

Answer Key and Explanations - BLNST Mock Test

1. **Correct Answer: A.**

Article 1 of the Basic Law stipulates that the Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the People's Republic of China. Hong Kong is not independent or sovereign apart from China; its status as a local administrative region of China is fundamental and cannot be unilaterally changed by Hong Kong. (info.gov.hk)

2. **Correct Answer: B.**

The Basic Law guarantees that Hong Kong's capitalist system and way of life shall remain unchanged for **50 years** after 1997. This "50-year" guarantee means that through at least 2047, the pre-handover economic and social systems would continue. (It does *not* imply things must change after 2047; Chinese officials have indicated "50 years" is a minimum, not an exact cutoff. (doj.gov.hk))

3. **Correct Answer: B.**

The Basic Law protects a wide range of rights for Hong Kong residents (freedoms of speech, press, assembly, etc., and rights such as freedom from arbitrary arrest and the right to social welfare). However, there is **no provision** in the Basic Law that grants residents any "right to bear arms." Hong Kong law tightly restricts firearms, and owning guns is not a protected right. Options A, C, and D are all rights explicitly protected by the Basic Law (freedom of speech/press, freedom from arbitrary arrest, and right to social welfare), whereas **the right to bear arms is not mentioned at all in the Basic Law.** (basiclaw.gov.hk)

4. **Correct Answer: C.**

Under the Basic Law, matters of **foreign affairs and defense** are the direct responsibility of the Central People's Government, not the HKSAR. Article 13 (cmab.gov.hk) states that the Central People's Government is responsible for Hong Kong's foreign affairs (though Hong Kong is authorized to conduct external affairs in certain contexts). Article 14 (cambridge.org) stipulates that the Central People's Government is responsible for the defense of Hong Kong. By contrast, Hong Kong enjoys autonomy in areas like education, monetary policy, immigration, etc., but not in foreign diplomacy or military defense. Therefore, option C is the area reserved to the Central Authorities. (Public order and local policing are within Hong Kong's autonomy, except in a state of emergency.)

5. **Correct Answer: D.**

Article 23 of the Basic Law requires Hong Kong to enact laws prohibiting *treason*, *secession*, *sedition*, *subversion* against the Central People's Government, *theft of state secrets*, and to prohibit foreign political organizations from conducting political activities in Hong Kong (and local political organizations from having ties with foreign political bodies). **“Terrorist activities” are not listed in Article 23.** (At the time the Basic Law was enacted, terrorism was not included in Article 23's requirements. Terrorism was later addressed in the 2020 National Security Law, but not in Article 23 itself.) All the other acts (treason, subversion, secession) are explicitly named in Article 23 for Hong Kong to legislate against, whereas *terrorism* is **not** mentioned in that article. (en.wikipedia.org)

6. **Correct Answer: D.**

The Basic Law upholds judicial independence. Article 85 explicitly states that the courts of the HKSAR shall exercise judicial power **independently, free from any interference**. This means judges make decisions based on law and evidence, without being directed or controlled by the executive or legislative branches (or any other authority). Options A, B, and C are all incorrect — Hong Kong's judiciary is constitutionally protected from interference by the Chief Executive, legislature, or Mainland courts. The principle of an independent judiciary is a cornerstone of Hong Kong's legal system, as guaranteed by the Basic Law. (basiclaw.gov.hk)

7. **Correct Answer: C.**

Article 63 of the Basic Law provides that the Department of Justice (headed by the Secretary for Justice) “shall control criminal prosecutions, free from any interference”. This means prosecutorial decisions in Hong Kong are made by the Department of Justice independently, without interference from other authorities. The Hong Kong Police (option A) may investigate crimes and make arrests, but they do not control prosecutions. The Chief Executive's Office (B) does not direct prosecutions. The ICAC (D) handles corruption investigations and can recommend prosecutions, but ultimate control of prosecutions lies with the Department of Justice. Thus, the Department of Justice is the institution entrusted by the Basic Law to handle criminal prosecutions impartially and free from interference. (basiclaw.gov.hk)

