



Andrew Lynn

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Andrew is a barrister at Resolution Chambers in Hong Kong, and an associate member of 5 Stone Buildings, a leading Chancery law set, in London. A dual-qualified English and Hong Kong barrister, holding full practising rights in both jurisdictions, Andrew is frequently instructed in a wide range of commercial and Chancery disputes, encompassing commercial, trusts, pensions, and private international law, often with a cross-border or international element. The Legal 500 lists him as a leading junior in commercial disputes, describing him as "practical, user-friendly, hard-working, and brilliant at thinking on his feet."

Before coming to the Bar, Andrew obtained a doctorate from Cambridge University in the field of Renaissance literature, and after that taught for several years at one of Beijing's top universities. He converted to the law by way of Graduate Diploma in Law (distinction), holds an LLM (with specialisation in International Dispute Resolution) from the University of London, and has completed the Chartered Institute of Arbitrators (CI Arb) Diploma in International Arbitration and the Institute of Art and Law (IAL) Diploma in Art Law. He has also completed specialist Society of Trust and Estate Practitioners (STEP) qualifications in international trust management, trust disputes, international succession, foundations, and funds.

Andrew is recognised, in particular, for his expertise and experience in the fields of trusts and personal property, and has been instructed in numerous disputes relating to such fields, including crypto-asset disputes. Andrew recently appeared on behalf of the guardian of an MIP in the case of *Re WSY*, in which a trust of around HKD 270 million was established for the MIP, in addition to the provision of substantial assets in the MIP's own name. He has acted as counsel for the prominent cryptocurrency investor and entrepreneur, Roger Ver, in his dispute with OKEx cryptocurrency exchange (*Ver, Roger Keith v OKEX*

Fintech Company and Xu, Ming Xing), as well as for the sellers of BitOcean, a Japanese digital currency trading platform, in their dispute with the subsidiary of a Hong Kong listed company. Andrew was advocate at trial and for the successful appellant on appeal to both the Court of Appeal and Court of Final Appeal in the case of Kan Lai Kwan v Poon Lok To Otto and HSBC International Trustee Limited, which established the treatment of trusts in divorce in Hong Kong, and has acted as advocate in numerous other matters before all levels of court and tribunal. He is currently instructed in the high-profile Lo Family Trust dispute.

Andrew has published widely in (among others) Trusts & Trustees and the Law Quarterly Review, and, in partnership with LexisNexis Hong Kong, has authored the “trusts disputes” series of practice notes for their Practical Guidance series. He is a member of the Panel of Arbitrators of the Shanghai Arbitration Commission, and has recently advised the HK government on arbitration-related matters.

He is a full member of the Society of Trust and Estate Practitioners (TEP), a Fellow of the Chartered Institute of Arbitrators (FCIArb), a fellow of the Hong Kong Institute of Arbitrators (FHKIArb), a member of the Institute of Art and Law (IAL), and a member of the Hong Kong Bar Association Committee on Land, Trust and Probate (ComLTP).

Andrew is British, holds British and Irish citizenship, and has Hong Kong Permanent Residency. He is a native English speaker, has experience dealing with contractual and other documents in simplified Mandarin Chinese, and has passed the HSK (汉语水平考试) at level 8.

His profile with downloadable CV and representative cases can be found here:

<https://www.5sblaw.com/our-people/andrew-lynn/>

1. Education

University of London: LLM (with specialisation in International Dispute Resolution)

University of Cambridge (St John’s College): PhD in Renaissance Literature

University of Cambridge (Magdalene College): MPhil in Medieval and Renaissance Literature

University of Edinburgh: MA in English Literature

2. Professional Qualifications and Memberships

Called to the Bar: England & Wales (Middle Temple), 2015; Hong Kong, 2009

Fellow of the Chartered Institute of Arbitrators

Full Member (TEP) of the Society of Trust and Estate Practitioners

Diploma in International Arbitration, Chartered Institute of Arbitrators

Diploma in International Trust Management, Society of Trust and Estate Practitioners

Diploma in Art Law, Institute of Art and Law

Fellow of the Hong Kong Institute of Arbitrators

Panel Member, Panel of Arbitrators of the Shanghai Arbitration Commission

3. Professional Background

2009 Barrister

2000 Foreign Expert, Beijing Foreign Studies University

4. Commercial Disputes and Arbitration

Andrew is ranked as a leading barrister in commercial disputes in The Legal 500, with substantial experience as counsel in domestic and cross-border contract, agency, banking, and investment disputes. Andrew also has experience acting in cases involving commercial torts and claims in conversion.

5. Property and Trusts Disputes

Andrew has extensive experience of both domestic and cross-border property and trust disputes, including traditional Chancery matters involving the trusts and estates of high and ultra-high net worth individuals, as well as commercial Chancery matters, claims for breach of fiduciary duty, pensions, and shareholder disputes.

Andrew has particular experience of international cryptocurrency disputes, and has acted as counsel for the prominent cryptocurrency investor and entrepreneur, Roger Ver, in his dispute with OKEx cryptocurrency exchange (Ver, Roger Keith v OKEX Fintech Company and Xu, Ming Xing), as well as for the sellers of BitOcean, a Japanese digital currency trading platform, in their dispute with the subsidiary of a Hong Kong listed company.

In his advisory capacity, Andrew has advised a major Stored Value Facilities (SVF) licensee on matters relating to the Hague Convention on the Law Applicable to Trusts and on their Recognition, as well as advising pension fund trustees as to their compliance with statutory requirements.

6. International and Cross-Border

Andrew has extensive experience dealing with international commercial, trust, and investment disputes, assisting clients to apply for and obtain preservative and anti-suit injunctions, and acting as counsel in jurisdictional disputes before national/territorial courts.

7. PRC Related

Andrew has experience acting in disputes involving PRC and non-PRC parties, especially joint-venture disputes, including claims between high-net worth investors as well as multi-million dollar investment claims involving government-related parties.

8. Publications

Andrew Lynn, ['Settlements of property for persons lacking capacity: principles, practices, and problems'](#) (2022) 28(8) *Trusts & Trustees* 773

Andrew Lynn, ['The Westdeutsche "Fruits of Fraud" Constructive Trust as an Effective Remedy in Cases of Bare Fraud'](#) (2022) 138 *Law Quarterly Review* 388

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Andrew Lynn, ['Dealing with trust-owned companies: property rights and fiduciary obligations'](#) (2016) 22(7) *Trusts & Trustees* 775

Andrew Lynn, ['Damned if you do, damned if you don't: how should trustees respond in divorce proceedings?'](#) (2016) 22(4) *Trusts & Trustees* 416

Andrew Lynn, ['Applying the Charman test to trusts in divorce: the decision of the Hong Kong Court of Final Appeal in Kan Lai Kwan v Poon Lok To Otto and HSBC International Trustee Limited'](#) (2015) 21(3) *Trusts & Trustees* 285

Andrew Lynn, ['Split-up trusts: What does Kan Lai Kwan v Poon Lok To Otto and HSBC International Trustee Ltd tell us about the application of the Charman test to trusts on divorce?'](#) (2014) 12(4) *Trust Quarterly Review* 3

9. Talks

Andrew has given talks on a wide range of legal matters, including trust law and practice, trustee decision-making, shams and sham trusts, and cryptocurrency disputes, for universities, law societies, and commercial providers.