

**PCLL Conversion Examination**  
**June 2023**  
**Examiner's Comments**  
**Hong Kong Constitutional Law**

**Question 1**

Candidates were expected to situate the remedial choice in the context of the socially controversial nature of the case, and consider whether or not suspending the order (and thus continuing the harm suffered by the appellant) was justified given the countervailing concerns.

Only 3 students chose to answer this question.

**Question 2**

Students were expected to identify the reason behind interpreting a constitutional document in a flexible manner, contrast it with other possible interpretive models, advance an argument in favour or against flexible interpretation, and demonstrate knowledge of the actual practice of the Court of Final Appeal.

Failing answers (of which there were many) did not do this, and instead often went off on tangents about the division of the interpretation power under Art. 158. While drawing a contrast of the CFA's practice with the interpretive style of the NPCSC could certainly make an answer to this question stronger, the failing answers tended to simply describe the function of Art. 158 and a list of cases where it had been at issue.

**Question 3**

This was an open-ended question and students could answer it in a variety of ways, but needed to at least try and grapple with the meaning of 1C2S and attempt to put forth an explanation of the quoted State Council White Paper by reference to legal and political practice. Failing answers did not do this, and instead simply listed off various Articles of the Basic Law without situating them in any kind of argument connected to the provided quote.

Overall performance on the exam was quite disappointing, with (anecdotally at least) a larger proportion of failing answers than I recall from previous exams. The failing answers seemed to reflect a poor understanding of the actual operation of constitutional law in Hong Kong, and frequently appeared to be rote answers ewritten from memory based on keywords in the question (and thus failing to actually answer the specifics of what was being asked).