

PCLL CONVERSION EXAMINATION JUNE 2024

Title of Paper : Hong Kong Legal System

Date : 14 June 2024

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-hour 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 June 2024
Hong Kong Legal System**

Question 1 (50 marks)

- (a) Compare and contrast the arrangements for the appointment of judges before and after the Handover. **(20 marks)**
- For your answer about “before the Handover”, you should focus on the appointment of Supreme Court judges from the period 1976 to 1997.
 - For your answer about “after the Handover”, you should focus on the appointment of High Court and Court of Final Appeal (CFA) judges.
- (b) Can a civil action be brought against a judge or magistrate for what is said or done by the judge or magistrate during legal proceedings? Discuss this with reference to relevant authorities. **(15 marks)**
- (c) Should the nationality and right of abode requirements be extended for judges and other members of the judiciary? Discuss. **(15 marks)**

Question 2 (50 marks)

Discuss the basis of the status and effect of Decisions by the Standing Committee of the National People’s Congress (NPCSC Decisions) in Hong Kong’s legal system?

(50 marks)

Question 3 (50 marks)

- (a) Can private criminal prosecutions be initiated in Hong Kong? Discuss this with reference to relevant authorities. **(15 marks)**
- (b) Article 63 of the Basic Law provides: “The Department of Justice of the Hong Kong Special Administrative Region shall control criminal prosecutions, free from any interference.” With reference to relevant authorities, discuss what “control of criminal prosecutions” and “free from any interference” mean. **(25 marks)**
- (c) What happens if a juror falls asleep during the trial? Discuss this with reference to relevant authorities. **(10 marks)**

~ End of Examination Paper~