

PCLL Conversion Examination
June 2017
Examiner's Comments
Hong Kong Legal System

Students were required to answer two questions out of three (one problem-based question and two essay type questions) on a closed-book basis. The examiner prepared the examination questions as well as the answer guide listing relevant factors, issues and authorities (e.g. cases, legislation and other scholarly works) that candidates were expected to discuss. Candidates had to demonstrate a good understanding of the questions and they should also be able to express themselves in a clear, logical and coherent manner. A holistic approach was taken in marking the papers and candidates would be given points in some cases even the marking guide was not strictly adhered to.

The overall standard was below average, considering that some questions were rather straightforward. Only a small percentage of candidates had produced good answers. There were also quite a number of failures. Candidates seemed to have a tendency to describe the law and not analyse the law. This tendency to describe the law further reinforced the examiner's belief that candidates had difficulties in understanding what the questions were asking. In some cases, candidates merely expressed their own views with no supporting authorities. That again demonstrated an insufficient understanding on both the questions and the law. The better candidates were able to show a clear understanding of the questions and their arguments were direct and focused and were supported by authorities.

The three exam questions were on different topics and candidates must be able to demonstrate an ability to understand the question, a good knowledge of substantive law as well as the ability to analyse and criticise in a clear, coherent and logical manner.

Below are observations on how candidates performed in relation to each question:

Question 1

Only a very small number of candidates attempted this question. Most of them were able to identify the main issues in the question but they were not able to cite supporting authorities. A discussion of the relevant provisions under the Basic Law, the Police Force Ordinance and the Rules and Directions for the Questioning of Suspects and the Taking of Statements are expected. A mere description of issues is insufficient to achieve a good mark in this question.

Question 2

This question seems straightforward but it requires a good discussion and analysis on the decision of *Re A Solicitor* as well as the development of the common law before and after the handover. Most candidates cited *Re A Solicitor* for the plainly wrong test without further discussion as to why the decision was supporting authority for their analyses. The second part of the question requires a discussion of relevant provisions under the Basic Law whilst most candidates just focused on the right of abode cases.

Question 3

Most candidates performed quite well in this question compared to the other two. Most of them were able to identify the issues correctly. The better candidates were able to cite relevant authorities and discussed them thoroughly. However, most candidates were not able to cite relevant provisions under the Basic Law whilst some candidates just discussed some right of abode cases without any further analysis to justify their claims.