

## **Report on the Barristers Qualification Examination 2021**

The Barristers Qualification Examination (“BQE”) was introduced to allow legal practitioners qualified in other jurisdictions to enter and practice at the Hong Kong Bar upon passing of the examination.

The eighteenth set of examinations was due to be held in late October/early November 2021.

### **Background**

Historically, practising barristers qualified in the UK (England and Northern Ireland and as an advocate in Scotland) could be admitted to practice at the Hong Kong Bar.

The Legal Practitioners (Amendment) Ordinance 2000 removed this route for admission for UK barristers, and instead put in place the framework for an entrance examination, under which all overseas lawyers could qualify for eligibility to be called to the Hong Kong Bar.

The regulatory framework of the examination was set out in the Barristers (Qualification and Admission for Pupillage) Rules (“B(QAP)R”), which came into effect on 28 March 2003.

Under s.4(1)(c) and s.4(2) of the B(QAP)R, overseas lawyers seeking admission to the Hong Kong Bar based upon their overseas qualification must pass the Barristers Qualification Examination (“BQE”) administered by the Bar Council.

### **The Examination**

The examination is divided into 5 papers:

- Paper I: Contract and Tort;
- Paper II: Property, Conveyancing and Equity;
- Paper III: Criminal Law, Criminal Procedure and Criminal Evidence;
- Paper IV: Hong Kong Legal System, Constitutional and Administrative Law, and Company Law; and
- Paper V: Civil Procedure and Civil Evidence; Professional Conduct and Advocacy.

The pass mark in each paper is 50%. Save for Paper III (which is not divided into parts), a candidate must obtain a pass (50%) in each part of an examination paper in order to pass the paper overall.

Generally, candidates are required to pass all the papers they are required to take in one sitting. If, however, they fail not more than 2 papers in any one sitting, they may re-sit those papers, but they must pass the examination within a period of 3 years.

### **Exemptions**

Under s.4(5), unless the Bar Council otherwise determines in a particular case, all candidates who are admitted in a common law jurisdiction are exempted from sitting Paper I.

Further, candidates may apply to the Bar Council for an exemption from sitting a paper based on their previous practising experience in their own jurisdiction. Under s.4 (4), where the Bar Council is satisfied that, by reason of his substantial experience as a practising lawyer in one or more of the areas of law covered by the BQE, a candidate should be exempted from sitting one or more papers, it may exempt that candidate from sitting such paper or papers.

### **BQE Committee**

The Bar Council has set up a Standing Committee on the Barristers Qualification Examination to oversee the general operation and running of the BQE.

The Committee is responsible for considering policy matters as they arise and making recommendations to the Bar Council for consideration and ratification. It also has the responsibility of considering the applications for Certificate of Eligibility and exemptions from sitting papers on the BQE, and making recommendations to the Bar Council on these matters.

Membership of the Committee in 2021:

Anita Yip S.C. (Chairman)  
William Wong S.C. (Vice Chairman)  
Derek Chan S.C.  
Lee Shu Wun  
Tony C.Y. Li  
Elizabeth Cheung  
Calvin Cheuk  
Christopher Chain  
Wong Ka-Chun (Director of Advanced Legal Education)

### **BQE Panels**

In addition to the Committee, the Bar Council has set up panels for each of the areas to be examined. The panels are responsible for advising on the syllabus, any changes relating thereto and to comment upon and approve the examination questions drafted by the examiners.

Panel members comprised members of the practising members of the Bar, members of the Department of Justice and from the Law Departments at the local universities. A list of the Panel members in 2021 is shown at the end of this report.

### **2021 Applications**

In 2021, a total of 5 new applications for a Certificate of Eligibility for Admission were received. 4 of the applications were defective/non-compliant, and the 5<sup>th</sup> application was submitted several months late. All 5 applications were rejected. As such, there were no eligible candidates to sit for the 2021 Examination and the 2021 Examination was not held.

We would like to thank the members of the BQE Committee and of the Panels, the Examiners, and Wong Ka-Chun (Director of Advanced Legal Education) for their hard work in administering the examination in 2021.

**Anita Yip, S.C.**  
**Chairman 2021**

**Wong Ka-Chun**  
**Director of Advanced Legal Education**

### **BQE Panel Members 2021**

Paper I: Contract and Tort	Judith Sihombing (Convenor) Rick Glofcheski
Paper II: Property, Conveyancing & Equity	Horace Wong S.C. (Convenor) Eugene Fung S.C. Lusina Ho Ken Lee
Paper III: Criminal Law, Criminal Evidence & Criminal Procedure	Cheng Huan, S.C. (Convenor) John Reading, S.C. Martin Hui, S.C. Marco Li Bruce Tse
Paper IV: Hong Kong Legal System Constitutional & Administrative Law  Company Law:	Hectar Pun S.C.(Convenor) Alfred Cheng Ian Chau  Bernard Man S.C. (Convenor) Jose-Antonio Maurellet S.C. Eva Sit S.C.
Paper V: Civil Evidence and Civil Procedure  Professional Conduct  Advocacy	Richard Khaw S.C. (Convenor) Joseph Vaughan Abigail Wong  Robert Pang S.C. (Convenor) Anson Wong S.C.  The Hon. Mr. Justice Coleman (Convenor) Lisa Remedios