

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**



**22 January 2014
Before 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)

ORDER

UPON the Re-Re-Amended Originating Summons herein being listed for hearing on 22 January 2014

AND UPON HEARING Leading Counsel for the Trustee and Mr Kenneth Farrow QC as Amicus Curiae

AND UPON READING a copy of the first affidavit of Shlu Wan Yee sworn on 20 January 2014 and received by Messrs Maples and Calder on 20 January 2014

AND UPON being informed by Leading Counsel for the Trustee that:

- (1) On 21 January 2014 Shlu Wan Yee had informed Messrs Maples and Calder that she had sent the original of the said affidavit to them by courier;
- (2) On 21 January 2014 Messrs Maples and Calder had delivered a copy of the said affidavit to the Cayman Islands address for service for Shiu Wan Ying, Shui Wan Mei, Shiu Yuen Chit, Shao Yuan Liang and Shao Yuan Mou;
- (3) On 22 January 2014 (Hong Kong time) Messrs Baker & McKenzie, Hong Kong solicitors for the Trustee, had sent by registered post a copy of the said affidavit to Leung Kay Ling, Shiu Wan Hing, Shiu Yuen Chi, Shiu Yui Kun, Shiu Wan Tik, Shiu Hak Kan, Shiu Oi Kan, Siu Wing Fai, Siu Chun Hei and Po Leung Kuk.

IT IS ORDERED THAT:

1 The hearing of the Re-Re-Amended Originating Summons herein be adjourned to 3 February 2014 at 9.30 a.m. with a time estimate of two days.

2 The Trustee do file the said affidavit as and when received.

3 The Trustee do serve forthwith:

(1) this Order; and

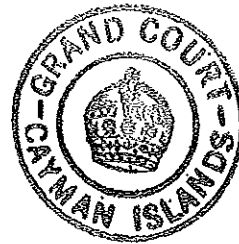
(2) a copy of the unsealed affidavit,

on Shiu Wan Ying, Shui Wan Mei, Shiu Yuen Chit, Shao Yuan Liang and Shao Yuan Mou at their Cayman Islands address for service.

4 The Trustee do forthwith send copies of:

(1) this Order; and

(2) the unsealed affidavit,



to Leung Kay Ling, Shiu Wan Yee (Order only), Shiu Wan Hing, Shiu Yuen Chi, Shiu Yui Kun, Shiu Wan Tik, Shiu Hak Kan, Shiu Oi Kan, Siu Wing Fai, Siu Chun Hei and Po Leung Kuk.

5 Upon Shiu Wan Yee sending by email to Messrs Maples and Calder (at: lara.kuehl@maplesandcalder.com) an acknowledgment of service on or before 5.30pm (Cayman Islands time) on 24 January 2014:

(1) the said affidavit be admitted as evidence at the hearing of the Re-Re-Amended Originating Summons.

(2) Messrs Maples and Calder do deliver a copy of the said acknowledgment of service to the Court and notify Shiu Wan Ying, Shui Wan Mei, Shiu Yuen Chit, Shao Yuan Liang, Shao Yuan Mou, Leung Kay Ling, Shiu Wan Hing, Shiu Yuen Chi, Shiu Yui Kun, Shiu Wan Tik, Shiu Hak Kan, Shiu Oi Kan, Siu Wing Fai, Siu Chun Hei and Po Leung Kuk that Messrs Maples and Calder have received it.

(3) Any affidavit/affirmation and/or submissions in response to the said affidavit shall be sent to Messrs Maples and Calder on or before 5.30pm (Cayman Islands time) on 29 January 2014. To the extent that:

- a. any affidavit/affirmation is not responsive to the said affidavit it shall not be admitted as evidence at the hearing of the Re-Re-Amended Originating Summons; and
- b. any person(s) giving such responsive affidavit/affirmation has not previously filed an acknowledgment of service, they must send to Messrs Maples and Calder by email (at: lara.kuehl@maplesandcalder.com) an acknowledgment of service before such affidavit/affirmation shall be admitted at the hearing of the Re-Re-Amended Originating Summons.



(4) Upon Messrs Maples and Calder receiving any such affidavit/affirmation and/or submissions in response the Trustee shall:

- a. Forthwith send a copy of the evidence to Shiu Wan Ying, Shiu Wan Yee, Shui Wan Mei, Shiu Yuen Chit, Shao Yuan Liang and Shao Yuan Mou at their Cayman Islands address for service; and
- b. Cause Messrs Baker & McKenzie to send a copy of the affidavit/affirmation and/or submissions to Leung Kay Ling, Shiu Wan Hing, Shiu Yuen Chi, Shiu Yui Kun, Shiu Wan Tik, Shiu Hak Kan, Shiu Oi Kan, Siu Wing Fai, Siu Chun Hei and Po Leung Kuk.

6 If Shiu Wan Yee does not send to Messrs Maples and Calder an acknowledgment of service on or before 5.30pm (Cayman Islands time) on 24 January 2014 then paragraph 5 of this Order shall be of no effect and, for the avoidance of doubt, the said affidavit shall not be admitted as evidence at the hearing of the Re-Re-Amended Originating Summons.

7 Costs of the adjournment reserved.

8 The fees of the Amicus arising out of and in connexion with the adjournment be paid by the Trustee out of the assets of the Trust.

9 The costs and expenses of the Trustee arising out of and in connexion with the adjournment be paid by the Trustee out of the assets of the Trust on an indemnity basis.

DATED this 22nd day of January 2014

FILED this 22 day of January 2014

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

