Course Title:  Hong Kong Land Law and Conveyancing

Course Code:  

Aims and Objective

This course aims at introducing the basic concepts in Land Law and Conveyancing. It will cover the meaning of land, legal and equitable rights in land and the doctrine of notice, formalities for the creation, extinguishment and disposal of interests in land, easement and covenants, mortgages and leases, co-ownership of land, priority and registration of interests in land, introduction to conveyancing in Hong Kong, from preliminary negotiations to the formal agreement for sale and purchase, from formal agreement to completion, mortgages, completion and after completion, sales of units in uncompleted buildings, leasehold transactions and other relevant topics.

Intended Learning Outcomes of the Course

On completion of the course, students should be able to

ILO1. describe property relations in land transactions in Hong Kong;
ILO2. classify concepts in Hong Kong Land Law and Conveyancing, including “Land”, “Lease”, “Mortgage”, “Easement”, “Covenant”, “Concurrent Interests”, “Title”, “Proof of Title”, and “Encumbrance”;
ILO3. distinguish possessory and non-possessory interests in land;
ILO4. construct a valid and cogent argument as a response to legal issues arising in land transactions.

Syllabus

1. The Meaning of Land
   ● The meaning of “real property”
   ● Land law
   ● Corporeal interests in land
   ● Incorporeal interests in land
   ● The system of landholding in Hong Kong
   ● Land registration

2. Legal and Equitable Rights in Land and the Doctrine of Notice
   ● Legal estates
   ● Equitable interests
   ● The doctrine of notice

3. Formalities for the Creation, Extinguishment and Disposal of Interests in Land
   ● The need for a deed
   ● The need for writing
   ● Contracts for the sale of land
4. Property Rights in Land - Easements and Covenants
   - What is an easement?
   - Easements distinguished from other rights
   - Positive and restrictive land covenants

5. Property Rights in Land - Mortgages and Leases
   - Mortgages
   - Leases
   - Essentials of a valid lease
   - Distinguishing between a lease and a licence
   - Types of lease

6. Co-ownership of Land
   - Joint tenancy
   - Tenancies in common
   - Termination of co-ownership

7. Priority and Registration of Interests in Land
   - The registers
   - What can be registered?
   - The mechanics of registration
   - The effect of registration

8. An Introduction to Conveyancing in Hong Kong
   - Describing land for legal purposes, sectioning and subdivision of land
   - Overview of a conveyancing transaction
   - Characteristics of Hong Kong conveyancing

9. From Preliminary Negotiations to the Formal Agreement for Sale and Purchase
   - Informal agreements for sale and purchase
   - Terms implied in an informal agreement
   - The terms of the formal agreement for sale and purchase
   - Signing the formal agreement for sale and purchase

10. From Formal Agreement to Completion
    - The vendor’s obligation to give and show title
    - The vendor’s obligation to show title
    - The vendor’s obligations to give good title
    - Drafting the assignment
    - Drafting completion statements

11. Mortgages
    - Mortgages and conveyancing procedure
    - The mortgagor’s right to redeem
    - The mortgagee’s powers

12. Completion and After Completion
    - Completion by undertaking
    - Stamping documents
    - Registering the mortgage at the Companies Registry

13. Sales of Units in Uncompleted Buildings
    - The Consent Scheme
    - The Non-Consent Scheme
14. Leasehold Transactions

- Making the lease
- Express terms
- Implied terms

### Assessment

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<thead>
<tr>
<th>Type of Assessment (Weighting)</th>
<th>Description</th>
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<tbody>
<tr>
<td>Continuous Assessment (50%)</td>
<td>Written Coursework</td>
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<tr>
<td>Examination (50%)</td>
<td>Written Examination</td>
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**Pre-requisite(s)**

Nil

**Required and Recommended Reading**


04.07.2016