

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2017/18**

Part I Course Overview

Course Title: Administrative Law

Course Code: LW5610*

Course Duration: One semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Medium of Assessment: English

Prerequisites: LW5608 Constitutional Law, LW5621 Legal Systems of Hong Kong and
(Course Code and Title) Mainland China, LW5622 Legal Methods, Research and Writing, and
LW5602 Law of Contract

Precursors: Nil
(Course Code and Title)

Equivalent Courses: LW5605B Constitutional & Administrative Law II
(Course Code and Title)

Exclusive Courses: Nil
(Course Code and Title)

* Restricted to students admitted to the Juris Doctor Programme in 2013-14 or in subsequent years

Part II Course Details

1. Abstract

This course aims to

1. To examine the concepts of judicial review and to apply them into Hong Kong;
2. To provide an understanding how judicial review applies to the hot legal issues in relation to the Basic Law;
3. To develop in the student the knowledge and skills to analyse the basic principles of judicial review in other areas of public law;
4. To enable the student to develop a comparative aspect of judicial review under different legal systems.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	DEC related learning outcomes		
			A1	A2	A3
1.	Understand the general and fundamental principles of administrative law in the world	25%	✓	✓	✓
2.	Understand the concepts and development of judicial review in common law in the world	25%	✓	✓	✓
3.	Understand by way of precedents the specific element on grounds and remedies on judicial review in Hong Kong	25%	✓	✓	✓
4	Application of the concepts of judicial review on various areas of the Basic Law.	25%	✓	✓	✓
		100%			

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Alignment of CILOs with PILOs :

Programme Intended Learning Outcomes (PILOs)		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1,2,3,4
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	1,2,3,4

5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	4
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3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
Tutorial presentation and /or debate		✓	✓	✓	✓	1 hour /week
Lecture		✓	✓	✓	✓	2 hours/ week

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weigh ting	Remarks
	1	2	3	4		
Continuous Assessment:					30%	
Performance in inter-active small group sessions: 30%	✓	✓	✓	✓		
Examination: (duration: 3 hours , if applicable)					70%	
Examination: 70%	✓	✓	✓	✓		
					100%	

Grading of Student Achievement:

To pass this course students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination may last for 3 hours and it will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Tutorial performance	<ul style="list-style-type: none">• presentation• accuracy• time management• precise and the point	Impressive	Very satisfactory	Ordinary	Manage to present fundamental concepts only	Fail to understand the subject
2. Examination	<ul style="list-style-type: none">• presentation• accuracy• time management• precise and the point	Impressive	Very satisfactory	Ordinary	Manage to present fundamental concepts only	Fail to understand the subject

Part III Other Information (more details can be provided separately in the teaching plan)

1. Keyword Syllabus

(An indication of the key topics of the course.)

- Introduction of Administrative Law
 1. Decision Making Approach to Administrative Law
 2. The scale and variety of administrative action
 3. Introduction of Crown Proceeding Ordinance
 4. The U.K. Approach
 5. The U.S. Approach
 6. The China Approach
 7. Hong Kong Approach
- Procedure:
 1. Procedural Ultra Vires
 2. Substantive Ultra Vires
 3. Statutory Procedure
- Rule of Natural Justice:
 1. The Right to be heard
 2. The rule of no bias
 3. Effects of a breach of natural justice
- Discretion of Decisions:
 1. Elements of discretion
 2. Functions of discretion
- Review ability:
 1. Elements
 2. Scope
- Judicial Review:
 1. Remedies
 2. Time Limits
 3. Grounds for refusal
- Civil Liberties and Administrative Law:
 1. Political Dimension
 2. Public Interest Privilege
 3. Official Secrecy and Privacy
 4. Civil Liberties under Article 23
- Redress:
 1. Commissioner of Complaints
 2. Commissioner of Privacy (Personal Data)

2. Reading List

Text(s)

1. Peter Wesley-Smith, Constitutional and administrative law in Hong Kong , Longman, 1994
2. David Clark, Gerald McCoy, Hong Kong Administrative Law, Butterworths, 1993
3. Johnny Mok, Richard Gordon and Swati Jhaveri, Judicial Review in Hong Kong, Lexis Nexis , 2009
4. Halsbury's Laws of Hong Kong (reissue, 2008) vols 1 (1) --Administrative Law, Lexis Nexis, 2008
5. David Lai, Amelia Luk and David Clark, Hong Kong Administrative Law, Butterworths, 1989

Online Resources

www.lexisnexis.com/
www.isinolaw.com/
www.legco.gov.hk/english/index.htm
www.legislation.gov.hk/eng/home.htm
www.westlaw.com