

Chancery Bar Association's Hong Kong Conference

Friday 5th May, Conference 2pm-6pm: Reception 6.15pm - 8.30pm

Saturday 6th May, Conference 9am-1pm

Conference: Cliftons, Hutchison House, 10 Harcourt Road, Central Hong Kong

Reception: Armani Privé, Chater House, 8 Connaught Road Central, Central Hong Kong

(6 hours CPD applied for)

Friday, 5th May

2.00 pm Registration & coffee

2.25 pm Welcome

Michael Green QC

2.30 - 3.00 pm Keynote Speech

The Honourable
Mr Justice Robert Tang, PJ

3.00 - 4.00 pm Panel Session: *Company Law*

Chair: Victor Joffe QC

- *Jurisdiction*: the court's jurisdiction over foreign companies in shareholder disputes: a comparison of Hong Kong and UK
- *Derivative claims*: common law, statutory and double in Hong Kong and UK - a comparison
- *Corporate Insolvency*: a comparative analysis of transactions at an undervalue, preferences, clawback claims and other areas to be affected by the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016

Robin Hollington QC

Lesley Anderson QC

Matthew Morrison

4.00 - 4.30 pm Refreshment Break

4.30 - 5.30 pm Panel session: *Property*

Chair: Caroline Shea QC

Guy Fetherstonhaugh QC

- *Lease drafting in an uncertain world*: flexible working, automation and home working; break clause dos and don'ts; rent review calamities.
- *Good faith obligations*: when will they be implied? what is the standard?
- *Leasehold interpretation*: a retreat from judicial activism?
- *Arbitration and abuse*: London follows Hong Kong

Zia Bhaloo QC

David Holland QC

5.30 - 6.00 pm *Illegality/ex turpi causa*

Matthew Collings QC

- the law on illegality following *Patel v Mirza*
- comparison with Chief Justice's observations in *Ryder Industries Ltd v Chan Shui Woo*
- practical implications of the Supreme Court's new structured approach to the defence of *ex turpi causa*

6.15pm - 8.30pm Reception *Short stroll from the conference venue*

Hong Kong Conference

Saturday, 6th May

9.00 am	Registration & coffee	
9.30 - 10.30 am	Panel Session: <i>Equitable Compensation/Damages</i> <ul style="list-style-type: none">• <i>Enough Interest?</i> the Courts' struggle to match the parties' world; help with the struggle - internet and briefing• <i>Damages in lieu of injunction</i>: principles; are Shelper principles dead? assessment of damages in lieu; "way leave" principles• <i>Equitable Compensation</i>: the traditional view; Target Holdings and beyond; comparison with damages	Chair: Peter Leaver QC Nicholas Davidson QC Timothy Harry Penelope Reed QC
10.30 - 11.00 am	<i>Managing the property and affairs of mentally incapacitated individuals</i> <ul style="list-style-type: none">• the common roots of the English and Hong Kong jurisdictions• differences in approach: "Substituted Judgment" and "Best Interests" contrasted• making wills for incapacitated individuals	David Rees QC
11.00 - 11.30 am	Refreshment Break	
11.30 - 12.30 am	Panel Session: <i>Fiduciary Duties</i> <ul style="list-style-type: none">• <i>Principles and problems in Fiduciary Duties</i>: identification; content; and interplay with other legal relationships• <i>Bond Issues</i>: structure of bond issues; importance of the intercreditor agreement; problems in practice - should equity intervene?• <i>Joint Ventures</i>: nominee directors' duties; protecting nominee directors against legal challenge; terminating the JV relationship - can a venturer be expelled?	Chair: Angharad Start Richard Millett QC Edmund King Ben Shaw
12.30 - 1.00 pm	A view from the Hong Kong Bar	Benjamin Yu SC
1.00 pm	Farewell	Amanda Tipples QC

NB: this event is free to Hong Kong practitioners but booking is essential as space is limited. Please click here to book.

Learning objective: To explore recent developments in the law relating to companies, property, fiduciary duties, illegality, equitable compensation and mental incapacity.

Learning rationale: To enable participants to understand the recent case law and other developments in these areas and the likely impact they may have on litigation in Hong Kong.