



# Cross-border Insolvency at a Crossroads

Event code: SCPD22103101

## About the topic

In recent months, the courts have delivered a number of decisions that could (once again) change significantly the landscape of cross-border insolvency in Hong Kong. Questions raised include the following:-

- In order to wind-up a non-Hong Kong company, how can the second core requirement (i.e. benefits to creditors) be satisfied?
- When can foreign liquidators be recognised and given assistance (if at all)?
- Is the place of incorporation or centre of main interests (COMI) the primary consideration for the courts to assume winding-up jurisdiction?
- Can "soft-touch" provisional liquidators still be recognised?
- What is the latest approach to cross-border restructuring?

The RIF has invited leading practitioners, Mr. Clifford Smith SC and Mr. Look-Chan Ho, who are intimately involved in these developments, to explain these and other current cross-border insolvency issues.

## About the programme

<b>Date &amp; Time</b>	<b>Monday, 31 October 2022</b> 1:00 p.m. – 2:00 p.m.
<b>Venue</b>	HKICPA training centre, 27th Floor, Wu Chung House, 213 Queen's Road East, Wanchai
<b>Fee</b>	HK\$200 per person for RIF members HK\$330 per person for non-RIF members
<b>CPD credit</b>	1 hour (subject to actual attendance)
<b>Law Society CPD credit</b>	Being applied for
<b>Language</b>	English
<b>Competency</b>	Insolvency *
<b>Rating</b>	Intermediate level*
<b>Application Deadline</b>	<b>27 October 2022</b> (offline enrolment by 25 October 2022)

### Rundown

<b>12:30 pm</b>	Registration (Note)
<b>1:00 pm</b>	Introduction
<b>1:05 pm</b>	Presentation
<b>1:50 pm</b>	Q&A / Discussion
<b>2:00 pm</b>	Closing

*Note: No refreshment or drinks will be provided during the seminar*

### Speakers

<b>Clifford Smith</b> Senior Counsel, Des Voeux Chambers
<b>Look-Chan Ho</b> Barrister, Des Voeux Chambers

### Chair

<b>Ludwig Ng</b> Member of RIF Executive Committee, and Senior Partner, ONC Lawyers
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\* Please refer [here](#) for descriptions of the various ratings and competencies.



## About the speakers

### Clifford Smith

#### Senior Counsel, Des Voeux Chambers

Clifford Smith SC has a broadly based commercial practice and has been involved in some of Hong Kong's heaviest civil cases, including ADS v. Wheelock Marden and the recent Akai litigation. Since taking silk in 2001 his field of practice has broadened even further to include tax, telecommunications and broadcasting law. He is consistently ranked as a leading Silk in Chambers & Partners (Asia-Pacific) where he has recently been commended for his "impressive thoroughness," for being "a very active thinker" and for his "outstanding advocacy skills" and his "intelligent technical analysis" as well as his standout ability to "present a powerful argument."

Well over 200 of his cases have been reported in the law reports.

### Look-Chan Ho

#### Barrister, Des Voeux Chambers

Look has over two decades of extensive experience in company, commercial and financial disputes and advisory work. He is internationally well-known for his high level of legal expertise and frequently advises on transactions involving novel and complex legal issues. He often works on prominent and precedent-setting cases. He also often provides expert evidence in foreign court and arbitration proceedings.

Look has internationally-renowned expertise in corporate insolvency and restructuring, with a strong focus on cross-border matters. He is also a Door Tenant at Erskine Chambers in London, a widely recognised pre-eminent set of barristers for company, insolvency and commercial disputes and advisory work. Before joining the Bar, Look practised for more than 15 years as a solicitor in London and Hong Kong at Freshfields Bruckhaus Deringer and was the Asia head of restructuring and insolvency.

Look has published extensively on insolvency matters and his publications are widely cited internationally, including with approval by the Hong Kong High Court, UK Supreme Court, English Court of Appeal, English High Court, US Bankruptcy Court, Singapore Court of Appeal, Singapore High Court, Australia Federal Court, New Zealand High Court, and Isle of Man High Court. Look is the only barrister in Hong Kong listed in Who's Who Legal: Restructuring & Insolvency.

Look holds a BA (first class) in Jurisprudence from the University of Oxford, a BCL (first class) from the University of Oxford, an LLM (first class) from the University of Cambridge, and an LLM from New York University School of Law. At Oxford, he was a British Chevening Scholar, and at Cambridge, he was a Cambridge Commonwealth Trust Scholar.

## Registration

- **Online enrolment by 27 October; offline enrolment by post or fax also by 25 October:**

Complete the enrolment form and return it to the Institute by 25 October, 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.**

- Upon successful enrolment, the meeting URL and login password will be provided nearer the event date.
- **Contact Mr. Anthony Lee at 2287-7386 or for enquiry.**



## Remarks

In light of the continuing risks posed by COVID-19, the Institute is adopting the following precautionary measures at the seminar:

- Due to the constantly evolving COVID-19 pandemic situation, the Institute may reschedule or cancel the seminar at a short notice.
- All speakers and participants will be required to:
  - (i) Wear masks during the seminar and have to undergo temperature checks before registration
  - (ii) Complete a simple health declaration form if he/she failed to submit the form online prior to the event
  - (iii) Undergo compulsory temperature screening at the Institute's registration counter
  - (iv) Use sanitizing gel provided for disinfection of hands before entering the seminar venue
  - (v) Sit at a distance from each other
- We do not encourage participants bringing foods and drinks to the venue. In case participants bring their own refreshment, they will be asked to eat outside the venue and rubbish must be disposed of in the covered rubbish bin provided.

Other remarks:-

- The opinions expressed by external guest speakers are, by their nature, those of the speaker. They are not necessarily endorsed by the Institute or reflect the official policies and views of the Institute or its members.
- The Institute does not endorse or recommend any products or services and is not responsible to any loss or damage arising from using such products or services.
- Participants are reminded that there is a wide range of products or services available in the market. Participants should carry out their own research and obtain independent advice before subscribing any products or services.
- The Institute also takes no responsibility for any loss associated to any person acting or refraining from acting as a result of participation in the event.