

PCLL CONVERSION EXAMINATION JANUARY 2017

Title of Paper : Hong Kong Legal System
Date : 6 January 2017
Time : 3:00 p.m. – 4:30 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. **NO** reading time is designated for this paper.
6. This is a closed book examination.
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**

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Hong Kong Legal System

Question 1 (50 marks)

One of the main objectives of the Civil Justice Reform is to improve access to justice. To what extent has this objective been achieved in Hong Kong?

Question 2 (50 marks)

The State of Howa (a hypothetical state) is currently building a new jury system. Defendants charged with serious crimes will be tried by a panel of five jurors and two judges sitting together at the first instance court. By a simple majority, the panel will rule on both guilt and sentencing. The majority must, however, include at least one of the two judges on the panel. The panel will try all defendants facing either a potential sentence of death or a sentence of indeterminate length, as well as crimes involving an intentional act that caused death. All persons under 18 and over 70 are automatically excluded from the pool of available jurors.

The panel (five jurors and two judges) should discuss and evaluate evidence throughout the trial, including lunch hours and recess times. Jurors without a legal background will need to go through a one-week intensive law training course organised by the judiciary of the State of Howa.

How different is the jury system in Hong Kong as compared to the State of Howa? Critically evaluate the advantages and disadvantages of the jury system in Hong Kong as compared to the one in the State of Howa.

Question 3 (50 marks)

The police in Hong Kong are given enormous powers and tighter controls should be introduced.

Do you agree with this statement? Discuss with reference to the source of police powers and/or other authorities.

~ End of Examination Paper ~