

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2020/21

Part I Course Overview

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| Course Title: | Land Law I |
| Course Code: | LW5607A |
| Course Duration: | One Semester |
| Credit Units: | 3 |
| Level: | P5 |
| Medium of Instruction: | English |
| Medium of Assessment: | English |
| Prerequisites: (Course Code and Title) | LW5621 Legal Systems of Hong Kong and Mainland China or LW5601 Hong Kong Legal System; LW5622 Legal Methods, Research and Writing; and LW5602 Law of Contract or LW5602A Law of Contract I and LW5602B Law of Contract II |
| Precursors: (Course Code and Title) | Nil |
| Equivalent Courses: (Course Code and Title) | LW3607A Land Law I |
| Exclusive Courses: (Course Code and Title) | Nil |

Part II Course Details

1. Abstract

(A 150-word description about the course)

This course aims to help students –

- ❖ examine the nature, scope and significance of land law
- ❖ develop a sound knowledge of the principles of land law
- ❖ develop the following skills in relation to issues concerning land law:
 - research skills
 - analytical and problem-solving skills
 - effective written and oral communication skills
- ❖ develop an awareness of the social and commercial contexts in which land law operates

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 [#] | Weighting* (if applicable) | DEC related learning outcomes | | |
|-----|---|-------------------------------|-------------------------------|----|----|
| | | | A1 | A2 | A3 |
| 1. | Describe and explain basic principles of land law. | 40% | ✓ | ✓ | ✓ |
| 2. | Analyse and critically evaluate: <ul style="list-style-type: none"> ❖ land law issues of topical interest ❖ the operation of the substantive rules of land law: <ul style="list-style-type: none"> ○ in terms of the objectives and practical implications of land law ○ their social and commercial contexts in relation to other branches of law. | 35% | ✓ | ✓ | ✓ |
| 3. | Apply principles of land law to solve legal problems by: <ul style="list-style-type: none"> ❖ researching issues of land law ❖ analysing and solving problems in the area of land law ❖ communicating their analysis clearly and precisely in their own words and in plain English. | 15% | ✓ | ✓ | ✓ |
| 4. | Communicate ideas, arguments or advice clearly and coherently orally and in writing. | 10% | ✓ | ✓ | ✓ |
| | | 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 self-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. Teaching and Learning Activities (TLAs)

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

| TLA | Brief Description | CILO No. | | | | Hours/week (if applicable) |
|----------------------------------|--|----------|---|---|---|-------------------------------|
| | | 1 | 2 | 3 | 4 | |
| <i>Preparation for tutorials</i> | <i>Researching primary and secondary sources of law in order to understand principles of land law in their practical application</i> Students will acquire knowledge of principles of land law. | ✓ | | | | |
| | Students will research issues of land law. | | ✓ | ✓ | | |
| | Students will be expected to research on the tutorial assignments, and be ready to contribute to discussion. | | | | ✓ | |
| <i>Lectures</i> | Students will receive guidance on basic research. | ✓ | | | | |
| | Students will be introduced to principles of land law in their practical application. | | ✓ | | | |
| | Students will learn how to solve problems by applying land law. | | | ✓ | | |
| <i>Tutorials</i> | Students will, by answering questions and engaging in exercises in relation to principles of land law, 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 its current state. | ✓ | | | | |
| | Students will be required to scrutinise, analyse and evaluate land law issues of topical interest. | | ✓ | | | |
| | Students will be required to analyse fact situations and to apply case law precedents to ascertained facts. | | | ✓ | | |
| | 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: | | | | | 50% | |
| <i>Tutorials: 10%</i> | | | | | | |
| These will test the students' ability to research, analyse and solve problems, and communicate solutions. | | | ✓ | | | |
| Tutorials will test the students' ability to present clear and precise answers to tutorial questions. | | | | ✓ | | |
| <i>Presentations: 10%</i> | | | | | | |
| These will test the students' ability to read, analyse and critique cases. | | | ✓ | | | |
| These will test the students' ability to present clear and accurate summaries and critiques of cases. | | | | ✓ | | |

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|--|---|---|---|---|------|-----|
| <i>Group Assignment/s: 30%</i> | | | | | | |
| Tutorials and assignments will demonstrate the students' ability to understand and explain principles of land law. | ✓ | | | | | |
| They will test the students' ability to analyse and critically evaluate relevant legal principles. | | ✓ | | | | |
| These will test the students' ability to research, analyse and solve problems, and communicate solutions in writing. | | | ✓ | | | |
| Examination: (duration: 2.25 hours) | | | | | | 50% |
| This will test the 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% | |

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

Assessment will be by coursework (50%), which will comprise continuous performance evaluation, a problem based assignment and a written examination (50%).

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.)

| 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"> • an adequate command of legal doctrines and case law; • using appropriate materials and methods; • a critical evaluation of the current legal framework and develop new 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"> • present engagingly; • think creatively; • summarize succinctly. | A+, A, A- | B+, B, B- | C+, C, C- | D | F |
| 3. Examination | <ul style="list-style-type: none"> • an adequate command of legal doctrines and case law; • a critical evaluation of the current legal framework; • writing style; • weaving the 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.)

Classification of Property; Doctrines of Tenure and Estate; Law and Equity; Equitable Doctrines of Resulting Trust, Constructive Trust, Proprietary Estoppel and Part Performance; the rule of *Walsh v. Lonsdale*; Priorities: Doctrine of Notice and Land Registration Ordinance; Adverse Possession.

Detailed Syllabus

1. Traditional Classification of Property
2. Meaning of “Land” and “Property”
3. Doctrines of Tenure and Estate
4. Possession and Adverse Possession
5. Law and Equity in Relation to Land
6. Formalities and Exceptions, including Part Performance
7. Resulting Trusts
8. Selected Constructive Trusts
9. Proprietary Estoppel
10. Priority Rules
11. Land Registration Ordinance

2. Reading List

Text(s)

There is no single text that students must have in order to study this course as students’ texts on the subject are somewhat dated. Students must refer to the reference texts as well as the primary materials (i.e. case law and Ordinances), which will be specifically referenced in individual lectures.

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| 1. | S.H. Goo and Alice Lee, <i>Land Law in Hong Kong</i> , 4 th Ed (LexisNexis, 2015) |
| 2. | Sarah Nield, <i>Hong Kong Land Law</i> , 2 nd Ed (Longman, 2008) |