

II. EXAMINATION SUPPLEMENT

CONTENTS

PAGE

II. EXAMINATION SUPPLEMENT

1. Introduction.....	1
2. Timetable.....	1
3. Fees.....	1
4. Applications.....	2
5. Disabled Candidates.....	2
6. Standards.....	2
7. Contents of the Examination.....	2
8. Format of the Examination.....	3
9. Syllabus and Reading Lists.....	5
Contract.....	6
Tort.....	8
Property Law (including Real and Personal Property) and Conveyancing.....	10
Equity (including the Law of Trusts).....	14
Criminal Law.....	18
Criminal Procedure	21
Criminal Evidence	25
Hong Kong Legal System.....	27
Constitutional and Administrative Law.....	30
Company Law.....	35
Civil Procedure and Civil Evidence.....	39
Professional Conduct.....	43
Advocacy.....	45
10. 2017 Papers.....	48
11. Useful Research Information.....	101

II. EXAMINATION SUPPLEMENT

1. Introduction

This Examination Supplement complements the Information Package on the Admission to the Bar of Overseas Lawyers. The requirements and guidance set out in this Examination Supplement apply only to qualified lawyers from jurisdictions other than Hong Kong, who wish to qualify to practise at the Bar of Hong Kong.

To ensure that they comply with all requirements, applicants are advised to read, in conjunction with this Examination Supplement, the Information Package, as well as the latest edition of the **Legal Practitioners Ordinance (Cap. 159)** and the relevant subsidiary legislation under this Ordinance, the **Barristers (Qualification for Admission and Pupillage) Rules (“B(QAP)R”)**.

2. Timetable for the Barristers Qualification Exam (“The Examination”)

Date:	14 th May, 2018	Application for Certificate of Eligibility for Admission
Date:	16 th July, 2018	Deadline for Application to sit the Examination to be held in late October/early November 2018
Date:	Late October/ Early November 2018	Examination (<i>the exact dates will be announced as soon as possible.</i>)

3. Fees

The fees for applicants to obtain a Certificate of Eligibility for Admission, and to sit and take the Examination are as follows:

Application fee for Certificate of Eligibility for Admission	HK\$3,500
Application fee to sit the Examination: Per examination paper	HK\$2,000
Application fee for Extension of Certificate of Eligibility for Admission	HK\$ 250

Applicants should be aware, that there are other fees payable in connection with admission and pupillage and are advised to refer to **Schedule 1** of the **B(QAP)R**. These are subject to change from time to time.

4. Applications

To apply to sit the Examination, please submit:

- a completed Application Form;
- a valid Certificate of Eligibility for Admission; and
- the non-refundable fee prescribed in **Schedule 1** of the **B(QAP)R**,

to the Bar Secretariat, Hong Kong Bar Association, LG2, High Court, 38 Queensway, Hong Kong by the registration dates specified above.

5. Disabled Candidates

Candidates who are disabled and will require special facilities or arrangements should indicate the facilities they will need when making their application to sit the Examination.

6. Standards

The standards required of lawyers sitting for the Examination will be that of a “competent junior barrister at the Hong Kong Bar who having sufficiently prepared for the examination according to the reading list and syllabus would pass”, except where otherwise specified.

An examiner is entitled to expect a competent junior barrister to have a good working knowledge and understanding of the subject and to demonstrate the ability to apply that knowledge and understanding correctly, and in a manner appropriate to everyday legal practice.

7. Contents of the Examination

The Examination shall be conducted in English. There will be five papers known as Papers I, II, III, IV and V. Papers I to IV shall be assessed by written examination and Paper V by both written and oral assessment.

Paper I (i) Contract; and
 (ii) Tort

Paper II (i) Property Law (including Real and Personal Property);
 (ii) Conveyancing; and
 (iii) Equity (including the Law of Trusts)

Paper III (i) Criminal Law;
 (ii) Criminal Procedure; and
 (iii) Criminal Evidence

<u>Paper IV</u>	(i) Hong Kong Legal System; (ii) Constitutional and Administrative Law; and (iii) Company Law
<u>Paper V</u>	(i) Civil Procedure; (ii) Civil Evidence; (iii) Professional Conduct; and (iv) Advocacy

8. **Format of the Examination**

Paper I : Contract and Tort

A 3 hour written paper in two parts. Candidates will need knowledge of both parts. Part A will cover Contract Law, and Part B will cover Tort Law. Each Part will contain four questions. Candidates must answer four questions, two from Part A and two from Part B. The pass mark is 50% and a pass in both Part A and Part B must be achieved to pass this paper overall.

Paper II : Property Law (including Real and Personal Property), Conveyancing and Equity (including the Law of Trusts)

A 3 hour written paper in two parts. Candidates will need knowledge of both parts. Part A will cover Property Law and Conveyancing, and Part B will cover Equity and the Law of Trusts. Each Part will contain four questions. Candidates must answer four questions, two from Part A and two from Part B. The pass mark is 50% and a pass in both Part A and Part B must be achieved to pass this paper overall.

Paper III : Criminal Law, Criminal Procedure and Criminal Evidence

A 3 hour written paper in which candidates will be required to answer four questions out of a total of eight questions. The pass mark is 50%.

Paper IV : Hong Kong Legal System, Constitutional and Administrative Law and Company Law

A 3 hour written paper in two parts. Part A covers the Hong Kong Legal System and Constitutional and Administrative Law and requires two questions to be answered out of four. Part B covers Company Law and also requires two questions out of four to be answered. The pass mark is 50% but candidates are required to obtain a pass in both parts in order to achieve an overall pass in this paper.

Paper V : Civil Procedure, Civil Evidence, Professional Conduct and Advocacy

This paper is split into two parts. The Advocacy component will be tested by means of an oral exam, whilst Civil Procedure, Civil Evidence and Professional Conduct will be examined in written form.

1. Civil Procedure, Civil Evidence and Professional Conduct: A 2 hour written paper in two parts, both consisting of two questions, one of which must be answered. Candidates are not permitted to choose two questions from the same part but must answer one question from each part. The pass mark is 50% and candidates must achieve a pass in both parts to pass the written paper overall.
2. Advocacy: An oral exam of up to 30 minutes, to supplement a Skeleton Argument to be prepared by each candidate for a plaintiff on a legal problem posed by certain facts, for instance an interlocutory injunction. Candidates will have prepared and submitted a Skeleton Argument prior to the oral exam, and will be expected to develop (but not necessarily to repeat) their Skeleton Argument. The pass mark is 50%

Reading time

All written papers will have 30 minutes reading time, during which candidates can read the questions but are not allowed to start writing answers.

Open Book

The examination for all papers will be completely open book and candidates will be free to take in any books, papers or materials. However, the use of computers, electronic diaries and mobile phones is not allowed.

Dress Code – Oral Examination

The oral examination will consist of a mock application in court. Whilst formal court attire is not required, candidates taking the oral examination should dress appropriately i.e. in business attire.