

PCLL Conversion Examination
June 2021
Examiner's Comments
Hong Kong Land Law

The following issues in **Questions 1 and 3** had been examined often and many Candidates did quite well in them:

Questions 1(a) and (b): the enforceability of covenants contained in a Deed of Mutual Covenant against successors in title and/or tenants, etc.

Question 1(c): the rights and obligations of owners and/or tenants regarding the common parts of a building.

Question 3: the circumstances in which an unwritten equitable interest may arise and the equitable doctrine of notice may apply.

For **Question 2**, it aimed to examine, amongst other things, the Candidates' ability to recognize an Assignment executed before the commencement of the Conveyancing and Property Ordinance (Cap 219) [in which case section 9(2) of the ordinance will apply] and their knowledge of the differences between the circumstances giving rise to a legal severance [sections 8(1)] and an equitable severance of a joint tenancy [section 8(2)] and the related decided cases.

To help the failed or prospective Candidates prepare better for future examinations, the Examiner would suggest the following "good practice", using examples with reference to the June 2021 examination paper:

- (1) To answer a question properly, it is not enough just to state, for example, in the answer to Question 1(a): "*The relevant sections for this case include sections 41(2), (3) and (5) of the CPO*", and leave it at that. Candidates are expected to further explain how and why these sections are relevant to the given facts in order to demonstrate their understanding of the relevant law.
- (2) Further to point (1) above, Candidates should remember not just to state and explain the relevant law, as application of the relevant law to the facts given is also essential.
- (3) It is unrealistic for Candidates to expect the same issues to be examined every time. For example, even though the topic of "adverse possession" has been very often examined, Candidates should not try to "include simply for the sake of including" any discussion of adverse possession in their answers if none of the facts given in an examination paper suggests the possible existence of an adverse possessor.

- (4) Please read ALL the facts set out in each question carefully and do not overlook any of them as most facts are there for a reason. For example, when answering Question 2, quite a few Candidates omitted the discussion of any impact the making of a will by Mary and/or her subsequent death might have on her co-ownership of the property with Peter and Paul.