

**City University of Hong Kong**  
**Course Syllabus**

**offered by School of Law**  
**with effect from Semester B 2020/21**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Administrative Law</u>
<b>Course Code:</b>	<u>LW5610</u>
<b>Course Duration:</b>	<u>One semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P5</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>LW5608 Constitutional Law</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>LW5605B Constitutional &amp; Administrative Law II</u>
<b>Exclusive Courses:</b> <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.	Introduction of the general and fundamental principles of administrative law in Hong Kong, United Kingdom and the mainland of China	25%	✓	✓	✓
2.	Critically examine the concepts and developments of judicial review in Hong Kong, United Kingdom and other common law jurisdictions	25%	✓	✓	✓
3.	Critically examine and apply the concepts of judicial review by way of specific precedents in Hong Kong	25%	✓	✓	✓
4	Application of 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 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.*

### 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 Develop self-confidence in application of legal principles, advocacy skills and public speaking. Foster students' growth through development of greater intellectual and interpersonal maturity		✓	✓	✓	✓	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% Tutorial presentation (20%); Class presentation 10 % Confidence building and students' maturity.	✓	✓	✓	✓		
Examination: (duration: 4 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 4 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 (Confidence building and students' maturity)	<ul style="list-style-type: none"><li>• presentation</li><li>• accuracy</li><li>• time management</li><li>• precise and the point</li></ul>	Impressive	Very satisfactory	Ordinary	Manage to present fundamental concepts only	Fail to understand the subject
2. Examination	<ul style="list-style-type: none"><li>• presentation</li><li>• accuracy</li><li>• time management</li><li>• precise and the point</li></ul>	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. 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
6. Swati Jhaveri, Michael Ramsden, Anne Scully-Hil, Hong Kong Administrative Law, Lexis Nexis, December 2009

### Online Resources

[www.lexisnexis.com/](http://www.lexisnexis.com/)

[www.isinolaw.com/](http://www.isinolaw.com/)

[www.legco.gov.hk/english/index.htm](http://www.legco.gov.hk/english/index.htm)

[www.legislation.gov.hk/eng/home.htm](http://www.legislation.gov.hk/eng/home.htm)