

# Updates on Equity and Trusts 2024

by

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Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven teaches equity and trusts, property law, and a course on art, antiquities, cultural heritage and the law. In September 2023, Steven began teaching a new course on digital technology and law. Steven has presented over 200 continuing professional development courses for solicitors in Hong Kong on many topics associated with property. Steven's research interests include equity and the law of trusts, cultural heritage law, Chinese custom and law, and legal history. In 2023, Steven published a textbook on Digital Technology and Law. He is not a technologist.

This three-hour course will consider recent appellate and other influential decisions in Hong Kong and England which have affected or may affect the law of equity and trusts in Hong Kong. This is the first of two update courses, both of which are free-standing. This course focuses on property issues. This course will be divided into five parts.

The first part will consider the development of the doctrine of illegality in England for fiduciaries who make secret profits after the decision of the UK Supreme Court in *Crown Prosecution Service v Aquila Advisory Ltd* [2021] UKSC 49.

The second part of the seminar considers recent developments in the doctrine of proprietary estoppel. In particular, the judgement of the Court of Final Appeal concerning proprietary estoppel, occupation rents and ouster in *Cheung Lai Mui v Cheung Wai Shing* [2021] HKCFA 19.

The third part of the seminar considers the English High Court's judgment in *Khan v Mahmood* [2021] EWHC 597 (Ch) concerning the doctrine of unconscionability derived from *Pennington v. Waine* [2002] EWCA Civ 227. This part then continues considering the possible application of this doctrine in Hong Kong to gifts, trusts and safe deposit boxes in Hong Kong after *Wing Lung Bank Ltd v King Arnold Theo* [2020] HKCFI 911. This part concludes with a discussion of the need for this doctrine in Hong Kong after the development of promissory estoppel by the Court of Final Appeal in *Luo Xing Juan Angela v Estate of Hui Shui See Willy (Deceased)* [2008] HKEC 996.

The fourth part of the course will consider the doctrine of part performance for land contracts in Hong Kong after *Ng Lai Ling Winnie v. Ng Yuk Pui Kelly* [2021] HKCFA 40.

The fifth and concluding part of the course will be a discussion of how equity may consider "new" property, such as digital and crypto assets including cryptocurrencies and non-fungible tokens, as subject matter for gifts and trusts.

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**Some of the topics which will be covered in this course include:**

- Developments in the doctrine of illegality for fiduciaries who make secret profits after *Crown Prosecution Service v Aquila Advisory Ltd* [2021] UKSC 49;
- Equity, proprietary estoppel, occupation rents and ouster after *Cheung Lai Mui v Cheung Wai Shing* [2021] HKCFA 19;
- Unconscionability as a trigger to perfect gifts after *Khan v Mahmood* [2021] EWHC 597 (Ch) and its application in Hong Kong;
- Gifts, trusts, *Pennington v Waine* and safe deposit boxes in Hong Kong after *Wing Lung Bank Ltd v King Arnold Theo* [2020] HKCFI 911;
- The doctrine of part performance and land contracts after *Ng Lai Ling Winnie v Ng Yuk Pui Kelly* [2021] HKCFA 40;
- Equity and gifts and trusts of “new” property: digital and crypto assets including cryptocurrencies and non-fungible tokens.

Scan to Calendar



Code:	<b>EVT000000442</b>	Level:	<b>Intermediate</b>
Date:	<b>13 September 2024 (Friday)</b>	Language:	<b>English</b>
Time:	<b>14:30 - 17:45</b> (Reception starts at 14:00)	Accreditation(s):	<b>LSHK 3.0 CPD Points</b>
Venue:	<p><i>Option of:</i>                      (1) <b>Online</b> via Zoom; <i>or</i>                      (2) <b>Kornerstone Institute</b>                      15/F, Hip Shing Hong Centre                      55 Des Voeux Road Central                      Central, Hong Kong</p> 	Request for Rerun:	<p><b>Please Contact Us for Details</b></p> 

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