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Asia Judicial Round Table

Tuesday 12 September 2023

**The Palace Hotel, 1 Chome-1-1 Marunouchi, Chiyoda City, Tokyo 100-0005,
19th floor, Boardroom**

The forum seeks to engage all participants (whether from developed or developing insolvency and restructuring jurisdictions) in a sharing of experiences and an exchange of views. It will take the form of structured conversations in which a topic will be introduced by one or two speakers for 5 or 10 minutes and then contributions on that topic invited from any participant.

08.45 - 09.00

Arrival and coffee

09.00 - 09.30

Welcome and opening remarks

Mahesh Uttamchandani, Executive Committee, INSOL International
Samira Musayeva, UNCITRAL
Nina Mocheva, World Bank Group
Hon. Justice Jonathan Harris (Chair), High Court of Hong Kong
Judge Shin Iwasaki, Tokyo District Court, Japan

09.30 - 10.30

Asian focus: regional reform and restructuring

Discussion led by Nina Mocheva, World Bank Group
Judge Xianhua Huang, Shanghai Bankruptcy Court, P. R. of China
Judge Daisuke Nagumo, Tokyo District Court, Japan
Hon. Justice Nallini Pathmanathan, Federal Court, Malaysia
Judge Sanghoon NA, Seoul Bankruptcy Court, Republic of Korea
Hon. Justice Ramalingam Sudhakar, National Company Law Tribunal,
India

Peer group discussion providing a regional round-up of recently introduced or proposed reforms and developing restructuring techniques.

10.30 - 11.00

Coffee

11.00 - 12.00

Testing the boundaries: how well does your system cope?

Discussion led by Hon. Justice Christopher Sontchi, Singapore International Commercial Court
Hon. Justice Wilhelmina Bago Jorge-Wagan, Court of Appeal, Philippines
Hon. Justice Auen Kunkeaw, Supreme Court, Thailand
Hon. Justice Ramalingam Sudhakar, National Company Law Tribunal, India

Insolvency regimes are increasingly being required to address financial distress in fresh contexts. In the UK and in Thailand the insolvency of non-banking financial institutions and insurance companies has highlighted shortcomings in conventional approaches. The insolvency of state-owned enterprises raises new questions. What are the challenges in your jurisdiction and how are you addressing them?

12.00 - 13.00

“Pre-packs”: the US and UK meanings.

Discussion led by Hon. Justice Nick Segal, Grand Court of Cayman
Hon. Justice Ramesh Kannan, Supreme Court of Singapore
Hon. Justice Christopher Sontchi, Singapore International Commercial Court

Pre-packaged resolutions are increasingly under consideration globally. But a “pre-pack” can take two distinct forms. An understanding of how they work enables clearer thinking. This will be a comparative law session with different jurisdictions sharing experiences of pre-packs.

13.00 - 14.00

Lunch

14.00 - 15.00

Consensual approaches

Discussion led by Hon. Justice Jonathan Harris, High Court of Hong Kong
Hon. Justice Paul Heath, Court of Appeal of Tonga
Hon. Justice Anselmo Reyes, Singapore International Commercial Court

Some jurisdictions depend on court-driven insolvency processes: others permit entirely “out-of-court” workouts for recovery. Many adopt a hybrid approach. What does your jurisdiction permit? Whatever approach is permitted, what role is there for Alternative Dispute Resolution to reduce court participation? What would be the interaction between an arbitration clause and a debt dispute in a liquidation application?

15.00 - 15.30

Coffee

15.30 - 16.30

Cross-border relationships

Discussion led by Hon. Justice Jonathan Harris, High Court of Hong Kong
Hon. Justice Aedit Abdullah, Supreme Court of Singapore
Hon. Justice Linda Chan, High Court of Hong Kong
Judge Xianhua Huang, Shanghai Bankruptcy Court, P. R. of China

Ownership, management and the operation of businesses now cross borders. Singapore and Hong Kong are two globally recognised restructuring hubs. How has Singapore (a Model Law country)

sought to establish its reputation? How willing is it to make its laws internationally attractive and its protocols available? How has Hong Kong (a non-Model Law country) created a role as an intermediary between offshore incorporated businesses and mainland Chinese operations and/or ownership? How has the Hong Kong Companies Court made its laws internationally effective and attractive? What could other jurisdictions learn from these experiences? How are countries rising to the challenge of cross-border insolvencies?

16.30 - 17.00

Open discussion and closing remarks

17.00 - 18.00

Judicial Round Table Reception

18.00 - 20.30

Delegates can join the INSOL Conference Cocktail Reception, 2nd floor, Aoi Ballroom