

PCLL CONVERSION EXAMINATION JUNE 2025

Title of Paper : Hong Kong Legal System
Date : 17 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 3 pages, including three questions. Candidates are only required to answer **TWO** questions out 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 2025
Hong Kong Legal System

Question 1 (50 marks)

John Lee, the Chief Executive of the Hong Kong Special Administrative Region, published an article on 1 July 2024 on “Impressive and Major Achievements of the Implementation of ‘One Country, Two Systems’ since Hong Kong’s Return to the Motherland”. The Chief Executive described Hong Kong’s strong common law tradition as one of Hong Kong’s “golden reputations” that contributed to Hong Kong’s position as a leading centre for international legal and dispute resolution services in the Asia-Pacific region.

- (a) What are the elements, systemic, institutional, normative, practical or otherwise, that contribute to form and maintain the features for Hong Kong to be regarded as a jurisdiction that follows the common law tradition? **(30 marks)**
- (b) What are the legislative, policy and other arrangements in alternative dispute resolution and judicial assistance that have contributed to the success of Hong Kong in providing international legal and dispute resolution services in the Asia-Pacific region? **(20 marks)**

Question 2 (50 marks)

The Chief Justice of the Court of Final Appeal of the Hong Kong Special Administrative Region stated on 20 January 2025 the following:

“Lying at the heart of the rule of law in Hong Kong is judicial independence. Article 85 of the Basic Law specifically guarantees that the judicial power shall be exercised independently, free from any interference. This is not a mere form of words, but a constitutional mandate that has always been and continues to be jealously upheld by our courts.

Indeed, judicial independence is most clearly demonstrated through the daily work of judges, who decide cases based on the law and evidence, without regard to extraneous considerations, whether political or personal, or public sentiment. Our system of law cannot command public confidence unless judges remain faithful to their commitment to do justice according to law. And despite the challenges of recent years, the Judiciary continues to discharge that duty with integrity and impartiality.”

- (a) Discuss the provisions, in the Basic Law of the Hong Kong Special Administrative Region, legislation, and common law practices, that guarantee and ensure judicial independence in the Hong Kong Special Administrative Region. **(35 marks)**

- (b) The Six-monthly Report of the United Kingdom Government on Hong Kong (1 July to 31 December 2024) claims that:

“Hong Kong’s courts are having to adjudicate on an opaque National Security Law that places the authority of the Chief Executive on security matters above that of their own.”

Discuss, with reference to the provisions of the Basic Law of the Hong Kong Special Administrative Region, provisions of the National Security Law, the Interpretation of the Standing Committee of the National People’s Congress on Articles 14 and 47 of the National Security Law (30 December 2022), and judgments of the Hong Kong courts, how the matter claimed in the quotation from the Six-monthly Report affects judicial independence in the Hong Kong Special Administrative Region. **(15 marks)**

Question 3 (50 marks)

- (a) Discuss, with reference to statutory provisions and Hong Kong judgments (and *excluding* interpretation presumptions and maxims), the approach adopted in the Hong Kong Special Administrative Region *generally* for interpreting statutes. **(30 marks)**
- (b) The legislation of the Hong Kong Special Administrative Region is enacted bilingually, i.e. in both English and Chinese texts. Discuss, with reference to statutory provisions and Hong Kong judgments, the approach the Hong Kong courts have adopted *specifically* for resolving any alleged difference between the English text and the Chinese text of a legislative provision. **(20 marks)**

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