City University of Hong Kong Course Syllabus

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

| Part I Course Overv | iew |
|--|---|
| Course Title: | Equity and Trusts I |
| Course Code: | LW5630A |
| Course Duration: | One Semester |
| Credit Units: | _3 |
| Level: | P5 |
| Medium of Instruction: | English |
| Medium of Assessment: | English |
| Prerequisites: | LW5601 Hong Kong Legal; and LW5622 Legal Methods, Research and Writing; and LW5602A Law of Contract I and LW5602B Law of Contact II; and |
| (Course Code and Title) Precursors: | LW5603A Law of Tort I and LW5603B Law of Tort II |
| (Course Code and Title) | Nil LW4630 Equity and Trusts (Semester A) (from the old curriculum) LW4676 Equity and Trusts (LLB) (from the old curriculum) |
| Equivalent Courses: | LW5630 Equity and Trusts (from the old curriculum) LW6177E Equity and Trusts (only applicable to students who completed LW6177E before Sem A 2019/20) |
| (Course Code and Title) | LW4630A Equity and Trusts |
| Exclusive Courses: (Course Code and Title) | Nil |

Part II Course Details

1. Abstract

This course -

- examines the nature, scope and significance of equity and trusts.
- develops a sound knowledge of the principles of equity and trusts.
- develops:
 - o research skills
 - o analytical and problem-solving skills
 - o effective written and oral communication skills

in relation to issues in trusts law

- develops an awareness of the social and commercial contexts in which trust law operates.
- introduces students to some of the basic practical skills required to advise on applying trust 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 | Alignment with PILOs | learr | relate ning omes | ed |
|-----|--|---------------|----------------------------|----------|------------------------|----------|
| | | | | AI | A2 | A3 |
| 1. | Describe and explain basic principles of equity | 40% | 1 | ✓ | | |
| | and trusts. | | | | | |
| 2. | Identify, analyse and critically evaluate: | 35% | 1, 2, 3, 4, | √ | √ | |
| | ♦ Trusts issues of topical interest | | 5 | | | |
| | ♦ the operation of the substantive rules of trusts | | | | | |
| | law: | | | | | |
| | o in terms of the objectives and practical | | | | | |
| | implications of trusts law | | | | | |
| | o their social and commercial contexts | | | | | |
| | o in relation to other branches of law. | | | | | |
| 3. | Identify and apply principles of trusts law to solve | 15% | 2, 3, 5 | √ | √ | |
| | legal problems by: | | | | | |
| | | | | | | |
| | ♦ analysing and solving problems in the area of | | | | | |
| | trusts law with special reference to emerging | | | | | |
| | trends or/and trust related current problems | | | | | |
| | ♦ communicating their analysis clearly and | | | | | |
| | precisely in their own words and in plain | | | | | |
| | English taking this an opportunity to make a | | | | | |
| | novel contribution to our understanding of | | | | | |
| | trusts law or to look at existing solutions with | | | | | |
| 1 | a critical approach. | 10% | 2 4 | √ | √ | √ |
| 4. | To communicate ideas, arguments or advice clearly | 10% | 3, 4 | v | v | • |
| | and coherently orally and in writing. To develop teamwork skills and work in a team. | | | | | |
| | teamwork skins and work in a team. | 1000/ | | | | |
| | | 100% | | l | | |

- 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.

