

**PCLL Conversion Examination**  
**January 2017**  
**Examiner's Comments**  
**Hong Kong Constitutional Law**

**Question 1**

For Question 1, students are expected to:

- (a) the meaning of executive-led and separation of powers; (10 marks)
- (b) provisions of the Basic Law suggesting that the chief executive is at the core of the political structure and provisions of the Basic Law suggesting that there are *checks and balances* of power and *cooperation* between the legislative and executive branches; (10 marks)
- (c) incidents in the past years illustrating how the provisions were being implemented (10 marks);
- (d) the relationship between the legislative and executive branches on how far it is executive-led or separation of powers. (20 marks)

The overall performance of students answering Question 1 was satisfactory. Most students can provide an analysis of the relationship between the Executive Authorities and the LegCo and the relationship between the Executive Authorities and the Judiciary illustrating the system of the HKSAR government is not purely executive-led nor separation of powers.

**Question 2**

For Question 2, students are expected to:

- (a) Is there any limitation on Joshua's political rights? (5 marks)
- (b) What should be the test of scrutiny in determining whether the restriction is unreasonable? (5 marks)
- (c) Would there be any issue on "pre-eminently political judgment" making the test of strict scrutiny not applicable? (10 marks)
- (d) What may be the legitimate aims justifying the limitation? (10 marks)
- (e) Is there any rational connection? (5 marks)
- (f) Is the limitation proportionate? (15 marks)

The overall performance of students answering Question 2 was satisfactory. Most students can address the major legal issues and the application of the legal tests in determining whether there is any infringement of the right was adequate. However, not many students have considered whether the matter involves "pre-eminently political judgment."

**Question 3**

For Question 3, students are expected to:

- (a) the concept of autonomy; (10 marks)
- (b) autonomous powers enjoyed by the HKSAR under the Basic Law; (10 marks)

- (c) democratic development of the HKSAR; (10 marks)
- (d) relevant incidents in the past years involving conflict between Hong Kong and the Central Authorities; (10 marks)
- (e) the degree of autonomy attained by Hong Kong. (10 marks)

The overall performance of students answering Question 3 was satisfactory. Most students can explain why a particular view is preferred by explaining their understanding of the concept of autonomy and illustrating the different aspects of the autonomous arrangements under the Basic Law. Most students preferred the view of B.