

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2024/25

Part I Course Overview

Course Title:	<u>Equity and Trusts II</u>
Course Code:	<u>LW5630B</u>
Course Duration:	<u>One Semester</u>
Credit Units:	<u>3</u>
Level:	<u>P5</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>LW5630A Equity & Trusts I</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u> LW4630 Equity and Trusts (Semester B) (from the old curriculum) LW4676 Equity and Trusts (LLB) (from the old curriculum) LW5630 Equity and Trusts (from the old curriculum)
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW6177E Equity and Trusts (only applicable to students who completed LW6177E before Sem A 2019/20)</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>Nil</u>

Part II Course Details

1. Abstract

This course deals with topics concerning trusts that arise out of the operation of law as opposed to those express trusts being taught in Semester A. These trusts include resulting trusts, constructive trusts (selective CTs) or statutory trusts. They arise as ancillary to the common law in filling the gap in the title so to offer a coherency in the transfer of ownership i.e vendor-purchase CT, or CICT or resulting trust as to the purchase resulting trusts.

This course –

- examines the nature, scope and significance of equity and trusts
- develops a sound knowledge of the principles of equity and trusts
- develops:
 - research skills
 - analytical and problem-solving skills
 - effective written and oral communication skills
 in relation to issues in trusts law
- develops an awareness of the social and commercial contexts in which trusts law operates
- introduces students to some of the basic practical skills required to advise on application of trusts law

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weigh ting	Alignm ent with PILOs	DEC related learning outcomes		
				A1	A2	A3
1.	Describe and explain basic principles of equity and trusts.	40%	1	✓		
2.	Analyse and critically evaluate: ✧ Trusts issues of topical interest ✧ the operation of the substantive rules of trusts law: ○ in terms of the objectives and practical implications of trusts law ○ their social and commercial contexts ○ in relation to other branches of law.	35%	1, 2, 3, 4, 5	✓	✓	
3.	Apply principles of trusts law to solve legal problems by: ✧ researching issues of trusts law ✧ analysing and solving problems in the area of trusts law <u>with special reference to emerging trends or/and trust related current problems</u> ✧ communicating their analysis clearly and precisely in their own words and in plain English <u>taking this an opportunity to make a novel contribution to our understanding of trusts law or to look at existing solutions with a critical approach.</u>	15%	2, 3, 5	✓	✓	
4.	To communicate ideas, arguments or advice clearly and coherently orally and in writing.	10%	3, 4	✓	✓	✓
		100%				

A1: *Attitude: Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

A2: *Ability: Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge*

across disciplines or applying academic knowledge to real-life problems.
 A3: Accomplishments: Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Learning and Teaching Activities (LTAs)

(LTAs designed to facilitate students' achievement of the CILOs.)

LTA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
<i>Researching</i>	<i>Researching primary and secondary sources of law in order to understand principles of equity and trusts in their practical application</i> Students will acquire knowledge of principles of equity and trusts.	✓				
<i>Lectures</i>	Students will receive guidance on basic research	✓				
	Students will be introduced to principles of equity and trusts in their practical application.		✓			
	Students will learn how to solve problems by applying trusts law.			✓		
<i>Preparation for tutorials</i>	Students will research issues of trusts law.		✓			
	Students will research issues of equity and trusts.			✓		
	Students will be expected to research on the tutorial assignments, and be ready to contribute to discussion.				✓	
<i>Tutorials</i>	Students will, by answering questions and engaging in exercises in relation to principles of equity and trusts, develop analytical and critical skills. Tutorial questions will require students to analyse facts and law and critically examine the adequacy and effective of the law in it current state.	✓				
	Students will be required to make individual or group presentations on selected topics. Students will be required to scrutinise, analyse and evaluate trusts issues of topical interest. <u>Students will be encouraged to discover for themselves deficiencies of, or areas in need of improvement in, trusts law.</u>		✓			
	Students will be required to analyse fact situations and to apply case law precedents to ascertained facts. <u>This will promote an attitude of inquiry and guest to discover how age old legal principles can be used, modified or altered to meet contemporary needs. Some tutorials will require students to inquire into some contemporary developments which are yet to be settled by litigation or remedial legislation.</u>			✓		
	Students are required to participate in tutorial discussion, particularly by making presentations on pre-assigned aspects of tutorial assignments. Students will also be asked to discuss a particular tutorial question among themselves, with the tutor commenting on strengths and weaknesses of student contributions.				✓	

