

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester B 2015/16**

---

---

**Part I Course Overview**

<b>Course Title:</b>	<u>Law of Wills (Succession)</u>
<b>Course Code:</b>	<u>LW5647</u>
<b>Course Duration:</b>	<u>One Semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P5</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u> <u>For all Cohorts: LW5607A Land Law I and LW5630 Equity and Trusts</u> <u>For 2013 Cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>LW4647 Law of Succession</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>

## Part II Course Details

### 1. Abstract

This course develops an enquiring mind which seeks to discover the law relating to succession and provides for an awareness of the social context in which succession law operates. It also provides an understanding of the legal rules governing the distribution of property upon death and furnishes students with a working knowledge of the administration of estates. This course is one of a group of courses which enable students to study a series of courses which focus on issues of family law, gender, property law, taxation and trust.

### 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.	<b>Describe and explain</b> the legal rules governing the distribution of property upon death	40%	✓		
2.	<b>Critically analyse and evaluate</b> legal principles and doctrines in the law of succession in the light of the policy objectives and the social context of the law	30%	✓	✓	
3.	<b>Apply</b> the principles of succession law to solve legal problems by: <ol style="list-style-type: none"> <li>1. reading and interpreting cases</li> <li>2. interpreting statutes</li> <li>3. dealing with facts</li> <li>4. conducting legal research</li> <li>5. developing persuasive arguments</li> <li>6. using legal authorities</li> <li>7. writing and communicating orally</li> </ol>	30%	✓	✓	✓
		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.*

#### Alignment of CILOs with PILOs:

PILOs		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1, 3
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	1, 2

3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	1, 2, 3
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	1, 2, 3
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	1, 2, 3

### 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	
<i>Lectures</i>	Students will be introduced to the statutory and common law requirements for a valid will through interactions with the lecturer and amongst themselves through e.g. discussions, debates and student presentations in the course of the lectures.	✓			
	Students will read cases to prepare for lectures, interpret statutes and develop persuasive arguments in class discussion.		✓		
	Students will explore relevant issues of law and address the theoretical underpinnings of various topics.			✓	
<i>Tutorials</i>	Students will be given the opportunity to clarify or raise further questions in regard to the basic principles of will validity taught in the lectures.	✓			
	Students will apply legal principles to the solution of problems. This may be done in the form of discussions, debate or presentations		✓		
	Students will critically analyse and evaluate legal principles and doctrines.			✓	

### 4. Assessment Tasks/Activities (ATs)

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

Assessment Tasks/Activities	CILO No.			Weigh ting	Remarks
	1	2	3		
<b>Continuous Assessment:</b>	50%				
<i>Participation in tutorial sessions: 10%</i> Students' ability to understand rules and principles will be tested in forms such as presentations, debates and client counselling.	✓				
Students' ability to apply rules and principles will be tested in forms such as presentations, debates and client counselling.		✓			
Students' ability to critically analyse and evaluate rules and principles will be tested in forms such as presentations, debates and client counselling.			✓		
<i>Coursework /In class test: 40%</i> Students' ability to describe and explain the requirements of will making contract will be tested.	✓				
Students' ability to conduct legal research, collect data and decipher primary and secondary materials in order to solve problems will be tested.		✓			

In the process of attempting the coursework/ in class test, students' ability to conduct legal research, collect data and decipher primary and secondary materials in order to critically analyse evaluate legal principles and doctrines will be tested. The in-class test aims to test students' understanding and their application of the legal principles.			✓		
Examination: (duration: 2 or 3 hours, if applicable)				50%	
Students' ability to describe and explain the requirements for a valid will, the alteration and revocation of wills and the rules relating to the distribution on intestacy and the Inheritance (Provision for Family and Dependants) Ordinance in addition to the administration of estate will be tested.	✓				Three/ Two hours examination duration. The students will be informed in the 1 <sup>st</sup> week of the semester as to whether the examination will be a closed or open book one.
Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances will be tested.		✓			
Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances in order to critically analyse evaluate legal principles and doctrines will be tested.			✓		
				100%	

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

To pass this course student must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework/ in class test and the examination elements of the assessment. Coursework/ In class test 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-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. Timed test/ coursework assignment	Ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable	High	Significant	Moderate	Basic	Not even realising marginal levels
2. Examination	Ability to describe the principles, apply and critique where appropriate, relevance to authorities necessary, where applicable	High	Significant	Moderate	Basic	Not even realising marginal levels

### **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.)*

Wills, their nature, characteristics and contents, Types of wills, Making a will: formalities, statutory requirements, capacity and intention, Alteration of wills, Revocation: by destruction, marriage or later will, Construction of wills: legacies, devises and failures of gifts, Rules of intestacy, Family provision, Estate Duty, Administration of estates and Chinese customary law.

#### **Detailed Syllabus**

(You may incorporate the information from the course syllabus)

Nature of wills, their characteristics and content. Types of wills – mutual wills and privileged wills.  
Formalities for making wills, need for strict compliance with statutory requirements.  
Testamentary capacity and testamentary intention, the issue of knowledge and approval, the effect of fraud, undue influence, insanity and lucid intervals on wills.  
Alteration and republication of wills  
Revocation of wills – by marriage or a later will and the consequences of revocation.  
Construction of wills – legacies and devises, failure of gifts.  
The application of rules on total and partial intestacy.  
Family provision – statutory entitlements and possible claimants.  
Administration of estate - appointment of executors and administrators, collection of assets and payment of debts.

#### **2. Reading List**

##### **Text(s)**

Parry and Clark, *The Law of Succession* 12<sup>th</sup> edition (Sweet & Maxwell)

Andrew Borkowski, *Textbook on Succession* 2<sup>nd</sup> edition (Oxford University Press)