

## VIETNAM: EFFECTIVE BUSINESS COLLECTIONS AND DEBT RECOVERY

(Half Day Workshop: 130pm to 5pm)

**Singapore 8 October 2013**

**Kuala Lumpur 28 October 2013**

### **Bankruptcies outnumber new start-ups**

*"The number of enterprises suspending operation and dissolving business in the first quarter exceeded the number of newly-established ones, signalling a year full of difficulties for the economy."*

*According to a report of the Ministry of Planning and Investment, there were up to 15,839 enterprises suspending operation or declaring bankruptcy in the first quarter compared to 15,707 newly-established ones"*

*Tu Hoang, The Saigon Times Daily, 3<sup>rd</sup> April, 2013*



This half day workshop is organized to support foreign businesses and investors in understanding and dealing with business collections and debt recovery in Vietnam.

The speaker, the Executive Director of an established professional accountancy firm in Vietnam, has chaired and spoken in numerous workshops and conferences on Vietnam debt recovery. His firm has a business alliance with an established law

firm in Vietnam for client servicing in credit controls and debt recovery.

Main topics of the seminar include understanding the business and regulatory context of collection in Vietnam, pre-litigation measures, the debt recovery process and fraud prevention.

### **Session 1 Understanding the Regulatory and Business Context of Collections in Vietnam**

- Company law and contractual authority in signing purchase agreements
- Salient points on the legal system, administrative and enforcement processes in Vietnam
- Tax invoices and tax compliance
- Vietnamese method for accounting on receivables / payables and how this can affect business collections
- Exchange control and outbound remittances
- Withholding tax for payments of services
- Understanding Vietnamese business practices vis-à-vis sales and collections

### **Session 2 Pre Litigation**

- Pros and cons of debt recovery through legal means in Vietnam
- What will improve the chances of legal recovery?
  - Legal basis
  - Evidence
  - Type of clients
  - Nature of debt
- Typical cost of debt recovery through legal means
- Alternative Methods for Debt Recovery - Arbitration and mediation

### **Session 3 The Legal Recovery Process**

- Engaging recovery lawyers and typical fee schedules

- Instituting a proactive legal debt recovery strategy by sales, finance and operational team for the legal debt recovery
- Understanding essential legal terminology used and directly related to the legal debt recovery in Vietnam
- Understanding the legal process for debt recovery (i.e. negotiation, litigation or arbitration, and enforcement);
- Preparing and initiating legal actions
- Judgment and enforcement
- The essential issues of the bankruptcy and liquidation needed to know for the legal debt recovery

#### Session 4

##### Internal Control and Fraud Prevention

- Typical breaches in internal controls in Vietnam - case studies
- Understanding the factors / reasons behind corporate / credit fraud and implementing fraud prevention mechanism in companies
- Enhancing credit policy and increasing monitoring of sales and collection in Vietnam

#### Who Should Attend

- CFO, Financial Controller
- Country Manager for Vietnam Operations
- Credit Controller, Managers and Executives
- Legal and corporate services director / managers
- Sales and Marketing Directors and Managers

#### Speaker / Consultant

##### Lim Chor Ghee



Based in Ho Chi Minh City, Vietnam since 2007, Chor Ghee is the Executive Director of Vietvalues Audit & Consulting. He has spearheaded the development of the Vietnamese consultancy group from a mid size local practice to an internationally affiliated firm of more than 200 professional staff.

Chor Ghee is involved in foreign direct investment advisory, taxation and legal / business advisory.

He started his career with Coopers & Lybrand and Price Waterhouse. Thereafter, he joined a multinational listed in Hong Kong and left as the vice president (legal & corporate affairs) for the USD1.5bn-turnover company in 2002. In that capacity, he managed legal, taxation, and corporate affairs for the group's business operations in more than 15 countries.

