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| [**Freezing Injunctions**](http://cpd.hk/evt000000078/)  *by*  [Mr. Clemence Yeung](http://www.profectional.com/presenters/idl000010267/),  Barrister-at-Law |  |

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|  | Mr. Yeung was called to the Bar in 1997. Prior to that he was admitted as a solicitor in England and Wales and in Hong Kong and practised as a solicitor in the litigation department of an international firm. He was a contributor to Halsbury's Laws of Hong Kong Volume 18(1) Maritime Law (Butterworths) and has authored a book on the law of unjust enrichment in Hong Kong. |

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| This presentation sets out to explore both the Hong Kong and English case law on freezing injunctions. It focuses predominately on the mareva injunction - from the earlier days after its invention to the very present, when there are emerging an increasing number of decisions which showcase its utility as a pre-emptive relief available here to litigants in foreign proceedings. In the practical session participants will have the opportunity to consider a case study and review draft documentation for the application of a worldwide mareva injunction. |
| **The Mareva and Proprietary Injunctions Distinguished** |
| * Polly Peck International plc. v Nadir and Ors (No.2) [1992] 4 All ER 769 |
| **Milestones in the Case Law on the Mareva Jurisdiction** |
| * Rahman (Prince Abdul) bin Turki al Sudairy v Abu Taba and Another [1980] 1 WLR 1268 * Z Ltd. v A-Z and AA-LL [1982] QB 558 * Derby Co Ltd. v Weldon (No.1) [1990] Ch 48 * Babanaft International Co. SA v Bassatne [1990] Ch 13 * Derby & Co. v Weldon (No. 3 & 4) [1990] Ch 65 * Bank of India v Murjani and others [1989] 2 HKLR 318 * Illustrious Assets Ltd. v Lu Chung Chun [2008] 3 HKC 313 * Dadourian Group International Inc. v Simms [2006] 3 All ER 48 |
| **Risks of Dissipation** |
| * Felixstowe Dock & Railway Co. v United States Lines [1958] QB 360 * Honsaico Trading Co. Ltd. v Hong Kong Yiah Seng Co. Ltd. [1990] 1 HKLR 235 * Ketchum International plc. v Public Relations Holding Ltd. [1997] 1 WLR 4 |
| **Full and Frank Disclosure** |
| * Bank Mellat v Nikpour [1985] FSR 87 * Citibank NA v Express Ship Management Services [1987] HKLR 1184 * Standard Chartered Securities Ltd. v Lai Arthur & Ors [1993] 1 HKC 375 * Memory Corporation plc. v Sidhu (No.1) [2000] 1 WLR 1443 * RACP Pharmaceutical Holdings Ltd. v Li Xiaobo 14 April 2008 HCA 490/2007 |

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| **Documentation for the Application** | |
| * Practice Direction 11.2 and Sample Order * Draft endorsement of Writ of Summons | * Supporting Affirmation * Skeleton argument for worldwide freezing injunction |
| **Discovery Orders Against the Defendants and Third Parties** | |
| * 1. Policing the injunction   2. The position of banks * Bankers Trust Co. v Shapira [1980] 1 WLR 1274 * A and B v C [1981] QB 956 * Z Ltd. v A and Ors [1982] 1 All ER 556 * Gidrxslme Shipping Co. Ltd. v Tantamar-Transportes Maritimos Lda [1994] 4 All ER 507 * Dadourian Group International Inc. and others v Simms and another [2007] 2 All ER 329 * Chen Wenjun v Liu Luyuan [2014] HKEC 1457 * Customs & Excise Commissioners v Barclays Bank plc. [2004] 2 All ER 789 | |
| **Injunction and Ancillary Disclosure Order Against Non Party** | |
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| **Injunction Against Non Party in Aid of Execution** | |
| * TSB Private Bank International AS v Chabra   [1989] 1 Lloyd’s Rep 250 | * C Inc. plc. v L [2001] 2 Lloyds Rep 459 * Yukong Line V Rendsburg [2001] 2 Lloyds’ Rep 113 |
| **Gagging Orders** | |
| * A Co v B Co. [2002] 2 HKC 497 | |
| **Freezing Injunctions in Aid of Foreign Proceedings** | |
| * Siskina (Owners of cargo lately laden on board) v Distos Compania Naviera SA (The Siskina)   [1979] AC 210   * s.21M High Court Ordinance * s.2GC Arbitration Ordinance * English Cases   1. Republic of Haiti and Ors v Duvalier and Ors [1990] 1 QB 202   2. Credit Suisse fides Trust SA v Cuoghi [1998] QB 818   3. Refco Inc. & Ors v Eastern Trading Co. & Ors [1999] 1 Lloyds Rep 157   4. Motorola Credit Corp. v Uzan & Ors [2004] 1 WLR 113   5. Belletti & Ors v Morici & Ors [2009] 2 C.L.C 525   6. JSC Mezhdunarodniy Promyshlennity Bank, State Corporation “Deposit Insurance Agency”   v Sergei Viktorovich Pugachev [2014] EWHC 4336   * Hong Kong Cases   1. Deiulemar Shipping SpA v Transfield ER Futures Ltd. [2011] 1 HKLRD 75   2. JSC BTA Bank v Mukhtar Kabulovich Ablyazov 17 February 2014 HCMP 341/2014   3. Pacific King Shipping Holdings Pte. Ltd. V Huang Ziqiang [2015] 1 HKLRD 830   4. Ming Hsieh v Xu Zhe and Ors 10 April 2015 HCMP 3027/2014   5. Campania Sud Americana De Vapores SA v Hin-Pro International Logistics Limited   (in Receivership) 11 March 2015 CACV 243/2014 | |

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| Time: | **14:30 - 17:45**  (Reception starts at 14:00) | | Accreditation(s): | **LSHK 3.0 CPD Points**  (LSHK Allocated Number: 20152262)  **SFC 3.0 CPT Hours** | |
| Venue: | **[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** |  |