

PCLL CONVERSION EXAMINATION JANUARY 2021

Title of Paper : Hong Kong Legal System
Date : 5 January 2021
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**

PCLL Conversion Examination January 2021

Hong Kong Legal System

Question 1 (50 marks)

With the promulgation in Hong Kong of the National Security Law in 2020, the already limited right to a jury trial in Hong Kong has now been further diminished.”

Explain and critically analyse this statement.

Question 2 (50 marks)

The case of *A Solicitor v The Law Society of Hong Kong* (2008) 11 HKCFAR 117 has been heralded as the most important legal system case decided in Hong Kong post-1997. Explain the significance of the case in respect of its enunciation of the present precedent status of judgments of the Hong Kong courts and the status of English and United Kingdom precedents.

Question 3 (50 marks)

Despite the apparent assurances of Articles 8 and 18 of the Basic Law, it is now clear that PRC laws (including the Basic Law itself) and NPC Standing Committee interpretations, have replaced the common law as a major source of Hong Kong law. Explain the increased significance of PRC laws and NPC Standing Committee interpretations as sources of Hong Kong law and the potential impact this may have on the rights and freedoms enjoyed by Hong Kong residents.

~ End of Examination Paper ~