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VIRTUAL CONFERENCE SERIES

MALAYSIA INSOLVENCY conference 2021

FLATTENING THE INSOLVENCY CURVE THROUGH RESTRUCTURING AND RESCUE RELIEFS

13 & 14 July 2021 (Tuesday & Wednesday), 9.00 am – 12.45 pm

WHO SHOULD ATTEND

- Insolvency Practitioners
- Insolvency Consultants
- Accountants
- Lawyers
- Bankers
- Regulators
- Company Secretaries

Even as the economy enters the recovery phase of the COVID-19 pandemic, businesses continue to face immense continuity and solvency challenges.

To help companies cushion the impact of COVID-19, it is imperative to enhance Malaysia's existing provisions on restructuring through the scheme of arrangement and the corporate rescue mechanisms. At the same time, any improvements must ensure the rights and responsibilities of debtors and creditors are adequately addressed.

The Companies Commission of Malaysia's Consultative Document on the Proposed Companies (Amendment) Bill 2020 proposes the introduction of salient measures to improve the effectiveness, resilience and transparency of the insolvency framework, within the COVID-19 landscape.

Join us for this virtual Insolvency Conference 2021 where we will discuss the future of restructuring and rescue reliefs to enable corporates to flatten and beat the insolvency curve, in pursuit of business sustainability. We highlight regional developments and what that means for the proposed amendments to our laws. We will also explore both court mechanisms and out-of-court solutions.

DAY 1

8.30 am PARTICIPANTS LOG IN TO JOIN THE CONFERENCE

PANEL SESSION

9.00 am **UPDATES ON PROPOSED REGULATORY CHANGES: COMPANIES ACT 2016**

Join regulators and industry experts as they discuss proposed changes to the company law and ramifications on the current insolvency regime. The panel will also advise businesses on how they can adapt to face challenges in the interim and warn of the potential weaknesses or loopholes that could potentially be exploited or abused.

MODERATOR

KHOO POH POH Senior Executive Director, Strategy and Transactions Practice, Ernst & Young PLT

PANELLISTS

ANDREW CHIEW Partner, Banking & Insolvency, Lee Hishammuddin Allen & Gledhill

CHUA SEE HUA Partner, Christopher & Lee Ong

NORHAIZA JEMON Director, Regulatory Development and Services Division, Suruhanjaya Syarikat Malaysia

10.45 am BREAK

11.00 am **PANEL SESSION**

A LOOK AT THE CORPORATE DEBT RESTRUCTURING COMMITTEE

This session introduces the non-legislative restructuring platform of the Corporate Debt Restructuring Committee (CDRC): Its origins, members, success stories and evolving mandates over the years. Importantly, this session will also address the perception that CDRC is a platform used by distressed companies to buy time or avoid formal insolvency proceedings rather than a genuine solution for business continuity.

MODERATOR

MOHAMED RASLAN ABDUL RAHMAN Chairman, BDO Malaysia

PANELLISTS

ABDUL KADIR KASSIM Senior Member, Corporate Debt Restructuring Committee

ADRIAN HONG Head, Restructuring Services, KPMG Malaysia

JIMMY NG CHWE HWA Partner, Chooi & Company + Cheang & Ariff

12.45 pm END OF DAY 1

DAY 2

8.30 am PARTICIPANTS LOG IN TO JOIN THE CONFERENCE

9.00 am **LESSONS FROM RECENT LANDMARK CASES**

Get updated on recent grounds of judgement issued in landmark cases and what this means for future similar cases, and leverage on these insights to manage your organisation's risks and compliance strategy.

MODERATOR

LEE SHIH Managing Partner, Lim Chee Wee Partnership

PANELLISTS

ALEX CHIANG Director, Malaysia & Singapore Office, Rodgers Reidy (International) Pty Ltd

EDDIE GOH Director, Restructuring Services, Deloitte Malaysia

10.45 am BREAK

11.00 am **PANEL SESSION**

LESSONS FROM SINGAPORE'S REFORM EXPERIENCE

This session examines the aftermath of Singapore's reform experience and the challenges Malaysia could conceivably expect upon following in Singapore's footsteps. Our industry experts will also assess alternative reform strategies that could be more conducive for the Malaysian environment.

MODERATOR

RABINDRA S. NATHAN Partner, Shearn Delamore & Co.

