Breach of Legitimate Expectations as a Ground of Judicial Review

by
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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 breach of legitimate expectations as a ground of judicial review. This increasingly important area of administrative law in Hong Kong comprises breach of both procedural and substantive expectations. We will move from basic principles to consider how legitimate expectations arise, who can cause them to be created, and how they can be protected.

Can legitimate expectations be generated by conduct? How have the courts responded where a specific and a general class of persons have each sought to claim legitimate expectations? Can the representations or conduct of one government department bind another department? Must the applicant have had knowledge of the representation and detrimentally relied on it? Can the conduct of the applicant frustrate what might otherwise have been a legitimate claim to have a legitimate expectation?

These and other important questions in this growing area of administrative law will be explored, together with a number of major cases in this area including Ng Siu Tung v Director of Immigration (2002) and the recent, topical decisions in Hong Kong Television Network Ltd v Chief Executive in Council (2015/2016).

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Contents

- What are legitimate expectations?
- Who can generate legitimate expectations?
- How are they generated?
- How are they protected?
- Have the courts differentiated between specific and general classes of persons purporting to claim legitimate expectations?
- Can the representations or conduct of one government department bind another department?
- The role of knowledge and (detrimental) reliance
- Conduct of the applicant

Scan to Calendar

Code:	**EVT000000193**	Level:	**Intermediate**
Date:	**11 January 2018 (Monday) (Amended)**	Language:	**English**
Time:	**14:30 - 17:45** (Reception starts at 14:00)	Accreditation(s):	**LSHK 3.0 CPD Points**
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**

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