

C. OVERSEAS LAWYERS QUALIFICATION EXAMINATION INFORMATION

The Rules, procedures and guidelines contained in this Package represent the Law Society's endeavour to respond honourably to its responsibilities under the General Agreement on Trade in Services in order to create a level playing field in the admission of overseas lawyers as solicitors in Hong Kong.

1. Requirements for post-admission experience

If you are admitted in a common law jurisdiction, you must satisfy the Law Society that you have at least two years of post-admission experience in the practice of the law of your jurisdiction of admission (including any period credited in respect of articles or equivalent) in order to be eligible to sit the Examination. The post-admission experience in the practice of the law of your jurisdiction of admission can include any period credited in respect of articles or traineeship or where there is no statutory requirement for you to gain admission through trainee solicitor training or articles of clerkship in your jurisdiction of admission, experience gained during a practical legal training course which is the statutory requirement in lieu of such trainee solicitor training or articles of clerkship. Please see rule 4(2)(b) of the Overseas Lawyers (Qualification for Admission) Rules on page 72. This requirement can be satisfied by working as a qualified lawyer in your home jurisdiction, or as a registered foreign lawyer in Hong Kong.

If you are admitted in a non-common law jurisdiction, you must satisfy the Law Society that you have had not less than 5 years of experience in the practice of the law of the jurisdiction of your admission in order to be eligible to sit the Examination. Please see rule 5(1) of the Overseas Lawyers (Qualification for Admission) Rules on page 73.

Rule 8 of the Rules provides that if an applicant was admitted in more than one jurisdiction, he may elect any one of those jurisdictions as his jurisdiction of admission for the purpose of the Rules. If you are admitted in both common law and non-common law jurisdictions, and you elect the common law jurisdiction as your jurisdiction of admission for the purpose of the Examination, you must demonstrate to the satisfaction of the Law Society that you have had at least 2 years' experience in the practice of the law of such common law jurisdiction to be eligible to apply.

Applicants must demonstrate that they have already gained the necessary experience at the time when they submit their applications. No prospective application will be accepted.

Please refer to the meaning of "experience in the practice of law" on pages 22-24.

2. Application Form

In order to qualify to sit or be exempt from sitting the Examination, you must complete the Overseas Lawyers Qualification Examination Application Form (Form A) and submit it to the Department of Standards and Development with all necessary documentation. The fee for having your application processed is HK\$3,300.00, which is non-refundable.

Please note that there is a further fee payable on registration to sit the Examination, as provided in the Overseas Lawyers (Qualification for Admission) (Fees) Rules.

Payment of the requisite fee can be made by cheque or by bank draft payable to "The Law Society of Hong Kong" or by telegraphic transfer to the following account of the Law Society:

beneficiary name	— The Law Society of Hong Kong
beneficiary bank	— Hongkong and Shanghai Banking Corporation (HSBC)
beneficiary bank address	— 1 Queen's Road Central, Central, Hong Kong
swift code (for overseas transfer)	— HSBCHKHCHKH
account no.	— 583009055001

If you wish to pay by telegraphic transfer, please inform the Law Society in advance and please note that you shall bear all bank charges including the Law Society's bank charges payable for the telegraphic transfer.

The closing date for receipt of application forms (Form A) for applicants except those who are applying for a resit of any Head(s) of the 2020 Examination in the 2021 Examination is MONDAY, 15 MARCH 2021. All information and documents in support of the application to sit the 2021 Examination and/or all information and documents in support of the application for exemption should be provided with the Form A by 15 March 2021. If for good reason(s), the information and supporting documents are not provided by 15 March 2021, they must be provided by Friday, 30 April 2021.

For applicants who are applying for a resit of any Head(s) of the 2020 Examination in the 2021 Examination, the closing date for the receipt of Form A is FRIDAY, 30 APRIL 2021. All information and documents in support of the application to resit and/or all information and documents in support of the application for exemption must be provided with the Form A by 30 April 2021.

No further supporting documents will be accepted after 30 April 2021 save for those:

- (a) which are not specified in the Overseas Lawyers (Qualification for Admission) Rules and/or this Information Package and are pertinent to the particular application and are specifically requested by the Law Society; or
- (b) documents which you could prove to the satisfaction of the Law Society that you have applied for prior to 30 April 2021.

