

E-seminar:

Event code: ESEMRF202001

Asset tracing – from an insolvency perspective (audio archived session)

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

Available period	24 Sep 2020 – 23 Sep 2021
Format	E-seminar
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	NOT eligible
Language	English
Competency	Insolvency *
Rating	Intermediate/Advanced level*
Application Deadline	Online registration by 23 Sep 2021 (offline registration by 20 Sep 2021)

Rundown

1. Introduction
2. Presentation
3. Q&A / Discussion
4. 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.