PANELLISTS

ANDREW CHAN Partner, Allen & Gledhill Singapore

DAVID CHAN Partner, Shook Lin & Bok, Singapore

DARIUS TAY Director, BlackOak LLC, Singapore

SIM KWAN KIAT Head, Restructuring & Insolvency Practice, Rajah & Tann Singapore LLP

12.45 pm END OF CONFERENCE



ABDUL KADIR KASSIM

Kadir is a Senior Partner at Kadir, Andri & Partners and has over 46 years of experience in law. He founded Kadir Kassim & Co. in 1976—the predecessor of Kadir, Tan & Ramli—which became Kadir, Andri & Partners in 2000. Prior to this, he had served in the Malaysian Administrative and Diplomatic Service and the Judicial and Legal Service, in positions including as Foreign Affairs Officer; Federal Counsel and Deputy Public Prosecutor, Johore; Senior Assistant Registrar, Penang High Court; President of the Sessions Court, Kuala Lumpur; and Senior Assistant Parliamentary Draftsman, Attorney-General's Chambers. He has covered most aspects of legal work and practice, including litigation (both as counsel and on the bench), drafting of legal documents and banking and corporate matters, and has advised extensively on major corporate transactions. Apart from practising law, he had also served as a member of the Malaysian Securities Commission, a committee member of the then Kuala Lumpur Stock Exchange (now known as Bursa Malaysia Securities Berhad), a member of the Listing Committee of Bursa Malaysia, a director of both Danamodal Nasional Berhad and Danajamin Nasional Berhad, a member of the Tabung Haji Investment Panel and of Financial Services Professional Board, and chaired the Islamic Capital Market Working Group of the Securities Commission. He still serves on the Corporate Debt Restructuring Committee, and sits on the boards of UEM Group and Petronas as well as being the chairman of TIME dotcom Berhad. Kadir holds a Bachelor of Laws (Honours) from the University of Singapore and was called to the Malaysian Bar in 1973.



ADRIAN HONG

Adrian is Head of Restructuring Services for KPMG Malaysia. He has been involved in restructuring-recovery work and specialises in various aspects of restructuring, insolvency and monitoring accountant and non-performing loans advisory. He has experience on various special administration assignments covering a range of industries including stock-broking, furniture manufacturing, hotels and properties. His experience also extends to various abandoned housing projects that have been successfully revived, and various debenture appointed receivership assignments and court liquidations. He is also the Head of Corporate Citizenship in KPMG in charge of the corporate social responsibility initiatives of the firm. Adrian is a certified Public Accountant with the Malaysian Institute of Certified Public Accountants, a Chartered Accountant with the Malaysian Institute of Accountants, a Fellow of the Institute of Chartered Secretaries and Administrators, and is an ASEAN Chartered Accountant.



ANDREW CHAN

Andrew is a Partner at Allen & Gledhill LLP, Singapore. His practice encompasses commercial work and he is a specialist in dispute resolution (especially arbitration), trusts, and insolvency (corporate and personal). In arbitration, he has acted as counsel, been appointed arbitrator, and appointed to give expert evidence on Singapore law for use in foreign courts and in arbitration, and has mediated insolvency disputes. He has been consistently noted as a leading restructuring and insolvency lawyer in The Legal 500 Asia Pacific, Chambers Global and Chambers Asia-Pacific, Who's Who Legal and IFLR1000. He is listed as a "Thought Leader" in Who's Who Legal: Thought Leaders – Restructuring & Insolvency and has been inducted into The Legal 500 Hall of Fame for Restructuring and Insolvency. He is General Editor of leading local practitioner's book, Law & Practice of Corporate Insolvency, and is Consultant Editor of Halsbury's Laws of Singapore volume on Insolvency. He co-authored two works on personal insolvency, and co-authored the Singapore chapter of the publication Arbitration in Asia. His writings have been cited in decisions of the Singapore Court of Appeal, High Court and District Court. Andrew read law at the National University of Singapore. He is a Fellow of both the Singapore Institute of Arbitrators and the Chartered Institute of Arbitrators. He is on the panels of arbitrators of the Singapore International Arbitration Centre, the Law Society Arbitration Scheme, the Singapore Institute of Arbitrators and the Asian International Arbitration Centre. He is a Fellow of the Insolvency Practitioners Association of Singapore, and a Director of the American Arbitration Association-ICDR Ltd.