For an applicant who is not one of those applying for a resit of any Head(s) of the 2020 Examination in the 2021 Examination, if the applicant fails to provide all documents in support of an application for exemption by 30 April 2021 but has submitted the Form A by 15 March 2021, the applicant will not be eligible to apply for any exemption but may be eligible to sit the 2021 Examination.

For an applicant who is applying for a resit of any Head(s) of the 2020 Examination in the 2021 Examination, if the applicant fails to provide all documents in support of an application for exemption by 30 April 2021 but has submitted the Form A by 30 April

2021, the applicant will not be eligible to apply for any exemption but may be eligible to resit the 2021 Examination.

Enquiries relating to applications to sit or be exempt from the Examination should be directed to the Assistant Director, Regulation and Guidance at adrg2@hklawsoc.org.hk or telephone nos. 2846 0523.

You are strongly advised to submit your application as early as possible to allow yourself more time to respond to enquiries that may be raised during the processing of your application. Try to avoid leaving the submission of your application until the closing date.

3. Examination dates for 2021

Tuesday, 26 October 2021	Head I – Conveyancing
Friday, 5 November 2021	Head II – Civil and Criminal Procedure
Thursday, 18 November 2021	Head III – Commercial and Company Law
Tuesday, 16 November 2021	Head IV – Accounts and Professional Conduct
Tuesday, 25 January 2022	Head V – Principles of Common Law
Tuesday, 2 November 2021	Head VI – Hong Kong Constitutional Law

4. Applications for exemption from sitting all or part of the Examination

This Information Package contains Guidelines for applications for exemption from sitting all or part of the Examination (see page 20). Please refer to these Guidelines as to whether you are eligible to seek an exemption from any Head of the Examination. All relevant documentation in support of the application should be provided when your application is submitted.

You are again strongly advised to submit your application as early as possible so that you will be notified of the outcome of your application in time for planning any revision for the Examination.

5. Certificates

If you meet the criteria for exemption from sitting all Heads of the Examination or are exempted from sitting all Heads, you will be issued a Certificate of Exemption from Sitting the Examination and may proceed with the next stage of the admission procedure. Unless the Law Society otherwise determines, a Certificate of Exemption shall be valid for a period of 12 months from the date of its issue.

If you are eligible to sit the Examination, you will be issued a Certificate under Section 3(2) of the Overseas Lawyers (Qualification for Admission) Rules ("Section 3(2)

Certificate") stating the Heads of the Examination which you will be required to sit. If you have applied for exemption from any Head you will be advised in writing whether you have been granted an exemption from that Head. This Certificate is valid for 12 months (unless revoked earlier by the Law Society) from the date of issue.

6. A review of the Law Society's decision under Section 3(2)

Rule 9 of the Overseas Lawyers (Qualification for Admission) Rules provides that an applicant may ask for his application to be reviewed by the Law Society **within one month** of receiving notification from the Law Society of its decision and upon payment of the fee of HK\$1,500.00. You will have **one** opportunity to have your application reviewed and the time limit specified in the Rules will be strictly followed. A review will be determined on the basis of **and only of** the information previously provided to the OLQE Eligibility and Exemption Committee. You should therefore ensure that all documents are placed before the OLQE Eligibility and Exemption Committee within the specified time limits in paragraph 2 of this Section.

You may apply to the Court of First Instance of the High Court for review of the Law Society's decision within 3 months of receiving notification from the Law Society.

7. Procedure for registration to sit the 2021 Examination

In order to register to sit the Examination, you must provide the Department of Standards and Development with a letter indicating your intention to sit the Heads of the Examination specified in your Section 3(2) Certificate **and** the requisite fee as provided in the Overseas Lawyers (Qualification for Admission) (Fees) Rules. It is advisable for you to pay the registration fee by cheque, bank draft, cashier order or telegraphic transfer. The Law Society does not accept any cash payment in excess of HK\$7,000.00. You will be issued with a Candidate Slip prior to the Examination date advising your Candidate Number, the time and venue for each Head of the Examination.

The closing date for registration to sit the 2021 Examination is Tuesday, 31 August 2021.

If you are awaiting the outcome of an application for review with respect to exemption from any Head of the Examination at the time of the closing date, you may register upon receipt of the Law Society's determination provided you do so immediately.

8. Supplementary Information Package

A Supplementary Information Package containing –

- the standards, syllabi and reading lists for the different Heads
- Examiners' comments
- past Examination papers
- Guidance Notes on Examination Techniques

will also be available on the Law Society website.