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

3. **Learning and Teaching Activities (LTAs)**

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

| LTA | Brief Description | | | No. | | Hours/week |
|---------------------------|---|----------|----------|----------|----------|-----------------|
| | • | 1 | 2 | 3 | 4 | (if applicable) |
| Researching | Researching primary and secondary sources of law in order to understand principles of equity and trusts in their practical application. Students will acquire knowledge of the principles of equity and trusts. | √ | | | | |
| Lectures | Students will receive guidance on basic research. | ✓ | | | | |
| | Students will be engaging principles of equity and trusts in their practical application. Students will learn how to solve problems by | | √ | √ | | |
| Duanquation | applying trusts law. Students will research issues of trusts law. | | ✓ | | | |
| Preparation for tutorials | Students will research issues of trusts law. Students will research issues of equity and trusts. | | – | ✓ | | |
| joi tutortuis | Students will be expected to research on the tutorial assignments, and be ready to contribute to discussion. | | | • | √ | |
| Tutorials | 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 its 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. Students will be encouraged to discover for themselves deficiencies of, or areas in need of improvement in, trusts law. | | ✓ | | | |
| | Students will be required to analyse factual situations and apply case law precedents to ascertain facts. This will promote an attitude of inquiry on how 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. 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 | CIL | O No | • | | Weighting | Remark |
|---|--------------|----------|--------------|--------------|-----------|--------|
| | 1 | 2 | 3 | 4 | | S |
| Continuous Assessment: | • | | | | 40% | • |
| Tutorial Participation: 10% | | | | | | |
| This will test students' ability to research, analyse | ✓ | √ | ✓ | ✓ | | |
| and solve problems, and communicate solutions. | | | | | | |
| This will test students' ability to articulate. | | | | ✓ | | |
| Confidence building and students' maturity | | √ | | ✓ | | |
| Participation means that students will be able to | \checkmark | | | | | |
| identify the principles of equity and trusts that | | | | | | |
| they have learned from attending lectures. | | | | | | |
| Group Assignment: 30% | | | | | | |
| They will test students' ability to analyse and | | √ | | ✓ | | |
| critically evaluate relevant legal principles. | | | | | | |
| Students will need to research, analyse and solve | | | ✓ | | | |
| problems and articulate their points of views. | | | | | | |
| Students' legal application and analysis of factual | | ✓ | | | | |
| issues or legal theories enable them to reflect | | | | | | |
| upon their legal knowledge and critical | | | | | | |
| application | | | | | | |
| Students will need to work in a team and develop | | | | \checkmark | | |
| teamwork skills. | | | | | | |
| Examination: (duration: 2 hours 15 minutes) | | | | | 60% | |
| This will test students' ability to apply principles | | | \checkmark | | | |
| of trusts law to solve practical problems. | | | | | | |
| The examination will test the ability of students to | | | | \checkmark | | |
| present their answers lucidly separating relevant | | | | | | |
| from 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.

The assessment of the course will consist of

- (1) 10% tutorial participation (answering tutorial questions).
- (2) Group assignments (30%) will be submitted online during 'Reading Week.' The group assignment titles or questions will release in the 3rd week of the academic semester. The assignment shall not exceed 2,000 words (inclusive of footnotes). It is the quality of the contents, not the quantity. The preferred footnote referencing style is the OSCOLA; no bibliography requirement is needed. Please do pay good attention to the referencing citation or paraphrasing (still requires citation) to avoid being caught under the submission system on plagiarism check.

And

(3) an examination (computer-based). Students are required to answer **ANY TWO** questions out of four questions.

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.

<u>Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter</u> 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.

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 | Criterion | Excellent | Good | Marginal | Failure |
|---------------|-------------------------------|------------------------------|-------------------------------|--------------------------------|------------------------------|
| Task | | (A+, A, A-) | (B+, B) | (B-, C+, C) | (F) |
| 1. Class | Students will be assessed | The student demonstrates a | The student demonstrates | Despite otherwise | Almost no participation in |
| Participation | based on their informed | strong interest in and | some critical engagement | participating in the | teaching and learning |
| (10%) | verbal contributions to | critical engagement with | with course material, a | teaching and learning | activities. The student |
| | discussions in lectures | all course material, a | more limited understanding | activities, the student | cannot demonstrate that he |
| | and tutorials, and library | significant understanding | of the common law's | demonstrates no critical | or she has read or |
| | sessions, plus preparation | of the common law's | comparative and historical | engagement with course | understands the course |
| | and performance on | comparative and historical | context, somewhat clear | material, no understanding | material or that he or she |
| | individual and small | context, clearly and | and persuasive | of the common law's | understands the common |
| | group exercises in | persuasively | communication by written | comparative and historical | law's comparative and |
| | tutorials. The quality and | communicated written or | or oral responses, and some | context, provides written or | historical context. The |
| | practical relevance of | oral responses, and an | ability to listen to and | oral responses devoid of | student does not contribute |
| | participation are more | obvious and frequent | engage with fellow | persuasive devices and | written or oral responses |
| | important than the | ability to listen to, | students' responses. | correct grammatical | when prompted and |
| | quantity. Students will not | empathise and engage with | | structure, and little interest | demonstrates no interest in |
| | receive full participation | fellow students' responses. | | in engaging with fellow | the views of fellow |
| | marks merely by | | | students' responses. | students on the course |
| | attending all classes. | | | | material. |
| 2. Group | In randomly allocated | Show an excellent | Show a good initiative to | The struggle to find a team | Failing to form a team and, |
| Legal | groups of 3-4 within each | initiative to form a team | form a team and be able to | reflects a lack of initiative | non the less, submitting the |
| Writing | tutorial, students will draft | and be able to organise and | organise and prioritise their | to form a team and reflects | work alone, despite the |
| Assignment | a 2,000-word written | prioritise their teamwork as | teamwork as a group. The | the inability to organise | work, might have met |
| (30%) | assignment based on one | a group. The writing shall | writing shall have | and prioritise the task to | some or all of the |
| | or more of the writing | have demonstrated all of | demonstrated at least three | form a group. The writing | following aspects. |
| | formats covered in class. | the following aspects: | of the following aspects: | might have demonstrated | 1. Rigorous application of |
| | Assessment will be based | 1. Rigorous application of | 1. Rigorous application of | some or all of the | OSCOLA citation |
| | on legal research, analysis | OSCOLA citation | OSCOLA citation | following aspects, but at a | 2. Clear presentation and |
| | of the caselaw, creativity | 2. Clear presentation and | 2. Clear presentation and | very superficial level: | structure |
| | in arguments, expression, | structure | structure | 1. Rigorous application of | 3. All-rounded discussion |
| | citation, overall structure, | 3. All-rounded discussion | 3. All-rounded discussion | OSCOLA citation | and critical analysis of |
| | and quality of editing. | and critical analysis of | and critical analysis of | 2. Clear presentation and | legal points or relevant |
| | Absent exceptional | | | structure | pieces of literature |

