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| **[Update -](http://cpd.hk/evt000000359/)**  **[The Small House Policy](http://cpd.hk/evt000000359/)**  **[After the Judgment of](http://cpd.hk/evt000000359/)**  **[the Court of Final Appeal](http://cpd.hk/evt000000359/)**  **[in Kwok Cheuk Kin](http://cpd.hk/evt000000359/)**  **[v Director of Lands](http://cpd.hk/evt000000359/)**  **[[2021] HKCFA 38](http://cpd.hk/evt000000359/)**  *by*  [Prof. Steven Gallagher](http://www.profectional.com/presenters/idl000011512/),  Professor of Practice in Law,  Associate Dean (Teaching & Learning),  The Faculty of Law,  The Chinese University of Hong Kong |  |

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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 the equity and trusts courses for undergraduate and postgraduate students. Steven also teaches a course on art, antiquities, cultural heritage and the law on the LLM programme. Steven has presented continuing professional development courses for solicitors in Hong Kong on many topics associated with equity. Steven’s research interests include equity and the law of trusts, cultural heritage law, legal history and law and technology. |

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| This three-hour course will consider the impact of the judgment of the Court of Final Appeal, in Kwok Cheuk Kin v Director of Lands [2021] HKCFA 38, on the Small House Policy.  In Kwok Cheuk Kin v Director of Lands, the Court of Final Appeal dismissed the appellant’s appeal that the Policy was invalid as it is discriminatory. The Court also confirmed the Policy included the provision of government land to male indigenous villagers at concessionary rates under Private Treaty Grant.  This seminar will consider the arguments of all parties and the judgments below as considered by the Court of Final Appeal in framing its judgment. The seminar will consider the historical development of the policy under the colonial and post-colonial governments to analyse whether the Policy was the grant of a privilege or the recognition of an existing custom and possibly customary right. The seminar will also consider whether, even if it is a traditional or customary right, perhaps protected by the Convention for the Extension of Hong Kong Territory (The Second Convention of Peking, 1898), the Blake Proclamation, The Joint Declaration of the People’s Republic of China and the United Kingdom, and/or the Basic Law, such protection would or should trump anti-discrimination measures that have been introduced into Hong Kong’s legislation.  The seminar will also consider issues that the Court of Final Appeal did not address in its judgment, for example the abuses of the Policy. In the light of all these considerations, the seminar will conclude on the likely future of the Policy. |

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| **Some of the topics considered in this seminar will be:** | |
| * Judgment of the Court of Final Appeal in Kwok Cheuk Kin v Director of Lands [2021] HKCFA 38; * Judgment of the Court of Appeal in Kwok Cheuk Kin v Director of Lands [2021] 1 HKLRD 737; * What is the Small House Policy? * Why was it introduced? * Is it a privilege or a right? * Chinese custom in the New Territories; * The development of the Policy; * Use and abuse of the Policy; * The impact of the Basic law; * The protection of traditional and customary rights which are discriminatory; * The future of the Policy. |  |

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| Code: | **EVT000000359** | | Level: | **Intermediate** | |
| Date: | **14 February 2022 (Monday)** | | Language: | **English** | |
| Time: | **14:30 - 17:45**  (Reception starts at 14:00) | | Accreditation(s): | **LSHK 3.0 CPD Points** | |
| Venue: | *Option of:*  (1) **Online** via Zoom; *or*  (2) **[Kornerstone Institute](http://goo.gl/maps/DKYQ1)**  [15/F, Hip Shing Hong Centre](http://goo.gl/maps/DKYQ1)  [55 Des Voeux Road Central](http://goo.gl/maps/DKYQ1)  [Central, Hong Kong](http://goo.gl/maps/DKYQ1) |  | Request for  Rerun: | **Please** [**Contact Us**](mailto:marketing@profectional.com)  **for Details** |  |