

D. OVERSEAS LAWYERS QUALIFICATION EXAMINATION PROCEDURES

1. Topics

- (a) The Written Heads shall consist of the following five Heads. Each will be tested by way of one written paper for each Head:-

Head I - Conveyancing

Head II - Civil and Criminal Procedure

Head III - Commercial and Company Law

Head IV - Accounts and Professional Conduct

Head VI – Hong Kong Constitutional Law

- (b) The Oral Head shall consist of Head V which shall be an oral test on the Principles of Common Law.

2. Pass in the Examination

In order to pass the Examination, a candidate is required to sit and pass all Heads specified in the Section 3(2) Certificate. A candidate is not entitled to elect to sit one or more Heads in one year and sit the remaining Heads in following years. However, a candidate may retake those Heads which he or she did not pass in following years and is not required to retake the Heads which he or she has already passed.

3. Marks Required to Pass a Written Head

- (a) The performance of a candidate in each Written Head shall be assessed out of a maximum of 100 marks.
- (b) In order to pass a Written Head a candidate must obtain not less than 50 marks in that Head.

4. Eligibility to sit the Oral Head

- (a) Subject only to (b) below, in order to sit the Oral Head a candidate must have passed each Written Head specified in the Section 3(2) Certificate.
- (b) A candidate may also sit the Oral Head if that candidate is not required to pass any Written Head.

- (c) If any candidate who has sat one or more Written Heads is ineligible, as a result of the marks obtained in that or those Written Head or Heads, to sit the Oral Head, the Law Society will notify that candidate in writing of his ineligibility.
- (d) The Law Society will send out, not less than 23 days prior to the date for the sitting of the Oral Head, a letter of notification addressed to the candidate at the address provided by the candidate on his or her eligibility or ineligibility as the case may be to sit the Oral Head.

5. Assessment of Competence in the Oral Head

- (a) A candidate shall either pass or fail the Oral Head.
- (b) A candidate cannot sit the Oral Head unless that candidate has passed, or is deemed to have passed, every Written Head specified in the Section 3(2) Certificate.

6. Resitting of Written and Oral Heads

There is no restriction on the number of resitting. Those candidates who were previously barred from sitting the Examination because of the restriction on the number of resitting may apply to resit the Examination.

Candidates are entitled to carry over the pass(es) in the Head(s) that they attained in previous Examinations. They are required to re-sit the Head(s) that they failed in previous Examinations.

Resits will be held at the next regular sitting of the Examination. There will be no special sittings scheduled for candidates wishing to resit any Heads.

7. The English Language

- (a) The Written Heads and the Oral Head shall be set or conducted (as the case may be) in the English language and must be answered in that language.
- (b) A candidate who fails to satisfy the Law Society that he or she possesses such knowledge of the English language as is necessary for the pursuit of the profession of solicitors in Hong Kong shall not pass the Head.

8. Dates of the Examination

The Written and Oral Heads shall be tested once each year on such dates and in such place or places as the Law Society shall from time to time decide.

9. Entry for the Examination

A candidate wishing to sit the Examination shall apply to the Law Society in such manner and by such date as the Law Society shall specify.

10. Examination Fees

(a) The fees for sitting the Examination or any part or parts thereof shall be as prescribed from time to time by the Council of the Law Society (pursuant to Section 73(1)(da) of the Legal Practitioners Ordinance Cap. 159).

(b) A candidate who is ineligible to sit the Oral Head shall not be entitled to any reimbursement of fees for that reason.

11. Reference Materials in the Examination

A candidate may take into the Written Heads any book, document or other written material.

12. Instructions to Candidates

Candidates for the Examination will be required to comply with such instructions as the Law Society shall publish from time to time.

13. Disqualification

The Law Society may disqualify any candidate who fails to comply with the instructions to candidates published by the Law Society from time to time, or whom the Law Society considers has attempted to influence an Examiner. Sanctions may be imposed upon candidates in the event of any misconduct relating to the Examination.

14. Absence from the Examination

Any candidate who fails to attend the sitting of any Head of the Examination after registering to sit the Examination will be deemed to have failed that Head.

15. Waivers

The Council of the Law Society has the power to waive any of these procedures upon application and payment of an application fee of HK\$1,500.00.