| | circumstances, all group members receive the same mark. The teamwork skill and negotiation among your teamwork is a silent part of this assessment but critical to the success of the outcome. | legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | 3. All-rounded discussion and critical analysis of legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | 4. A coherent conclusion derives from the legal analysis. |
|-------------|---|---|---|---|---|
| 3. End of | 2.25 hour computer-based | The student demonstrates a | The student demonstrates a | The student demonstrates a | Almost no application of |
| Semester | examination testing | strong knowledge of the | good knowledge of the law | little knowledge of the law | law and fails to respond to |
| Examination | students' knowledge of | law to the questions with | to the question with a good | but falls short of accuracy, | the questions. The student |
| (60%) | precedent, case analysis | relevant application of law | application of law to the | a little and a very limited | cannot demonstrate that he |
| | skills, statutory | and critical engagement | question, though might fall | engagement with course | or she has read or |
| | interpretation skills, and | with all course material, a | short of critical | material, shows no or | understands the course |
| | writing and editing skills. | significant understanding | engagement with course | incorrect understanding of | material or that he or she |
| | To be completed | of the common law's | material, a more limited | the common law's | understands the common |
| | individually. Students will | comparative and historical | understanding of the | comparative and historical | law's comparative and |
| | be assessed on the quality | context, and clearly and | common law's | context and provides | historical context. |
| | of their written | persuasively | comparative and historical | written responses devoid of | |
| | communication and how | communicated written | context, somewhat clear | persuasive legal authorities | |
| | well they apply the skills | responses. | and persuasive | or references. | |
| | learned in class to new | • | communication by written | | |
| | factual circumstances. | | responses. | | |

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

| Assessment | Criterion | Excellent | Good | Adequate | Marginal | Failure |
|---------------|----------------------------|--------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Task | | (A+, A, A-) | (B+, B, B-) | (C+, C, C-) | (D) | (F) |
| 1. Class | Students will be assessed | The student | The student | The student | Despite otherwise | Almost no |
| Participation | based on their informed | demonstrates a strong | demonstrates some | demonstrates limited | participating in the | participation in |
| (10%) | verbal contributions to | interest in and critical | critical engagement | critical engagement | teaching and learning | teaching and learning |
| | discussions in lectures | engagement with all | with course material, a | with course material, | activities, the student | activities. The student |
| | and tutorials, and library | course material, a | more limited | little understanding of | demonstrates no | cannot demonstrate |
| | sessions, plus preparation | significant | understanding of the | the common law's | critical engagement | that he or she has read |
| | and performance on | understanding of the | common law's | comparative and | with course material, | or understands the |
| | individual and small | common law's | comparative and | historical context, | no understanding of | course material or that |
| | group exercises in | comparative and | historical context, | unclear written or oral | the common law's | he or she understands |
| | tutorials. The quality and | historical context, | somewhat clear and | responses that do not | comparative and | the common law's |

