

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2024/25

Part I Course Overview

Course Title:	<u>Administrative Law</u>
Course Code:	<u>LW5610</u>
Course Duration:	<u>One semester</u>
Credit Units:	<u>3</u>
Level:	<u>P5</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>LW5608 Constitutional Law</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW5605B Constitutional & Administrative Law II</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>Nil</u>

Part II Course Details

1. Abstract

This course aims to

1. To examine the concepts of judicial review and its application 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 of the general and fundamental principles of administrative law in Hong Kong, United Kingdom and the mainland of China	25%	✓	✓	✓
2.	Familiarize the concepts and developments of judicial review in Hong Kong, United Kingdom and other common law jurisdictions	25%	✓	✓	✓
3.	Explain the concepts of judicial review by way of specific precedents in Hong Kong	25%	✓	✓	✓
4	Apply the concepts of judicial review on various areas of the Basic Law as well other areas in relation to decisions of public authorities	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 real-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.

3. Learning and Teaching Activities (LTAs)

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

LTA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
Lecture	Lecture activities about fundamental principles of judicial review and cases development in Hong Kong	✓	✓	✓	✓	2 hours/ week
Tutorial	Students are required to do presentations in the Semester with peer discussion of the knowledge learned in the lecture	✓	✓	✓	✓	1 hour /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% Tutorial presentation (20%); Class presentation 10 % Confidence building and students' maturity.	✓	✓	✓	✓		
Examination: (duration: 3 hours , if applicable)					70%	
Examination: 70%	✓	✓	✓	✓		
					100%	

The use of Generative AI tools is not allowed.

Grading of Student Achievement:

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course students must obtain an aggregate mark of 50% and a minimum of 50% in each of the continuous assessment (CA) 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.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

To pass this course students must obtain an aggregate mark of 40% and a minimum of 40% in each of the continuous assessment (CA) 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.

To ensure fair and comprehensive assessment of students' course performance, the pass mark requirement for the CA component will be waived for courses with a CA component equal to or less than 30%. This means students only need to achieve the pass marks for the final exam component AND the overall mark to pass the course. Continuous assessment for this purpose means those ways in which students are assessed otherwise than by the end of semester 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.

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.)

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Tutorial performance (Confidence building and students' maturity)	<ul style="list-style-type: none"> • presentation • accuracy • time management precise and the point	High	Significant	Moderate	Inadequate
2. Examination	<ul style="list-style-type: none"> • presentation • accuracy • time management precise and the point	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Tutorial performance (Confidence building and students' maturity)	<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. Introduction of general principles of administrative law and administrative action
 2. Comparison of administrative law between Common Law and Chinese Law
 3. Introduction of Crown Proceeding Ordinance
 4. The U.K. Approach
 5. 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
- Civil Liberties and Administrative Law:
 1. Political Dimension
 2. Public Interest Privilege
 3. Civil Liberties and Constitutional Rights
 4. Proportionality Test
- Redress:
 1. Commissioner of Complaints
 2. Commissioner of Privacy (Personal Data)
- Judicial Review:
 1. Remedies
 2. Time Limits
 3. Grounds for refusal

2. Reading List

Prescribed Text (Essential Reading)

1. David Lai, Amelia Luk and David Clark, Hong Kong Administrative Law, Butterworths, 1989
2. David Clark, Gerald McCoy, Hong Kong Administrative Law, Butterworths, 1993
3. Peter Wesley-Smith, Constitutional and administrative law in Hong Kong , Longman, 1994
4. Halsbury's Laws of Hong Kong (reissue, 2008) vols 1 (1) --Administrative Law, Lexis Nexis, 2008
5. Johnny Mok, Richard Gordon and Swati Jhaveri, Judicial Review in Hong Kong, Lexis Nexis , 2009
6. Thomson S. Administrative Law in Hong Kong. Cambridge University Press; 2018.
7. Michael Ramsden. Anxious Scrutiny in Hong Kong Administrative Law: Origins, Adaptations, and Techniques. Published online by Cambridge University Press ; 2024.
8. Swati Jhaveri, Michael Ramsden, Anne Scully-Hil, Hong Kong Administrative Law, Lexis Nexis, December 2009

Online Resources

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

Case

1. Chief Exec. of the HKSAR and Secretary for Justice v. President of the Legis. Council and Sixtus Leung Chun Hang and Yau Wai Ching, HCAL 185/2016(Legal Reference System)(H.K.)[hereinafter Leung and Yau Case]
2. Chief Exec. of the HKSAR and Secretary for Justice v. President of the Legis. Council and Nathan Law Kwun Chung, Leung Kwok-Hung, Lau Siu Lai and Yiu Chung Yim, HCAL223-236/2016 (Legal Reference System)(H.K.)[hereinafter Leung and Yau Case]
3. 3.KWOK CHEUK KIN v. SECRETARY FOR HEALTH, HCAL 1054/2022 Judicial Review – “Vaccine Pass” Requirement – “Invalidation” of Medical Exemption Certificate

Article

1. Thomson S. Dare to Diverge: Time for Administrative Law in Hong Kong to Stand on Its Own Two Feet Get access Arrow. The Chinese Journal of Comparative Law, Volume 7, Issue 3, December 2019, Pages 435–456.