Interlocutory Commercial Injunctions - The Laws, Procedures and Pitfalls

by
Dr. Roger So,
Barrister-at-Law, Chartered Engineer,
Accredited Mediator, Arbitrator

Dr. Roger So is a Barrister-at-Law, a Chartered Engineer, an experienced accredited mediator and an arbitrator. He is on the List of Mediators and List of Arbitrators administered by the Hong Kong Bar Association, and the List of Arbitrators and Mediators maintained by the Hong Kong Institution of Engineers. He is also a Fellow member of the Hong Kong Institute of Arbitrators and a Corporate member of the Hong Kong Institution of Engineers.

Dr. So has a broad civil and criminal practice, including general commercial disputes, property disputes, matrimonial and family disputes, personal injuries disputes, construction disputes, etc. He regularly appears for the prosecution and defence in criminal cases. He has served as the legal advisor to a Disciplinary Tribunal in addition to handling several civil proceedings. Prior to becoming a barrister, he has over 20 years of engineering and project management experience specialising in the design and construction of railway extensions in Hong Kong and overseas.

His academic credentials include Doctor of Business Administration (The University of Newcastle, Australia), PCLL, JD, MA in Arbitration & Disputes Resolution, and BSc (Hon) Engineering. Apart from acting as the mediator, Dr. So has also served as mediation coach to mediation courses offered by the Shue Yan University, and has provided mediation training to the Shantou University Law School.

Dr. So has delivered over ten 2-hour and 3-hour CPD seminars accredited by the Law Society of Hong Kong and the HKMAAL. Besides, he has also published three Chinese journal articles on Water Seepage Claims and Interlocutory Injunctions, two journal articles on property in human tissues and several engineering articles on various topics.

Interlocutory commercial injunction is a very common application to be encountered by a solicitor at various stages of litigation, spanning from pre-commencement, interlocutory up to enforcement. Quite often the success or failure in obtaining an injunction will determine whether an intended action is worthwhile to pursue, and may even dispose the entire action.

As pointed out by Lord Hoffman, *"[t]he purpose of... an injunction is to improve the chances of the court being able to do justice after the determination of the merits at trial. At the interlocutory stage, the court must therefore assess whether granting or withholding an injunction is more likely to produce a just result."* (*National Commercial Bank Jamaica Ltd. v Olint Corporation Ltd. (Jamaica)* [2009] UKPC 16) But what are the guidelines in governing such an assessment?

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This course is intended to provide a concise and yet comprehensive coverage of the laws and procedures in this area, supplement with some practical guidelines against the pitfalls in practice.

At the end of the course, participants should be able to:

- Understand the principles governing the granting of interlocutory commercial injunctions;
- Understand some common types of interlocutory injunctions;
- Grasp the grounds in setting aside/varying an junction and the recourse against a wrongly granted injunction;
- Appreciate the lessons learnt from selected case studies; and
- Assess the likely issues in an application for granting/setting aside an injunction.

This course will cover the followings:

- What are interlocutory commercial injunctions?
- The laws:
  1. *American Cyanamid Principles*
  2. *Compania Sud Americana De Vapores S.A v Hin-Pro International Logistics Ltd.* (2016) 19 HKCFAR 586
  3. Injunctions affecting third parties
- Procedures
- Common types of injunctions:
  1. Mareva injunctions
  2. Anti-suit injunctions
  3. Injunctions to prohibit wrongdoings
  4. Anton Piller orders
  5. Norwich Pharmacal orders
  6. Quia Timet injunctions
  7. Chabra injunctions
- Grounds for setting aside/varying an injunction
- Recourse against a wrongly granted injunction
- Costs
- Pitfalls
- Case studies

Scan to Calendar

Code:	**EVT000000261**	Level:	**Intermediate**
Date:	**18 October 2018 (Thursday) (Amended)**	Language:	**English**
Time:	**14:30 - 17:45** (Reception starts at 14:00)	Accreditation(s):	**LSHK 3.0 CPD Points**
Venue:	**Kornerstone Institute** 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	**Please Contact Us for Details**

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