ANDREW CHIEW EAN VOOI

Andrew is a Partner at Lee Hishammuddin Allen & Gledhill and heads the firm's Banking & Insolvency practice. He has notable experience in the areas of banker's liability, civil fraud, corporate insolvency and restructuring as well as money laundering. He acts for various financial institutions on financing obligations and security enforcement, involving conventional and Islamic financing, and asset recovery. His experience in corporate and commercial disputes covers various business sectors, including energy, hospitality, logistics and plantation. He also acts for corporations on matters concerning fraud. He is described as a "sharp, skillful, knowledgeable articulator" and, someone "who knows his work and produces really good arguments". He is a ranked practitioner by Chambers & Partners and Benchmark Litigation, and is one of two partners named "Litigation Stars" by Benchmark Litigation Asia-Pacific 2021 in the Commercial and Transactions category. He is a contributor for a number of practitioners' guide, which includes the Law & Practice of Corporate Insolvency in Malaysia. He also frequently speaks, locally and overseas, on matters relating to his areas of practice. He is a member of the Malaysian Bar Council's Advocacy Training Committee, and conducts advocacy training around Malaysia as well as in Australia, Ireland, United Kingdom, Singapore and South Africa. He is also the Asia-Pacific Region Coordinator on Dispute Resolution at Multilaw, and Vice-Chair of Insolvency Committee at the Inter Pacific Bar Association. Andrew holds an LLB (Hons) from the University of Leeds. He is called to the Bar of England and Wales (Middle Temple) and is an Advocate & Solicitor of the High Court of Malaysia.



ALEX CHIANG

Alex is Partner and Head of Reconstruction and Insolvency at Rodgers Reidy & Co (RRCo). He started his professional career with Ernst & Young in 2007. He joined RRCo in 2010 and manages the operations of its Kuala Lumpur office with a focus on expanding the Firm's reconstruction and insolvency practice. He has over 14 years of experience in insolvency, corporate advisory, and restructuring in Malaysia. His key experiences include acting as Liquidator to wind-up affairs of companies; manages voluntary and compulsory winding up of companies; manages receivership administration of companies; manages the implementation of various corporate rescue mechanism on companies such as Scheme of Arrangement, Corporate Voluntary Arrangement and Judicial Management under the Companies Act 2016. He had also participated in the formulation, review and presentation of the Restructuring of Growers Scheme involving 4,000 growers under the Interest Schemes Act 2019; advised and consulted with companies in the winding down of their business and operations in Malaysia; advised and consulted on administration of the estate of high net worth individuals including as court appointed receivership and administrator; and acted as back-up service provider for a peer-to-peer lending company as part of the "living will" arrangement as advised by Securities Commission Malaysia. Alex holds a Bachelor of Economics & Commerce from University of Melbourne, Australia. He is a member of Malaysian Institute of Accountants, CPA Australia, INSOL International, and Insolvency Practitioners' Association of Malaysia. He is also an Approved Company Liquidator by Ministry of Finance, Approved Liquidator by Labuan Financial Services Authority, and Approved Nominee by Director General of Insolvency.

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CONFERENCE SPEAKERS



CHUA SEE HUA

See Hua is a Partner at Christopher & Lee Ong, and co-heads the firm's Restructuring & Insolvency Practice Group. She has been in legal practice for over 30 years. Her practice extends to advising major corporations on transactions involving acquisitions and divestments of companies (both public and private), banking, property related issues, private equity investments, and capital markets. She has also acted for numerous property developers particularly in relation to major acquisitions of land banks, joint ventures for mixed developments with private and state governmental landowners and joint infrastructure works for water and sewage. She has been quoted in Chambers Asia Pacific as "an effective negotiator, especially 'when there are numerous interests to reconcile'", and has been praised by Legal 500 on her level of service for Capital Markets and M&A work. She has also been recognised by IFLR1000, the Asian Counsel and PLC Which Lawyer for her work in the field of restructuring and insolvency. She is a Member of both the Insolvency Practice Committee and the Disciplinary Committee of MICPA, and is an Independent Director of Petron Malaysia Refining & Marketing Berhad and Matrix Concept Holdings Berhad. See Hua holds a Master's Degree in Law from the University of Cambridge (specialising in Companies & Securities Law and International Law) Inns of Court School of Law, London, and a Bachelor of Law from the East London University. She is an Advocate & Solicitor of the High Court of Malaya, a Solicitor of the Supreme Court of Hong Kong, an Advocate & Solicitor of the Supreme Court of Singapore, and a Solicitor of the Supreme Court of England and Wales.



