

LW5957: LEGAL STUDIES FOR THE BUILT ENVIRONMENT

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Legal Studies for the Built Environment

Subject Code

LW - Law

Course Number

5957

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

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

This course aims to help students -

- examines the nature, scope and significance of land law and housing management;
- develops 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; and
 - 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 and provide students with a general understanding of land law, the nature of land ownership, building management and land planning system in Hong Kong.	40	x		
2	Analyse and critically evaluate: - Land law issues of topical interest ;= - The operation of the substantive rules of land law (i) in terms of the objectives and practical implications of land law (ii) their social and commercial contexts in relation to other branches of law.	35	x	x	
3	Apply principles of land law to solve legal problems by: - researching issues of land law - analysing and solving problems in land law with special references to emerging trends or/and current problems in relation to land ownership - communicating their analyses clearly and precisely in their own words and in plain English taking this as an opportunity to make a novel contribution to our understanding of land law or to look at existing solutions with a critical approach.	15			x
4	Communicate ideas, arguments or advice clearly and coherently orally and in writing.	10		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)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Researching primary and secondary sources of law Lectures Tutorials	; Students will acquire knowledge of principles of land law pertaining to the topics to be covered in the syllabus. ; Students will receive guidance on major concepts of land law, their readings and basic research for their lecture and tutorials. ; Tutorial questions will require students to analyse facts and law and critically examine the adequacy and effective of the law in its current state.	1
2	Lectures Tutorials	; Students will be introduced to principles of land law in their practical application. ; Students will be required to make individual or group presentations on selected topics. ; Students will be encouraged to discover for themselves deficiencies of or areas in need of improvement in land law.	2
3	Lectures Tutorials	; Students will learn how to solve problems by applying land law. ; Students will be required to analyse fact situations and to apply case law precedents to ascertained facts.	3

4	Lectures Tutorials	; Students will be expected to research on the tutorial assignments, and be ready to contribute to discussions. ; 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	Class Participation	1, 2	10
2	Coursework (Presentation)	3, 4	40
3	End Semester Assignment	1, 2, 3, 4	50

Continuous Assessment (%)

100

Additional Information for ATs

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

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

To pass the course students must achieve an overall total mark of 40 or above.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass the course students must achieve an overall total mark of 50 or above.

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. To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Readings will be assigned for every week. **Students must come prepared for the "lectures": These lectures/classes will be highly interactive in nature, and students must participate in class. Sitting silently and taking notes in class is not acceptable for this course.** In addition, students should not expect detailed PowerPoints. PPTs, if used, will be kept to a bare minimum.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles, with an inquiring mind and critical approach. They will be summative to assess students' ability to synthesise primary and secondary materials to solve novel problems, investigating at the same time adequacy of existing legal framework and the need for any improvements or innovation.

Assessment Rubrics (AR)

Assessment Task

Class Participation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- Ability to master principles, theories and concepts
- Ability to identify the right issues and address the problems
- Ability to conduct legal research

- Ability to apply the relevant laws to the issues
- Ability to present arguments and observations clearly and in a well thought out manner.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Mid-semester Assignment (Individual or Group) and End of Semester Assignment (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- Ability to identify and address the right issues in the problems
- Ability to analyse, argue and present original thinking
- Ability to apply accurately the relevant laws to the analyses and arguments
- Ability to present views and arguments clearly within a prescribed time under pressure.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Class Participation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Ability to master principles, theories and concepts
- Ability to identify the right issues and address the problems
- Ability to conduct legal research
- Ability to apply the relevant laws to the issues
- Ability to present arguments and observations clearly and in a well thought out manner.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Mid-semester Assignment (Individual or Group) and End of Semester Assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Ability to identify and address the right issues in the problems
- Ability to analyse, argue and present original thinking
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(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

- Ownership and Title ;
- Common Law & Equity ;
- Concept and operation of trusts; trustees - their powers and duties ;
- Land title and Land Registration System ;
- Leases vs. Licenses, terms of a tenancy, termination of lease ;
- Mortgages, Mortgagee and Mortgagors ;

- Building Management: Co-ownership, Deed of Mutual Covenants and Building * - Management Ordinance (Cap 344); ;
- Statutory land planning, development controls, government leases and Buildings Ordinance

Detailed Syllabus

Outline: Legal Studies for the Built Environment (LW5957)

Introduction to the legal contexts: the administration of law and relevant law subjects

Classification of Property & Meaning of Land

Sale of Land, and Promissory Estoppel

Law & Equity & Concept of Trust

Adverse Possession

Determining Priority (1): Doctrine of Notice (2): Land Registration Ordinance (LRO)

Leases v. Licenses

Leasehold Covenants (Relationship and Duties of Landlord & Tenant)

Co-ownership: Building Management Ordinance (BMO) (Part 1)

Co-ownership: Building Management Ordinance (BMO) (Part 2)

Easements

Mortgages

Reading List

Compulsory Readings

Title	
1	Goo S.H. and Lee A. Land law in Hong Kong. Hong Kong: LexisNexis, 2009.
2	Sihombing J. and Wilkinson M. A student's guide to Hong Kong conveyancing Hong Kong: LexisNexis, 2011 (6th ed).
3	Merry Malcolm. Hong Kong Tenancy Law: An introduction to the law of landlord and tenant. Hong Kong: LexisNexis, 2010 (5th ed).

Additional Readings

Title	
1	Wong, J and Cheung P.H. A study of the planning law of Hong Kong and role of public participation in land-use planning. Hong Kong: Business Research Centre, School of Business, Hong Kong Baptist College, 1994.
2	Lai, L. Town planning in Hong Kong: a review of planning appeal decision, 1997-2001. Hong Kong : Hong Kong University Press, 2003.
3	Online Resources
4	http://www.legislation.gov.hk/index.htm
5	http://www.judiciary.gov.hk/en/index/index.htm
6	http://www.hklii.hk/eng/
7	Westlaw and Lexis.com