

PCLL CONVERSION EXAMINATION JANUARY 2023

Title of Paper: Hong Kong Legal System

Date: 4 January 2023

Time: 9:30 a.m. – 11:00 a.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-hours examination.
5. No reading time is designated for this paper.
6. This is an open book examination.
7. The paper consists of 2 pages, including three questions. Candidates are only 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**

PCLL Conversion Examination January 2023

Hong Kong Legal System

Answer Two Questions out of Three

Question 1 (50 marks)

During the anti-extradition law amendment movement in 2019, Hong Kong experienced unprecedented serious social unrest and public disorder, which resulted in widespread property damage, assaults on persons, serious damage and interruptions to major public transport facilities and highways. The violence and damage were mostly caused by protestors wearing masks and dressed in black outfits. To tackle the situation, the Chief Executive in Council enacted the Prohibition on Face Covering Regulation (PFCR).

1. Discuss with reference to decided cases what kind of legislative power the Chief Executive in Council exercised in enacting the PFCR and whether it has the authority to enact the PFCR. **(30 marks)**
2. Article 48(4) of the Basic Law authorizes the Chief Executive to issue executive orders. Discuss with reference to decided cases whether that authority is subsidiary legislative authority. **(20 marks)**

Question 2 (50 marks)

The Government of the People's Republic of China resumed the exercise of sovereignty over Hong Kong from 1 July 1997. As a result, Hong Kong has a new constitution, i.e. the Basic Law.

1. Identify the similarities and differences between sources of law before and after the handover in Hong Kong; **(20 marks)**
2. Discuss the importance of at least three such differences. **(30 marks)**

Question 3 (50 marks)

Article 95 of the Basic Law provides:

“The HKSAR may, through consultation and in accordance with law, maintain judicial relations with the judicial organs of other parts of the country, and they may render assistance to each other.”

1. Discuss the necessity of this Article and whether the HKSAR has made use of this Article and benefited from it; **(25 marks)**
2. Discuss why there existed strong opposition against rendition of fugitives to mainland China and whether it is feasible to reach a rendition agreement between the HKSAR and mainland China. **(25 marks)**