

CONTENTS

<i>Foreword to the Third Edition</i>	v
<i>Preface to the Fourth Edition</i>	vii
<i>Table of Abbreviations</i>	xiii
<i>Table of Cases</i>	xv
<i>Table of Legislation</i>	xcv
<i>Table of Statutory Instruments</i>	cv
<i>Table of Foreign Legislation</i>	cvi
Chapter 1 Tenures, Estates, Land and Property	1
1. Tenure	3
2. Estates	4
3. Land	10
4. Property	32
5. Land Administration	56
Chapter 2 Sale of Land	61
1. Stage One: Pre-formal Contract	61
2. Stage Two: Contract	69
3. Stage Three: Between Contract and Completion	83
4. Stage Four: Completion	89
5. Stage Five: Post-completion	89
6. Cases Where a Contract May Not be Necessary	89
Chapter 3 Proprietary Estoppel.....	95
1. Introduction	95
2. Elements of Proprietary Estoppel	99
3. Satisfying Proprietary Estoppel	144
Chapter 4 Trusts	171
1. What is a trust?	171
2. The Origin of Trusts	172
3. The Binding Effect of a Trust	173
4. Ascertaining Beneficial Ownership	174
5. Conveyancing Classification	266

Chapter 5	Co-Ownership.....	267
1.	Trusts and Co-ownership.....	267
2.	Types of Co-ownership	271
3.	How to Distinguish Between a Joint Tenancy and a Tenancy in Common	282
4.	Transfer of Legal Estate in Co-owned Land	286
5.	Disposition of Co-owned Equitable Interests.....	286
6.	Limitations on the Co-owners' Rights of Occupation..	287
7.	Severance of Joint Tenancy	288
8.	Destruction of Co-ownership	303
9.	Co-ownership and Multi-storey Buildings.....	321
Chapter 6	Limitation Ordinance and Adverse Possession	323
1.	Effects of the Limitation Ordinance on Present Interests.....	325
2.	Effects of Limitation Ordinance on Future Interests....	366
3.	Effects of Limitation Ordinance on Leasehold Interests	368
4.	Adverse Possession in Multi-storey Buildings.....	388
5.	Effects of Limitation Ordinance on Land Held on Trust.....	389
6.	Claims Through Government	394
7.	Postponement of Limitation Period.....	398
8.	Preventing Time from Running/Starting Time to Run Afresh.....	402
9.	Remedies	405
10.	Challenges to Adverse Possession.....	408
11.	Reform.....	412
Chapter 7	Priority	415
1.	Introduction	415
2.	Outline of Approach to Priority.....	417
3.	Priority at Common Law	418
4.	Priority Under the Land Registration Ordinance	451
5.	Reform.....	508
Chapter 8	Enforcement of Restrictive Covenants and Deeds of Mutual Covenant.....	525
1.	Enforceability of Restrictive Covenants and Deeds of Mutual Covenant.....	527
2.	Between Original Covenantor and Original Covenantee.....	529
3.	Enforcement of Covenants under Section 41	535
4.	Enforcement of Covenants in Cases Where Section 41 Does Not Apply	543

5.	Remedies for Breach of Covenants	572
6.	Discharge and Modification of Covenants	573
Chapter 9	Leases.....	577
1.	Introduction	577
2.	Definition.....	578
3.	Basic Requirements for a Lease and Distinction Between Lease and Licence	585
4.	Types of Lease.....	609
5.	Creation of Leases	614
6.	Assignment of Leases and Reversion.....	620
7.	Terminating a Lease	621
8.	Statutory Control on Private Sector Housing	627
Chapter 10	Leasehold Covenants.....	633
1.	Introduction	633
2.	Covenants by the Landlord.....	633
3.	Covenants by the Tenant	638
4.	Usual Covenants.....	642
5.	Enforcement of Covenants in a Legal Lease	643
6.	Enforcement of Covenants in an Equitable Lease.....	661
7.	Remedies for Breach of Covenants	663
8.	Discharge of Leasehold Covenants: Abandonment.....	685
9.	Mesne Profits.....	685
Chapter 11	Licences	687
1.	Introduction	687
2.	Types of Licences	689
3.	Enforceability of a Licence Against Third Parties	710
4.	The Future of Licences.....	718
5.	Licences, Proprietary Estoppel and Constructive Trusts.....	720
Chapter 12	Easements.....	723
1.	The Nature of Easements	723
2.	Acquisition of Easements	736
3.	Enforceability of Easements.....	777
4.	Extinguishment of Easements	779
Chapter 13	Mortgages.....	783
1.	Introduction	783
2.	Creation of Legal Mortgages or Charges	784
3.	Creation of Equitable Mortgages	785
4.	Fixed and Floating Charges.....	788

5.	Protections and Rights of Mortgagors.....	789
6.	Rights of Legal Mortgagees and Chargees.....	836
7.	Remedies Available to the Equitable Mortgagee	868
8.	Remedies Available to the Equitable Chargee.....	869
9.	Priorities	869
10.	Discharge of Mortgages	887
Chapter 14	Successive Interests	889
1.	Settlements	889
2.	Chinese Customary Trusts.....	892
Chapter 15	Rule Against Perpetuities.....	909
1.	Introduction	909
2.	The Common Law Rule	909
3.	Statutory Modifications.....	923
4.	Implications of the Rule in Hong Kong	927
Chapter 16	Deeds of Mutual Covenant and Multi-storey Building Management	935
1.	Introduction	935
2.	Terms of the Deed of Mutual Covenant	938
3.	Undivided share and management share	940
4.	Distribution of Management Responsibilities.....	940
5.	Incorporation of Owners	948
6.	Post-Incorporation Management	971
7.	Jurisdiction of the Lands Tribunal.....	999
8.	Remedies	1000
9.	Conclusion.....	1000
Index		1001

TABLE OF ABBREVIATIONS

Bl Comm	Sir William Blackstone, <i>Commentaries on the Laws of England</i> (ed by Sir Edward Christian) (15th Edn)
Challis	Henry William Challis, <i>Law of Real Property</i> (ed by Charles Sweet) (3rd Edn, 1911, London: Butterworths)
Cheshire & Burn	<i>Cheshire and Burn's Modern Law of Real Property</i> (by EH Burn) (15th Edn, 1994, London: Butterworths)
Co Litt	<i>Coke upon Littleton</i> (ed by Charles Butler) (19th Edn, 1832)
Goo	SH Goo, <i>Sourcebook on Land Law</i> (3rd Edn, 2002, London, Sydney: Cavendish Publishing Ltd)
Gray & Gray	Kevin Gray and Susan Francis Gray, <i>Elements of Land Law</i> (3rd Edn, 2001, London: Butterworths)
HEL	Sir William Searle Holdsworth, <i>A History of English Law</i> , various editions (London: Methuen and Sweet & Maxwell)
Litt	Littleton's Tenures
Megarry & Wade	Sir Robert Edgar Megarry and HWR Wade, <i>The Law of Real Property</i> (by Charles Harpum) (6th Edn, 2000, London: Sweet & Maxwell)