SUBJECT DESCRIPTION FORM

Subject title: Property Law

Subject code: BRE541

Credit value: 3

Responsible staff and department: Mr. Anthony Wong (BRE)

Pre-requisite (Subject title and code no, if any) : Nil

Recommended background knowledge:
Students are expected to possess knowledge of the system of landholding in Hong Kong such as would be acquired through study on a degree in a built-environment discipline.

Mutual exclusions:
This subject is mutually exclusive with Property and Construction Law (BRE523/BRE584).

Learning approach:
The pedagogical philosophy underpinning this subject is experiential learning. Students will follow a sequence of activities which may be summarized as follows:

- Learning by doing
- Learning through sharing
- Learning through feedback
- Learning by reflection

An experiential methodology is particularly appropriate for a Master’s programme which is intended for persons with some knowledge and experience of the construction and real estate industries. The framework is also consistent with developing professional judgment, particularly the emphasis upon reflection, through which experience is turned into learning.

Class contact time is organised into seminars in which relevant topics will be explored and discussed. Guidance on legal research will be provided. Tutor and peer assessment will occur throughout. Where appropriate legal practitioners will be invited to attend the seminars to discuss matters of topical interest and relevance.

Students will divide into learning support groups to assist learning and to share viewpoints on the case studies.

For the graded coursework component of summative assessment, student will select a topic of particular interest to them and carry out research into that topic. Examples of topic areas are:

- Development projects
- Apartment ownership and management
- Control of land use
- Compulsory purchase of land for public purposes and compensation for land use
- Public Housing projects

Resources may limit choice of topic.

Learning approach involves
- Lectures and seminars
- Independent study
  - Self-study material
  - Assignments
Assessment:
Research project designed to assess legal research skills, legal analysis and application of law to real-life problems. 50%
One three hour open-book examination, comprising a combination of breadth and depth problems designed to assess knowledge, reasoning ability, and critical judgment. 50%

Objectives:
On completion of this subject students should be able to:
• explain key concepts and principles of property law in different legal systems.
• discriminate between property concepts.
• use knowledge, reasoning and research skills to deal with property-related issues arising in the context of an area of practice of particular interest to them.

Keyword syllabus:
Context
The nature and classification of property, Review of general principles of law that have direct application to this subject area.

Property law systems
A comparative analysis of the elements of different legal systems, including common law, civil law, and transitional economies

Property rights
Legal and economic meanings of property rights; title; use; income; and management, including the right of disposal

Protection of property rights
Registration systems; Judicial remedies

Acquisition, disposal and loss of property rights
Principles of creation and transfer of property rights; consensual and non-consensual modes of termination, including compulsory purchase of land for public purposes

Restrictions on property rights
a. Private restrictions including: easements and restrictive covenants; mortgages; leases of land and the hire of goods
b. Public restrictions including: product liability; planning and building controls, taxation

Indicative reading list and references:
Cottrell J (1999) Legal Research: A Guide for Hong Kong Students, Hong Kong University Press, Hong Kong
Kent, P, Merry M, & Walters M (2002) Building Management in Hong Kong, LexisNexis, Hong Kong, Singapore and Malaysia
Merry, M (2003) Hong Kong Tenancy Law, 4th Ed., LexisNexis, Hong Kong, Singapore and Malaysia