PROPERTY LAW

Subject Aim:

This subject is intended to:

1. Further develop and apply knowledge and reasoning skills;
2. Evaluate and apply property law to factual situations;
3. Examine law relating to property transactions, land use control and compensation

Learning Outcomes:

Students will demonstrate their ability to:-

1. Identify and evaluate the key concepts and principles of Hong Kong land law and conveyancing.
2. Compare and contrast the different property concepts.
3. Apply knowledge and reasoning skills to solve legal problems relating to ownership and land use control.
4. Explore and evaluate problem-solving solutions in the context of land use and development.
5. Possess the ability to evaluate property law with reference to contemporary issues.
6. Communicate effectively.

Brief Syllabus Content:

The meaning of Real Estate in Hong Kong. [Interests in land; the landholding system in Hong Kong; land transactions].

Acquisition, transfer and extinction of interests in land. [Vendor/purchaser transactions; title to land; mortgages and charges; sale and purchase agreements; requisitions on title; assignments; stamp duty; registration].

The private control of land use. [Consent and non-consent schemes the government’s right to re-enter under the government lease; easements; land covenants].

Public control of land use. [Planning and building controls; land resumption]

Building Management Law.

Landlord and Tenant Law. [essentials of a lease; distinction between a lease and a licence; creation and form of leases; express and implied terms, especially rent and repair covenants; remedies for breach of covenant; termination of leases; security of tenure and assessment of rent.

Teaching activities: Lecture (LT)/Tutorial (TU)/Seminar (SM)/Drawing (DW)/Laboratory or Practical (LB)/Studio (ST)/Workshop (WS)/Project (PJ)/Field Study (FS)/Guided Study (GS)/Visit (VS)
**Learning and Teaching Approach** *(tasks and activities designed to achieve learning outcomes)*:

The sequence of learning in this module is organized around two themes, and three topics:

1. Acquisition, transfer and extinction of interests in land in Hong Kong.
2. The control of land use.

The topics are:

- Vendor/purchaser transactions.
- The relationship between owners and managers of multi-storey buildings
- The relationship of landlord and tenant.

The themes and topics are developed through problem-solving activities designed to develop the higher order cognitive skills of analysis, argument and critical judgment. Where appropriate, role-plays are used to develop skills and enhance awareness of the role of law in property decisions in Hong Kong.

**Assessment strategy** *(assessment of student performance resulting from learning tasks)*:

Assessment is designed to contribute to learning, and to determine the extent to which a student has achieved the learning objectives in the following ways:

1. In-class test, comprising questions to test attainment of legal concepts.
2. A 2 hour examination comprising a combination of breadth and depth problems designed to assess knowledge, reasoning ability, and critical judgment.

**Reading List:**

**Recommended:**


**Supplementary:**

*Authorized Hong Kong Law Report and Digest*, Sweet & Maxwell

Government Publications

*Halsbury Laws of Hong Kong*, Butterworths

Hong Kong Cases, Butterworths