9. Past Examination papers

Examination papers for the 1995 to 2019 Examinations are posted on the Law Society website. Examination papers for the 2020 Examination will be posted on the website in due course. Any past Examination paper is for guidance only. It should not be assumed that the format in subsequent Examinations will be identical.

10. Examination standard

The test papers for each Head of the Examination are set at the standard expected of a newly qualified solicitor in Hong Kong who has completed a law degree (or its equivalent), the professional training course (PCLL) and a two-year traineeship prior to admission. An examiner is entitled to expect a newly qualified solicitor 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. There is no bell curve used for marking of the scripts.

11. Access to the High Court Library and the members' zone of the Law Society website

- (a) Candidates for the 2021 Overseas Lawyers Qualification Examination have been granted permission to use the High Court Library. Upon arrival at the entrance of the library, candidates will be requested to produce their Section 3(2) Certificate to identify themselves to the library staff.

The address of the High Court Library is LG4/F, High Court, 38 Queensway, Hong Kong.

Enquiries relating to the High Court Library should be directed to its Service Counter at telephone nos. (852) 2825 4464.

- (b) Candidates for the 2021 Examination will be given access to the members' zone of the Law Society website at www.hklawsoc.org.hk by the allocation of a password to each of the candidates upon acceptance by the Law Society of their application to sit the 2021 Examination.

With the password, a candidate can then gain access, for a period until the end of the 2021 Examination, to the Law Society Circulars and any advertisements on preparatory courses placed with the Law Society posted respectively under the section "Circulars" and "Legal Miscellany" in the members' zone of the Law Society website.

The Law Society is aware that preparatory courses had been provided in the past by the following course providers:

- IP Learning (website address: <http://ip-learning.com>)

- LexOmnibus (website address: <http://www.lexomnibus.com/>;
<http://www.olqe.com>)
- Paul Kent Legal Training (website address: <http://www.pskent.com>)

Candidates are advised to contact the preparatory course providers directly to check if they are providing any courses for the forthcoming 2021 Overseas Lawyers Qualification Examination. The Law Society does not endorse nor accredit any of the courses.

12. Preparation for the Examination

The Examination will test candidates on the relevant law including legislation which has been enacted and is effective by 31 August 2021, excluding those pieces of legislation which have not been enacted and those which have been enacted but are not effective on 31 August 2021.

Preparation for the Examination by candidates should be carried out by way of self study and research in accordance with the syllabi and reading lists set out in the Supplementary Information Package and taking into account the standards established by the Law Society in relation to each Head of the Examination.

Candidates are advised that some subjects of the Examination are more difficult to pass because the requirements of the law in these areas are particularly unique to Hong Kong (for example, Head I Conveyancing and Head II Civil and Criminal Procedure) and a lengthier study period may be required.

Candidates are reminded that practicality should be an important consideration when they answer the questions in the Examination. They are expected to approach the issues from a practical perspective.

The Law Society has an obligation towards members of the public. For that purpose, the Hong Kong Solicitors' Guide to Professional Conduct, Volume 1 ("Guide") has been issued to protect public interests and to maintain the integrity of the profession. The Guide may vary from and may be higher than the standards of the rules of conduct of other jurisdictions. Candidates are required to study the Guide and the Principles in the Guide carefully.

To assist the candidates in preparing for the Examination, the Law Society has produced some guidance notes on examination techniques. The guidance notes will be included in the Supplementary Information Packages which are available on the Law Society website.

13. Withdrawal from sitting the Examination

- (a) After the issuance of a Section 3(2) Certificate but before registration

If you find that you are unable to take the Examination after you have been issued a Section 3(2) Certificate but before you have registered your intention to sit the Examination, you may apply by letter, before the expiry of the Section 3(2)

Certificate, for an extension of its validity period to enable you to take the next sitting. The application fee is HK\$750.

You will be required to demonstrate good reason as to why you were unable to sit the Examination.

You must have a valid Section 3(2) Certificate in order to sit the Examination. If an extension to the Section 3(2) Certificate is necessary but has not been granted, you will be required to submit a fresh Form A and the prescribed application fee to enable you to take the next sitting of the Examination.

Any extension granted will be subject to the condition that a fresh Certificate of Good Standing from your jurisdiction of admission is submitted to the Law Society prior to registration to sit the Examination.

Candidates may be granted a maximum of 3 extensions of their Section 3(2) Certificates.

