

# **PCLL Conversion Examination**

**June 2023**

## **Examiner's Comments**

### **Hong Kong Legal System**

This paper consisted of three questions of which candidates needed to answer two. Compared with the January exam, the results were better though majority of candidates still failed the exam. The first reason is that many candidates misunderstood one or two questions and gave completely wrong answers. The second reason is ..

#### **Question One**

This question is about the impact of the NSL upon criminal justice system in HK. There are so far four major impacts, i.e. on bail system, jury trial, sentencing, and overseas lawyers. Candidates are expected to discuss those four impacts.

Most students who chose this question had managed to discuss two major impacts. A few good ones had discussed three or four. Those who failed mainly only discussed one or failed to elaborate.

#### **Question Two**

The first part of this question tested the knowledge of students on the issue of applicability of the Constitution of the PRC in Hong Kong. This is a basic question about HK's legal system which all HK lawyers should know. To my surprise, many candidates who chose this question didn't know anything about it.

The second part was about the two means to apply Chinese national laws in Hong Kong: by promulgation or by local legislation. I thought it was a question on which candidates could get marks easily. Again, many candidates who chose this question misunderstood the question and gave wrong answers.

Part III of the question tested students' knowledge on the CFA's approach on the interpretation of the Basic Law, in particular, the authority of the NPCSC under the Basic Law. This again is an important issue all future HK lawyers should know. Many candidates gave correct answers. But still quite a percentage of candidates who chose this question misunderstood the question.

#### **Question Three**

This question was about law-making authority of Hong Kong courts. It is an issue recently addressed by the Chief Justice in his speech at the Opening of Legal Year 2023. Though it's not a new issue, it's an important one for all law students.

Many candidates who chose this question demonstrated that they knew something about it. Some answers missed the statutory interpretation aspect of this question and discussed only the doctrine of precedent.

Quite a few candidates misunderstood the question and talked about law-making authority of the LegCo.