

**Essay Questions for  
JD1 Administrative Law 2025 (50% of Final Grade)**

In **The Independent Review of Administrative Law** (March 2021) at §3.6 & §3.8,<sup>1</sup> the following concerns were noted by an Independent Panel in its report to the Lord Chancellor on the grounds of judicial review as they currently stand in administrative law.

- The **first** is that it enables judicial overreach, in that there are now so many different bases on which governmental action can be challenged, a court which disagrees with the wisdom of that action will easily be able to rely on some ground or another as a ground for setting aside that action. If that happens, the fundamental basis of the law on judicial review – which is that the role of the courts is to scrutinise the legality of government action, rather than its merits – is abrogated.
- The **second** concern is that the current state of the law on grounds of judicial review makes it very difficult for a public body to be able to predict whether or not a proposed course of action will end up being successfully legally challenged in the courts. The number of different ways in which the exercise of public power can now be attacked, and the fact that the law can sometimes be quite vague around the issue of whether the exercise of public power can be successfully attacked on a particular ground, makes it difficult to assess whether the exercise of that power will or can be defended against all such possible attacks.

**Notes:**

- (i) Choose **one** of the two statements above. Critically analyze **one** of the above statements **as it pertains to Hong Kong administrative law** and explain whether you agree or disagree, to what extent, and why or why not.
- (ii) Your word limit is 2,500 words, excluding footnotes. The deadline for submission is 12:00 noon, 11 April 2025 (Friday).

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<sup>1</sup> <https://assets.publishing.service.gov.uk/media/6053383dd3bf7f0454647fc4/IRAL-report.pdf>

- (iii) The essay should be submitted in PDF format and the file should be named in the following way: *Full 10-digit UID\_JDOC3093\_Essay*. Please ascertain your full UID: this is the full 10-digit student number assigned to you by the University, and **NOT** your HKU portal log-in name. Incorrectly named files may not be processed.
- (iv) Although materials provided in the course will be a useful starting point, you are highly encouraged to refer to case law and academic articles outside the course materials provided.
- (v) Questions to instructors about how to approach or answer the essay questions will not be entertained.
- (vi) Students are expected to demonstrate critical analysis, logical reasoning and independent thought in their essays. The best papers will articulate why a particular conclusion is reached with compelling independent analysis.
- (vii) Apart from that, students should also have a sound knowledge of the existing legal position, supported by relevant authorities. In addition, the essay should show depth, relevance and balance of research materials.
- (viii) A good essay should also be logically and coherently organised, clearly presented, and should demonstrate sound legal writing skills. The proper citation of authorities is also expected.