

PCLL CONVERSION EXAMINATION JUNE 2017

Title of Paper: Hong Kong Constitutional Law
Date: 23 June 2017
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 two pages, including three questions. Candidates are only required to answer **TWO** questions 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 2017

Hong Kong Constitutional Law

Question 1 (50 marks)

Some legislators suggested that the following offence should be enacted:

“Offence against insulting a law enforcement officer

- (1) Any person acts with intent towards a law enforcement officer in the execution of the officer’s duty utters abusive or insulting words commits an offence.
- (2) Any person who commits an offence under subsection (1) is liable on a summary conviction to a fine at level 1 (HK\$2,000).
- (3) Any person who commits an offence repeatedly or maliciously under subsection (1) in repletion is liable to a maximum fine at level 2 (HK\$5,000) and to imprisonment for 12 months.
- (4) No offence is committed under this section unless the person knows or ought reasonably to know that the victim was acting in the capacity as a law enforcement officer, as the case may be.”

Consider whether the proposed offence can satisfy the constitutional requirements under the Basic Law.

Question 2 (50 marks)

You are invited to give a speech to a group of secondary school students on the following topic: **Interpretation of the Basic Law - The Biggest Legal Challenge of “One Country Two Systems” in Hong Kong.**

You are expected to give your view in light of the recent constitutional disputes in Hong Kong. Write your speech.

Question 3 (50 marks)

“Neither ‘executive-led’ nor ‘separation of powers’ by itself can accurately describe the interrelationships between the executive and the legislative branches of the HKSAR Government.”

Do you agree with this statement? How would you describe the interrelationships between the executive branch and the legislative branch of the HKSAR Government? Support it with an analysis of the relevant provisions of the Basic Law and their actual implementation.

~ End of Examination Paper ~