

PCLL CONVERSION EXAMINATION JUNE 2020

Title of Paper : Hong Kong Legal System
Date : 17 June 2020
Time : 9:30 a.m. – 11:00 a.m.

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-hours 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**

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Hong Kong Legal System

Question 1 (50 marks)

- (a) Identify and describe the decisions that prosecutors may have to make prior to and during a criminal proceeding and thus explain the ideas of ‘prosecutorial discretion’ and ‘prosecutorial independence’ in the context of Hong Kong’s criminal justice system. **(30 marks)**
- (b) Explain the importance of prosecutorial independence to Hong Kong’s rule of law. **(20 marks)**

Question 2 (50 marks)

The notion of the separation of powers often presupposes that not only is there a division of labour between the three branches of government (i.e. the executive, the legislature and the judiciary) but also that there is a proper distribution of power between them to enable effective checks and balances. Explain, with examples and authorities, the powers that the Legislative Council enjoys which enable it to perform its monitoring role over the Executive.

(50 marks)

Question 3 (50 marks)

Explain the background context to the Standing Committee of the National People’s Congress’s (NPCSC) interpretation of Article 104 of the Basic Law of Hong Kong in 2016 (‘the 2016 Interpretation’) and its potential ramifications on Hong Kong’s autonomy and judicial independence. **(50 marks)**

~ End of Examination Paper ~