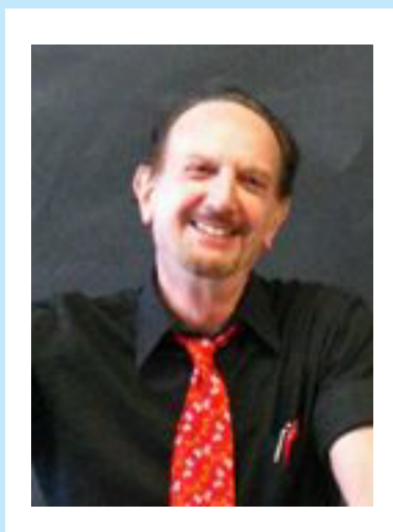




Public Lecture on

# THE EQUAL OPPORTUNITIES COMMISSION AND THE COURTS IN HONG KONG: A PARTNERSHIP MODEL?

Since the 1950s, the federal courts in the U.S. have developed a "new partnership" with public administrative agencies. The partnership model rests on the establishment of new constitutional rights for individuals in their encounters with public agencies, facilitation of suits against agencies, creation of remedial law, provision of qualified, rather than absolute, immunity in constitutional tort suits against public employees and officials, and adjustment of the level of judicial scrutiny of agencies on a continuum ranging from virtually "no look" to a "soft look" to a "hard look" depending on the administrative action involved. Our research demonstrates that some elements of the partnership model are present in Hong Kong, at least with respect to the courts and the Equal Opportunities Commission (EOC). Specifically, the courts have: 1) strengthened the statutory right to equal opportunity and the constitutional right to equality; 2) applied a hard look to administrative rationales for breaching these rights; 3) rejected "administrative difficulty" as a basis for using discriminatory gender classifications; and 4) mandated substantial institutional reform. In so doing, the courts have strengthened the EOC's ability to promote equal opportunity. This single case study adds to extant knowledge about courts and public administration and the adaptability of the partnership model to different political systems.



## Professor David H. Rosenbloom

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Professor Rosenbloom writes extensively about public administration and democratic-constitutionalism. He is the recipient of numerous national awards, including the American Political Science Association's John Gaus Award for exemplary scholarship in the joint tradition of political science and public administration, the American Society for Public Administration's Dwight Waldo Award for outstanding contributions to the field, and the (U.S.) National Association of Schools of Public Affairs and Administration Leslie Whittington Award for excellence in teaching. He is a member of the (U.S.) National Academy of Public Administration. His latest books are *Public Administration: Understanding Management, Politics, and Law in the Public Sector*, 8th edition (coauthored, 2015), *Administrative Law for Public Managers*, 2nd edition (2015), *Federal Service and the Constitution*, 2nd edition (2014), and *The Constitutional School of American Public Administration* (2018, coedited).

Details and Registration

28 February 2018 (Wednesday), 5.30pm  
Room 9.66, 9/F, The Jockey Club Tower,  
Centennial Campus, HKU



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