PCLL Conversion Examination
June 2025 Examiner's Comments
Hong Kong Constitutional Law

Question 1:
Candidates are expected to examine the existing national security laws applicable in Hong Kong critically, including the nature of NPSCS's national security law (NSL, as a national law adopted in Annex III of the Basic Law), the local national security law and its function for fulfilling the constitutional obligation according to Article 23 of the Basic Law, other local ordinances such as the Crimes Ordinance, the applicability of the NSL in common law approach, (e.g., in *Tong Ying Kit v HKSAR*, *Lui Sai Yu* and *HKSAR v Lai Chee Ying*) and the relationship between NSL and Hong Kong's local national security law. Good answers referenced concrete case laws in their legal analysis, while some failing answers lacked a focused legal analysis of national security laws.

Question 2:
Candidates are expected to examine the origin and justification of the doctrine in relation to the separation of powers doctrine, the deference not as a judicial abdication, varying degrees of deference from these cases in relation to the implementation of social economic policy to those concerning fundamental rights and the burden of the Government to justify a restriction of fundamental rights. Few candidates chose to answer this question, and among those who did, only a few were able to provide a focused analysis of the doctrine.

Question 3:
Candidates are expected to analyse the significance of the proportionality test as a fundamental principle in constitutional review and its application in Hong Kong case laws. Relevant analysis involving typical case laws (e.g., *Hysan Development Co. Ltd and Others v. Town Planning Board and Another*) is expected in the answer. Relevant critical scholarly analysis of the proportionality test is merited. Failing answers tended to simply mention relevant case laws without providing a satisfactory legal analysis.

Overall, performance on the exam was good. Most candidates successfully answered Questions 1 and 3, while few candidates chose to answer Question 2. Some strong answers provided critical analyses of relevant points.