

# LW3607A: LAND LAW I

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## Effective Term

Semester A 2023/24

## Part I Course Overview

### Course Title

Land Law I

### Subject Code

LW - Law

### Course Number

3607A

### 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

LW2602A Law of Contract I, LW2602B Law of Contract II

### Precursors

Nil

### Equivalent Courses

LW3107 Property Law (LLB) (Semester A) (from the old curriculum)  
LW3107A Property Law (AMLLB) (Semester A) (from the old curriculum)  
LW3607 (Semester A part)  
LW5607A Land Law I

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course aims to help students –

- examine the nature, scope and significance of land law
- develop a sound knowledge of the principles of land law
- develop the following skills in relation to issues concerning land law
  - research skills
  - analytical and problem-solving skills
  - effective written and oral communication skills
- develop an awareness of the social and commercial contexts in which land law operates

### Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and explain basic principles of land law.	40	x	x	x
2	Analyse and critically evaluate: - land law issues of topical interest - the operation of the substantive rules of land law: o in terms of the objectives and practical implications of land law o their social and commercial contexts in relation to other branches of law.	35	x	x	x
3	Apply principles of land law to solve legal problems by: - researching issues of land law - analysing and solving problems in the area of land law - communicating their analysis clearly and precisely in their own words and in plain English.	15	x	x	x
4	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)

	<b>TLAs</b>	<b>Brief Description</b>	<b>CILO No.</b>	<b>Hours/week (if applicable)</b>
1	Preparation for tutorials	Researching primary and secondary sources of law in order to understand principles of land law in their practical application. Students will acquire knowledge of principles of land law.	1	
2	Preparation for tutorials	Students will research issues of land law.	2, 3	
3	Preparation for tutorials	Students will be expected to research on the tutorial assignments, and be ready to contribute to discussion.	4	
4	Lectures	Students will receive guidance on basic research.	1	
5	Lectures	Students will be introduced to principles of land law in their practical application.	2	
6	Lectures	Students will learn how to solve problems by applying land law.	3	
7	Tutorials	Students will, by answering questions and engaging in exercises in relation to principles of land law, 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	
8	Tutorials	Students will be required to scrutinise, analyse and evaluate land law issues of topical interest.	2	
9	Tutorials	Students will be required to analyse fact situations and to apply case law precedents to ascertained facts.	3	

10	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	
11	Tutorials	Develop self-confidence in the application of legal principles, advocacy skills and public speaking.	2, 4	
12	Tutorials	Foster students' growth through the development of greater intellectual and interpersonal maturity.	2, 4	

**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
<p>1</p> <p>Tutorial Group Presentation/s and Participation: 10%</p> <p>Tutorials and assignments will demonstrate the students' ability to understand and explain principles of land law.</p> <p>They will test the students' ability to analyse and critically evaluate relevant legal principles.</p> <p>These will test the students' ability to research, analyse and solve problems, and communicate solutions in writing.</p> <p>Group Assignment/s: 30%</p> <p>Tutorials and assignments will demonstrate the students' ability to understand and explain principles of land law.</p> <p>They will test the students' ability to analyse and critically evaluate relevant legal principles.</p> <p>These will test the students' ability to research, analyse and solve problems, and communicate solutions in writing.</p>	<p>1, 2, 3</p>	<p>40</p>	

**Continuous Assessment (%)**

40

**Examination (%)**

60

### **Examination Duration (Hours)**

3

### **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.

Assessment will be by coursework (40%), which will comprise continuous performance evaluation, a group assignment and a final examination (60%).

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.

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.

### **Assessment Rubrics (AR)**

#### **Assessment Task**

1. Tutorial Group Presentation/s and Class Participation

#### **Criterion**

Students will be assessed based on their verbal contributions to discussions in lectures and tutorials, in addition to preparation and performance on individual and small group exercises in tutorials. The quality and practical relevance of participation are more important than the quantity. This is also can be demonstrative through specific activities such as the mandatory group presentation of a case study. Note that students will not receive full participation marks merely by attending all classes.

#### **Excellent (A+, A, A-)**

Student demonstrates a strong interest in and critical engagement with all course material, significant understanding of the common law and statutory regime in the subject matter, clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses. The student also demonstrates excellent ability to grasp complex concepts and apply these concepts to factual scenarios in an articulate and high calibre manner. The student is also able to possess an excellent ability to correctly identify and apply relevant legal principles and policy to very high standard of accuracy. Not only does the student possess an excellent knowledge of current research and scholarship in the relevant subject area, but the student also is able to provide critique and improvement to the law.

