

PCLL CONVERSION EXAMINATION JUNE 2015

Title of Paper : Hong Kong Constitutional Law
Date : 24 June 2015
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 3 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 June 2015

Hong Kong Constitutional Law

Question 1 (50 marks)

In recent years, several Legislative Councillors have repeatedly used filibustering to obstruct the proceedings of the Legislative Council. They allege that the Legislative Council has failed to impose effective checks on the executive branch of the HKSAR and they believe that filibustering can put pressure on the executive branch to make it more accountable to the people of the HKSAR.

Amendments to the Rules of Procedures of the Legislative Council are now being considered by the Legislative Council to prevent or limit filibustering.

Analyze the scope of authority of the Hong Kong Courts in reviewing such amendments to the Rules of Procedures of the Legislative Council in light of the doctrine of separation of powers and the principle of executive-led form of government under the Basic Law.

Question 2 (50 marks)

“A constant theme in any serious discussion about Hong Kong – indeed, it is the single most common question I am asked – is the Rule of Law...What are the fundamental features of the Rule of Law? ...First, there is the existence of laws that respect the rights and the dignity of persons. Secondly, there must be in place an independent Judiciary, which protects these laws...”

(Extract of the speech of Geoffrey Ma, Chief Justice of the Court of Final Appeal, at the Ceremonial Opening of the Legal Year 2011)

Illustrate how far the two fundamental features of the Rule of Law mentioned by the Chief Justice in the extract have been achieved in Hong Kong.

Question 3 (50 marks)

“‘One country, two systems’ is a holistic concept. The ‘one country’ means that within the PRC, the HKSAR is an inseparable part and a local administrative region directly under China’s Central People’s Government. As a unitary state, China’s central government has comprehensive jurisdiction over all local administrative regions, including the HKSAR. The high degree of autonomy of the HKSAR is not an inherent power, but one that comes solely from the authorization by the central government. The high degree of autonomy of the HKSAR is not a full autonomy, nor a decentralized power. It is the power to run local affairs as authorized by the central leadership. The high degree of autonomy of the HKSAR is subject to the level of the central leadership's authorization.”

(Extract of the “White Paper on The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administrative Region” issued by The Information Office of the State Council, People’s Republic of China, 10 June 2014)

Do you agree with the understanding of “One Country, Two Systems” put forward by the White Paper? Give reasons and refer to incidents happened in the past years to support your view.

~ End of Examination Paper ~