Professionally, Chor Ghee is a member of CPA Australia, Academy of International Business (USA), Malaysian Institute of Accountants and Chartered Institute of Taxation (Malaysia). He holds several academic qualifications from distinguished universities - Master of Business Administration (Distinction) degree from Heriot Watt University, Master of International Studies (in Political Economy and International Relations) degree from the University of Sydney, Postgraduate Certificate in Electronic Business from the University of Southern Queensland, and Bachelor of Commerce degree from the University of Melbourne. He was a doctorate candidate with the University of South Australia until 2008 and was awarded the Master of Advanced Business Practices degree after completing several stages of the research program.

Chor Ghee is an Adjunct Professor with Management & Science University (MSU) Malaysia, and a visiting MBA lecturer in accounting and finance with the University of Economics of Ho Chi Minh City (ISB) and Centre Franco-Vietnamien de formation à la Gestion (CFVG).

He has spoken at regional conferences and workshops in promoting Vietnam investment in more than 8 countries, and is a regular speaker for CPA Australia, ACCA, CIMA, Vietnam Supply Chain Council, Institute of CPAs Singapore, Malaysian Institute of Accountants, Vietnam Association of Accountants and Auditors (VAA), and Vietnam Association of CPAs.

He attended the ASEAN Federation of Accountant's Council Meeting in 2011 (Kuala Lumpur) and 2012 (Phnom Penh and Manila) as an official delegate for Vietnamese Associations of Accountants and Auditors, the representative body for accountants in Vietnam.

#### Supporting Organizations



VIETVALUES Audit & Consulting Group provides business and investment advisory, auditing, taxation, M&A and accounting services. The Group has more than 200 professional staff in Ho Chi Minh City, Hanoi and 8 other offices throughout Vietnam.

Our engagement partners and consultants are accounting, finance and legal professionals who are well-equipped to address your business needs in

leveraging opportunities while meeting the challenges of operating in Vietnam.

We speak Vietnamese, English and Chinese, and service foreign and Vietnamese clients in the following areas:

- Audit and Assurance
- Tax Advisory and Compliance Services
- Accounting and Book-keeping
- Financial and Transactional Advisory
- FDI Advisory and Investment License Application
- Business Valuations
- Construction audit and accounting

Our Financial Advisory team provides financial due diligence, transactional advisory, structuring and valuation services. Our financial experts have many years of experience advising foreign clients in investing and acquiring business in Vietnam.

Vietvalues Audit and Consulting Co., Ltd becomes a member firm of **Reanda International**, and works closely with our member firms in Hong Kong, Japan and China for business acquisitions in Vietnam.

**Phuoc & Partners Law Firm**  
<http://www.phuoc-partners.com>



Phuoc & Partners Law Firm (Vietnam) is an independent law and consulting firm with integrated legal and tax advisory practices. Focusing on our commitment to provide a one-stop-service to our international and local clients, we enable our clients to reduce their administrative overhead and focus on their core business activities.

Phuoc & Partners' professional partners and staff consists of nearly 50 Vietnamese and foreign lawyers and specialists (including one doctor and six foreign and local masters of law LL.M) working across three offices in Ho Chi Minh City, Ha Noi and Da Nang to take care of all legal matters of our clients nationwide.

In addition to three offices in Ho Chi Minh City, Ha Noi and Da Nang, Phuoc & Partners maintains liaison offices in Bangkok and Singapore. Furthermore, Phuoc & Partners maintains intensive relationships with prominent law and tax firms in Europe, the United States, Singapore and Korea, to offer top-level advice worldwide and effective structuring and supervising of domestic as well as international legal and consulting matters. Thus, we can count

on a continuously growing number of well-known clients.

Due to the firm's capacity for effectively structuring domestic as well as foreign legal and consulting matters, Phuoc & Partners is the perfect choice for large and medium-sized businesses, international corporations, banks, and other financial institutions.

### **Announcement of Business Alliance**

Since 2012, **Phuoc & Partners Law Firm** and **Vietvalues Audit & Consulting Group** have entered into a business alliance to provide integrated legal and accounting solutions to clients investing and doing business in Vietnam, subject to the practice strength of each firm.