#### **Good (B+, B, B-)**

Student demonstrates some critical engagement with course material, a more limited understanding of the common law and the statutory regime in the subject matter, somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses. However, there is consistent ability to analyse complex factual situations and apply established principles in a logical manner. The student made some minor mistakes in knowledge, however, this does not deter the student's overall understanding of the subject matter.

#### **Fair (C+, C, C-)**

Student demonstrates limited critical engagement with course material, little understanding of the common law and the statutory regime in the subject matter, unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.

There is some ability to analyse complex factual situations, apply established principles in a logical manner. Ability to critically evaluate the law using a range of sources. Some ability to propose a solution or make a judgement on the merits of any assertions made. However, there are some inconsistencies and mistakes.

**Marginal (D)**

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

There is only basic recall of key legal principles and unable to consistently order and analyse relevant legal principles.

**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 and statutory regime in the subject matter. 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.

There is inadequate knowledge of relevant legal principles and/or fundamental errors.

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**Assessment Task**

2. Group Assignment

**Criterion**

Student will be assessed on their application of their understanding of legal principles, research and ability to work as a group to produce a concise and well-structured paper. Students will need to critically evaluate academic and legal literature.

**Excellent (A+, A, A-)**

Student demonstrates a strong interest in and critical engagement with all course material, significant understanding of the common law and statutory regime in the subject matter, clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses. The student also demonstrates excellent ability to grasp complex concepts and apply these concepts to factual scenarios in an articulate and high calibre manner. The student is also able to possess an excellent ability to correctly identify and apply relevant legal principles and policy to very high standard of accuracy. Not only does the student possess an excellent knowledge of current research and scholarship in the relevant subject area, but the student also is able to provide critique and improvement to the law.

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**Marginal (D)**

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**Assessment Task**

3. End of Semester Examination

**Criterion**

Students will need to demonstrate an adequate command of legal doctrines and case law and be able to critically evaluate the current legal framework. Students will demonstrate this by answering essay questions and fact pattern questions. Students will be assessed on their writing style and ability to demonstrate their knowledge that they have learned through their readings and lectures. Further, students will be evaluated on their ability to weave the case precedents and arguments in their responses.

**Excellent (A+, A, A-)**

Student demonstrates a strong interest in and critical engagement with all course material, significant understanding of the common law and statutory regime in the subject matter, clearly and persuasively communicated written or oral responses, and an obvious and frequent ability to listen to, empathise and engage with fellow students' responses. The student also demonstrates excellent ability to grasp complex concepts and apply these concepts to factual scenarios in an articulate and high calibre manner. The student is also able to possess an excellent ability to correctly identify and apply relevant legal principles and policy to very high standard of accuracy. Not only does the student possess an excellent knowledge of current research and scholarship in the relevant subject area, but the student also is able to provide critique and improvement to the law.

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There is inadequate knowledge of relevant legal principles and/or fundamental errors.

## **Part III Other Information**

### **Keyword Syllabus**

Classification of Property; Doctrines of Tenure and Estate; Law and Equity; Equitable Doctrines of Resulting Trust, Constructive Trust, Proprietary Estoppel and Part Performance; the rule of *Walsh v. Lonsdale*; Priorities: Doctrine of Notice and Land Registration Ordinance; Adverse Possession.

### **Detailed Syllabus**

- Traditional Classification of Property
- Meaning of "Land" and "Property"
- Doctrines of Tenure and Estate
- Possession and Adverse Possession
- Law and Equity in Relation to Land
- Formalities and Exceptions, including Part Performance
- Resulting Trusts
- Selected Constructive Trusts
- Proprietary Estoppel
- Priority Rules
- Land Registration Ordinance

### **Reading List**

#### **Compulsory Readings**

	<b>Title</b>
1	There is no single text that students must have in order to study this course as student texts on the subject are somewhat dated. Students must refer to the reference texts as well as the primary materials (i.e. case law and Ordinances), which will be specifically referenced in individual lectures.
2	S.H. Goo and Alice Lee, <i>Land Law in Hong Kong</i> , 5th Ed (LexisNexis, 2022)
3	Sarah Nield, <i>Hong Kong Land Law</i> , 2nd Ed (Longman, 2008)

#### **Additional Readings**

	<b>Title</b>
1	Nil