8. **Correct Answer: D.**

Article 104 of the Basic Law requires that, when assuming office, the Chief Executive, principal officials of the HKSAR Government, members of the Executive Council and of the Legislative Council, **and judges of the courts at all levels (and other members of the judiciary)** must swear to uphold the Basic Law and swear

allegiance to the HKSAR. It does **not** list “all civil servants” as such. (After 2020, the Hong Kong government separately required civil servants to sign declarations of loyalty, but that is a policy measure, not an Article 104 Basic Law requirement.) Therefore, among the options, the one not mandated by Article 104 is **newly hired civil servants in general**. All the other options — CE, principal officials, and judges — are indeed specified in Article 104 as needing to take the oath to uphold the Basic Law and pledge allegiance. (globaltimes.cn)

9. **Correct Answer: C.**

The Basic Law sets the **ultimate aim** of achieving universal suffrage for both the Chief Executive (CE) and the Legislative Council (LegCo). For the Chief Executive: Article 45 states that the CE shall ultimately be selected by universal suffrage upon nomination by a broadly representative committee. For LegCo: Article 68 says the ultimate aim is the election of all members of the Legislative Council by universal suffrage. Options A and B are contrary to these provisions — while Hong Kong’s leaders were not immediately chosen by universal suffrage, the Basic Law’s text enshrines universal suffrage as the goal. Option D (hereditary or familial rotation) has no basis in law. Thus, the correct answer is that both the CE and all LegCo members should eventually be elected by universal suffrage (one person, one vote), reflecting the Basic Law’s promise (even though the timing and method to achieve this have been subject to further decisions). (basiclaw.gov.hk)

10. **Correct Answer: C.**

Statements (i) and (iii) are correct, while (ii) is not. Under Article 158 of the Basic Law: **(i)** The NPC Standing Committee indeed has the power of final interpretation of the Basic Law. **(iii)** Before the NPCSC gives an interpretation of the Basic Law, it is required to “consult its Committee for the Basic Law of the HKSAR” – this Basic Law Committee is a body established to advise on interpretations. **(ii) is incorrect** because Hong Kong courts **cannot** freely interpret provisions of the Basic Law that concern Central People’s Government affairs or the Mainland-HKSAR relationship if such interpretation will affect the case outcome. In such situations, Hong Kong courts must **refer the question** to the NPCSC for interpretation before making a final judgment. (Hong Kong courts can interpret Basic Law provisions on their own *only* when those provisions fall within Hong Kong’s autonomy and do not involve central affairs.) Therefore, (i) and (iii) are correct and (ii) is not. (cljc.org.hk)

11. **Correct Answer: B.**

Article 3 of the Hong Kong National Security Law (NSL) makes clear that the Central People’s Government has an “overarching” or fundamental responsibility for national security in Hong Kong, and the HKSAR has a duty to uphold national security as well. It also stipulates that Hong Kong’s executive authorities, legislature, and

judiciary must **effectively prevent and punish acts that endanger national security** in accordance with the law. This means all three branches of Hong Kong's government are responsible for safeguarding national security (not just one branch). Option B correctly captures that dynamic. Option A is wrong because Beijing does have supervisory responsibility – Hong Kong is not solely responsible. Option C is fabricated, as no international committee is involved. Option D is incorrect because *all* branches (executive, legislative, and judicial) in Hong Kong are tasked under NSL Article 3 to safeguard national security, not only the executive branch. (legco.gov.hk)

12. **Correct Answer: B.**

Article 4 of the NSL explicitly states that in safeguarding national security, Hong Kong shall **respect and protect human rights**, and it highlights that the rights and freedoms protected by the Basic Law — including freedom of speech, of the press, publication, association, assembly, procession and demonstration — and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) as applicable to Hong Kong shall be protected in accordance with the law. Therefore, option B correctly reflects Article 4. Option A is the opposite of what Article 4 says (the NSL does **not** suspend the ICCPR/ICESCR; in fact, it references them as still applicable). Options C and D are also incorrect — Article 4 mandates protection of rights according to law, meaning any restrictions have to be lawful and necessary, not arbitrary blanket suspensions. Option D is wrong because all residents in Hong Kong (and in some cases even non-residents) enjoy rights — the Basic Law's rights apply to "Hong Kong residents" broadly, and many provisions apply to everyone in Hong Kong, not only permanent residents. (en.wikisource.org)

