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## OVERSEAS LAWYERS QUALIFICATION EXAMINATION

### GUIDANCE NOTES ON EXAMINATION TECHNIQUES

The following notes are adopted from the materials prepared by Mr Paul Kent (Former Senior Programme Director, Law Division, HKU SPACE, HKU) on the basis of the Examiners' comments on the common errors and weaknesses demonstrated by the candidates who sat the Overseas Lawyers Qualification Examination. They are aimed at providing assistance to the candidates on points of technique in answering questions in the Examination.

#### I. STANDARDS

1. 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.
2. 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.

#### II. EXPECTATIONS

1. As a guide to expectations,
  - (a) Answers should be:
    - Accurate – accuracy depends upon proper research and record-keeping.
    - Relevant - relevance depends upon instructions for each question and issues raised by the question.
    - Comprehensive - coverage means that you should attempt to address *all* the issues in each question and

answer *all* the required questions; and

- (b) Practical advice should be appropriate and fit for purpose.
- 2. No marks can be given for:
  - (a) inaccurate law
  - (b) outdated law
  - (c) irrelevance
  - (d) omissions
  - (e) inappropriate practical advice, or advice that is demonstrably wrong.

### **III. APPROACH TO OPEN BOOK EXAMINATIONS**

- 1. The OLQE is an open book unseen examination.
- 2. Candidates have to process *new* information within a defined period of time.
- 3. Effective preparation is absolutely essential.
- 4. Questions demand analysis, discussion and application, not mere regurgitation.

### **IV. ADDRESSING COMMON ERRORS AND WEAKNESSES**

- 1. Compliance with the examination rubric
  - (a) Answer the required number of questions or parts of a question.
  - (b) Give reasons in support of conclusions.
- 2. Extent of information
  - (a) Consider the marks allocated to a question and judge the extent of the information expected accordingly and manage the time appropriately.
  - (b) Questions carrying a significant proportion of the total marks allocated to a question logically expect a more extensive response.
- 3. Apply information to the question set

Do not waste time on unnecessary introductions not directed to the issues raised in the question, or merely copying out of statutory provisions.

**4. Respond to key issues**

- (a) Read the facts carefully and critically to identify the embedded legal or practical issues.
- (b) Failure to spot key issues results in omissions of relevant law.
- (c) Identifying the wrong issue leads to irrelevance.
- (d) Too much irrelevance indicates that a candidate has not understood the issues raised by the question.

**5. Develop an answer**

- (a) Issues need to be identified and fully explained.
- (b) Apply the law to the question.

**6. Structure the answer**

- (a) Plan your answer before writing it.
- (b) Structure answers according to the requirements of the question.

**7. Write legibly**