



# Bankruptcy & Winding Up

## Impact of the New Legislative Regime

**DATE** 15 NOVEMBER 2017 (WEDNESDAY)  
**TIME** 8.30 AM - 5.00 PM  
**VENUE** HOTEL ISTANA, KUALA LUMPUR

Various reforms will take place under the Malaysian bankruptcy law once the latest legislative amendments are introduced in this area of law. *Vide* this seminar, the changes and effects to the legislative regime will be dealt with in-depth, including how the amendments will affect a bankrupt and his guarantor. Basic knowledge on the filing and procedures to be adhered to in securing a Bankruptcy Order will also be highlighted in this seminar. Additionally, the seminar will enlighten on aspects relating to the Winding Up of Companies and the procedures applicable under the new Companies Act 2016.

This seminar will highlight, among others, the key points below:

- ▶ Procedures for filing the relevant documents and cause papers in court
- ▶ Case law relevant to the points of discussion
- ▶ In depth analysis of the changes introduced *vide* the new bankruptcy laws
- ▶ Procedures on the Winding Up of Companies
- ▶ Q & A Session



Bar Council Malaysia CPD Points:

**6 CPD POINTS**

T2/15112017/CCPCLJ/KL172675/6

# Auction, e-Lelong & Foreclosure

## Understanding the New Fundamentals

**DATE** 21 NOVEMBER 2017 (TUESDAY)  
**TIME** 8.30 AM - 5.00 PM  
**VENUE** HOTEL ISTANA, KUALA LUMPUR

Be a part of this groundbreaking seminar to enhance your knowledge and to keep abreast with the latest reforms and changes introduced in the area of law relating to Auction. This seminar will update practitioners on the necessary laws to be followed under the foreclosure proceedings. Deliberations on e-lelong together with the changes introduced thereto will help those interested in this area of law to grasp the challenges that lay ahead.

Among the highlights of this seminar are:

- ▶ Procedures for filing the relevant documents and cause papers in court
- ▶ Highlights on relevant case law
- ▶ Conduct of auction
- ▶ Challenges faced by the relevant authorities involved in auction-related matters
- ▶ New challenges facing the financial institutions
- ▶ Implementation and conduct of e-lelong
- ▶ Q & A Session



Bar Council Malaysia CPD Points:

**6 CPD POINTS**

T2/21112017/CCPCLJ/KL172676/6

A **Certificate of Attendance** will be given after completion of each seminar

# Bankruptcy & Winding Up

## Impact of the New Legislative Regime

### Programme

8.00 am - 9.00 am	Registration & light breakfast
9.00 am - 9.40 am	<b>Opening Address: Eschewing the Stigmas And Transforming the Mindset</b> <b>Datuk Abdul Rahman Putra bin Dato' Haji Taha</b>   <i>Director General of Insolvency</i>
9.40 am - 10.40 am	<b>Substantive Reforms in Bankruptcy Law</b> <b>Chan Kok Keong</b>   <i>Partner, Shook Lin &amp; Bok</i> <ul style="list-style-type: none"><li>• Introduction to the changes affecting the Bankruptcy Act 1967</li><li>• Overview of the differences between the old Bankruptcy Act regime and the new Insolvency Act</li><li>• Features of the new Insolvency regime- Process &amp; Procedure</li><li>• Q&amp;A Session</li></ul>
10.40 am - 11.10 am	Break
11.10 am - 12.30 pm	<b>Substantive Reforms in Bankruptcy Law (Cont.)</b> <b>Chan Kok Keong</b>   <i>Partner, Shook Lin &amp; Bok</i> <ul style="list-style-type: none"><li>• Pre-bankruptcy rescue mechanism for debtors - Voluntary Arrangement, Interim Order</li><li>• Safeguards &amp; protection of sureties, social guarantors</li><li>• Discharge of Bankrupts</li><li>• Insolvency Assistance Fund</li><li>• Q&amp;A Session</li></ul>
12.30 pm - 1.30 pm	Lunch
1.30 pm - 2.40 pm	<b>From Filing to Bankruptcy Order: Procedures &amp; Challenges</b> <b>Gavin Jay Anand Jayapal</b>   <i>Principal, Gavin Jayapal</i> <ul style="list-style-type: none"><li>• Procedural steps- Initiating and maintaining bankruptcy proceedings</li><li>• Relevant cause papers and timelines for filing and service of relevant documents</li><li>• Defending bankruptcy proceeding</li><li>• Common errors and procedural pitfalls</li><li>• Courtroom etiquette and practice points</li><li>• Q&amp;A Session</li></ul>
2.40 pm - 3.00 pm	Break
3.00 pm - 5.00 pm	<b>Winding Up under the New Companies Act 2016</b> <b>Alex Chang Huey Wah</b>   <i>Managing Partner, Alex Chang &amp; Co.</i> <ul style="list-style-type: none"><li>• Changes to the Companies Winding Up Laws</li><li>• Is a Judgment a pre-requisite after the amendments</li><li>• Commencement of Companies Winding Up Commences upon the presentation or after Companies Winding Up order</li><li>• What is the minimum amount of debts to sustain a Statutory Notice</li><li>• Any changes to the definition of 'Unable to pay its debts'</li><li>• How to save money by advertising twice instead of four times in the Newspapers</li><li>• Costs</li><li>• Interpretation by the Federal Court of the word 'and' as 'disjunctively' instead of 'conjunctively'.</li><li>• How <b>RM74 million court judgment in assessment of damages on the valuation of shares was reduced to nothing</b></li></ul>

