

# Trustee Applications to Court: A Proactive Method for Dealing with Difficult Situations in the Administration of Trusts (Zoom Webinar)

1 Law Society CPD Point applied for



## Introduction:

Trustees are often confronted by the need to make difficult decisions in the administration of their trusts. In making such decisions, they are subject to a wide range of duties, the breach of which can open them to claims from beneficiaries on various grounds. One solution may be for trustees to apply proactively to court for the court's ruling on questions of construction of the trust or for guidance on the exercise of their powers. By doing so, trustees can be reassured that the steps they propose to take have the backing of the court, which provides confidence to beneficiaries that the trust is being administered properly, and protection to the trustees from potential liability for breach of trust.

This webinar will consider the fundamental decision-making duties of trustees and the practical steps that trustees can take to obtain guidance of the court in the exercise of their powers.

## Highlights:

The speaker, Andrew Lynn will cover:

- The fundamental decision-making duties of trustees
- How to bring applications to the court
- Applications for guidance on construction and other questions of law
- Applications for guidance on the exercise of trustee powers
- Recovering costs

## Who should attend?

- **Banking and wealth management professionals**
- **Trustee and trust professionals**
- **Accountants, financial advisors and tax consultants**
- **Solicitors, in-house counsels and other professionals in the areas of estate planning**

## Speaker Profile:

*Andrew Lynn*  
*Barrister, PhD, FCI Arb, TEP*  
*Gilt Chambers*

Andrew Lynn is a barrister at Gilt Chambers, Hong Kong, and Associate Member of 5 Stone Buildings, Lincoln's Inn, London. His contentious practice covers a wide range of commercial and chancery litigation, encompassing commercial, trusts, pensions, company, and private international law, often with a cross-border or international element.

Andrew was advocate at trial and for the successful appellant on appeal to both the Court of Appeal and Court of Final Appeal in the case of *Kan Lai Kwan v Poon Lok To Otto and HSBC International Trustee Limited*, which established the treatment of trusts in divorce in Hong Kong, and has acted as advocate in numerous other matters before all levels of court. He has published in *Trusts & Trustees* and *Trust Quarterly Review*, and in partnership with LexisNexis Hong Kong has authored the “trusts disputes” series of practice notes for their Practical Guidance series.

Before coming to the Bar, Andrew obtained a doctorate from Cambridge University in the field of Renaissance literature, and after that taught courses in Western civilization for several years at one of Beijing’s top universities. He is a full member of the Society of Trust and Estate Practitioners (TEP), a Fellow of the Chartered Institute of Arbitrators (FCIArb), and a member of the Hong Kong Bar Association Committee on Land, Trust and Probate (ComLTP).

## Event Details:

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| <b>Date:</b>         | 18 November 2021 (Thursday)   |
| <b>Time:</b>         | 6:00 pm - 7:00 pm   |
| <b>Medium:</b>       | English   |
| <b>Fee:</b>          | You will enjoy <b><u>early bird rate*</u></b> if register and pay before <b><u>5 November 2021</u></b> .<br>HK\$450/head (regular)<br>HK\$350/head ( <i>'early bird' for public</i> )<br><b>HK\$300/head (<i>'early bird' for ICC-HK members</i>)</b> |
| <b>Registration:</b> | Please fill in the registration form attached and return to us by <b><u>12 November 2021</u></b> . Successful registrants will receive a <b>link and password</b> confirming their attendance by email.   |
| <b>Zoom:</b>         | You may attend the session through computer, iPad or mobile phone <b><u>AFTER</u></b> sign-in your Zoom account. (Suggest using computer for better connection).  |
| <b>CPD:</b>          | <b>1 Law Society CPD point applied for</b>  |
| <b>Confirmation:</b> | Participants of Zoom are limited and confirmation is based on receipt of payment on a first come, first served basis.   |
| <b>Cancellation:</b> | There will be no refund for cancellation of booking initiated by the applicant. However, the registration may be transferred to another person from the same company or organization at no extra charge, subject to the prior consent of ICC-HK.      |