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment:					40%	
<i>Tutorials: 10%</i>						
These will test students' ability to research, analyse and solve problems, and communicate solutions.			✓			
Tutorials will test students' ability to present clear and precise answers to tutorial questions.				✓		
Confidence building and students' maturity				✓		
<i>Group Assignment/s (Written): 30%</i>						
Assignments will demonstrate students' ability to understand and explain principles of equity and trusts.	✓					
They will test students' ability to analyse and critically evaluate relevant legal principles.		✓				
Students will participate and engage in a teamwork research and engage with each other to resolve their differences in the legal applications and analyses.			✓			
Examination: (Computer based, duration: 2 hours 15 minutes)					60%	
This will test students' ability to apply principles of land law to solve practical problems.			✓			
The examination will test the ability of students to present their answers lucidly separating the relevant from the irrelevant issues.				✓		
					100%	

The use of Generative AI tools is not allowed.

Grading of Student Achievement: Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks / activities.

Assessment will be by coursework (40%), which will comprise continuous performance evaluation, a group assignment and a written examination (60%).

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course students must obtain an aggregate mark of 50% and a minimum of 50% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

To pass this course students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to

solve novel problems.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Assignment/s	<ul style="list-style-type: none"> •adequate command of legal doctrines and case law; •using appropriate materials and methods; a critical evaluation of current legal framework and •develop proposals for future reform; •writing style •structure; 	High	Significant	Moderate	Inadequate
2. Tutorials	<ul style="list-style-type: none"> •ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable •confidence building and students' maturity 	High	Significant	Moderate	Inadequate
3. Examination	<ul style="list-style-type: none"> •adequate command of legal doctrines and case law; •a critical evaluation of current legal framework and •writing style •weaving case precedents and arguments 	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Assignment/s	<ul style="list-style-type: none"> •adequate command of legal doctrines and case law; •using appropriate materials and methods; a critical evaluation of current legal framework and •develop proposals for future reform; •writing style •structure; 	A+, A, A-	B+, B, B-	C+, C, C-	D	F
2. Tutorials	<ul style="list-style-type: none"> •ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable •confidence building and students' maturity 	A+, A, A-	B+, B, B-	C+, C, C-	D	F
3. Examination	<ul style="list-style-type: none"> •adequate command of legal doctrines and case law; •a critical evaluation of current legal framework and •writing style •weaving case precedents and arguments 	A+, A, A-	B+, B, B-	C+, C, C-	D	F

Part III Other Information (more details can be provided separately in the teaching plan)

1. Keyword Syllabus

(An indication of the key topics of the course.)

- **Resulting trusts**
- **Constructive trusts**
- **Rights of Beneficiaries**
- **Trustees' Power and Duties**
- **Secret Trusts**
- **Tracing**
- **Third Party Liabilities**

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Graham Virgo, <i>The Principles of Equity & Trusts</i> (5 th edn Oxford University Press 2023)
2.	Jamie Glister & James Lee <i>Hanbury & Martin Modern Equity</i> (Sweet & Maxwell).

2.2 Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

1.	Paul S. Davies and Graham Virgo, <i>Equity & Trusts: Text, Cases, and Materials</i> (Oxford University Press)
2.	Sarah Worthington, <i>Equity</i> (Oxford University Press)
3.	Ben McFarlane and Charles Mitchell, <i>Hayton and Mitchell on the Law of Trusts & Equitable Remedies</i> (Sweet & Maxwell)
4.	James Penner, <i>The Law of Trusts</i> (Oxford University Press)
5.	Charles Mitchell, David J. Hayton, and Paul Matthews, <i>Underhill and Hayton Law of Trusts and Trustees</i> (LexisNexis)
6.	Lynton Tucker, Nicholas Le Poidevin, and James Brightwell, <i>Lewin on Trusts</i> (Sweet & Maxwell)
7.	John McGhee, <i>Snell's Equity</i> (Sweet & Maxwell)
8.	J.D. Heydon, M.J. Leeming, and P.G. Turner, <i>Meagher, Gummow & Lehane's Equity: Doctrines & Remedies</i> (LexisNexis)