

MAPLES

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

7 October 2013  
In Chambers  
The Honourable Mr Justice Cresswell

FSD CAUSE NO: 43 OF 2011 (PCJ)

IN THE MATTER of a Deed of Trust between Shiu Pak Nin and HSBC International Trustee Limited,  
dated 10 March 1998

AND IN THE MATTER of the Trusts Law (2011 Revision)

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ORDER

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UPON hearing Leading Counsel for the Trustee and Mr Kenneth Farrow QC, as Amicus Curiae

AND UPON reading the Affidavit of Patrick Michael Joseph Love sworn on 18 March 2011, the Affidavit of Stephen Derek Lane sworn on 25 April 2012, the Affirmation of Shiu Yuen Chit affirmed on 13 February 2012, the Affirmation of Shiu Wan Ying affirmed on 11 June 2012, the First Affidavit of Shek Yuet Min Jacqueline sworn on 7 May 2013, the Re-Affirmed Affirmation of Shiu Yuen Chit affirmed on 24 September 2013, the Second Affidavit of Shek Yuet Min Jacqueline dated 26 September 2013, the First to Fourth Affidavits of Service of Rachel Catherine Baxendale sworn on 28 April 2011, 4 May 2011, 19 May 2011 and 29 August 2012, respectively, the First to Third Affidavits of Service of Aisling Marie Dwyer sworn on 19 May 2011, 10 November 2011 and 21 May 2012, respectively, and the Affidavit of Service of Angie Victoria Wiggins sworn on 20 December 2011, and in each case the exhibits thereto

**IT IS ORDERED THAT:**

- 1 The Trustee do have leave to amend paragraph (1) of the Re Amended Ex Parte Originating Summons herein to substitute "*referred to in the Trustee Memorandum*" for "*as named in the Trustee Memorandum*".
- 2 The Trustee do:
  - 2.1 File a revised Case Memorandum (the "**Revised Case Memorandum**") by close of business on 11 October 2013;

2.2 Serve copies of the following documents on Shiu Wan Ying, Shiu Wan Mei, Shiu Yuen Chit, Shao Yuan Liang and Shao Yuan Mou by close of business on 18 October 2013:

- (a) This Order;
- (b) Re Re Amended Ex Parte Originating Summons;
- (c) Affirmation of Shiu Wan Ying affirmed on 11 June 2012;
- (d) First Affidavit of Shek Yuet Min Jacqueline sworn on 7 May 2013 and Exhibit JS-1 thereto;
- (e) Unsealed Affirmation of Shiu Yuen Chit affirmed on 24 September 2013 and Exhibits SYC-1 to SYC-4 thereto;
- (f) Second Affidavit of Shek Yuet Min Jacqueline sworn on 26 September 2013 and Exhibits JS-2 to JS-4 thereto; and
- (g) Revised Case Memorandum,  
(together, the "**Recent Materials**").



2.3 Serve copies of the following documents on Shiu Hak Kan and Shiu Oi Kan by close of business on 18 October 2013:

- (a) The Recent Materials; and
- (b) All of the documents enclosed with Maples and Calder's letter to Shiu Hak Kan and Shiu Oi Kan dated 19 September 2013 (together, the "**Earlier Materials**").

2.4 Serve copies of the Recent Materials and the Earlier Materials on Siu Wing Fai and Siu Chun Hei by close of business on 1 November 2013.

2.5 Send copies of the Recent Materials to the following by close of business on 18 October 2013:

- (a) Leung Kay Ling;

- (b) Shiu Yui Kun;
- (c) Shiu Wan Hing;
- (d) Shiu Wan Yee;
- (e) Shiu Yuen Chi;
- (f) Shiu Wan Tik; and
- (g) Po Leung Kuk.



- 3 If and to the extent that the Trustee wishes to file evidence in relation to any proposed distribution with respect to Siu Yuen Shing and/or Siu Wing Fai and/or Siu Chun Mei, such evidence be filed by close of business on 1 November 2013, following which the Trustee do:
  - 3.1 Serve such evidence on Shiu Wan Ying, Shiu Wan Mei, Shiu Yuen Chit, Shao Yuan Liang, Shao Yuan Mou, Shiu Hak Kan, Shiu Oi Kan, Siu Wing Fai and Siu Chun Hei; and
  - 3.2 Send copies of such evidence to those persons set out in paragraph (2.5) of this Order.
- 4 On or before 13 December 2013, the Trustee do file and serve on the Amicus Curiae its written submissions, draft Orders and draft Deeds, any additions and/or amendments to the Revised Case Memorandum, and agreed, paginated trial bundles (containing the evidence already served herein).
- 5 On or before 3 January 2014, the Amicus Curiae do file and serve on the Trustee his written submissions.
- 6 On or before 8 January 2014, the Trustee do send copies of the written submissions of the Trustee and the Amicus Curiae, the draft Orders and draft Deeds, and any additions and/or amendments to the Revised Case Memorandum to those persons set out in paragraphs (3.1) and (3.2) of this Order
- 7 These proceedings be listed for trial on 22 January 2014 with an estimate of two days.

8 In any event the costs of the Amicus Curiae in these proceedings be indemnified out of the trust fund of the Trust, such costs to be taxed on the indemnity basis if not agreed.

DATED this <sup>7</sup>8<sup>th</sup> day of October 2013

FILED this 8 day of October 2013

*Cresswell J*

THE HONOURABLE MR JUSTICE CRESSWELL



Approved as to form and content:

*Maples and Calder*

Maples and Calder  
Attorneys for the Trustee

Approved as to form and content:

*Kenneth Farrow*

Kenneth Farrow QC  
Amicus Curiae