13. **Correct Answer: A.**

Article 5 of the NSL enshrines important *rule-of-law* principles: no punishment without law (no retroactivity) and the presumption of innocence. It says that an act must be a crime under the law to be punished, and that no one should be punished for an act that was not criminal when it was done. It also affirms that suspects are presumed innocent until proven guilty by law, and it protects the rights of defendants (such as the right to defense) and prohibits double jeopardy (no one to be tried or punished again for an offense for which they've been acquitted or convicted). Therefore, Answer A correctly identifies the presumption of innocence (and implicitly the ban on retroactive offenses) as principles in Article 5. The other options are incorrect: NSL Article 5 does not encourage "trial by media" (B) nor reverse the burden of proof (C), and it does not authorize punishment for non-criminal acts — quite the opposite, it forbids it (D). (en.wikisource.org)

14. **Correct Answer: B.**

Article 6 of the NSL requires that any resident of Hong Kong who runs for election or assumes a public office must **confirm in writing or take an oath** to uphold the Basic Law and swear allegiance to the Hong Kong SAR of the PRC. This essentially extends and reinforces the oath requirements already in the Basic Law (Article 104) to ensure loyalty and commitment to the Basic Law and HKSAR. Option B captures this requirement. The NSL Article 6 does not say one must renounce foreign citizenship (option C) — although other local laws prevent certain office-holders (like the Chief Executive) from having foreign right of abode, Article 6 itself is about the pledge of loyalty. It also does not demand a promise never to criticize the government (D); criticism is not outlawed as long as it does not endanger national security. Option A (background check by the NS committee) is not an Article 6 requirement, though in practice candidates are vetted for loyalty by authorities under other mechanisms. The explicit legal requirement in Article 6 is the oath to uphold the Basic Law and allegiance to HKSAR. (en.wikisource.org)

15. **Correct Answer: C.**

Under Article 14 of the NSL, the Committee for Safeguarding National Security of the HKSAR has three main duties: **(1)** analyzing and assessing national security developments and formulating plans and policies; **(2)** advancing the development of the legal system and enforcement mechanisms for safeguarding national security; and **(3)** coordinating major work and operations for safeguarding national security. Option C — “*advancing the development of the legal system and enforcement mechanisms of the HKSAR for safeguarding national security*” — is directly lifted from those duties. The Committee does *not* itself prosecute crimes (prosecutions are handled by the Department of Justice and courts) — so A is incorrect. It also is explicitly stated that no institution can interfere with the Committee’s work and that its decisions are not judicially reviewable, but the Committee **does not interfere in the judiciary** — thus B is wrong. And it is not a legislative body either (D is wrong). In short, the Committee’s role is policy-making and coordination on NS matters, not acting as police, prosecutor, judge, or legislature. (en.wikisource.org)

16. **Correct Answer: A.**

The NSL primarily lets Hong Kong handle cases, but Article 55 provides that the Central Government’s Office for Safeguarding National Security *may exercise jurisdiction* over a case in Hong Kong under certain extraordinary circumstances. These include: **(1)** the case is complex involving a foreign country or external elements, and Hong Kong cannot effectively handle it; **(2)** a serious situation where the Hong Kong government is unable to enforce the NSL effectively; or **(3)** a major imminent threat to national security. Option A describes one of those conditions (complex case with foreign involvement making it difficult for HK to exercise

jurisdiction). Therefore A is correct. Option B is wrong because the Chief Executive cannot arbitrarily ask the Mainland to take over a case absent those Article 55 conditions (it requires approval by the Central People's Government and/or initiation by the central office under specific conditions). Option C (suspect's nationality) is not itself one of the listed triggers – it's about the case's nature, not the suspect's passport. Option D is incorrect because Article 55 clearly does contemplate some cases being removed to Mainland jurisdiction under exceptional circumstances – which indeed has happened in a few instances. In summary, only in rare, severe situations (like foreign interference or an urgent security threat) might the Mainland step in to handle an NSL case. (hongkongfp.com)

