

DVC Legal Series

Des Voeux Chambers Oxford-HKU Visiting Fellowship Lecture


# Equitable Remedies in the Supreme Court (Parts I and II)




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- CPD Accreditation from the Law Society of Hong Kong will be applied for.
- You may register for one or both events at the same time.

 Part I - 1 April 2026 (Wed)  
Part II - 16 April 2026 (Thu)

 5:30 PM - 6:30 PM

 DVC Conference Centre  
36/F, Gloucester Tower, Landmark  
15 Queen's Road, Central, Hong Kong

## Speakers | 1 & 16 April 2026

## Moderator | 1 April 2026



**Dr Jordan English**

Associate Professor of Law  
University of Oxford  
DVC Oxford-HKU Visiting  
Fellow 2025-26 & Cheng Yu  
Tung Residence Fellow, HKU  
Associate Member, 3 Verulam  
Buildings



**Jenkin Suen SC**

Senior Counsel  
Des Voeux Chambers



**Duncan McCombe**

Barrister-at-law  
Des Voeux Chambers  
Barrister-at-law  
Maitland Chambers



**Tom Ng**

Barrister-at-law  
Des Voeux Chambers  
Adjunct Associate Professor  
Faculty of Law, HKU

## Synopsis

In 2025, the Supreme Court of the United Kingdom delivered four key judgments on issues pertaining to remedies for breach of fiduciary duty and third parties. Dealing with the liability of the fiduciary, in *Recovery Partners GP Ltd v Rukhadze* [2025] UKSC 10, the Court considered whether it was a valid answer to a claim for an account of profits for breach of fiduciary duty to allege that the same profits could have been made in any event. In *Mitchell v Al Jaber* [2025] UKSC 43, the Court dealt with the role of counterfactuals from the opposite perspective, namely, equitable compensation for loss caused by a breach of fiduciary duty.

Meanwhile, in relation to third parties, *Stevens v Hotel Portfolio II UK Limited* [2025] UKSC 28, dealt with the question whether a dishonest assistant could be held liable to pay equitable compensation for the 'loss' caused by the dissipation of profits held on constructive trust by an errant fiduciary. And in *Hopcraft v Close Bros Ltd* [2025] UKSC 33, the Court clarified and restated the law in relation to the remedies available against a briber and bribee for the tort of bribery—a tort that is curiously parasitic on a breach of fiduciary duty.

Across two one-hour seminars, Dr Jordan English, Jenkin Suen SC, and Duncan McCombe will discuss these key decisions, their potential implications, and seek to unravel some of the thorny issues with which they dealt. These include the basis of the obligation to account for unauthorised profits, the role of constructive trusts, the role of causation and counterfactual reasoning in both loss- and gain-based equitable remedies, election between different remedies, and whether the previously-accepted proposition that a third-party dishonest assistant is only liable for their own profits remains correct. They will also seek to highlight the implications for practitioners of these important decisions and where the law may go next.

Part I (1 April) will focus on the remedies available against the fiduciary (*Rukhadze* and *Al Jaber*) while Part II (16 April) will focus on the remedies available against third parties (*Hotel Portfolio II* and *Hopcraft*).



## Dr Jordan English

Associate Professor of Law,  
University of Oxford  
DVC Oxford-HKU Visiting  
Fellow 2025-26 & Cheng Yu  
Tung Residence Fellow, HKU  
Associate Member,  
3 Verulam Buildings



Individual Profile

Jordan English is an Associate Professor of Law at the University of Oxford and a Tutor and Fellow in Law at Magdalen College. He is also an Associate Member of 3 Verulam Buildings. Jordan's research focuses on private law, with a particular emphasis on remedies, contract law, and property law. He is the author of *Discharge of Contractual Obligations* (Oxford University Press, 2025), which was the 2025 winner of SLS Peter Birks Prize for Outstanding Early Career Scholarship, and the co-author of *The Law of Tracing* (Federation Press, 2021). His research has been cited widely, including by the United Kingdom Supreme Court, the High Court of Australia, the New South Wales Court of Appeal, the Full Court of the Federal Court of Australia, the England and Wales High Court (Commercial Court), and the Grand Court of the Cayman Islands.



## Jenkin Suen SC

Senior Counsel  
Des Voeux Chambers



Individual Profile

Jenkin Suen SC is a rising silk who specialises in shareholder disputes, company & insolvency law, regulatory & public law, land & planning law, and international arbitration. Jenkin studied law at HKU and Oxford. Prior to joining the Bar, Jenkin worked in the Hong Kong and Beijing offices of Clifford Chance. Apart from commercial litigation and arbitrations (as counsel and arbitrator), Jenkin also appears as leading counsel in high profile judicial reviews, regulatory enforcement and competition cases. Jenkin is the co-author of *Shareholder Rights and Remedies in Hong Kong* (2nd edn, 2025), *Company Law in Hong Kong – Practice and Procedure*, and *Hong Kong Civil Procedure*. He sits regularly as a Recorder of the High Court since 2024. He also chairs the Communications Authority, the Copyright Tribunal and the Pharmacy and Poisons Appeal Tribunal.



## 1 & 16 April 2026 | Speaker



### Duncan McCombe

Barrister-at-law  
Des Voeux Chambers  
Barrister-at-law  
Maitland Chambers



Individual Profile

Duncan McCombe practices both in Hong Kong and England and Wales (at Maitland Chambers). He was Chair of the Young Bar of England and Wales in 2017. Duncan specialises in commercial litigation and arbitration, particularly in the areas of Commercial Law, Civil Fraud, Company, Partnership and Insolvency. Duncan also has extensive experience in trusts litigation. He is listed in the leading directories in England in the areas of Commercial Litigation, Civil Fraud, Banking and Finance, Commercial Chancery and Partnership and has been described as *"a brilliant rising junior, who brings boundless energy and enthusiasm to every case. He is someone you would want on your team in any difficult situation."*

Duncan's cases often involve jurisdiction disputes and applications for urgent interlocutory relief. He has appeared in tribunals at all levels in England, including the UK Supreme Court.

## 1 April 2026 | Moderator



### Tom Ng

Barrister-at-law  
Des Voeux Chambers  
Adjunct Associate Professor  
Faculty of Law, HKU



Individual Profile

Tom Ng is developing a broad civil and commercial practice, with a particular focus on company and insolvency work, banking law, and trust and probate matters. Tom has appeared as sole trial counsel before the Court of First Instance, the District Court and Arbitral Tribunals, and as sole advocate before the Court of Appeal. He was a Marshall to Mr. Justice Reyes in 2009 and to Mr. Justice Harris in 2016. He appeared in the recent cross-border insolvency cases of *Re China Huiyuan Juice Group Ltd* [2021] 1 HKLRD 255 and *FDG Electric Vehicles Ltd* [2020] 5 HKLRD 701.

Tom has published more than 10 items in overseas and local journals, including the Law Quarterly Review and the Cambridge Law Journal. His publications have been referred to by Chitty on Contracts and Clerk & Lindsell on Torts.

