

# PLE5016: WILLS AND PROBATE PRACTICE

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## Effective Term

Semester A 2025/26

## Part I Course Overview

### Course Title

Wills and Probate Practice

### Subject Code

PLE - Professional Legal Education

### Course Number

5016

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

2

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

The course aims to train students how to take adequate client's instructions to draft a will, to advise clients with respect to provisions in the will, on intestacy and on the administration and distribution of estate.

In completing this course the student will, with an appropriate level of supervision:

1. Be able to make an application for a grant of representation with a working knowledge of:
  - 1.1 the intestacy rules
  - 1.2 the Inheritance (Provision for Family Dependents) Ordinance
  - 1.3 the rules and procedure for taking out grants of representation and
  - 1.4 the rules relating to administration of estates.
2. Be able to apply a problem solving approach to a client's issues including:
  - 2.1 identifying client's goals
  - 2.2 identifying legal issues, and
  - 2.3 applying the relevant law to the facts and circumstances.
3. Be able to draft the following documents in plain English:
  - 3.1 wills
  - 3.2 codicils
  - 3.3 affidavits/affirmations and oaths.

#### Course Intended Learning Outcomes (CILOs)

| CILOs  | Weighting (if app.) | DEC-A1 | DEC-A2 | DEC-A3 |
|--|---------------------|--------|--------|--------|
| 1<br>To describe, discuss and explain the legal rules governing the distribution of property upon death.   | 30                  | x      | x      |        |
| 2<br>To evaluate and explain the relationship and interplay between the Wills Ordinance, The Intestate's Estates Ordinance, the Inheritance (Provision for Family Dependents) Ordinance, the Probate and Administration Ordinance, the Trustees Ordinance and the Non Contentious Probate Rules and apply the relevant rules to given facts. | 10                  | x      | x      |        |
| 3<br>Demonstrate an ability to analyse, explain and effectively communicate orally and in writing, the relevance of the rules, the advice and the recommendation for a proposed course of action to a client.  | 40                  |        | x      | x      |
| 4<br>Demonstrate an ability to draft the appropriate clauses and/or required document in clear terms.  | 20                  | 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.

**Learning and Teaching Activities (LTAs)**

| <b>LTAs</b> |   | <b>Brief Description</b>  | <b>CILO No.</b> | <b>Hours/week (if applicable)</b> |
|-------------|---|---|-----------------|-----------------------------------|
| 1           | 1 | <p>Teaching and learning will be conducted in large group and small group sessions. In both sessions, although with greater emphasis in small group sessions, students will be required to participate actively in the allocated activities.</p> <p>Each large group sessions will provide the students with background information and procedure of topic in question. Some exercises may also be provided in large group sessions. This may serve as an introduction as to the activities that students are expected to undertake in small group sessions. Although some activities in small group sessions do focus on individual and/or group participation and presentation, students are expected to be prepared for all activities listed.</p> <p>The preparation and participation of students in the activities of small group sessions will assist the students' in their ability to describe, analyse, explain, and distinguish the application of the relevant rules. In addition, students will be able to apply the appropriate rules, advice clients and draft relevant clauses where appropriate and necessary.</p> | 1, 2, 3, 4      | 3.5 hours                         |

**Continuous Assessment (%)**

0

**Examination (%)**

100

**Examination Duration (Hours)**

3

**Minimum Examination Passing Requirement (%)**

50

**Additional Information for ATs**

Final practical exercise: CILO No. 1,2,3,4.

The use of Generative AI tools is not allowed.

**Assessment Rubrics (AR)**

**Assessment Task**

A mid-term examination or an examination at the end of semester A

**Criterion**

Students must obtain a minimum of 50% to pass this course.

**Excellent**

(A+, A, A-) The work meets the client' s needs in all aspects; this is evidenced by

- an excellent grasp of the subject matter and the issues at hand
- possession of extensive knowledge
- superior application of relevant law and regulations
- superior ability to analyse and apply
- good organisation
- good communication skills

**Good**

(B+, B, B-) The work meets the client' s needs in most aspects; this is evidenced by

- a strong grasp of the subject matter and the issues at hand
- an understanding of the applicable law
- some critical and analytical ability
- some application of the law and procedural rules and regulations

**Fair**

(C+, C, C-\*) The work meets the client' s main needs; this is evidenced by

- an adequate grasp of the subject matter and relevant issues at hand
- an ability to develop and provide solutions to client' s problems
- a basic use of lawyer' s skills

**Marginal**

(D\*)

**Failure**

(F)The work does not mean the client' s needs; this is evidenced by little or insufficient

- knowledge of the subject matter and issues at hand
- critical and analytical ability
- understanding of the applicable and relevant law and operating procedures and regulations
- understanding of the client' s needs and the ability to develop solutions

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**Additional Information for AR**

\* Note: The University's grades C- and D are not used in the PCLL.

## Part III Other Information

### Keyword Syllabus

Wills, testamentary intent, testamentary capacity, knowledge and approval, execution of wills, signature, acknowledgment, testamentary guardians, minor interest, life interest, substitute clause, survivorship clause, total and partial intestacy, hotchpot, appropriation, reasonable financial maintenance, oaths and affirmations, verifying affidavits, grants of representation, caveats, citation, passing over, renunciation, Benjamin orders.

### Reading List

#### Compulsory Readings

|   | Title  |
|---|--|
| 1 | Butterworths Hong Kong Probate Administration and Trustee Handbook, 3rd Edition 2012 |
| 2 | Ong, A Guide to Wills & Probate in Hong Kong, Sweet & Maxwell, Thomson Reuters, 2014 |

#### Additional Readings

|   | Title   |
|---|---|
| 1 | Barlow King & King, Wills Administration & Taxation, 10th Edition, Sweet & Maxwell              |
| 2 | Sherrin, Hong Kong Legal Practice Manual, Probate, Sweet & Maxwell, 2000                        |
| 3 | Will Drafting Precedent Books – Encyclopaedia of Forms and Precedents, 5th Edition Butterworths |
| 4 | Parker' s Modern Will Precedents, (7th edition), Butterworths                                   |
| 5 | Williams on Wills, 10th Edition, Butterworths   |
| 6 | Tristram and Coote Probate Practice, 31st Edition, Butterworths                                 |
| 7 | Willoughby & Halkyard, The Encyclopaedia of Hong Kong Taxation, Butterworths                    |