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Challenges and Opportunities in Applying the English Common Law in Asian Common Law Jurisdictions: A Case Study on Forensic Economics and Actuarial Evidence

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Abstract:

Following the English common law, successful claimants in personal injury and clinical negligence in Hong Kong usually receive their compensations as a lump sum. The amount in respect of future expenses and loss of future earning is a result of discounting the future pecuniary values into a single present-day amount, considering inflation, the time value of money and the claimant's mortality.

Conventionally, lump sum awards are determined by judges by making reference to a spread of multipliers in comparable cases in England, Hong Kong and Singapore. However, an alternative method would be one that involves input from not only lawyers but also economists and actuaries. It is argued that actuarial tables could be regarded as a starting point.

In this research paper, both the theoretical foundations and practical implications are explored in the context of recent judicial decisions in the UK, Hong Kong and Singapore. Landmark decisions include *Simon v Helmot* [2012] UK Privy Council, and *Chan Pak Ting* [2012] Hong Kong and *Hafizul* [2012] Singapore

It is hoped that the research findings will deepen the understanding of the role played by actuarial evidence in facilitating effective dispute resolution.

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