



Co-organized by The Hong Kong Bar Association, The Shanghai Bar Association and
The University of Hong Kong Law Alumni Association

Seminar on Penalty Clause in Contract

Speaker: Mr Edward Chan, SC

Moderator: Ms Elaine Liu

Mr Edward Chan will speak about the law on penalty, including the history of development of the law from the 18th Century. This has significance in the context of an application of the common law principles to cross jurisdictional issues. The leading case of Dunlop Pneumatic Tyre and subsequent cases provide that in considering whether a contractual provision was a penalty and hence not enforceable, the test was whether the parties do intend to have a genuine pre-estimate of damages to be awarded to the innocent party. In addition, there are other legal principles involved such as the rule against penalty as a matter of public policy.



What and how these common law principles would apply in the context of Article 232 of the Civil Litigation Law of the PRC, which provided payment of double interest in the case of delayed settlement of judgment debt? This question arose in the recent case of Hung Fung Enterprises Holdings Ltd v Agricultural Bank of China and Mr Chan will give an analysis and discussion of this interesting and important subject.

About the Speaker

Mr Edward Chan, SC (LLB 1972) was one of the first graduates of the University of Hong Kong LLB programme. He has since established an exceptional practice at the Bar. He was called to the Inner Bar in 1989. Mr Chan, SC is a leading advocate in a wide spectrum of civil litigation in Hong Kong. He served as the Chairman of the Hong Kong Bar Association, and was a Recorder of the Court of First Instance.

10 am, 13 November 2013 (Wed)

**Academic Conference Room,
11/F, Cheng Yu Tung Tower,
Centennial Campus,
The University of Hong Kong**

**For registration or enquiries,
please contact Ms Ava Wong
(email: ava@hkba.org).**