

Corporate Rescue - Comparison with other jurisdictions

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	Appointment of provisional supervisor	Initiation of the procedure	Moratorium	Purpose	Duties/Powers of Provisional Supervisor	Employees	Secured Creditors
Hong Kong	Directors Shareholders Provisional Liquidator Liquidator	Directors Shareholders (Not individual) Provisional Liquidator Liquidator	Up to 6 months	More advantageous realisations Survival in whole or part Better return to creditors	Controls company Wide Powers	All entitlements must be provided for	Major secured creditors may veto within 7 days
Australia	Directors Provisional Liquidator Liquidator Holder of floating charge	Directors without court involvement	Up to 3 months	Maximises chance of survival Better return than in winding-up	Controls company Wide Powers	Cap of AUD20,000 (About HK\$80,000)	Floating charge holders have 10 days to appoint receiver
UK Voluntary Arrangement	Directors	Directors without court involvement	None unless combined with an Administration	Voluntary Arrangement	Does not control company Prepares proposal	No provision	Rights not affected
UK Administration	The court on petition of directors or creditors	Directors and Creditors by petition to court	Yes. No limit.	Survival in whole or part Sactioning of a compromise or arrangement Better return than in winding-up Voluntary arrangement	Controls company Wide Powers	No provision. Redundancy fund used for payment of arrears of wages	Floating charge holders have 10 days to appoint receiver
New Zealand	Directors Receiver Liquidator Shareholder	Directors Receiver Liquidator Shareholder Creditors	No, but court may stay proceedings	Compromise with creditors	Does not control company	No provision	Rights not affected
Canada Bankruptcy and Insolvency Act	Directors Receivers Liquidators	Directors Receivers Liquidators By filing in court	Up to 6 months	Compromise or arrangement with creditors	Does not control company	Employers' preference for up to C\$2,000 (HK\$10,000) for wages	Rights not affected
Canada Companies Creditors Arrangement Act	Directors	Directors (Liquidators) By filing in court	30 days but may be extended by court	Compromise or arrangement with creditors	Does not control company Court may impose constraints	Same as above	Secured creditors vote on proposal in separate classes 2/3 is in favour binds all
Singapore Judicial Management	The court on the application of creditors or the company	Directors Shareholders Creditors Liquidator	Automatic stay on all proceedings for 6 months. May be extended by court	Same as UK administration above	Controls company	No protection but employees who are creditors may be represented at creditors' meetings by Trade Union	As under UK administration
Singapore Scheme of Arrangement	N/A	Directors	Court may stay proceedings but separate applications required in each case	Voluntary Arrangement	Does not control company	It seems that there is no protection	Secured creditors vote by classes similar to Canada's CCAA above