

PCLL CONVERSION EXAMINATION, JANUARY 2016

Title of Paper : Hong Kong Constitutional Law
Date : 5 January 2016
Time : 2:30 p.m. – 2:45 p.m. (Reading Time)
2:45 p.m. – 4:15 p.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. This is an open book examination.
6. Reading time for this paper is 15 minutes. Do **NOT** begin writing in your answer books during this period until you are instructed to do so.
7. This 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 2016

Hong Kong Constitutional Law

Question 1 (50 marks)

“The chief executive’s power is not limited to leading the Hong Kong administration, but has a dual role – [as] head of the Hong Kong government and also the head of the Hong Kong special administrative region. He has responsibility towards both the Central People’s Government and to Hong Kong...The chief executive’s dual responsibility means he has a special legal position which is above the executive, legislative and judicial institutions.” (Extract from a speech by Zhang Xiaoming, Director of the Liaison Office of the Central People’s Government in Hong Kong, 12 September 2015).

Critically review the constitutional role of the Chief Executive in the Hong Kong Special Administrative Region in light of this statement.

Question 2 (50 marks)

“China has resumed the exercise of sovereignty over Hong Kong on 1 July 1997. Its basic policies regarding Hong Kong has been put into effect, manifested and stipulated in the Basic Law. The provisions of the Joint Declaration have been fully implemented, and its purpose and objectives have also been fully fulfilled...[T]he United Kingdom has no sovereignty, jurisdiction or right of supervision over Hong Kong, and there is no such thing as ‘moral obligation’.” (Excerpt from a reply in LegCo by Raymond Tam, Secretary for Constitutional and Mainland Affairs, on 17 December 2014).

With reference to the above quote, state your view on the continuing relevance of the Sino-British Joint Declaration in the implementation of the Basic Law.

Question 3 (50 marks)

Following the recent action of student leaders burning copies of the Basic Law during a June 4th rally, LegCo passes the (fictitious) Protection of the Basic Law Ordinance, which states: “A person who desecrates a copy of the Basic Law by publicly and wilfully burning, mutilating, defiling or trampling on it commits an offence and shall be liable to imprisonment for 5 years.”

Analyse the constitutionality of this provision with reference to right(s) under the Basic Law and Bill of Rights.