

E-learning webinar:

Asset tracing – from an insolvency perspective

Event code: EWEB20042401

About the topic

An overview of the tools at insolvency and asset recovery lawyers' disposal for tracing and recovering assets worldwide will be discussed in this seminar. The speakers will cover, in particular, the following:

- **Interaction between jurisdictions** - Cooperation between courts and applications for recognition and assistance, with reference to the UNCITRAL (United Nations Commission on International Trade Law) Model Law, Chapter 15, and principles of comity under common law, and the need for ancillary winding-up proceedings
- **Asset concealment and the role of liquidators** - Common asset concealment techniques and structures, role of offshore jurisdictions, piercing the corporate veil by the liquidators, and recognition of these structures/ issues in proceedings
- **Investigations by liquidators** - Liquidators' powers of investigation, insolvency and non-insolvency tools for identifying target assets, impact of assistance from foreign jurisdictions on the powers of liquidators, and taking control of subsidiaries
- **Securing and protecting assets** - Liquidators' insolvency and non-insolvency tools, including injunctions, freezing orders, appointment of receivers, sealing and gagging orders and monetising/ realising assets, potential third-party claims, such as claims against officers/ directors, clawbacks/ unfair preferences, transactions at undervalue and fraudulent dispositions
- **Other issues** - Commencement of criminal proceedings and co-operation with foreign governments under Mutual Legal Assistance (Tax Matters) Act, etc.

About the programme

Date & Time	24 April 2020, Friday 1:00 – 2:00 pm
Format	Live Webinar (There will be real time Q&A)
Fee	HK\$150 per person for RIF members HK\$250 per person for Non-RIF members
CPD credit	1 hour (subject to actual attendance)
Law Society CPD credit	Being applied for
Language	English
Competency	Insolvency *
Rating	Intermediate/Advanced level*
Application Deadline	23 April 2020 (offline enrolment by 21 April 2020)

Rundown

1:00 pm	Introduction
1:05 pm	Presentation
1:50 pm	Q&A / Discussion
2:00 pm	Closing

Speakers

Randall Arthur
Lawyer, Kobre & Kim

Terry Kan
Chairman of RIF Executive Committee
and Partner, SHINEWING Specialist
Advisory Services Limited

Chair

Terry Kan

* Please refer [here](#) for descriptions of the various ratings and competencies.



About the speakers

Randall Arthur **Lawyer, Kobre & Kim**

Randall Arthur, an experienced Hong Kong Solicitor Advocate, concentrates his practice on complex Hong Kong and cross-border commercial disputes involving Asia, in addition to matters related to international judgment enforcement, global asset recovery, insolvency, and high value complex Hong Kong disputes, often involving allegations of fraud or misconduct.

Mr. Arthur represents clients in Hong Kong and other jurisdictions in complex fraud matters, with a particular emphasis on identifying and freezing assets in Hong Kong and obtaining other interim relief in aid of local and foreign proceedings. He has considerable experience in advising on and managing large complex asset recovery projects, including the global enforcement of high value judgments and arbitration awards.

In contentious cross border insolvency and bankruptcy proceedings, Mr. Arthur regularly acts as special litigation counsel on behalf of liquidators, receivers, creditors and trustees (including those based outside of Hong Kong) in assisting with their investigations and asset recovery, often in situations where significant assets have been dissipated across multiple jurisdictions through fraud or other misconduct. Such work includes seeking recognition in Hong Kong of foreign insolvencies, conducting investigations into corporate affairs, obtaining discovery orders, conducting examinations and recovering assets of the insolvent estate, including through claims against directors, alter egos and other third-parties.

Mr. Arthur has also, on numerous occasions, acted for and against large entities such as banks, investment funds, financial institutions and auditors in complex disputes, both before the Hong Kong courts and in Hong Kong-seated arbitrations.

