Minority Shareholders' Rights

by

Mr. Richard Leung,
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Richard joined the legal profession in 1994 after an extensive foray into the world of accounting. He brings together resourcefulness, energy and years of senior level experience at KPMG and Hutchison Paging Ltd to his legal practice - and has now been at the Bar for 20 years. He specialises in commercial law, company law, construction, arbitration and civil law. His business acumen and thought-out advice has resulted in a healthy list of predominantly local clientele.

Richard has been involved in a slew of cases, which range from contentious estate duty matters to shareholder/director conspiracy.

His company law and civil expertise is augmented not only by his accounting background but also by his leading arbitration and Company Secretaryship credentials. Richard is a Chartered Arbitrator and Accredited Mediator and is a member of the Guardianship Board and a Former President of the Hong Kong Institute of Chartered Secretaries.

The course will cover the followings:

- **Why minority shareholders need protection**
  1. Fundamental concepts of company law
  2. The rule in Foss v. Harbottle (1843) 2 Hare 461
- **Just and equitable winding up petition:** s.177(i)(f) of C(WU&MP)O, Cap.32
  1. Locus standi: who can lodge such petition?
  2. What is "just and equitable"?
- **Unfair Prejudicial petition:** s.724 New CO, Cap.622 [s.168A of old CO, Cap.32]
  1. Four crucial requirements under former s.168A which should be applicable to s.724 New CO
  2. Examples of unfairly prejudicial conducts
  3. Remedies: no limit and the type of remedial orders (s.725 New CO)
  4. Correlation between s.168A [s.724 New CO] and s.177(1)(f)
- **Derivative actions: Common law and statutory:** s.732 New CO, Cap.622 [s.168BC of old CO, Cap.32]
  1. Exceptions to the rule in Foss v. Harbottle, a derivative action under common law
  2. The statutory derivative action ss.168BA-BK: a new statutory regime that first came into operation on 15 July 2005 [now s.732 New CO]
- **Convent a general meeting on requisition:** s.566 New CO, Cap.622 [s.113 of Old CO, Cap.32]
- **Inspection of books and records:** s.740 New CO, Cap.622 [s.152FA of Old CO, Cap.32]
- **Discussion of some interesting Hong Kong cases**

Scan to Calendar

Code:	**EVT000000125**	Level:	**Intermediate**
Date:	**26 August 2016 (Friday)**	Language:	**English**
Time:	**14:30 - 17:45** (Reception starts at 14:00)	Accreditation(s):	**LSHK 3.0 CPD Points** (LSHK Allocated Number: 20161076) **SFC 3.0 CPT Hours**
Venue:	**Kornerstone Institute** 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	**Please Contact Us for Details**

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