

PCLL CONVERSION EXAMINATION JANUARY 2023

Title of Paper: Hong Kong Constitutional Law

Date: 5 January 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-hours 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.
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 January 2023

Hong Kong Constitutional Law

Answer Two Questions out of Three

Question 1 (50 Marks)

Article 82 of the Basic Law of the HKSAR:

The power of final adjudication of the Hong Kong Special Administrative Region shall be vested in the Court of Final Appeal of the Region, which may as required invite judges from other common law jurisdictions to sit on the Court of Final Appeal.

Article 44 of the National Security Law of the HKSAR:

The Chief Executive shall designate a number of judges from the magistrates, the judges of the District Court, the judges of the Court of First Instance and the Court of Appeal of the High Court, and the judges of the Court of Final Appeal, and may also designate a number of judges from deputy judges or recorders, to handle cases concerning offence endangering national security.

Should the ‘overseas judges’ on Hong Kong’s Court of Final Appeal be assigned to hear cases brought under the National Security Law? Explain.

Question 2 (50 Marks)

After the Court of First Instance found parts of the so-called “anti-mask law” to be unconstitutional in *Kwok Wing Hang & Ors v Chief Executive* [2019] HKCFI 280, a spokesperson for the Standing Committee of the National People’s Congress (the NPCSC) said that “whether a local law is in conformity with the Basic Law can only be judged and decided by the NPCSC, and no other organ has the right to judge or decide.”

Comment on this statement based upon your understanding of the system of constitutional judicial review practised in Hong Kong.

Question 3 (50 Marks)

“ ‘One Country, Two Systems’ is a success story.” – President Xi Jinping, 1 July 2017.

Critically discuss this statement with reference to the development of constitutional law in Hong Kong.

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