

PCLL Conversion Examination
August 2022
Examiner's Comments
Hong Kong Land Law

Overall Comments

Candidate chose questions to answer relatively evenly. The general standard of answers was quite good with a few excellent papers. As usual, the poorest papers evidenced poor preparation with some parts of questions or complete questions remaining unanswered.

Question Specific Comments

Question 1 was a question about co-ownership. Most candidates who attempted this question did well on explanation of the law. Those candidates who did not do so well usually struggled in the application of the law to the facts given in the question. The last part of the question on charging orders caused some issues with a number of candidates who attempted this question failing to note the opinions on the effect of charging orders on co-ownership expressed in *Malahon Credit Co Ltd v Siu Chun Wah Alice* [1988] 1 HKLR 196, *Fortis Bank Asia HK v Yu Kam Hoi* [2004] 2 HKC 314, and *Ho Wai Kwan v Chan Hon Kuen* [2015] HKEC 132.

Question 2 part (a) required candidates to consider the nature of the interest arising from conditions of exchange and condition of sale. Most candidates who attempted this question did well noting the date issue and the effect of section 14 of the Conveyancing and Property Ordinance. Part (b) concerned restrictive terms and their effect on successive tenants. In part (ii) candidates had to consider whether the government could enforce these terms on successive tenants or whether the doctrines of waiver or estoppel might be relied upon. Part (c) considered the conditions of grant in a Block Government Lease. Many candidates were aware of the interpretation of these conditions in *AG v Melhado Investments Ltd* [1983] and the 'Watford' restrictive covenant against building on the land in *Watford Construction Co. v Secretary for the New Territories* [1978] HKLR 410, CA.

Question 3 was a question obtaining land and permission to build a small house in the New Territories under the administrative Small House Policy. Most candidates who attempted this question did well and explained the necessary steps in the process. The final part of the question

required candidates to explain what any purchaser of such a property should require the vendor to provide to safeguard their purchase.