**2024-25 JD1 Administrative Law**

**Week 1 - Nature of Judicial Review, Procedural Exclusivity**

**& Amenability**

**ZC**

***Items marked with an asterisk are mandatory reading. Copies of the materials referred to will be uploaded to Moodle.***

1. **Introduction**

* Definition of administrative law

\*Wade & Forsyth, Administrative Law, 11th ed., pp. 4-5

\*Jhaveri, Ramsden & Scully-Hill, Administrative Law in Hong Kong, 2nd ed., pp7-8, 41-86

* Purposes of administrative law

\*Jhaveri, Ramsden & Scully-Hill pp1-8 (6)

* What is judicial review / constitutional context

\*De Smith’s Judicial Review, 8th ed., §1-001, §1-014

\* Hong Kong Basic Law, Article 80

1. **A brief history**

Baker, An Introduction to English Legal History, 3rd ed, pp164-175

Law Commission, Report on Remedies in Administrative Law (1976)

1. **Judicial review – empowering and key provisions**

**\***s.21K of High Court Ordinance (Cap.4)

**\***O.53 of Rules of the High Court

1. **Not only decisions but statutory provisions amenable to challenge** *Leung v SJ* [2006] 4 HKLRD 211, §27
2. **Procedural exclusivity**

\*Stephen Thomson, Administrative Law in Hong Kong, pp.64-75

Jhaveri, Ramsden & Scully-Hill pp87-109

*\*O’Reilly v Mackman* [1983] 2 AC 237

*\*Cocks v Thanet District Council* [1983] 2 AC 286

*Wandsworth LBC v. Winder* [1985] AC 461

*\*Roy v Kensington & Chelsea Family Practitioners Committee* [1992] 1 AC 624

*\* Next Digital Limited v Commissioner of Police* [2021] HKCFI 1677

*Mercury Communications Ltd v Director General of Telecommunications* [1996] 1 WLR 48

*Wong Fuk Tim v HKSAR*, HCAL 1008/2011 (unrep., 12 October 2011)

1. **Public/private divide**

\*Stephen Thomson, Administrative Law in Hong Kong, pp.75-86

Jhaveri, Ramsden & Scully-Hill pp109-137

*\*Hang Wah Chong Investment Co Ltd v AG* [1981] 1 WLR 1141

*\*R v Panel on Takeovers and Mergers, ex p Datafin plc* [1987] 1 All ER 564

*Hong Kong and China Gas Co Ltd v Director of Lands* [1997] 1 HKLRD 1291

*Ngo Kee Construction Co Ltd v Housing Authority* [2001] 1 HKC 493

*Director of Lands v Yin Shuen Enterprises Ltd* (2003) 6 HKCFAR 1

*Ying Ho Co Ltd v SJ* (2004) 7 HKCFAR 333

*R v English Schools Foundation* [2004] 3 HKC 343

*\*Rank Profit Industries Ltd v Director of Lands* [2009] 1 HKLRD 177

*\*Anderson Asphalt Ltd v SJ* [2009] 3 HKLRD 215

*Wan Yung Sang v Housing Authority*, HCAL 135/2009 (*unrep*., 6 July 2011)

*Tan Shih Ying v City University of Hong Kong*, HCAL 36/2012 (*unrep*., 7 December 2012)

*\*Leung Sze Ho Albert v Bar Council of the Hong Kong Bar Association* [2015] 5 HKLRD 791

*\*Li Fung Kei v Council of the University of Hong Kong* [2018] 4 HKC 231

*\*Sime Darby Motor Services Ltd v. Director of Lands [2022] 4 HKLRD 714; [2024] 2 HKLRD 319; [2024] HKCFA 26*