

**PCLL Conversion Examination  
January 2025 Examiner's Comments  
Hong Kong Land Law**

The PCLL Conversion Examination Hong Kong Land Law was conducted in January 2025. This is an open book examination in which candidates must answer two out of three questions.

**Overall Comments**

A preliminary observation is that candidates chose relatively evenly across the questions. The general standard of answers was quite good with a number of excellent papers. There were also some very poor papers. The poorer answers evidenced poor preparation with some parts of questions remaining unanswered. For other poor papers, there was generally a failure to address the question.

**Question Specific Comments**

**Question 1** had three main parts.

**Part (a)** involved questions about the Small House policy. Candidates had to explain how eligible applicants under the Policy may apply to purchase land from the Government by Private Treaty Grant, the requirements for such Grant, the three certificates of exemption that may be applied for, and whether these certificates of exemption are subject to automatic grant and/or may be subject to conditions. Candidates were then required to identify what documents the vendor of a small house must produce by way of proving his good title and explain the purpose of each document which must be produced to the purchaser.

Candidates attempting this question answered this part generally very well. Better answers explained about certificates of compliance, letters of no objection and registration requirements.

**Part (b)** required candidates to explain the issues that arise with fixtures and/or fittings. Candidates needed to identify the relevant tests to decide if something is a fixture or fitting, and consider how they have been applied to air conditioning units (the issue in the facts). Again, the majority of candidates who attempted this part provided quite good answers.

**Part (c)** concerned Conditions of Sale and legal and equitable interests. Again, the majority of candidates who attempted this part provided quite good answers.

**Question 2** was divided into three parts.

**Part (a)** concerned the formalities required in the Conveyancing and Property Ordinance (CPO), s.3(1), regarding actions on contracts for the sale of land. Most candidates attempting this question explained that the exchange of correspondence in the fact pattern might constitute a sufficient note or memorandum evidencing the oral agreement for the purposes of CPO, s.3(1). Most noted that documents might be joined if they refer to one another. In applying the law to the facts, a number noted that the main issue would be that the letters are from the parties' solicitors and there would be an issue whether the solicitors have been authorised to sign a memorandum or note on behalf of their respective clients. Generally, the candidates who attempted this part did very well.

**Part (b)** required candidates to explain the effect of correspondence regarding the sale and purchase of the property being ‘subject to contract’. Candidates had to note the continuing effect of such a heading on subsequent correspondence, even if no longer headed ‘subject to contract’.

**Part (c)** concerned buying a property where the vendor had breached a condition of the deed of mutual covenant (DMC). Candidates had to note that the purchaser would not usually be liable for prior breaches of the DMC committed by a predecessor in title. However, if the breach is the breach of a restrictive covenant which is continuing and which the successor in title has adopted they will be liable to remedy the breach.

**Question 3** was about adverse possession and had four parts.

**Part (a)** required candidates to explain the requirements for successfully establishing adverse possession, and then to apply these to the fact pattern to conclude if adverse possession had been established.

**Part (b)** required candidates to explain the effect of the New Territories Leases (Extension) Ordinance on contemporary adverse possession claims.

**Part (c)** required candidates to explain the effect of the return of Hong Kong (specifically the New Territories) to Mainland China in 1997, on existing accumulating adverse possession claims.

**Part (d)** required candidates to explain the effect of a plaintiff saying in cross-examination during the trial that he would have been willing to pay rent to the paper title owner of the plot. Candidates had to note the different approaches in Hong Kong and England. Candidates who attempted this question generally provided good answers, with some excellent answers.