by the Court of Second Instance in the Case 1097/2018, where the court upheld the recognition of the non-local law degree under the old Decree Law, in which one of the factors that was favouring the prayer of the plaintiff was the successful completion of the "Introduction to Macao Law Program". The factual elements leading up to the plaintiff's success in the case demonstrates the decisive role of professionally affiliated and well-designed law courses offered by the local legal education entities.

The analysis of the relevant regulations governing the legal profession in Macao also revealed a range of distinct features pertaining to the recognition of legal education offered by other jurisdictions. Such a recognition manifests not only with regard to the basic law degrees obtained from foreign jurisdictions but also

in other contexts like the power bestowed upon the AAM to grant exemption from attending the adaptation course. By virtue of such a power, law degrees from universities in countries with legal systems similar to Macao gain special treatment as the holders of such a degree (along with an experience in exercising legal functions in Macao) are considered as having adequate grasp of the legal system in Macao. Similarly, the freedom of the AAM to exceptionally reduce the duration of the adaptation course (with a guaranteed module on introduction to Macao legal system) for law graduates from universities in countries with similar legal systems to Macao also shows the special treatment granted to legal education from such jurisdictions.

Finally, it is pertinent to note the paramount role played by the judicial review in ensuring a fine balance between the legal/regulatory recognition of various legal education components from within and outside the MSAR and the discretionary powers conferred upon the AAM, which enjoys a special legal status as the only public sector association endowed with regulatory powers. The judicial review of the various cases analysed in this report supports the inevitable conclusion regarding the indispensable role played by the Macao judiciary in ensuring that the discretion enjoyed by the AAM is not unfettered. Related jurisprudence also confirms that the decisions of the AAM relating to various elements of the legal education like the local law degrees approved by the government, the duration of the legal education, the balance between law and non-law courses, the sanctity of the foreign law degrees that are recognized by the higher education authority, etc. can always be subjected to judicial scrutiny.

The unique features of the Macao legal system as a mixed or hybrid jurisdiction pose not only challenges to the legal profession but also to legal education, which is expected to provide students with a comprehensive understanding of law from both a local and a global perspective. To this end, the UM Faculty of Law has recently taken this necessity into account also in institutional terms by establishing two new internal units, namely first the Department of Macao Legal Studies and second the Department of Global Legal Studies.

The Department of Macao Legal Studies covers mostly bachelor and master programs in law taught in either Chinese, or in Portuguese as well as in both Chinese and Portuguese combined. This department aims to “to respond to the increasing request from the Macao society that the Faculty of Law of UM shall serve the local need with related to legal affairs, by nurturing more students with proficient knowledge and skills of law and by acting as a think tank for the government and public entities”.⁸³

The Department of Global Legal Studies, on the other hand, offers postgraduate courses in Chinese and English language in various specialized legal fields as

⁸³ Department of Macao Legal Studies of the Faculty of Law of the University of Macau; <https://fll.um.edu.mo/department/department-of-macao-legal-studies/>.

well as in law and technology studies. It strives towards achieving “academic excellence, particularly through the teaching of courses, the encouragement to conduct research with a view of training future lawyers capable of handling the present and future challenges of their professions through a sound understanding of law in general and global law in particular.”⁸⁴ It thus takes an inclusive but global dimension by notably “focusing on comparative and interdisciplinary methods which allow to address the interconnections between both the different legal disciplines mutually and between domestic, regional and global law”.⁸⁵

In addition to the institutional challenges, there are also particular challenges to legal education in material terms. Given the rapidly changing context of education and the professions, UM began before the present pandemic to actively promote new teaching methods. Some of these methods also include the use of various learning technologies, which are conducive and supportive of online education. These preparatory steps were highly useful when the COVID-19 pandemic suddenly disrupted the ordinary teaching modes. The shift to online teaching after the outbreak of the pandemic also quickly transformed the format of legal education, which was focused more on classroom teaching and more reluctant to make ample use of the available e-learning tools. As was shown from the past experiences with online legal education at UM, several such electronic learning tools were encouraged to foster out-of-class engagement of the students. The experiments with online legal education were driven by individual faculty members and supported technically by the UM units such as CTLE and ICTO. The blended learning format was thus encouraged but not mandated for the legal education.

The experience with online legal education in the MSAR after the outbreak of the pandemic, manifested both in the local epidemic situation and regional travel restrictions, forced UM as a whole, and the Faculty of Law in particular, to shift to online legal education for one semester in 2019/2020. Due the past preparatory steps, both the University and the Faculty were well prepared technically as the relevant units (CTLE and ICTO) had offered various forms of technical support in operating Moodle and Zoom platforms. At the same time, most of the law faculty members had little or no experience with online teaching. As a result, pandemic situation within Macao and China Mainland improved, UM switched back to regular in-class teaching and the use of online learning platforms (Moodle) has returned back to pre-pandemic levels.

As for the current academic year 2021/22, the semester had initially started on 18 August 2021 exclusively following an online format due to a COVID-19 cluster having been detected a few weeks before. After a compulsory testing of the entire population of Macao between August 6-9, 2021 as well as a testing of all the staff

⁸⁴ Department of Global Legal Studies of the Faculty of Law of the University of Macau; <https://fll.um.edu.mo/department/department-of-global-legal-studies/>.

⁸⁵ Department of Global Legal Studies of the Faculty of Law of the University of Macau; <https://fll.um.edu.mo/department/department-of-global-legal-studies/>.

of higher education institutions between September 1-3, 2021, classes resumed on September 15, 2021 in the traditional classroom style or hybrid mode (for those courses in which students were unable to return to the MSAR. As UM and other universities in Macao strive to remain open to international students, it is expected in the short term that online legal education will continue in the form of “hybrid classes” whereby in-class teaching will be accompanied by online connection for the distance learning students. The “hybrid classes” format will thus likely persist until the international travel restrictions will be eased or completely removed.

As for the future, the developments in the field of online legal education in the MSAR will therefore primarily depend on the situation of the COVID19 pandemic in Macao, in Hong Kong, and in Mainland China as well as on the trends and travel restrictions imposed globally. So far, it is evident that the shift towards online education cannot be regarded as having been “positive”. However, the availability of various e-learning tools allowing for legal education to continue online was a positive element in a difficult time and certainly preferable over a situation in which all educational activities would have been suspended. In this sense, the pandemic had an indirect positive effect on the familiarity of staff and students with the various new learning technologies. These positive effects notwithstanding, it is also important to consider the wider context of the use of modern educational technologies, such as notably the common mental health problems related to mobile phone addiction or problematic internet use. Equally, it is important to follow the opinion of users of online education.

Last but not least, it is because of the nature of law, which is strongly rooted in human interactions that direct student-teacher contact but also peer-to-peer learning, facilitated not only by classroom teaching but also other personal contacts on the university campus play a crucial role in the education and formation of future lawyers. For these reasons, it is also important to closely align the debate about the use of modern education technologies with the debate about the future material content of legal education.