

Examiners' Comments on the 2009 Examination

Head III: Commercial and Company Law

The examination covered a range of questions from the syllabus which enabled candidates to illustrate their knowledge and practical understanding of Hong Kong commercial and company law. Many candidates still provide one unequivocal answer to questions that are designed to solicit an analytical discussion of the various legal issues raised by a set of facts. These “problem-type” questions are designed to solicit a discussion by candidates of the variable possible options available to the client to whom the candidate is required to provide advice.

Some candidates were not comfortable dealing with questions that required knowledge of recent changes in the law. Overall, major weaknesses were: not directing the answers towards the questions as set; not supporting the answers with adequate reference to legal authorities, and merely citing the rules without sufficient or any analysis. Candidates are expected to demonstrate an ability to analyse the legal issues raised by the questions. In addition, some candidates failed to allocate an appropriate proportion of time - they devoted too much time to the first three questions and neglected the last one.

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