

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2019/20**

Part I Course Overview

Course Title:	Equity and Trusts
Course Code:	LW5630
Course Duration:	One Semester
Credit Units:	3
Level:	P5
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: <i>(Course Code and Title)</i>	LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing and LW5602 Law of Contract, LW5603 Law of Torts
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	LW4630 Equity & Trusts LW6177E Equity & Trusts
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

Part II Course Details

1. Abstract

This course aims to

- examine the nature, role, and significance of equity in the common law legal system;
- develop a sound knowledge of law, policy and practice in relation to the law of equity, including the law of trusts;
- develop the following set of skills in relation to the law of equity, including trusts:
 - research skills
 - analytical and problem-solving skills
 - effective written and oral communication skills
- develop an awareness of the social and commercial contexts in which trust law operates;
- introduce students to some of the basic practical skills required to advise on application of trusts law; and
- review the distinctions between trusts, gifts and the law of obligations (contract and tort).

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	DEC related learning outcomes		
			A1	A2	A3
1.	Identify, describe and explain basic principles of equity and trusts.	40%		✓	
2.	Analyse and critically evaluate: <ul style="list-style-type: none"> ✧ Issues in equity and trusts of topical interest ✧ the operation of the substantive rules of trusts law: <ul style="list-style-type: none"> ○ in terms of the objectives and practical implications of trusts law ○ in their social and commercial contexts ○ in relation to other branches of law ○ as a form of distributive or remedial device. 	35%	✓	✓	
3.	Apply principles of equity and trusts to solve legal problems by: <ul style="list-style-type: none"> ✧ conducting independent research on issues of equity and trusts ✧ communicating their analysis clearly and precisely in their own words and in plain English 	15%		✓	✓
4.	To communicate ideas, marshal arguments or prepare advice clearly and coherently both in oral and written forms.	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.

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, 4
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.	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.	4
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.	3, 4

3. Teaching and Learning Activities (TLAs)

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

TL A	Brief Description	CILO No.				Hours/ week
		1	2	3	4	
	<p><i>Identify, describe and explain basic principles of equity and trusts</i></p> <p><i>Lectures</i></p> <p>- Students will acquire knowledge of principles of trusts law and the role of equity.</p> <p><i>Tutorials</i></p> <p>- Students will, by answering questions and engaging in exercises in relation to principles of equity and trusts, further develop explanatory skills. Tutorial questions will require students to analyse facts and law and critically examine the adequacy and effectiveness of law in its current state, together with its underlying policy objective.</p>	✓				3
	<p><i>Analyse and critically evaluate trusts law</i></p> <p><i>Lectures</i></p> <p>- Students will be introduced to principles of equity and trusts through practical application and case law examples.</p> <p><i>Tutorials</i></p> <p>- Students will be required to analyse fact situation and to apply case law precedents to ascertained facts.</p>		✓			

	<p><i>Apply principles of trusts law to solve legal problems</i> <i>Lectures</i> - Students will learn how to solve problems by applying trusts law. <i>Tutorials</i> - Students will be required to analyse fact situations and to apply case law precedents to ascertained facts.</p>			✓		
	<p><i>To communicate ideas, marshal arguments or prepare advice</i> <i>Tutorials</i> - Students are required to participate in tutorial discussion, particularly by making presentations on pre-assigned tutorial assignments. - Students will also be asked to discuss tutorial questions among themselves, with the tutor commenting on strengths and scope for improvement in student contributions.</p>				✓	

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%	
Group Assignments: 30% Students' ability to identify and explain the relevant principles and components of the law of equity and trusts will be tested.	✓	✓	✓	✓		
Classwork: 20%	✓	✓		✓		
Examination: (duration: 2 or 3 hours)					50%	
Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances will be tested.		✓	✓			
					100%	

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

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

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. Group Assessment	Demonstration of skills in recognising legal issues, identifying applicable rules, and resolving the issues through an application of the relevant rules; Demonstration of a high level of legal research and analytical skills.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Classwork	Demonstration of legal argument construction skills, oral communication skills, and willingness/ability to answer questions in class.					
3. Examination	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to recognise issues, identifying applicable legal rules, and resolving problems by applying applicable rules. Ability to engage in argument-based analysis. Aptitude for formulating innovative solutions to designated fact-based questions.					

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
- the nature of trusts
- the three certainties and formalities for the creation of express trusts
- constitution of trusts
- purpose trusts
- resulting trusts
- constructive trusts
- trustees' powers and duties
- breach of trust and remedies therefor

2. Reading List

Recommended Reading

Text (Required)

Virgo, *The Principles of Equity & Trusts*, 3rd ed. (Oxford: Oxford University Press, 2018).

Recommended Reading

McGhee, *Snell's Equity* (Sweet & Maxwell)

Mowbray et al, *Lewin on Trusts* (Sweet & Maxwell)

Haley and McMurtry, *Equity and Trusts* (Sweet & Maxwell)

Glister and Lee, *Hanbury & Martin: Modern Equity* (Sweet & Maxwell)

McFarlane and Mitchell, *Hayton & Mitchell: Law of Trusts and Equitable Remedies: Texts, Cases & Materials* (Sweet & Maxwell)

Penner, *The Law of Trusts (Core Texts)* (Oxford University Press)

Online Resources

Westlaw and Lexis.com. Several of the books recommended above come with online resources.