DARIUS TAY

Darius is a Director of BlackOak LLC, a legal firm in Singapore. His work focusses on special situations, including both contentious and non-contentious aspects of corporate restructuring and insolvency, banking and finance, as well as mergers and acquisitions for special situations. A key component of his practice is advising fund managers on compliance and regulatory matters as well as issues arising from their investments and portfolio companies and working with debtor companies. He also works with start-ups, especially those in the logistics field, advising on all aspects of their business including regulatory and business contracts as well as assisting them with corporate governance and fund raising. He was appointed to the Singapore Supreme Court's Young Amicus Curiae Scheme in 2014. He acted as amicus curiae in a Singapore judgment on the issue of testamentary capacity regarding the disposal of one's Central Provident Fund monies, and was part of the Insolvency Practitioners Association of Singapore's working committee on their amicus brief in a landmark Singapore decision on insolvency practitioners' remuneration. He has been ranked in leading publications such as Asia Law, Chambers Asia Pacific, The Legal 500 Asia Pacific, Best Lawyers and IFLR1000. An Advocate & Solicitor in Singapore, Darius holds an LL.B (Magna Cum Laude) from SMU and a B.C.L from University of Oxford. He is a member of the Insolvency Practice Committee of the Law Society of Singapore, a member of the Singapore Academy of Law, a member of the NextGen Committee of Turnaround Management Association (South East Asia), and Chairperson of the Insolvency Practitioner Association of Singapore-Young Insolvency Practitioner Committee.



DAVID CHAN

David has been a Partner of Shook Lin & Bok, Singapore since 2004. He has wide experience in general commercial litigation with particular focus on domestic and cross-border finance-related litigation, fraud and insolvency matters. He is also involved in international commercial arbitrations and corporate and shareholders' disputes. He is a member of the Valuation Review Board under the Ministry of Finance, Singapore, and a member of the Complaints and Disciplinary Panel of the Accounting and Corporate Regulatory Authority. He is recognised as a leading lawyer in restructuring and insolvency, dispute resolution and international arbitration in various publications including Chambers Asia Pacific, IFLR1000, The Legal 500 Asia Pacific, Asialaw Leading Lawyers, Who's Who Legal's Restructuring & Insolvency Lawyers, Benchmark Litigation Asia-Pacific and Best Lawyers Singapore. He is a Lexology Client Choice Award 2020 Winner for Restructuring in Singapore and is one of two lawyers selected for The Legal 500 Hall of Fame for Restructuring and Insolvency in Singapore. In the area of restructuring and insolvency, Chambers Asia-Pacific notes that David "has a strong practice with expertise acting for insolvency appointees on complex insolvency disputes. He also has experience working on behalf of debtors, creditors and trustees. IFLR1000 2019 recognises David as a highly regarded Restructuring and Insolvency lawyer, especially in the realms of the energy, oil and gas industry sectors. David holds an LLB (Hons) from King's College London and an LLM from University College London. He is a Barrister of Middle Temple, an Advocate & Solicitor of Singapore, a Solicitor of England & Wales, and a Fellow of the Chartered Institute of Arbitrators.



EDDIE GOH

Eddie is the Director of Restructuring Services at Deloitte Malaysia, and has over 12 years of professional experience in helping clients preserve/create value in distressed situations. He has been involved in the sale of NPLs for financial institutions and regularly assists clients to evaluate options when contemplating business exit strategy. He also shares opinions and views on issues relating to restructuring & insolvency and has written articles that have been featured in newspapers and accounting magazines. Eddie holds a B.A. (Hons) in Accounting and Finance from the University of East London. He is a Fellow Member of the Association of Chartered Certified Accountants and members of both the Malaysian Institute of Accountants and Insolvency Practitioners Association of Malaysia.



