

ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW  
FACULTY OF LAW, UNIVERSITY OF HONG KONG

*Conference*

**Corporate Rescue in Hong Kong:  
The Government's 2009 Legislative Proposals**

22 January 2010

Council Chamber, 8/F Meng Wah Complex, University of Hong Kong

**Programme**

This symposium will involve discussions among academics, insolvency practitioners, labor representatives, bank representatives, business persons, and government officials from Hong Kong, the United States, and Australia on the Consultation Paper for the proposed corporate restructuring law in Hong Kong. The purposes of the symposium are to provide an opportunity and forum for a frank and open discussion among interested parties.

**PART ONE: 9:00 am – 12:00 pm**

**9:00-11:00          Session One**

**An Overview of the Corporate Rescue Law Reform Process**

Speakers:

**Charles D. Booth**, IAPBL Director and Professor, Richardson School of Law, University of Hawai'i

**John Leung**, JP, Deputy Secretary for Financial Services and the Treasury, Financial Services and the Treasury Bureau

**Douglas W. Arner**, AIIFL Director and Professor, Faculty of Law, University of Hong Kong

**Treatment of Labour Claims In the Consultation Paper: Evaluating the Three Options & Other Possible Alternatives**

Chair and Commentator

**Charles D. Booth**, IAPBL Director and Professor, Richardson School of Law, University of Hawai'i

Panelists

**Lee Cheuk-yan**, Member, Legislative Council and General Secretary, Hong Kong Confederation of Trade Unions

**Clement Chen Cheng-jen**, Chairman, Protection of Wages on Insolvency Fund and Former Chairman, Federation of Hong Kong Industries

**Johnson Kong**, Managing Partner & Head of Specialists Advisory Services, BDO Hong Kong

**John Leung**, JP, Deputy Secretary for Financial Services and the Treasury, Financial Services and the Treasury Bureau

**Alan Tang**, Partner & Head, Restructuring, Investigation and Insolvency, Grant Thornton, Hong Kong

**11:00-11:20**      *Tea and Coffee Break*

**11:20-12:00**      **Session Two**

**Insolvent Trading**

Chair and Commentator

**Lee Aitken**, AIFL Deputy Director and Associate Professor, Faculty of Law, University of Hong Kong

Panelists

**Cosimo Borrelli**, Managing Director, Borrelli Walsh

**Ian De Witt**, Partner, Tanner De Witt Solicitors

**Kelvin Wong**, Chairman, Hong Kong Institute of Directors; Executive Director and Deputy Managing Director, COSCO Pacific Limited

**Marie Rowbotham**, Senior Member, Business Recovery Services, PricewaterhouseCoopers

**12:00-1:15**      **Lunch**

## **PART TWO: 1:15 pm – 5:45 pm**

**1:15-2:30            Session Three**

**Creditors' Issues: Super Priority Lending; Treatment Of Secured Creditors; Definition Of Major Secured Creditors; Creditors' Right To Initiate Corporate Rescue**

Chair and Commentator

**John Marsden**, Partner, Mayer Brown JSM

Panelists

**Anthony Boswell**, Partner, PricewaterhouseCoopers

**Steve Brammar**, Legal Counsel, BNP Paribas

**Rupert Purser**, Owner, Palin Capital Partners

**Wayne Porritt**, Regional Head, North East Asia, Group Special Assets Management, Standard Chartered Bank

**2:30-3:45            Session Four**

**Insolvency Practitioner Issues: Role Of Official Receiver's Office; Qualifications Of Provisional Supervisors (PS); Remuneration Issues; Personal Liability Of PS; Replacement Of PS**

Chair and Commentator

**Emily Lee**, Research Assistant Professor (Insolvency & Restructuring), Faculty of Law, University of Hong Kong

Panelists

**Neil McDonald**, Partner and Head of Business Restructuring and Insolvency – Asia, Lovells

**Edward Middleton**, Partner, KPMG China

**James Wood**, Counsel, O'Melveny & Myers LLP

**Wilfred Wu**, Principal – Specialist Advisory Services, BDO Financial Services Limited

**3:45-4:15            *Tea and Coffee Break***

**4:15-5:45            Session Five**

**Cross-Border Insolvency And Other Issues: Mainland Enforcement;  
Length Of Moratorium And Other Procedural Issues; Voting Issues;  
Exemption From Moratorium Of Certain Financial Contracts**

Chair and Commentator

**Charles D. Booth**, IAPBL Director and Professor, Richardson School of Law, University of Hawai'i

Panelists

**Mark Fairbairn**, Partner, O'Melveny & Myers

**John Marsden**, Partner, Mayer Brown JSM

**Mei-shan Tan**, Country Legal Counsel, Citi Hong Kong

**Alan Tang**, Partner and Head, Restructuring, Investigation and Insolvency, Grant Thornton, Hong Kong

**Concluding Remarks**

**Charles Booth**, IAPBL Director & Professor, Richardson School of Law, University of Hawai'i

**John Leung, J.P.**, Deputy Secretary for Financial Services and the Treasury, Financial Services and Treasury Bureau, The Government of the Hong Kong Special Administrative Region