

**PCLL Conversion Examination**  
**January 2011**  
**Examiner's Comments**  
**Evidence**

The examination consisted of five questions of equal value all of which were compulsory. The questions were divided into three essay style and two hypothetical fact pattern type and covered a broad range of topics in the syllabus. The questions were all quite close in length. There was no reading time allowed and the exam period was three hours. The five questions were marked out of 10 and the examination was marked out of 50. The required pass for the examination was 50%. The five questions addressed: aspects of identification evidence; the burden and standard of proof; the hearsay rule; competency and compellability of witnesses; and trial issues.

The examiner prepared a list of factors in advance of the examination that were relevant to answering each question. To answer the questions successfully, candidates needed to address not only those factors but to do so in a structured and relevant manner. That said some genuine allowance was made by the first examiner for a fair reading of the questions and thus to allow some genuine freedom of action in the choice and reliance upon authorities by the students. This accrued to the benefit of the candidates. To answer questions successfully candidates should have been able to express themselves in a clear and succinct manner; cite and apply relevant sources of law and major commentators and; provide relevant examples. For the most these criteria were met although there were lapses in substance and in the level of expression at times. In a few cases the standard of written English was also disappointingly low. Some students did not complete all of the questions as well perhaps because they answered one or more questions at unnecessary length, thus leaving themselves insufficient time to complete their remaining questions adequately.

Turning to constructive feedback for future students it may be observed that where students performed poorly it was usually attributable to their failure to answer the questions posed or address the issues raised by the questions. There was a distinct group of students who were unprepared for certain questions and rather than attempt to answer them as set out they essentially preferred to answer other wholly unrelated questions.

This was a poor strategy and was reflected in the marks given for those answers. Amongst this group of students there was at times a degree of repetition in their answers which suggested that they were simply copying prepared material from their open books rather than attempting to answer the questions in any dedicated or original way. Aside from this small number of students though and as the first examiner generally I was pleased with the results some of which were excellent once again and which demonstrated a sound grasp of the principles of evidence law in Hong Kong. These students deserved and were given good grades and presumably will continue with their conversion studies and career plans.