(b) After the issuance of a Section 3(2) Certificate and registration

If you find that you are unable to take the Examination after you have registered to do so and have paid the requisite fee, you should, prior to the date of commencement of the Examination, notify in writing the Law Society of your intention to withdraw and specify the reasons for doing so to avoid being deemed to have failed the Examination.

Withdrawal from sitting the Examination refers to withdrawal from sitting all Heads of the Examination as stated on the Section 3(2) Certificate, which you are required to sit. Withdrawal from sitting selective Heads is not allowed.

If you intend to take the next sitting of the Examination, you may apply, in accordance with sub-paragraph (a) above, for an extension of the validity period of the Section 3(2) Certificate, to enable you to take the next sitting.

If you wish to apply for a refund of the registration fee, you should submit the written notification of your intention to withdraw, with reasons, together with an application for a refund of the registration fee not less than 14 days before the commencement date of the Examination (on or before **12 October 2021**). The Law Society has the discretion to allow, in appropriate cases, a refund of the registration fee after deduction of an administration fee determined by the Law Society.

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. Format of Heads I, II, III and VI test papers for the 2021 Examination

Candidates should note that the test papers for the written Heads I, II, III and VI will be of 3½ hours duration with no specific time allocated to reading and writing.

16. Format of the Accounts and Professional Conduct Head for the 2021 Examination

Candidates should note that the test paper for Head IV on Accounts and Professional Conduct will be divided into two parts: Part A is concerned with accounts issues and comprises one question carrying 25 marks. Part B is concerned with professional conduct issues and comprises 3 questions carrying 25 marks each. Each question in both Parts must be answered.

A pass in both parts must be achieved in one sitting in order to pass the test paper.

Part A on Accounts is 1 hour 30 minutes in duration (from 10:00 a.m. to 11:30 a.m.) and Part B on Professional Conduct is 2 hours 45 minutes in duration (from 12:45 p.m. to 3:30 p.m.).

Those candidates who are absent from Part A will be disallowed from taking Part B of Head IV.

17. Proficiency in the use of English language

The Council of the Law Society has determined, in principle, that the necessary legislation should be amended to include the achievement of a standard of English at the level of a grade "B" in the Use of English Examination (UEE) or 600 on the Test of English as a Foreign Language (TOEFL) or IELTS equivalent as a requirement for entry into a trainee solicitor contract in Hong Kong and for overseas lawyers seeking admission as a solicitor in Hong Kong.

Notice is therefore given that a minimum English standard requirement may be required of Examination candidates at some time in the future.

18. Examination materials

As the Examination is one of aptitude rather than memory, **the five written Heads of the Examination will be tested on an open book basis.** Candidates will be permitted to bring into the Examination any book, document or other written material.

19. Computers / calculators, mobile phones etc.

You may bring and use a silent and non-programmable calculator in the Examination. You are strongly advised not to bring any computer or electronic / communication devices (e.g. tablet or laptop computer, i-watches, smart watches, PDA, mobile phones, pagers, ear phones, ear pieces) into the Examination. If you have brought along any of

such devices, you must turn it off (including the alarm function) and put it under your seat in a position clearly visible to the invigilators. Failure to do so may result in disqualification.

20. Phototaking, Audio or Video Recording

You are not allowed to take photographs, audio or video recording inside the examination centre at any time. Any photographs or recordings taken must be surrendered to the Chief Invigilator for immediate disposal or deletion. Such incident will be reported to the Law Society for further investigation.

21. Candidates with disabilities

Any candidate who suffers from a disability necessitating special requirements to sit the Examination should make an application in writing addressed to the Director of Standards and Development not less than one month prior to the commencement date of the Examination (on or before **24 September 2021**):

- advising the nature of the disability and its effect in relation to ability to sit the Examination;
- including a medical report / certificate in support; and
- specifying the special requirements requested.

The application will be considered by the Overseas Lawyers Qualification Examination Committee.

A candidate is required to provide reason(s) for any application made after the deadline of **24 September 2021**. The Law Society reserves the right not to consider any late applications.

22. Marking Procedures

All Written Heads of the Examination will be marked anonymously. Every script will be marked by a first examiner. A second examiner will mark every script for which the first examiner has given a mark below 52 and a representative selection of other papers intended to convey an impression of the general standard in the Examination. The Chief Examiners will be provided with such scripts for each Written Head to ensure that there is consistency in marking amongst examiners of the same Head, and that there is consistency in marking amongst examiners of different Heads. In particular, the Chief Examiners will:

- (i) mark all scripts which the examiners were unable to agree upon a final mark; and
- (ii) review a representative selection of other scripts to convey an impression of the general standard in the examination.

