



Rethinking Independent Directorship

ECPD/CPD point(s) :	
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As regulations place an increasing emphasis on the 'independence' of independent non-executive directors ('INEDs'), one should ask whether this is but a state of mind in many jurisdictions throughout Asia where the family and/or state owned company dominates. After all, no definition of independence, no matter how exhaustive, is completely foolproof. This seminar will highlight the challenges that INEDs face and calls for 'outside the box' thinking on the subject in place of the regulatory transplanting approach that have dominated throughout the region.

Professor CK Low will highlight some academic research infused with some practical observations to advocate rethinking of the emphasis on independence of directors. He will share his reasons why he thinks that the concept of independence is overemphasized and that we should instead move towards a regime that promotes expertise and diversity while empowering minority shareholders which better suits the corporate landscape in Hong Kong.

Mr Mohan Datwani - At the heart of much of the traditional arguments about INEDs are that they are really not independent as cronies of family run businesses. It is worth exploring the notion that there is something wrong with family run businesses. Mr Datwani will share some of his experiences within the mining industries between professionally and family run companies, and bring out various perspectives. The focus will then turn to practical discussion of the advent of regulations that even family run companies are now looking for real contributors. This will be followed by a discussion of the concept of unitary board and what is it the INEDs should really be doing in terms of risk managements, aside from contribution of their knowledge and expertise.

Date	: Wednesday, 19 November 2014
Time	: 2:30 pm - 4:30 pm (Registration at 2:15 pm)
Level	: Advanced
Presenters	: Professor CK Low FCIS FCS, BEc LLB (Monash), LLM (HKU), Associate Professor in Corporate Law, The Chinese University of Hong Kong Business School Mr Mohan Datwani FCIS FCS, LLB LLM MBA (Distinction) (Iowa) Solicitor & Accredited Mediator, Director, Technical and Research, HKICS
Language	: English
Venue	: Admiralty Conference Centre, 1804A, Tower 1, Admiralty Centre, 18 Harcourt Road, Admiralty, Hong Kong
Fee	: HK\$250 for members of the HKICS, HKICPA or Law Society of Hong Kong HK\$450 for non-members

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About the Presenters

Professor CK Low FCIS FCS, BEc LLB (Monash), LLM (HKU), Associate Professor in Corporate Law, The Chinese University of Hong Kong.

Chee Keong LOW ('CK') is an Associate Professor in Corporate Law at CUHK Business School with research interests in issues pertaining to corporate governance and the regulatory framework of capital markets. His research, which has published in journals in Australasia, Europe and the United States of America, is supported by private sector grants from Ernst & Young, Eversheds LLP, Noble Group, Sino Group and Tricor Services.

An Advocate and Solicitor of the High Court of Malaya, CK is a member of the Securities and Futures Appeals Tribunal in Hong Kong. He was a member of the Listing Committee of the Stock Exchange of Hong Kong from May 2006 to July 2010 and served on the board of directors of the Asian Institute of Finance in Malaysia for three years through April 2012. He also completed the full six-year term as a member of the Financial Reporting Review Panel of the Financial Reporting Council of Hong Kong since its inception in 2007.

Mr Mohan Datwani FCIS FCS, LLB LLM MBA (Distinction) (Iowa) Solicitor & Accredited Mediator, Director, Technical and Research, HKICS.

Mr Mohan Datwani is a solicitor and accredited mediator. Mr Datwani is currently Director, Technical and Research at the Hong Kong Institute of Chartered Secretaries (HKICS) with a regulatory and compliance focus for promoting the company secretary profession and good corporate governance, including the issue of guidance notes, technical submissions to the Government and international organizations like OECD on legislative proposals and international best practices on corporate governance and related consultations.

Mr Datwani was formerly partner of a US based international law firm with diverse experiences in representing major local and international clients including banking and advisory, compliance, corporate and commercial transactions, energy, finance, litigation, insolvency and real estate.

Mr Datwani was formerly named a leading lawyer in asset finance by Legal 500. The transactions that Mr Datwani dealt with included acting for consortium members for the development of the International Finance Centre (IFC) and other airport railway projects with MTRC, the acquisition of Citybus from Stagecoach PLC, the joint venture with Huarong Asset Management Company on NPL portfolios, due diligence on acquisition of mining assets, advising on oil and gas transactions, along with other market transactions and litigations, including obtaining for client a US\$2billion judgment in a complex HK/US fraud case.

Mr Datwani speaks English, Cantonese and Putonghua.

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Seminar on “Rethinking Independent Directorship” on 19 November 2014

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