JIMMY NG CHWE HWA

Jimmy is a Partner at Chooi & Company + Cheang & Ariff (CCA) with key practice area in restructuring and insolvency. Prior to CCA he was with KPMG Malaysia for over 20 years and upon his retirement was invited by KPMG Hong Kong & Singapore to develop a restructuring practice in Indonesia. He subsequently retired as a partner of KPMG Singapore & Indonesia in 2017. He has extensive experience in providing restructuring advisory services where he carried out business reviews and established the business viability of companies. He also has wide ranging experience in the administration of financially distressed companies which requires multi-disciplinary skills in dealing with financial, operational, legal and people and human resource matters. He is accustomed to managing multiple restructuring and insolvency projects concurrently. Jimmy was appointed to the board of Lonpac Insurance Bhd and currently serves as a member of its Audit Committee and Risk Management & Compliance Committee. He regularly gives talks and seminars in the areas of restructuring, insolvency and corporate rescue mechanisms at conferences. He is also a contributing writer of the book, Law and Practice of Corporate Insolvency in Malaysia, published by Sweet & Maxwell in 2019. Jimmy holds a B.Sc (Hons) in Business Administration majoring in Finance from the University of Wisconsin, USA, and an LLB (Hons) degree. He was admitted as an advocate & solicitor of the High Court of Malaya in August 2018. He is a graduate of Chartered Global Management Accountant (CGMA) and is a chartered accountant with MIA.



KHOO POH POH

Poh Poh is a Senior Executive Director with the Strategy and Transactions practice of Ernst & Young PLT, focusing on Turnaround and Restructuring Strategy. She has over 20 years of experience in receivership, liquidation, judicial management and restructuring of companies and specialises in legal entity rationalisation and resolution of regulated entities. Poh Poh is a member of the Chartered Institute of Management Accountants, Chartered Global Management Accountants and the Malaysian Institute of Accountants. She is a Council Member of the Insolvency Practitioners Association of Malaysia and an active contributing member of the Technical Working Group for Resolving Insolvency under PEMUDAH.

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CONFERENCE SPEAKERS



LEESHIIH

Lee Shih is Managing Partner at Lim Chee Wee Partnership, and has over 15 years of experience in dispute resolution, contentious restructuring and insolvency, and fraud and asset recovery. He acts in cross-border disputes and has appeared in international arbitrations in Asia and Europe. His work focusses on corporate litigation and shareholder disputes, and also specialises in restructuring and insolvency. He advises and acts in liquidations, schemes of arrangement, receivership, and is active in corporate rescue mechanisms like judicial management. He has been described as "well regarded for his expertise in company law, as well as restructuring and insolvency cases" (Chambers Asia-Pacific) and listed as a "deeply knowledgeable international arbitration and insolvency specialist" (Legal 500 Asia-Pacific). He co-authored 'Companies Act 2016: The New Dynamics of Company Law in Malaysia', which has been cited in court decisions in Malaysia on company law and corporate insolvency. Lee Shih holds an LL.B from the University of Bristol, and is a Barrister-at-Law (Gray's Inn) and an Advocate & Solicitor of the High Court of Malaya. He is the sole Malaysian member of ICC FraudNet, is a Council member of IPAM, a Member of the Insolvency Practice Committees of both MIA and MICPA, a Member of INSOL International, and an Associate Member of CI Arb.



MOHAMED RASLAN ABDUL RAHMAN

Raslan is the Chairman of BDO Malaysia. He has over 23 years of experience in the audit of large multinational corporations in various industries, and has been involved in corporate finance work such as M&As, IPOs, rights issue and other special issues of companies listed on Bursa Malaysia. He has vast experience in transaction services and was involved in major due diligence reviews and valuation of companies across various industries. He has also been the liquidator, receiver & manager, and special administrator for multiple engagements. He was previously the Managing Partner of KPMG where he was involved in setting up the Management Assurance Services Division which provides services such as Enterprise Risk Management, key internal controls review, and value added internal audit. He is also Chairman of the Malaysian Accounting Standard Board and Vice President of the Insolvency Practitioners Association Malaysia. He had previously served as Vice President of MICPA, Council Member of MIA, Chairman of Investigation Committee and Disciplinary Committee of MIA, and Treasurer of Transparency International Malaysia. He was also in the Interpretation Committee, the Malaysian Financial Reporting Standards Convergence Committee and the Malaysian Private Entities Reporting Standards Implementation Committee of the MASB. Raslan holds a Bachelor of Commerce from The University of Melbourne; and is a Fellow Member of CAANZ; a member of MICPA, MIA and IPAM; a Licensed Auditor and Liquidator in Malaysia; and holds a Capital Market Services Representative's License for Advising on Corporate Finance.



