

Adverse Possession

by

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and

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Mr. Jackson Poon was called to the Hong Kong Bar in 1986. He is experienced in dealing with civil and criminal cases. In 1994 and 1995, he sat as a Deputy Magistrate for the Judiciary. In 1995, he joined the then Legal Department (now Department of Justice) directly as a Senior Crown Counsel. In 2006, he returned to private practice. He is now in Cheng Huan Q.C., S.C.'s Chambers involved in civil cases and criminal litigation. In August 2015, he sat as a Deputy District Judge.



Mr. Poon has handled numerous personal injury cases and has given many lectures on personal injury. He has also handled cases involving Employees Compensation, Incorporated Owners disputes, Lands Tribunal trials, Trust, Commercial disputes, Sales of Goods, Manufacturing of Goods, Construction, Dishonoured Cheques, Defamation, Landlord and Tenant disputes, Conveyancing disputes, Employment disputes, Land disputes, Company matters and Judicial Reviews. He has handled various criminal cases and he is a listed mediator of the Bar Association.

Various law lectures had been delivered by him for the University of Hong Kong, Hong Kong Polytechnic University, City University, Law Society, Butterworths, Police Detective Training School and Criminal Advocacy Courses of the Department of Justice.

Mr. Derek Hu was called to the Hong Kong Bar in 2009. Since his admission, he has developed a predominantly civil practice. In addition to his advocacy work, Mr. Hu also takes part in mediations both as mediator and representing clients in mediation.



Mr. Hu represents clients in Land related disputes (such as Adverse Possession, Landlord and Tenant, Conveyancing, Trust, Distraint proceedings, Land Compulsory Sale proceedings and Building Management disputes), General Commercial and Contractual disputes including those arising out of financial investments, Trust, disputes relating to Companies and Joint Ventures, and Matrimonial.

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This course aims to discuss the basic and practical aspects in Adverse Possession cases including the following topics:

The Law and Legal Principles

- The Limitation Ordinance, Cap.347 (“LO”)
 1. Section 7(1) of the LO
 2. Section 7(2) of the LO
 3. Section 8 of the LO
 4. Section 13 of the LO
 5. Section 17 of the LO
 6. What is “Adverse Possession”?
 7. The Court of Final Appeal in *Wong Tak Yue v Kung Kwok Wai and Another (No 2) (1997-98) 1 HKCFAR 55, at 68E-H*
- Element 1: Exclusive and Physical/Factual Possession
- Element 2: Intention to Possess (Animus Possidendi)
- Element 3: Continuous Adverse Possession for a Sufficient Period of Time
 1. Adverse/Unlawful possession
 2. Continuous possession
 3. Successive possession
 4. Abandonment
- Trust
- Cho Tong Properties in the New Territories (新界祖堂物業)
 1. Tso (祖) as trust property
 2. Heir

Civil Standard and Evidence

- Cause of Action
- Burden of proof
- Standard of proof
- Evidence
 1. Aerial Photographs
 2. Surveyor Report

Scan to Calendar



Summons, Pleadings and Orders

- Commencing a claim by Writ of Summons
 1. Statement of Claim
 - Preamble
 - The Land
 - Reasons of the Plaintiff(s)' claim
 - Grounds of the Plaintiff(s)' claim
 - Relief and remedy claimed
 - Appendix(ces)
 2. Defence and Counterclaim
- Commencing a claim by Originating Summons
 1. Originating Summons
 2. Affidavit in Support
 - Background
 - Chronology of events
 - Other relevant evidence
 - Summary of the Plaintiff(s)' claims
- Declaration and Default Judgment

Code: **EVT000000304**

Level: **Intermediate**

Date: **19 September 2020 (Saturday)
(Amended)**

Language: **Cantonese
(Course Materials in English)**

Time: **09:30 - 12:45
(Reception starts at 09:00)**

Accreditation(s): **LSHK 3.0 CPD Points**

Venue: **Online via Zoom (Amended)**

Request for Rerun: **Please Contact Us
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