

# Insurance

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## OVERVIEW

Robertsons' Insurance Department is vastly experienced in representing clients on all aspects of insurance-related legal issues in Hong Kong.

Robertsons has an extensive medical negligence practice having represented private hospitals and medical practices within Hong Kong for several years. We also have considerable experience in acting for plaintiffs in medical negligence claims. In addition represent insurers and claimants on personal injury, employee compensation, third party motor insurance and product liability claims.

Our Insurance team also advises on professional indemnity issues across all service sectors industries, also assist clients in assessing such areas as the availability and scope of Directors' and Officers (D&O) Insurance under Hong Kong Companies' law.

Together with our [Regulatory Department](#), we advise on all aspects of the regulatory environment in Hong Kong applicable to the insurance industry.

In particular, we provide legal advice to the Confederation of Insurance Brokers ("CIB"), the self-regulatory organisation for the local insurance brokerage industry. Michael Lintern-Smith is the former Chairman of the Disciplinary Committee of the CIB and currently the firm manages the disciplinary procedures for the CIB and acts as clerk at all of its hearings.

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## THE TEAM



**Andrew Lee**  
Partner



**Li Chung Nam**  
Partner



**Jeremy Levy**  
Consultant

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## EXPERIENCE

- Acted for a major distributor of beverage products in Hong Kong in a case brought by the Customs Department of the Hong Kong Government involving dutiable commodities. This case remains the leading case on the Hong Kong Bill of Rights. After this case, it became established law that, whilst the prosecution does not have to prove knowledge in a strict liability offence, it will be a defence for the accused to prove, on a balance of probabilities, that it had an honest and reasonable belief of compliance with the requisite legal requirements.
- Leading a team advising three major banks in Hong Kong on investigations by The Hong Kong Monetary Authority and the Securities and Futures Commission concerning the alleged mis-selling of Lehman Brothers related investment products.

- ◆ Leading a team to advise an Insurance Company (a joint venture between 5 renowned financial institutions) to proceed a claim against staff misappropriating funds belonging to the company, which includes the taking out of a Mareva injunction order to freeze the assets of the Defendants, and the taking out of Norwich Pharmacal Discovery Orders to proceed with the tracing claim on the misappropriated funds.
- ◆ Leading a team to advise a Hong Kong main board listed company in the purchase of a renowned chain of regional coffee shops. Also advised the same company in the sale of the coffee shop chain to a PRC State Company.
- ◆ Advising a Hong Kong main board listed company on its joint venture with a western restaurants chain to become the biggest western restaurants chain in Hong Kong (with over 40 restaurants) after the joint venture.
- ◆ Advised a main board listed company in the sale of its shares by the major shareholder which led to the making of a general offer to shareholders under The Hong Kong Code on Takeovers and Mergers.
- ◆ Leading a team to advise a main board listed company in the acquisition of a company holding landed properties in the PRC which transaction was classified as a major acquisition of the company.
- ◆ Leading a team in representing issuers or their sponsors on their listing on the Main Board and Growth Enterprise Market of the Stock Exchange of Hong Kong Limited. Recent successful listings include: - Food Wise Holdings Limited (Stock Code: 1632), Anchorstone Holdings Limited (Stock Code: 1592) and Best Linking Group Holdings Limited (Stock Code: 8617).
- ◆ Acting for a listed company in submitting a Scheme of Arrangement for restructuring its indebtedness, obtaining the statutory required support from creditors and sanction from the Court.
- ◆ Representing an insurance company in obtaining Mareva Injunction Orders and Norwich Pharmacal Orders against its former employee and other conspirators concerning the misappropriation of substantial corporate funds and pursuing tracing claims.
- ◆ Pursuing and defending tracing claims arising from telephone scams and internet fraud with fraudsters out of the jurisdiction.
- ◆ Representing numerous individuals at the management level of listed corporations, responsible officers of licensed corporations and front-line staff of financial institutions to deal with investigations conducted by the Securities and Futures Commission and Hong Kong Monetary Authority concerning regulated activities, market misconduct of all kinds and compliance issues.
- ◆ Advising individual and corporations which were subject to a raid or search warrant.
- ◆ Defending a lay client who was subject to an Injunction Order issued by his former employer, whilst facing simultaneous monetary claims and criminal prosecution as well as divorce proceedings.
- ◆ Acting for the executor in a contested multi-jurisdictional probate litigation which involved a substantial estate in the United States and Hong Kong.
- ◆ Advising a number of local banks concerning contractual obligations owed to their customers, reinforcing their internal policy in dealing with investment products and providing banking services, representing them to deal with professional complaints and monetary claims made by customers.