NORHAIZA JEMON

Norhaiza is Director of Regulatory Development and Services Division at Suruhanjaya Syarikat Malaysia (SSM) since October 2017. Prior to her current position, Norhaiza served as Head of Law Reform Section of the Corporate Development and Policy Division of SSM from October 2010. She was the Project Manager for Dynamic Legal Framework under the Second Strategic Direction Plan of SSM, an initiative to create conducive business environment in Malaysia through the review of legislations under the purview of SSM. Under the project, SSM had introduced the Limited Liability Partnerships Act 2012, in 2013 as well as the new Companies Act 2016 and the Interest Schemes Act 2016, which were implemented on 31 January 2017.



RABINDRAS. NATHAN

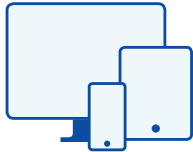
Rabindra is a Partner at Shearn Delamore & Co., and specialises in Dispute Resolution and Arbitration & Mediation. He is one of the most experienced insolvency practitioners in Malaysia and has acted in the three largest insolvencies in Malaysian history. He has an extensive dispute resolution practice in the West Malaysian courts and ad hoc admissions as counsel in the High Court of Sabah and Sarawak in specialised cases. He regularly acts in domestic and international commercial arbitrations under the ICC, AIAC, SIAC and UNITRAL Rules. He has also given expert testimony on Malaysian law in the High Court in Singapore and in international arbitrations. He is a member of the ICC Panel of Arbitrators, Malaysia. He has been a Consultant to the Companies Commission of Malaysia on Winding up provisions of the Companies Bill 2015, Country Consultant for Malaysia to the Asian Development Bank (Insolvency TA), member for Malaysia at the Asian Business Law Institute Working Group, a founding member and Council member of the Insolvency Practitioners' Association of Malaysia, the sole Malaysian member of the International Insolvency Institute, and a member of the III delegation to the UNCITRAL Working Group VI sessions. He is also a member of the Malaysian Bar, International Bar Association, Inter-Pacific Bar Association, American Society of International Law, British Institute of International and Comparative Law, Chartered Institute of Arbitrators, and the International Insolvency Institute. Rabindra holds an LL.M (Hons) from University of Cambridge and an LL.B (Hons) from University of Canterbury, New Zealand. He is a Barrister & Solicitor of New Zealand and an Advocate & Solicitor of the High Court of Malaya.



SIM KWAN KIAT

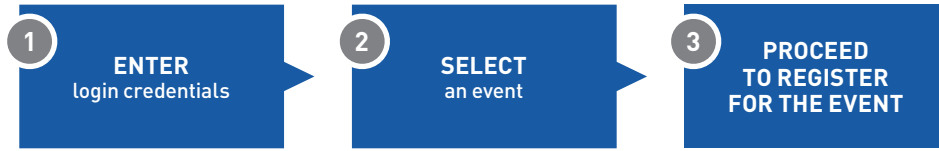
Kwan Kiat is Head of Restructuring & Insolvency Practice at Rajah & Tann Singapore LLP. Called to both the Singapore and New York bar, his practice comprises domestic and crossborder disputes and advisory work. He has advised and acted for debtors, lenders and insolvency office holders in debt restructuring, liquidations, and receiverships of both local and foreign companies. Apart from regularly advising on insolvency proceedings—from liquidation, receivership to judicial management and schemes of arrangement—many of the matters he acted in had a strong crossborder element. He also regularly acts for clients in a wide variety of commercial disputes, including banker customer disputes and shareholder disputes. He also teaches Insolvency Law and is the Deputy Subject Coordinator for the Insolvency Law and Practice course for the Singapore Bar Examinations. He is cited and recognised in the field of restructuring and insolvency in Chambers AsiaPacific (Band 1), Who's Who Legal, Asia Pacific Legal 500, IFLR 1000, Asialaw Leading Lawyers, and Best Lawyers. Kwan Kiat holds an LLB (Hons) from the National University of Singapore and an LLM from the New York University. He is an Advocate & Solicitor of the Supreme Court of Singapore and an Attorney & Counsellor-at-law for the State of New York. He is a member of the Law Society of Singapore, the Singapore Academy of Law, and INSOL International; a Fellow of the Insolvency Practitioners Association of Singapore; an Associate Mediator on Insolvency Panel of the Singapore Mediation Centre; and the National CLOUT Correspondent for Singapore of the United Nations Commission on International Trade Law (UNCITRAL).

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9.00 am – 12.45 pm

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- The information on Corporate/Individual provided shall be deemed true and correct. No alteration will be allowed upon registration.

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