In relation to subparagraph (ii), where any of the Co-Chief Examiners disagree with the marks of the scripts, the Co-Chief Examiner will return the scripts to the relevant Panel Convenor(s) and Examiners with comments for their reconsideration and re-marking.

23. Examination results

Every effort will be made to release the Examination results as soon as possible following the Examination. A provisional date for the release of the results is **10 March 2022**.

Result slips will be sent by e-mail to the e-mail correspondence address provided by the candidates followed by hard copies to be sent by regular post or air mail. Candidates are advised to ensure that they submit up-to-date e-mail and correspondence addresses to ensure timely notification of results.

24. Application for review

A candidate may apply for a review of his script(s) by the Chief Examiners. An application for review shall be made in writing (addressed to the Director of Standards and Development) within 4 weeks from the date of the Law Society's e-mail notifying the candidate the result of the Examination, together with:

- (i) a written submission giving the brief grounds for review consisting of a document of no more than one A4 size page with 1-inch margins all around the page, double-spaced and Times New Roman 14-point font; and
- (ii) a fee of HK\$3,000.00 per Head by cheque or by bank draft made out to "The Law Society of Hong Kong".

A candidate who wishes to apply for a review of his examination result should apply for copies of the examination question books, his scripts and the records of examiners' comment in respect of the Examination after the release of the Examination results but prior to making an application for review and written submission giving the grounds for review to ensure all grounds for review are included in the application and/or submission and that they are submitted within the deadline of 4 weeks from the date of notification of examination result specified in this paragraph.

Copies of examination question books, the candidate's scripts and the records of examiners' comment will be provided to the candidate subject to the payment of photocopying charges specified in paragraph 25.

Any written submission consisting of more than one A4 size page (1-inch margins all around the page), double-spaced and Times New Roman 14-point font will not be considered and the fee of HK\$3,000.00 will not be refunded. A candidate may submit another written submission which complies with the requirements in subparagraph (i) provided the amended submission is made within the deadline of 4 weeks from the date of notification of examination result specified in this paragraph.

No additional grounds for review or particulars of grounds already submitted or amended submission can be made by the candidate after the deadline except with the consent of the Chief Examiners.

The review process includes:

- (a) a check of the candidates' script(s) to ensure that all the questions answered have been marked and the marks have been recorded accurately and computed correctly and;
- (b) a review by the Chief Examiners of the marking procedure of the script(s).

In considering whether to apply for a review, candidates are reminded a review is not a re-marking of the script(s) and that in accordance with paragraph 22 above, all fail scripts had been marked twice by Examiners before the results were released.

If the review is successful for a Head, the review fee for the particular Head will be refunded.

25. Copies of scripts, records of examiners' comments, videotapes, question books

Regardless of whether a candidate is applying for a review pursuant to paragraph 24, a candidate may request for copies of the examination question books, his scripts and the records of examiners' comments on his scripts in respect of the written Heads of the Examination, and copies of the examination question books, videotape and records of examiners' comment in respect of the oral examination in Head V of the Examination after the release of the Examination results, subject to the payment of the copying charges at HK\$300.00 per script, HK\$50.00 per each Head of the records of examiners' comment, HK\$1.00 per page per examination question book, and charges for dubbing the videotape at HK\$300.00 per tape. The scripts, videotapes and the records of examiners' comments will be destroyed one year after the date of the release of the Examination results. A candidate may therefore only request for copies of the scripts, videotapes, and the records of examiners' comments with respect to the latest Examination.

26. Applications to resit the Examination

Candidates who fail the 2021 Examination will, subject to the provisions of the Examination Procedures, be able to resit the subjects for which they did not receive a pass in addition to any subject(s) required in accordance with the then applicable rules and guidelines at the next normal sitting which will be one year later.

To resit the Examination, candidates are required to submit:

- (i) a fresh Form A,
- (ii) original Certificate(s) of Good Standing from their jurisdiction(s) of admission which is not more than 4 months old from their date of issue and
- (iii) the relevant fees.

Documents which will be relied on in the fresh application and were submitted before need not be re-submitted.

Candidates should submit the fresh application and related documents for resit as soon as possible. It is unnecessary to wait for the result of the application for review before a candidate submits the application for resit. If the application for review is successful, the application fee for resit will be refunded to the candidate.