Bonus Chapter

Bonus Chapter

### Speaker Profile



**Datuk Abdul Rahman Putra bin Dato' Haji Taha** |  
*Director General of Insolvency*

Datuk Abdul Rahman Putra graduated from University of Canterbury, New Zealand and began his career in the Judicial and Legal Service as a Magistrate in 1985. He held various posts in the Attorney General's Chambers and served various governmental agencies as Deputy Public Prosecutor with the Anti-Corruption Agency (now known as Malaysia Anti-Corruption Commission), the State Legal Adviser of Melaka, Legal Adviser for Islamic Development Department (JAKIM), Deputy Public Prosecutor with the Securities Commission and State Legal Adviser of Johor. He was also appointed as the Director of Examination, Certificate of Legal Practice before being appointed as the Director General of Insolvency (DGI) on 1 April 2016. He heads the Department of Insolvency and is the designated government official in the administration of bankruptcy in Malaysia.



**Gavin Jay Anand Jayapal** | *Principal, Gavin Jayapal*

Gavin is a graduate of the University of Leeds and was called to the degree of the Utter Bar of the Honourable Society of the Middle Temple. His area of practice involves solely on litigation and arbitration. Gavin has handled numerous contentious disputes, at all hierarchies of the Malaysian Judiciary. He is listed as a speaker for the Malaysian Bar and has delivered (and continues to deliver) lectures for the Malaysian Bar's Continuing Professional Development scheme, pertaining to company law.



**Chan Kok Keong** | *Partner, Shook Lin & Bok*

Kok Keong joined Shook Lin & Bok in 1998 as an associate and became a partner in 2004. His area of speciality is Banking & Finance Litigation. In this area, he regularly acts for financial institutions and corporations in cases of recovery (conventional and Islamic financing), enforcement and security realisation (land, shares and maritime vessels) and insolvency practice (company liquidation, bankruptcies and receiverships). He has also acted in cases of maritime vessel ownership disputes, recovery of compensation for professional negligence, fraud and misappropriation of assets, land acquisition, recovery of property seized/forfeited under anti-money laundering/terrorism financing/drug offence related laws and disputes involving commercial financing instruments. He also speaks at conferences/in house events and conducts legal workshops.



**Alex Chang Huey Wah** | *Managing Partner, Alex Chang & Co.*

Alex Chang obtained his Bachelor of Laws from Queen Mary College. He is now the managing partner of Alex Chang & Co. He was involved in the following publications, inter alia, The Companies Winding Up Handbook, published by the Malaysian Law Journal; Footprints of a Judge's Journey Through Mother Earth published by the Malaysian Current Law Journal; and the Recommended Practice Guide - Minutes Writing, published by MAICSA. His Winding Up Handbook was frequently referred to by the courts as reference material. Alex has been delivering talks in seminars and workshops organised by the Bar Council of Malaysia, the Kuala Lumpur, Selangor, Johor, Pahang, Perak Bar Committee, Sabah Law Association, Advocates Association of Sarawak, Malaysian Institute of Accountants and Chartered Secretaries Malaysia.

