

## **PCLL CONVERSION EXAMINATION JUNE 2025**

Title of Paper : Hong Kong Constitutional Law  
Date : 18 June 2025  
Time : 9:30 a.m. – 9:45 a.m. (Reading Time)  
9:45 a.m. – 11:15 a.m.

### **Instructions**

1. This is an open book examination.
2. Write your candidate number on the cover of each answer book. Do **NOT** write your name in the answer book.
3. Start each answer on a separate page of the answer book.
4. Write your answers only in the answer books provided.
5. This is a one and a half-hour examination.
6. Reading time for this paper is 15 minutes. Do **NOT** begin writing in your answer books during this period until you are instructed to do so.
7. The paper consists of 2 pages, including Part A and Part B. A total of 100 marks may be awarded.
8. Part A contains one compulsory question. Candidates are required to answer **Question 1**. There is **NO** element of choice. Part A is worth 50 marks.
9. Part B contains two questions. Candidates are only required to answer **ONE** question out of Question 2 or Question 3. Part B is worth 50 marks.
10. 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 June 2025**  
**Hong Kong Constitutional Law**

**Part A: You MUST answer Question 1**

**Question 1** (50 marks)

Article 23 of the Basic Law states:

The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the Region, and to prohibit political organisations or bodies of the Region from establishing ties with foreign political organisations or bodies.

In June 2020, the Standing Committee of the National People's Congress of the People's Republic of China ("the NPCSC") enacted the *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region*. In March 2024, *The Safeguarding National Security Ordinance* was passed by the Legislative Council.

**Critically discuss the applicability of national security laws in Hong Kong under the framework of 'One Country, Two Systems' with reference to relevant case laws.**

**Part B: Please answer either Question 2 or Question 3**

**Question 2** (50 marks)

T.R.S Allan argues that '[t]he development of a doctrine of deference would threaten the separation of powers rather than sustaining its rationale' (*Cambridge Law Journal* [2006] 63: 695).

**Critically discuss the application of the doctrine of deference (or margin of discretion) with reference to concrete case laws.**

**Question 3** (50 marks)

'In *Ng Kung Siu*, the Court considered the constitutionality of the statutory prohibition of desecration of the national and regional flags with criminal sanctions. The Court, applying the proportionality test, examined whether the limited restriction by such prohibition on the guaranteed right to freedom of expression is proportionate to the aims sought to be achieved thereby. The Court answered that question in the affirmative' (*Leung Kowk Hung v HKSAR* (2005) 8 HKCFAR 229).

**Discuss the constitutional significance of the proportionality test and its applicability in Hong Kong with reference to concrete case laws.**

~End of Examination Paper~