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2021

VOLUME I

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Preface

Over the last couple of decades there has been a significant increase in the volume and variety of companies matters coming before Hong Kong's High Court. This is largely a consequence of the rapid expansion of China's economy and Hong Kong's central role in the provision of financial services to Chinese businesses. The controversies range from sophisticated shareholder disputes to complex transnational debt restructuring. Hong Kong's jurisprudence has been greatly enriched by the decisions of the Court and there has been a commensurate growth in the knowledge and skill of the legal profession.

A common feature in the corporate structures adopted by Chinese businesses is the use of holding companies incorporated in off-shore jurisdictions; commonly the Cayman Islands, Bermuda and the British Virgin Islands. As a consequence the Court has found itself increasingly faced with cross-border issues, which have been made more complex to resolve by virtue of the absence of any legislation in Hong Kong dealing with recognition and assistance of foreign insolvency proceedings. As a result Hong Kong has in recent years produced a significant number of decisions exploring the limits of common law techniques for assisting creditors, shareholders and foreign insolvency practitioners in dealing with the complications to which these structures give rise. It has also meant that the foreign jurisdictions themselves have increasingly produced decisions, which are relevant to practitioners in Hong Kong advising clients on transnational insolvencies and shareholder disputes.

Many local decisions do not find their way into Hong Kong's principal law reports and overseas decisions tend to be overlooked by all but the most diligent and specialist lawyers. Kluwer's Hong Kong Company Law Cases will play a valuable role in bringing together all local decisions of any significance, and judgments from off-shore jurisdictions, in one place making it easier for practitioners to be confident that they are providing clients with the most complete and up-to-date advice and also, I hope, ensuring that the Court's attention is drawn to all relevant authorities.

My felicitations to all those involved in the production of the new reports.

The Honourable Mr. Justice Jonathan Harris
The High Court of Hong Kong

Volume I

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