| practical relevance of participation are more important than the quantity. Students will not receive full participation marks merely by attending all classes. | clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses. | persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses. | entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses. | historical context, provides written or oral responses devoid of persuasive devices and correct grammatical structure, and little interest in engaging with fellow students' responses. | comparative and historical context. The student does not contribute written or oral responses when prompted and demonstrates no interest in the views of fellow students on the course material. |
|--|---|---|--|---|---|
| Legal Writing Assignment (30%) In randomly allocated groups of 3-4 within each tutorial, students will draft a 2,000-word written assignment based on one or more of the writing formats covered in class. Assessment will be based on legal research, analysis of the caselaw, creativity in arguments, expression, citation, overall structure, and quality of editing. Absent exceptional circumstances, all group members receive the same mark. The teamwork skill and negotiation among your teamwork is a silent part of this assessment but critical to the success of the outcome. | Show an excellent initiative to form a team and be able to organise and prioritise their teamwork as a group. The writing shall have demonstrated all of the following aspects: 1. Rigorous application of OSCOLA citation 2. Clear presentation and structure 3. All-rounded discussion and critical analysis of legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | Show a good initiative to form a team and be able to organise and prioritise their teamwork as a group. The writing shall have demonstrated at least three of the following aspects: 1. Rigorous application of OSCOLA citation 2. Clear presentation and structure 3. All-rounded discussion and critical analysis of legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | Show a fairly good initiative to form a team and be able to organise and prioritise their teamwork as a group. The writing shall have demonstrated at least two of the following aspects: 1. Rigorous application of OSCOLA citation 2. Clear presentation and structure 3. All-rounded discussion and critical analysis of legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | The struggle to find a team reflects a lack of initiative to form a team and reflects the inability to organise and prioritise the task to form a group. The writing might have demonstrated some or all of the following aspects, but at a very superficial level: 1. Rigorous application of OSCOLA citation 2. Clear presentation and structure 3. All-rounded discussion and critical analysis of legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. | Failing to form a team and, non the less, submitting the work alone, despite the work, might have met some or all of the following aspects. 1. Rigorous application of OSCOLA citation 2. Clear presentation and structure 3. All-rounded discussion and critical analysis of legal points or relevant pieces of literature 4. A coherent conclusion derives from the legal analysis. |

| 3. End of | 2.25 hour computer-based | The student | The student | The student | The student | Almost no application |
|-------------|-----------------------------|-------------------------|-------------------------|-------------------------|--------------------------|-------------------------|
| Semester | examination testing | demonstrates a strong | demonstrates a good | demonstrates a limited | demonstrates a little | of law and fails to |
| Examination | students' knowledge of | knowledge of the law | respond to the |
| (60%) | precedent, case analysis | to the questions with | to the question with a | to the question with a | but falls short of | questions. The student |
| | skills, statutory | relevant application of | good application of | limited application of | accuracy, a little and a | cannot demonstrate |
| | interpretation skills, and | law and critical | law to the question, | law to the question, | very limited | that he or she has read |
| | writing and editing skills. | engagement with all | though might fall short | though some | engagement with | or understands the |
| | To be completed | course material, a | of critical engagement | engagement with | course material, shows | course material or that |
| | individually. Students will | significant | with course material, a | course material, little | no or incorrect | he or she understands |
| | be assessed on the quality | understanding of the | more limited | understanding of the | understanding of the | the common law's |
| | of their written | common law's | understanding of the | common law's | common law's | comparative and |
| | communication and how | comparative and | common law's | comparative and | comparative and | historical context. |
| | well they apply the skills | historical context, and | comparative and | historical context, and | historical context and | |
| | learned in class to new | clearly and | historical context, | unclear and incoherent | provides written | |
| | factual circumstances. | persuasively | somewhat clear and | written responses. | responses devoid of | |
| | | communicated written | persuasive | | persuasive legal | |
| | | responses. | communication by | | authorities or | |
| | | | written responses. | | references. | |

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.)

- nature and role of equity
- comparing selected legal and equitable remedies
- the nature of trusts
- the three certainties
- formalities for the creation of express trusts
- private purpose trusts
- public purpose trusts

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 Hanbury & Martin Modern Equity (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, Equity & Trusts: Text, Cases, and Materials (Oxford |
|----|--|
| | University Press) |
| 2. | Sarah Worthington, <i>Equity</i> (Oxford University Press) |
| 3. | James Penner, The Law of Trusts (Oxford University Press) |
| 4. | Charles Mitchell, David J. Hayton, and Paul Matthews, Underhill and Hayton Law of |
| | Trusts and Trustees (LexisNexis) |
| 5. | John McGhee, Snell's Equity (Sweet & Maxwell) |