

209B. Consequences of an order under section 209A

Where an order is made under section 209A that the winding up of a company shall be conducted as if it were a creditors' voluntary winding up—

- (a) the date of—
 - (i) the commencement of the winding up shall be the date deemed under section 184 to be the date of the commencement of the winding up by the court;
 - (ii) the appointment of the liquidator shall be the date of the appointment (or first appointment) of a provisional liquidator in the winding up by the court; and
 - (iii) the order for winding up shall be the date on which the order for winding up by the court is made,for any purpose for which the date of the commencement of the winding up, the date of the appointment of a liquidator or the date of the winding-up order respectively is relevant under this Ordinance;
- (b) sections 182, 183 and 186 shall continue to apply;
- (c) the rights of a creditor or a contributory under section 257 shall not be affected;
- (d) the fees of the liquidator and any charges or expenses due and payable under section 296 or under any other provision in this Ordinance up to the date of the order made under section 209A shall be paid forthwith out of the assets of the company in priority to all the other claims;
- (e) the statement of the affairs of the company, and any supplementary affidavit in relation to that statement, required to be submitted under section 190 and the accounts of the liquidator up to the date of the order made under section 209A may be inspected by the creditors; (*Amended 14 of 2016 s. 48*)
- (f) any creditor is entitled to have a copy of any document referred to in paragraph (e) on payment of reasonable photocopy charges (if any);
- (g) the court shall make such other orders as it considers appropriate to safeguard the books, records and documents of the company in the custody of the liquidator or the Official Receiver, and notwithstanding section 283 or any other provision of this Ordinance or the Companies Ordinance (Cap. 622) they shall not be disposed of otherwise than as specified in such order. (*Amended 28 of 2012 ss. 912 & 920*)

(*Added 59 of 1990 s. 2*)