PCLL Conversion Examination
January 2025 Examiner's Comments
Evidence

The overall performance was poor. Better answers followed an IRAC structure, setting out each step in the logic, whereas those who did not do well tended to copy out related but inapplicable principles from notes.

Performance on Question 1 was satisfactory. All 1(i) required was for candidates to set out provisions addressing competence and compellability of a co-accused. It tested candidates' comprehension of how the various sub-sections of s.57 CPO interrelate, logically setting out how one led to another, and when would an exception kick in. Most candidates could not demonstrate that they had actually read the section and had likely merely copied out the notes they had available. A great number of candidates failed to read the question properly and made the mistake of addressing whether Carrie would be a competent and compellable witness for the prosecution, which earned them no marks as it was not what the question asked. Some candidates address compellability but not competence. Question 1(ii) should have been obvious to anyone who had studied s.57, concerning the operation of s.57(6).

Performance on Question 2 was poor. It required discussion of when cross-examination on credit is permissible, and the collateral finality rule. Most candidate could identify previous convictions as one of the exceptions to the rule, but many failed to identify the other relevant exception created by *HKSAR v Wong Sau Ming*. For those who identified the correct issue, better answers wrote it in IRAC format and actually addressed how the law applied to the facts.

Most candidates could identify the obvious issue in Question 3 being oppression and scored some easy points. However that was only 1/3 of the question. Average candidates copied out cases and legal principles with no analysis. Better candidates also discussed the relationship between voluntariness and the residual discretion to exclude, as well as identified that failing to read out the detainee's rights and to administer the caution would be possible grounds for exercising the residual discretion. Only a small minority spotted the issue of an equivocal confession.

The best performance was on Question 4, which was a straightforward question on the admissibility of expert opinion evidence. As with other questions, it was inadequate to merely copy out some relevant law, but each legal principle required application on the facts. Most candidates addressed necessity, but not all discussed relevance, reliability of subject matter, and reliability of the expert witness himself. The best answers also addressed the hearsay issue.

Question 5 was also poorly answered. Most candidates correctly identified 5(i) as raising the issue of good character direction, but wrote nothing much more than copying out the law. Better candidates included an analysis of what which category Gene belonged within those discussed in *Tang Siu Man*, and then which direction was warranted. For 5(ii), upon seeing the mention of a conviction, the overwhelming majority incorrectly discussed the bad character shield, which was irrelevant. The question asked would their answer in (i) be different, therefore the focus should be whether Gene should still be afforded the same full good character direction in (i), or would he only be entitled to a lesser limb, or none at all.