

By Invitation

**ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW
FACULTY OF LAW, THE UNIVERSITY OF HONG KONG**

Announces

Land Law Conversations

An occasional series of discussions on topics concerning land in Hong Kong

**The Family Home and the Common
Intention Constructive Trust**

Friday, 29 April 2016, 1:00 pm

Room 901, 9/F Cheng Yu Tung Tower, The University of Hong Kong

When a married or cohabiting couple split up, their most valuable asset is usually the property in which they lived. Where they made no agreement about its ownership and irrespective of the registered title, the law resolves the difficulty by attributing to them a common intention about the proportion of their share in the property. The intention is deduced from their conduct and enforced through a constructive trust.

Hong Kong courts have drawn on major developments in England such as the decisions in *Stack v Dowden* and *Jones v Kernott*. In *Mo Ying v Brilllex Developments Ltd* the Court of Appeal reflected on the state of Hong Kong law after *Jones v Kernott*. Yet there are still unresolved questions. How significant is it that the couple acquired the property in joint names? How important are payments towards acquisition of the property? To what extent can credit be given for contributions to the well-being of the family, such as looking after the children? What bearing has their individual characters? Should analysis of their conduct be influenced by the intimacy of their relationship?

Professor Michael Lower will be leading the discussion of these developments. Professor Lower's main interests are in the fields of land law, corporate governance and social ethics. He is currently Assistant Dean (Undergraduate Studies) and the LLB Programme Director in the Faculty of Law at CUHK.

Light refreshments will be available.

If you would like to take part or attend, please notify Flora Leung at fkleung@hku.hk on or before 22 April 2016 (Friday)