### Who Should Attend

- ▶ Lawyers
- ▶ In-house counsels
- ▶ Bank and financial institution officers specialising in credit, recovery and litigation
- ▶ Finance Managers and Financial Controllers
- ▶ Credit management advisors
- ▶ Fund managers
- ▶ Accountants & auditors
- ▶ Regulators
- ▶ Representatives of government agencies
- ▶ Researchers & Academicians

# Auction, e-Lelong & Foreclosure

## Understanding the New Fundamentals

### Programme

8.00 am - 9.00 am	Registration and light breakfast
9.00 am - 10.30 am	<b>Foreclosure Proceedings: Legalities &amp; Procedures</b> <b>Alex Anton Netto</b>   <i>Partner, Dee, Netto, Fatimah &amp; Ng</i>
10.30 am - 11.00 am	<i>Break</i>
11.00 am - 12.30 pm	<b>Auctions under the National Land Code 1965</b> <b>Tan Gian Chung</b>   <i>Partner, Shook Lin &amp; Bok</i> <ul style="list-style-type: none"><li>• Enforcement of Orders for Sale</li><li>• Challenges faced by lawyers</li><li>• Effect of non-compliance with the procedures</li><li>• Differences between land office and court auctions</li><li>• Rights of chargee bank</li><li>• Challenges faced by chargee during recovery process: Working with the chargee bank from a lawyer's perspective</li></ul>
12.30 pm - 1.30 pm	<i>Lunch</i>
1.30 pm - 3.00 pm	<b>Auctioning Landscape: The Grey Areas</b> <b>Shanmughananthan @ Jeevan Muniandy</b>   <i>Founder, Khoshee Auctioneers Sdn Bhd</i>
3.00 pm - 3.30 pm	<i>Break</i>
3.30 pm - 5.00 pm	<b>e-Lelong: The New Era</b> <b>Datuk Haji Aslam bin Zainuddin</b>   <i>Deputy Chief Registrar I (Policy) - to be confirmed</i>

### Speaker Profile



**Alex Anton Netto** | *Partner, Dee, Netto, Fatimah & Ng*

Alex Anton Netto was called to the Bar in 2008. From time to time, he is regularly sought after by companies, financial institutions and individuals for general advice. He has represented financial institutions in loan reconstruction exercises with defaulting borrowers, winding-up actions, bankruptcy proceedings, divorce petitions and in proceedings for grant for probate or letters of administration. He is a criminal litigation partner of the firm and also sits as a committee member of the Kuala Lumpur Bar Committee.



**Shanmughananthan@Jeevan Muniandy** | *Founder, Khoshee Auctioneers Sdn Bhd*

Shanmughananthan@Jeevan Muniandy, a Universiti Malaya accredited auctioneer has 15 years of Real Estate experience behind him. He graduated with a Bachelor's Degree in Accountancy from Universiti Putra Malaysia in 1999 and embarked onto a career as a real estate agent and went on to become a successful auctioneer. He is a licensed auctioneer in Penang, Kedah, Kuala Lumpur, Selangor and Perak. He is a recognized auction expert, speaker and trainer. He is the founder of Khoshee Auction (Foreclosure Auction House), BMV Property Link PLT and the Malaysian Bidders Association (Pro Term President since 2015). He is an author of the book titled "Real Estate Auction in Malaysia". He is also a member of MIEA, FIABCI Certificate of auctioneer programme (SAAPAHM) at Universiti Malaya (UM).



**Tan Gian Chung** | *Partner, Shook Lin & Bok*

Gian Chung was called to the Bar in 1999 and joined Shook Lin & Bok in 2001 as a Legal Associate. He became a partner in 2007 and is the Deputy Head of the TMT Law department. He is often called upon to advise and act for the industry regulator on a broad range of matters pertaining to multimedia and communications laws, including dispute resolution. He has also advised on various aspects of the burgeoning FinTech scene. Gian Chung has also spoken at conferences locally and abroad on trending TMT-related topics such as cloud computing and the impact of personal data legislation on human resources, and privacy law compliance on customer information. Gian Chung's other practice areas include commercial and civil litigation with emphasis on banking & finance litigation, insolvency & restructuring and strata management. Gian Chung was named as a Leading Lawyer in the category of Insolvency & Restructuring in the Islamic Finance News 2012 Poll.

