

Procedural Impropriety as Grounds for Judicial Review

by

Dr. Stephen Thomson,
Assistant Professor,
The Chinese University of Hong Kong



Stephen Thomson is an Assistant Professor at the Chinese University of Hong Kong (CUHK), where he leads teaching in administrative law. Dr. Thomson holds a Ph.D. in judicial review from the University of Edinburgh (UK), where he previously taught constitutional and administrative law on a part-time basis. In addition to his experience in the field of administrative law, Dr. Thomson is the leading authority on equitable jurisdiction in Scotland where he has written the only book on that subject. Dr. Thomson has practical legal and commercial experience, having worked at law firms and barristers' chambers in the UK and Channel Islands. He has acted on a consultancy basis to law firms, private clients and public bodies in Hong Kong and the UK. Dr. Thomson is also a Legal Adviser to the Ombudsman of Hong Kong.

This is an intermediate level course on procedural impropriety as grounds for judicial review. It will explore five main contexts in which procedural impropriety features.

1. Deviation from, or failure to observe, statutory procedure: how is this defined, and what are the consequences of non-compliance?
2. The right to a hearing: is there such a right at common law, and when might that right be activated?
3. The right to representation: is there a right at common law to be represented, and when might that right be activated?
4. The duty to give reasons for decisions: is there such a duty at common law, and if so, when (and how) does it apply? When reasons must be given, what are the legal requirements on the adequacy of reasons?
5. Bias: what circumstances can (and cannot) give rise to bias, how is bias defined, and what are the consequences of insufficient impartiality on the part of a decision-maker? When might bias be "excused"?

We will explore the main principles, rules, legal tests and case law applying to each of these categories of procedural impropriety.

Contents

- What is procedural impropriety?
- Deviation from, or failure to observe, statutory procedure
- Right to a hearing
- Right to representation
- Duty to give reasons for decisions
- Bias

Scan to Calendar



Code:	EVT000000175	Level:	Intermediate
Date:	23 June 2017 (Friday) (Amended)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points (LSHK Allocated Number: 20170308)
Venue:	Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



The **PROFECTIONAL** Company®

Professional Services to the Perfection

Telephone: +852 3118 2371 | Facsimile: +852 3118 2372
Email: info@profectional.com | Website: <http://www.profectional.com>
Address: P.O. Box 9993, General Post Office, Hong Kong

KORNERSTONE

Training. Makes a difference.

Telephone: +852 2116 3328 | Facsimile: +852 2116 3571
Email: enquiry@kornerstone.com | Website: <http://www.kornerstone.com>
Address: 15/F, Hip Shing Hong Centre,
55 Des Voeux Road Central, Central, Hong Kong