

PCLL CONVERSION EXAMINATION JANUARY 2025

Title of Paper : Hong Kong Constitutional Law
Date : 7 January 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 2 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 January 2025
Hong Kong Constitutional Law**

Answer any two of the following questions.

Question 1 (50 marks)

Article 2 of the Basic Law states the following:

The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law.

Define the constitutional meaning of 'a high degree of autonomy' under the framework of 'One Country, Two Systems'.

Question 2 (50 marks)

'In exercising their judicial power conferred by the Basic Law, the courts of the Region have a duty to enforce and interpret that Law. They undoubtedly have the jurisdiction to examine whether legislation enacted by the legislature of the Region or acts of the executive authorities of the Region are consistent with the Basic Law and, if found to be inconsistent, to hold them to be invalid. The exercise of this jurisdiction is a matter of obligation, not of discretion, so [if an] inconsistency is established, the courts are bound to hold that a law or executive act is invalid, at least to the extent of the inconsistency' (*Ng Ka Ling v Director of Immigration* [1999] 2 HKCFAR 4).

Discuss the function of judicial review in Hong Kong's constitutional order.

Question 3 (50 marks)

The Safeguarding National Security Ordinance, which was passed by the Legislative Council in March 2024, states in Part 1 Section 2 that:

...human rights are to be respected and protected, the rights and freedoms, including the freedoms of speech, of the press and of publication, the freedoms of association, of assembly, of procession and of demonstration, enjoyed under the Basic Law, the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR, are to be protected in accordance with the law; and...

Discuss the legal and effective ways to respect and protect human rights, commensurate with the safeguard of national security in Hong Kong.

~End of Examination Paper~