### Who Should Attend

- ▶ Lawyers
- ▶ In-house counsels
- ▶ Bank and financial institution officers
- ▶ Regulators
- ▶ Representatives of government agencies
- ▶ State Legal Advisors, Senior Federal Counsel, Federal Counsel
- ▶ Auctioneers
- ▶ Valuers
- ▶ Land Owners
- ▶ Developers
- ▶ Land offices
- ▶ Researchers & Academicians

# Registration Form

Please fill in the form in BLOCK LETTERS

## Registration Fees

	Bankruptcy & Winding Up Impact of the New Legislative Regime	Auction, e-Lelong & Foreclosure Understanding the New Fundamentals	Both Seminars
<b>Early Bird Registration</b> <i>(Registered and paid by 20 October 2017)</i>	RM700 <input type="checkbox"/> RM742 <i>(incl. GST)</i>	RM700 <input type="checkbox"/> RM742 <i>(incl. GST)</i>	RM1,200 <input type="checkbox"/> RM1,272 <i>(incl. GST)</i>
<b>Normal Registration</b> <i>(For registration after 20 October 2017)</i>	RM850 <input type="checkbox"/> RM901 <i>(incl. GST)</i>	RM850 <input type="checkbox"/> RM901 <i>(incl. GST)</i>	RM1,450 <input type="checkbox"/> RM1,537 <i>(incl. GST)</i>

For group registration, please contact us at **(603)-4270 5400** for special promotion

## Who to Invoice and Contact?

Name \_\_\_\_\_  
Designation \_\_\_\_\_  
Company \_\_\_\_\_  
Industry \_\_\_\_\_  
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## Delegate Details (Name to appear on certificate)

(1) Name \_\_\_\_\_  
Designation \_\_\_\_\_ B/C No (if applicable) \_\_\_\_\_  
Email \_\_\_\_\_  
Please select (v) the seminar you'd like to attend:  Bankruptcy & Winding Up  Auction & Foreclosure  
 Please tick if you require vegetarian meals

(2) Name \_\_\_\_\_  
Designation \_\_\_\_\_ B/C No (if applicable) \_\_\_\_\_  
Email \_\_\_\_\_  
Please select (v) the seminar you'd like to attend:  Bankruptcy & Winding Up  Auction & Foreclosure  
 Please tick if you require vegetarian meals

(3) Name \_\_\_\_\_  
Designation \_\_\_\_\_ B/C No (if applicable) \_\_\_\_\_  
Email \_\_\_\_\_  
Please select (v) the seminar you'd like to attend:  Bankruptcy & Winding Up  Auction & Foreclosure  
 Please tick if you require vegetarian meals

(4) Name \_\_\_\_\_  
Designation \_\_\_\_\_ B/C No (if applicable) \_\_\_\_\_  
Email \_\_\_\_\_  
Please select (v) the seminar you'd like to attend:  Bankruptcy & Winding Up  Auction & Foreclosure  
 Please tick if you require vegetarian meals

## Payment Details

**Cheque** *(Cheque should be made payable to The Malaysian Current Law Journal Sdn Bhd. Kindly also state your name/organisation name and contact number at the back of the cheque)*

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## Approving Manager

To process your registration, kindly provide the name and signature of a manager who is authorized by your firm/organisation to approve the seminar fees.

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## Terms & Conditions

### General Terms & Conditions

Kindly take note that by completing, signing and sending us this registration form, you are confirming your respective seat(s) for attendance of this seminar(s). You are also confirming your understanding and acceptance of our Payment and Cancellation Policy.

Full payment of the amount shall be made within fourteen (14) days from the date of the issuance of invoice or on the event day, whichever earlier. Delegate(s) who choose to pay on the event day will be required to submit a Letter of Undertaking beforehand.

A confirmation email will be sent to each delegate after payment is processed by Malaysian Current Law Journal (CLJ). If you do not receive a confirmation by 3 November 2017, please call us at (603) 4270 5400.

CLJ reserves the right to change the date, venue and speaker(s) for the seminar(s) where necessary.

Should we have to cancel or postpone the seminar, our responsibility is limited to a refund of any registration fee(s) already paid. CLJ is not responsible for travel, accommodation or other related/unrelated expenses which may have been incurred by delegate(s) attending this seminar.

### Cancellation Policy

If delegate(s) decide to cancel their enrollment, the following terms shall apply:

- Written cancellation received 4 weeks before the event date: A refund of 80% will be made.
- Written cancellation received 3 weeks before the event date: A refund of 50% will be made.
- For cancellation received less than fourteen (14) days before the event date, no refund will be entertained.
- In the event of a no-show, delegates are still liable for the full seminar fee(s) unless cancellation is received by CLJ before the cut-off date above.

You may substitute an alternative delegate(s) by notifying CLJ at least 5 (five) working days before the date of the event. Any differences in fees will be charged accordingly.