

## **PCLL CONVERSION EXAMINATION JUNE 2017**

Title of Paper : Hong Kong Legal System  
Date : 27 June 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 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 2017

### Hong Kong Legal System

#### **Question 1 (50 marks)**

In the early hours of the morning, police officers Lee and Lo observed a driver sitting in a parked car at the residential area of Repulse Bay for a suspiciously long time. As the constables approached the car, the driver started the car and quickly drove away. The police reported this to the police headquarters and the driver, a Miss Chen, was later stopped and arrested.

Police officers Lee and Lo later observed a man hanging around at the same place where Chen's car had been parked. When the man saw Lee and Lo approaching, he ran away but was caught by police officer Lee. The man, a Mr. Wang, was searched, but nothing was found. However, close by at the side of the road, police officer Lo found a bag containing HKD 100,000, a Cartier watch and one i-phone 7 plus.

Miss Chen was unsure why she was arrested and was handcuffed and forced into a police car. She was later brought to the police station. When questioned, it was revealed that Miss Chen spoke Shanghainese and understood only a little Cantonese. Neither police officers could speak Shanghainese, they proceeded to tell Miss Chen in Cantonese that they were placing her under arrest. They then asked Miss Chen if the bag they had found belonged to her and she kept silent. Miss Chen was later taken to an interview room at the police station. She asked to go to the toilet but the police officers did not believe she really wanted to go to the toilet and refused her request. No food or drink was offered to Miss Chen, but when she asked for water for her medicine, police officer Lee gave her some water. Miss Chen asked for a lawyer and the police officers said she had the right to ask for a lawyer but said a lawyer was very expensive and she could not really afford it. Miss Chen decided not to ask for a lawyer.

While questioning Miss Chen, police officers Lee and Lo played "good cop" and "bad cop" with Lee being nice to Miss Chen and Lo being aggressive, hitting the table and shouting. Officer Lo said to Miss Chen, "We know what you are up to. You'd better just admit to everything or you don't even think about moving away from your chair!" Miss Chen was very scared and started crying. Lee then comforted Miss Chen and told her to read the confession written by Lo which stated that Miss Chen had planned to burgle a house in Repulse Bay and Wang was there to drive her away. Lo then said, "If you admit that you're a burgler, you'll receive a lighter sentence." Miss Chen then confessed to burgling the house at Repulse Bay and police officers Lee and Lo then proceeded to charge her under the relevant provision of the Theft Ordinance.

Assess the legality of the police officers' behaviour and discuss the possible consequences of their actions. Describe the official post-arrest duty of the police in this case. (Do not discuss anything on criminal evidence)

**Question 2 (50 marks)**

“Being the highest appellate court in Hong Kong, no decisions are binding on the Court of Final Appeal whether pre or post 1997 and whether English decisions or NPCSC’s interpretations.”

Do you agree with the statement? State reasons and support with authorities.

**Question 3 (50 marks)**

“Judicial independence is one of the most important features of the doctrine of separation of powers in Hong Kong. Unfortunately, such independence is more a myth than a reality.”

Do you agree with this statement? Critically assess this statement with supporting authorities.

**~ End of Examination Paper ~**