

PCLL CONVERSION EXAMINATION JUNE 2010

Title of Paper : Hong Kong Legal System
Date : 30 June 2010
Time : 3:00 p.m. – 4:30 p.m.

Instructions

1. Write your **candidate number** on the cover of each answer book. Do **NOT** write your name in the answer book.
2. Start each answer on a separate page of the answer book.
3. Write your answers only in the answer books provided.
4. This is a one and a half-hour examination.
5. **NO** reading time is designated for this paper.
6. This is a closed book examination.
7. This paper consists of 2 pages, including three questions. Candidates are required to answer **TWO** questions out of three. A total of 100 marks may be awarded.
8. Each question is worth 50 marks.
9. The passing mark for this paper is 50 marks.

**DO NOT OPEN THIS QUESTION BOOK
UNTIL YOU ARE TOLD TO DO SO**

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Hong Kong Legal System

Question 1

A spokesman for the Hong Kong Judiciary recently stated that “[t]here are many litigants in person who cannot afford legal representation but are not eligible for legal aid.” Explain the rules pertaining to legal aid and, in light of the above statement, the shortcomings of the legal aid system. How would you reform the current system to provide greater access to justice for parties to both civil and criminal proceedings in Hong Kong?

(50 marks)

Question 2

Describe how precedents are employed within the court hierarchy of the post-1997 legal system in Hong Kong. Consider both binding and non-binding decisions. What are the relative advantages and disadvantages of the way in which the current system works? Answer with reference to relevant examples from the body of case law.

(50 marks)

Question 3

To what extent have the sources of law and the relative importance of the judiciary in relation to other branches of government changed since 1997 due to the courts’ power to declare laws unconstitutional?

(50 marks)

~ End of Examination Paper ~