17. **Correct Answer: D.**

The four main offenses defined in the NSL are: **secession, subversion, terrorist activities**, and **collusion with foreign or external forces** to endanger national security. (These correspond to Parts 1–4 of Chapter III of the NSL.) “Espionage” (spying) as a standalone offense is **not explicitly one of those four categories** in the NSL's list of offenses. (Espionage or theft of state secrets can be tackled under the “collusion with foreign forces” offense or under pre-existing laws, but it isn't a separate named category in the NSL.) Options A, B, and C – secession, subversion, and terrorist acts – are all specific offenses under the NSL (Parts 1, 2, and 3 of the offenses section) and thus included. Therefore, the item **not** included is **espionage** on its own. (Note: Answer D is correct because espionage is not listed as a distinct category in the NSL, whereas the other three are explicitly in the NSL.) (hongkongfp.com)

18. **Correct Answer: C.**

Article 65 of the NSL unequivocally states that the power of interpretation of the NSL is vested in the **Standing Committee of the National People's Congress (NPCSC)**. This mirrors the arrangement in the Basic Law for Basic Law interpretations, and indeed the NPCSC has since issued an interpretation of the NSL (e.g., in December 2022 regarding overseas lawyers in NS cases). Option A (Hong Kong's Court of Final Appeal) cannot authoritatively interpret the NSL in a way that binds Mainland or NPCSC – the NPCSC holds final interpretive authority. Option B (the HK National Security Committee) has no power to interpret laws; its role is policy coordination, not formal legal interpretation. Option D (Chief Executive) is incorrect – the CE cannot unilaterally interpret the NSL. Thus, the NPCSC is the correct and only answer, as it holds the exclusive authority to interpret the NSL's provisions. (hongkongfp.com)

19. **Correct Answer: C.**

Article 38 of the NSL provides that the law applies to offenses under the NSL that are committed **from outside Hong Kong by a person who is not a permanent resident of Hong Kong**, if the offense is against the HKSAR. In simpler terms, even foreigners overseas can violate the NSL (for example, by advocating Hong Kong independence or colluding to impose sanctions on Hong Kong) and, at least in theory, be in breach of this law. This is an extraterritorial reach that attracted attention. Option C correctly captures this meaning. Option A is wrong because Article 38 explicitly extends the law beyond Hong Kong's physical boundaries. Option B is not accurate – Article 38 talks about non-residents; moreover, NSL can apply to residents' actions abroad too (Article 37 covers residents). Option D is incorrect since the law isn't limited to Chinese nationals; it can apply to anyone. Therefore, the NSL does have extraterritorial effect for certain crimes, as stated in Article 38. (hongkongfp.com)

20. **Correct Answer: B.**

The National Security Law (NSL) was enacted in 2020 by the NPCSC pursuant to authorization from a decision of the NPC. The **legal basis** cited in the NSL's preamble and relevant NPC documents was: (1) the Constitution of the People's Republic of China, (2) the Basic Law of the HKSAR, and (3) the NPC's May 28, 2020 Decision on Establishing and Improving the Legal System and Enforcement Mechanisms for the HKSAR to Safeguard National Security. In short, the NPC used its constitutional power and the authority under Article 18 of the Basic Law (Annex III mechanism) to impose the NSL on Hong Kong, grounding it in both the PRC Constitution and Hong Kong's Basic Law framework. Option A is incorrect because Article 23 of the Basic Law (local legislation) was not used – Hong Kong had not passed those laws, so Beijing intervened via Annex III. Option C (Chief Executive's emergency order) is wrong; the NSL was a national law decided by Beijing, not a Hong Kong local law or emergency regulation. Option D is also wrong – the NSL is a permanent law added to Annex III of the Basic Law, not a temporary measure. Thus, the official explanation and documents make clear the NSL's authority comes from China's Constitution, Hong Kong's Basic Law, and the NPC's decision, as reflected in answer B. (csb.gov.hk)