

LW4630A: EQUITY AND TRUSTS I

Effective Term

Semester A 2023/24

Part I Course Overview

Course Title

Equity and Trusts I

Subject Code

LW - Law

Course Number

4630A

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

LW2601 Hong Kong Legal System;
LW2602A & B Law of Contract I & II;
LW2603A & B Law of Tort I & II; and
LW2604A & B Legal Research and Writing I & Legal Research and Writing II or LW2604 Legal Methods, Research and Writing

Precursors

Nil

Equivalent Courses

LW4130 Equity & Trusts (LLB) (from the old curriculum) or
LW4130A Equity & Trusts or
LW4630 Equity and Trusts (Semester A) or
LW4630A Equity and Trusts I (from the old curriculum) or
LW4676 Equity and Trusts (from the old curriculum);
LW5630A Equity and Trusts I

Exclusive Courses

Nil

Part II Course Details**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:
 - 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 trust law operates.
- introduces students to some of the basic practical skills required to advise on applying trust law.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and explain basic principles of equity and trusts.	40	x		
2	Analyse and critically evaluate: - Trusts issues of topical interest - 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.	35	x	x	
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 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 a critical approach.	15	x	x	
4	To communicate ideas, arguments or advice clearly and coherently orally and in writing.	10	x	x	x

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.

Teaching and Learning Activities (TLAs)

	TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	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.	1	
2	Lectures	Students will receive guidance on basic research	1	
3	Lectures	Students will be introduced to principles of equity and trusts in their practical application.	2	
4	Lectures	Students will learn how to solve problems by applying trusts law.	3	
5	Preparation for tutorials	Students will research issues of trusts law.	2	
6	Preparation for tutorials	Students will research issues of equity and trusts.	3	
7	Preparation for tutorials	Students will be expected to research on the tutorial assignments, and be ready to contribute to discussion.	4	

8	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 effectiveness of the law in its current state.	1	
9	Tutorials	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.	2	
10	Tutorials	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.	3	

11	Tutorials	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	
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Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Tutorial Participation: 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 demonstrate their understanding of the principles of equity and trusts that they have learned from attending lectures.	1, 2, 3, 4	10

2	<p>Group Assignment: 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. Feedback on their 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 teamwork skills.</p>	2, 3, 4	30	
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Continuous Assessment (%)

40

Examination (%)

60

Examination Duration (Hours)

2.25

Additional Information for ATs

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 2,500 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.

To pass this course students must obtain an aggregate mark of 40% and a minimum of 30% 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.

Assessment Rubrics (AR)**Assessment Task**

1. Class Participation (10%)

Criterion

Students will be assessed based on their informed verbal contributions to discussions in lectures and tutorials, and library sessions, plus preparation and performance on individual and small group exercises in tutorials. The quality and practical relevance of participation are more important than the quantity. Students will not receive full participation marks merely by attending all classes.

Excellent (A+, A, A-)

The student demonstrates a strong interest in and critical engagement with all course material, a significant understanding of the common law's comparative and historical context, clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses.

Good (B+, B, B-)

The student demonstrates some critical engagement with course material, a more limited understanding of the common law's comparative and historical context, somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.

Fair (C+, C, C-)

The student demonstrates limited critical engagement with course material, little understanding of the common law's comparative and historical context, unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.

Marginal (D)

Despite otherwise participating in the teaching and learning activities, the student demonstrates no critical engagement with course material, no understanding of the common law's comparative and historical context, provides written or oral responses devoid of persuasive devices and correct grammatical structure, and little interest in engaging with fellow students' responses.

Failure (F)

Almost no participation in teaching and learning activities. The student cannot demonstrate that he or she has read or understands the course material or that he or she understands the common law's 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.

Assessment Task

2. Group Legal Writing Assignment (30%)

Criterion

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.

Excellent (A+, A, A-)

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.

Good (B+, B, B-)

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.

Fair (C+, C, C-)

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.

Marginal (D)

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.

Failure (F)

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.

Assessment Task

3. End of Semester Examination (60%)

Criterion

2.25 hour computer-based examination testing students' knowledge of precedent, case analysis skills, statutory interpretation skills, and writing and editing skills. To be completed individually. Students will be assessed on the quality of their written communication and how well they apply the skills learned in class to new factual circumstances.

Excellent (A+, A, A-)

The student demonstrates a strong knowledge of the law to the questions with relevant application of law and critical engagement with all course material, a significant understanding of the common law's comparative and historical context, and clearly and persuasively communicated written responses.

Good (B+, B, B-)

The student demonstrates a good knowledge of the law to the question with a good application of law to the question, though might fall short of critical engagement with course material, a more limited understanding of the common law's comparative and historical context, somewhat clear and persuasive communication by written responses.

Fair (C+, C, C-)

The student demonstrates a limited knowledge of the law to the question with a limited application of law to the question, though some engagement with course material, little understanding of the common law's comparative and historical context, and unclear and incoherent written responses.

Marginal (D)

The student demonstrates a little knowledge of the law but falls short of accuracy, a little and a very limited engagement with course material, shows no or incorrect understanding of the common law's comparative and historical context and provides written responses devoid of persuasive legal authorities or references.

Failure (F)

Almost no application of law and fails to respond to the questions. The student cannot demonstrate that he or she has read or understands the course material or that he or she understands the common law's comparative and historical context.

Part III Other Information

Keyword Syllabus

- 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
- constitution of trusts
- private purpose trusts
- public purpose trusts

Reading List

Compulsory Readings

	Title
1	Graham Virgo, <i>The Principles of Equity & Trusts</i> (5th edn. Oxford University Press)
2	Ben McFarlane and Charles Mitchell, <i>Hayton and Mitchell on the Law of Trusts & Equitable Remedies</i> (Sweet & Maxwell)

Additional Readings

	Title
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	Jamie Glister & James Lee Hanbury & Martin <i>Modern Equity</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	John McGhee, <i>Snell's Equity</i> (Sweet & Maxwell)