



香港信託人公會
Hong Kong Trustees' Association

WEBINAR SERIES ON THE LANDMARK DBS CASE

On 22 November 2019, the Hong Kong Court of Final Appeal (CFA) handed down its judgement, notwithstanding a post-hearing settlement between the parties because of the general public importance of the issues involved on the edge profile trust disputes. There will be two sessions held under the webinar series on the DBS case.

Session A

- Topic:** Understanding Trustee's Duties - A case study of the Hong Kong Court of Final Appeal Decision: IQ EQ (NTC) Trustees Asia (Jersey) Limited & Anor v Bruno Arboit and Roderick John Sutton & Anor [2019] HKCFA 45
- Speakers:** John Hickin, Partner, Mayer Brown
Vivien Yip, Partner, Mayer Brown
- Date:** Thursday 16 July 2020
- Time:** 12:30pm – 1:30pm
- CPD point:** One point for HKTA Certified Trust Practitioner™
CPD point of Law Society being applied for
- Fee:** Please refer to the information on the Enrolment form

This session will cover:

- Overview of the 2019 CFA Case
 - Trust structure
 - Investment transactions and outcome
 - Trial and Court of Appeal Judgments
- Key legal principles discussed in the 2019 CFA Case
 - Source of trustee duties
 - "High level supervisory duty" and "residual obligation"
 - Breach of applicable duties?
- Concluding remarks

Speakers' biographies:

John Hickin, Partner, Mayer Brown

John has been a partner of Mayer Brown since 2005 and is one of the global co-heads of the firm's Litigation & Dispute Resolution practice. He has extensive experience of dispute resolution (including arbitration and mediation) in banking and commercial matters in Hong Kong. He advises banks and corporates on regulatory matters including Competition Commission and SFC investigations and ICAC investigations into corporate bribery offences. He also has experience of appearing before domestic tribunals and of handling administrative law remedies, including judicial review. John has been named a dispute resolution star by Benchmark Asia Pacific (2018). He leads the Mayer Brown team that acted for the Trustee in the DBS case in achieving the successful outcome.

John is also co-head of the Competition Law group in Asia, which is consistently ranked by various directories as one of the top tier international practice teams for China/Hong Kong antitrust. He has advised a large number of clients regarding compliance activities and investigations following the introduction of the laws in China (2008) and Hong Kong (2015). Chambers Asia, Asia Pacific Legal 500 and IFLR1000 (2018) have recognised John as a leading individual in this practice area in their 2018 rankings for China/Hong Kong Antitrust and Competition lawyers



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Vivien Yip, Partner, Mayer Brown

Vivien Yip is a partner of Mayer Brown. She has extensive experience advising clients on complex and high value commercial disputes. She has represented financial institutions and large corporations in a wide range of disputes, many involved multiple jurisdictional issues. She has a particular focus on cross-border disputes with PRC elements and regularly advises clients on financial services disputes, shareholders/equity-related litigations, technology disputes, trust and probate litigations, defamation and media-related matters. Vivien's clients include banks and financial institutions, property developer and corporations, private equity funds, media and technology companies.

Vivien has been commended by legal directories, including Legal 500 Asia-Pacific, Chambers Asia-Pacific and LMG Expert Guide. She is also recommended as a Leading Estate, Probate & Succession Litigation Lawyer, Hong Kong in Doyle's Guide 2020.

Important note: Webinar facility will be provided by Hong Kong Securities and Investment Institute (HKSI). In order to create access to the HKSI WebEx platform, participants' names and email addresses will be passed to HKSI upon registration with HKTA. A link will be provided to each participants 2 days prior to each webinar.

For further enquires:

Tel: 3703 5170

Email: carmenwong@hktrustees.com



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Session B

- Topic: The Continuing Saga of the DBS Case: An Analysis of its Implications on the Trust Industry
- Speaker: Thelma Kwan, Barrister at Law
Angela Law, Special Counsel, Withers
- Date: Thursday 30 July 2020
- Time: 5:30pm – 6:30pm
- CPD point: One point for HKTA Certified Trust Practitioner™
Law Society CPD point being applied for
- Fee: Please refer to the information on the Enrolment form

This session will cover:

- Recap of the 2019 CFA decision discussed in session A
- An in-depth analysis of the investment process – how were investment decisions made?
 - The investment advisor
 - The dealings between Zhang, Ji and DBS
 - The role of the private bank and the trustee
- What went wrong?
- Lessons learned from a trustee's perspective

Thelma Kwan, Barrister at Law

Ms. Kwan is a practicing Barrister specializing in trust, succession and family law in Hong Kong. She has over 20 years in trust and wealth planning segment of various private banks. Her last role was the Head of Wealth Advisory for Asia Pacific for an international private bank. Thelma was on the International Financial Centre Power Women Top 100, and was named in the “Leading Trustee” category in the Citywealth Leaders List in 2013 and is on the Private Client Global Elite List in 2018. Besides litigation work, she also has publication in trust, teaches and speaks at international conferences. She engaged in advising clients on non-contentious succession matters, writes Wills, drafts trust agreements and liaises with international advisers to give clients holistic wealth planning advice.

Angela Law, Special Counsel, Withers

Ms. Law is a Special Counsel in the litigation team. Angela has a broad civil litigation and dispute resolution practice, including banking, regulatory, contractual, company, trust and probate matters. She is experienced in handling various types of civil litigation cases at different levels of the Hong Kong courts and has acted for banks, companies, trustees, executors, family offices and ultra-high net worth individuals. She has been involved in some of the most high profile trust and probate cases before the Hong Kong court as part of a team involving trustees and executors with novel and complex issues. She has also advised trustees and executors on issues relating to the administration of trusts and estates and advised clients in offshore court proceedings.

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WEBINAR ENROLLMENT FORM

Session A

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Speakers: Thelma Kwan, Barrister-at-law; Angela Law, Special Counsel, Withers
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Fee:

Members rate: Session A + Session B (HK\$400); Session A only (HK\$250); Session B only (HK\$250)

Non members rate: Session A + Session B (HK\$450); Session A only (HK\$300); Session B only (HK\$300)

CPD point: One point for HKTA Certified Trust Practitioner™ for each session

Law Society CPD point being applied for

Name of Company _____

Name(s) of Attendee(s) _____

Contact Person: _____ Phone: _____

(Please provide email address of each attendee for sending confirmation of webinar link and attendance certificate)

Email: _____ Mobile: _____

Fee & Payment (please tick as appropriate)

Session A, HK\$250 (member) x _____ Person = HK\$ _____

Session B, HK\$250 (member) x _____ Person = HK\$ _____

Session A AND B, HK\$400 (member) x _____ Person = HK\$ _____

Session A HK\$300 (non-member) x _____ Person = HK\$ _____

Session B HK\$300 (non-member) x _____ Person = HK\$ _____

Session A AND B HK\$450 (non-member) x _____ Person = HK\$ _____

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By bank transfer (Standard Chartered Bank A/C No. 447-0-024582-3). Please email the bank receipt (indicate attendee’s full name and seminar date on it) to carmenwong@hktrustees.com

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2. Payment are non-refundable unless the event is cancelled by the Association.
3. e-Attendance certificate will be issued within 10 working days after the webinar. **Attendees must provide and sign in the webinar with the same full name provided in this enrolment form.**