

## **PCLL CONVERSION EXAMINATION JUNE 2023**

Title of Paper : Hong Kong Legal System

Date : 15 June 2023

Time : 9:30 – 11:00

### **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. No reading time is designated for this paper.
6. This is an open book examination.
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.
8. Each question is worth 50 marks.
9. 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 Legal System

### Question 1 (50 marks)

The current Chairman of the Hong Kong Bar Association, Victor Dawes SC, said the following at the Opening of Legal Year 2023:

“[The] focus of the legal community and the public [in 2023] will no doubt be on the various high profile public order and NSL trials that will be heard this year. We will have to demonstrate that defendants at the receiving end of the most serious allegations will be dealt with fairly and impartially. We owe a duty to society to ensure that the justice system, and in particular the trial process, is effective, fair, and compliant with the rule of law.”

Discuss critically with reference to decided cases the impact of the NSL upon the criminal trial system in Hong Kong.

### Question 2 (50 marks)

One scholar has said the following recently:

“Under the ‘One Country, Two Systems’ principle, Hong Kong still remains a common law jurisdiction. Although Hong Kong’s legal system is largely separated from the mainland one, there are many interfaces between the two legal systems.”

*(Hong Kong Lawyer, March 2023, p. 73)*

Application of the Constitution of the PRC in Hong Kong, application of such national laws as listed in Annex III, and interpretation of the Basic Law are three of the five interfaces mentioned by him.

Discuss, with reference to decided cases, the following issues:

- 1. Judicial application of the Constitution of the PRC in Hong Kong.** (15 marks)
- 2. Pros and cons of the two different ways of application of national laws in Hong Kong.** (15 marks)
- 3. The CFA’s approach on the authority of the NPCSC in interpreting the Basic Law.** (20 marks)

### Question 3 (50 marks)

Discuss, with reference to decided cases, the law-making authority of Hong Kong courts and its limitations.

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