Terry Kan **Chairman of RIF Executive Committee and Partner, SHINEWING Specialist Advisory Services Limited**

Mr. Kan has extensive experience in specialist advisory services with key focuses on restructuring, schemes of arrangement, distressed sale of business, investigation and litigation support, receivership, trustee in bankruptcy and the Deposit Protection Scheme. His hands-on experience with both listed companies and SMEs covers a broad range of industries, including food catering, construction, diamond and jewelry trading, garment manufacturing, IT consulting, property investment, securities trading, and the banking and regulatory sectors. He has come across many shareholders' dispute cases involving indoor management/ shareholders conflicts, which evolved quickly to become deadlocks or law suits, where accountants have played active roles in resolving the problems.

Mr. Kan is the co-author of "The Hong Kong Corporate Insolvency Manual, 4th Edition" and currently Director of INSOL International.

Registration

Online enrolment by 23 April 2020

Offline enrolment by post or fax by 21 April 2020:

Complete the attached reply slip and return it to the Institute by 21 April 2020, together with full payment. Cheque should be made payable to "Hong Kong Institute of Certified Public Accountants" or "HKICPA". Fax registration will be accepted for payment by any VISA/ Master card or the BOC HKICPA UnionPay card.

You may consider your registration to be successful unless you receive notification from us to the contrary.

HONG KONG INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS RESTRUCTURING AND INSOLVENCY FACULTY E-LEARNING ENROLMENT FORM

Finance & Operations Department,
Hong Kong Institute of CPAs,
37/F, Wu Chung House, 213 Queen's Road East, Hong Kong

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*** A confirmation email will be sent to you within 2 weeks when your application and payment are confirmed, in which you will be given a login ID and password. Each programme will be valid for the period as specified in the confirmation email. In order not to delay the process, please ensure payment is made together with your application.**

No.	Course Code	Course Title	Fee (HK\$)
1			
2			
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* Email address is for enrolment confirmation purpose. Please refer to note (2) for details.

Total HK\$

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- Notes:**
- Application by fax will ONLY be accepted when payment is made by credit card. Cash is strictly not accepted. Please ensure all the particulars relating to payment are completed, otherwise the application cannot be processed. There is NO need to send in the enrolment form again if it has already been faxed to the Institute. Please fax the completed form to 2893 9853.
 - In normal circumstances, the course fee is non-refundable or non-transferrable upon receipt of payment by HKICPA. Should the course be cancelled due to unforeseeable circumstances, refund will be made according to your payment method. For credit card payment, refund will be made directly to your credit card account. For cheque payment, refund will be mailed to your correspondence address.
 - Confirmation of enrolment will be sent to you via email within 2 weeks, in which you will be given your login ID and password. You can check your enrolment status at "MyCPA" at www.hkicpa.org.hk. Unsuccessful enrolment will be notified with full refund. In order not to delay the process, please ensure payment is made together with your application. If you do not receive any confirmation email from the Institute, please contact 2287 7367.
 - Your login ID and password are for your exclusive use ONLY and you should not share them with anyone.
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Personal Data: Your personal data collected from the enrolment process and administration of courses will be used for the purpose of the administration of the course on which you are enrolled. Such data collected may be accessible by the Institute's officers, persons or committees processing the application and related matters. In addition, the Institute may use the collected data for statistical research and analysis and, if applicable, for validation of CPD hours. The Institute intends to use the personal data of your name, email address and correspondence address to inform you, where relevant, of CPD activities, members' benefits, goods, services, facilities and events organized or provided by the Institute or other organizations. Members and registered students may opt out of receiving such materials at any time by logging in via the following link <https://www.hkicpa.org.hk/en/members-area/comm-preference/>. Non-members may opt out of receiving such materials at any time by sending an email to the Institute at privacyofficer@hkicpa.org.hk or a letter to the Institute's privacy officer. For more information about the privacy policy of the Institute, please go to <http://www.hkicpa.org.hk/en/service-tools/privacy-policy/>.

For payment by cheque, please fill-in your postal address for refund in case the event is full or cancelled.

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