

## PCLL CONVERSION EXAMINATION JUNE 2023

Title of Paper : Hong Kong Constitutional Law  
Date : 14 June 2023  
Time : 9:30 a.m. – 9:45 a.m. (Reading Time)  
9:45 a.m. – 11:15 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. This is an open book 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 three questions. Candidates are only required to answer **TWO** questions of three. A total of 100 marks may be awarded. Each question is worth 50 marks.
8. 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 2023

## Hong Kong Constitutional Law

### Answer any two of the following questions.

1. In *W v Registrar of Marriages*, the Court of Final Appeal ordered that the definition of “woman” in the Marriages Ordinance be read so as to include post-operative trans women, but also declared that the order not take effect for 12 months.

Explain why the Court chose to make such a “suspended declaration” in *W*. Considering the role of the judiciary in protecting rights under the Basic Law, under which circumstances is it appropriate for the Court should delay the effect of their orders in this way? **(50 marks)**

2. In *Ng Ka Ling v Director of Immigration* [1999] 1 HKLRD 315, the Court of Final Appeal stated:

“We must begin by recognizing and appreciating the character of the document. The Basic Law is an entrenched constitutional instrument to implement the unique principle of “one country, two systems”. As is usual for constitutional instruments, it uses ample and general language. It is a living instrument intended to meet changing needs and circumstances.”

Do you agree with the Court that the Basic Law should be understood and interpreted as a ‘living instrument intended to meet changing needs’? Has this in fact been the case? **(50 marks)**

3. In the 2014 White Paper on “The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administrative Region”, the State Council wrote:

“The ‘one country’ is the premise and basis of the ‘two systems’, and the ‘two systems’ is subordinate to and derived from ‘one country’. But the ‘two systems’ under the ‘one country’ are not on a par with each other.”

Explain what this statement means, with reference to appropriate legal and political examples. **(50 marks)**

~End of Examination Paper~