With a combined team of about 50 lawyers and 200 accountants across Vietnam, we are well placed to support foreign and local clients for sophisticated M&A and large investment projects in Vietnam, while at the same time offering seamless accounting, payroll and tax compliance and advisory solutions. Our nationwide presence enables clients to tap into our expertise and support as their business expands throughout Vietnam.

### **For inquiries:**

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Vietvalues: Mr Lim Chor Ghee  
Email: [cglim@vietvalues.com](mailto:cglim@vietvalues.com)

### **Profile of Lawyer for Printed Presentation Material Only**



### **Lawyer Pham Quoc Tuan**

Pham Quoc Tuan is a Partner of Phuoc & Partners, jointly heading up the firm's Dispute Resolution Practice. Attaining more than 10-year experience in settlement of conflicts and differences in the diversity of fields, the principle areas of which are commerce, civil, real estate, labour and insurance, he has been regarded and acknowledged as an expert of Negotiation, Mediation, Arbitration and Litigation in Vietnam.

Pham Quoc Tuan graduated from the Harvard Law School, Program on Negotiation and the Master of Law in International and Commercial Dispute Resolution Law (LL.M) in the United Kingdom in 2011. Previously, he was admitted to the Bar Association of Khanh Hoa Province in Vietnam in 2006 after his completion of the LL.B course in the Law University of Ho Chi Minh City, majoring in commercial and the Ho Chi Minh City University of Economics five years before. In the same year, he was in the Coordination

Board of the Group of Young Lawyers in Ho Chi Minh City, Vietnam.

In terms of varying experience collected prior to his participation in Phuoc & Partners, Pham Quoc Tuan worked in leading Vietnamese law firms, such as Lucy Wayne & Associates, Thang & Associates, Luat Viet Advocates and Solicitors, and also undertaken the position as the Legal Manager in multinational foreign invested enterprises in Vietnam.

As a commercial lawyer, Pham Quoc Tuan has acted for various companies in joint venture, investment disputes, commercial contractual disputes, insurance and construction disputes, one of which was the Park Hyatt Hotel case in Ho Chi Minh City. The list of some high-profile clients on which he has experienced as the lawyer and advised are Coca-Cola, Prudential Insurance Company, Samsung Vina, Daewoo, Perfetti Van Melle, Schlumberger, Hagen O'Connell LLP, Nam of London and Surbana International Consultants Pte Ltd. The clients have, therefore, demonstrated him as an excellent negotiator, a renowned expert and knowledgeable advocate in litigation for all kinds of Court and Arbitration Procedures.

As a result of mastering his negotiation skills, Pham Quoc Tuan has been locally and regionally recognized for his undefeated record in effectively dealing with the tough obligators for recovery of the outstanding amount arising out from purchasing and selling the goods as taking as the civil lawyer. His most recent work covers the successful defense of a well-known multinational oil and gas company in a labour lawsuit the claim value in which is biggest in Vietnam so far.

Asia Pacific Legal 500 has named him as one of the top litigators in the field of dispute resolution and as a recommended counsel for the civil disputes. As such, Pham Quoc Tuan is regularly invited to international seminars in Singapore to speak on issues regarding Negotiation and Dispute Resolution in Vietnam.

**Write-Up: Debt Recovery Litigation**  
<http://www.phuoc-partners.com/practice-view/practices/debt-recovery-litigation/Default.aspx>

#### **a. Recovery Action through Court in Vietnam**

Taking legal action to reclaim a debt can be seen as a last resort, as often just the merest indication that you intend to bring legal proceedings will often be sufficient to make your customers settle. However, should your debt recovery processes fail, there are several points to consider before beginning any legal process.

The court often expects your company to make an effort to resolve your dispute with the other party before your company's legal action. Therefore a court hearing takes place only after your company has tried to reach an agreement with the customer.

#### **b. Choosing a Lawyer**

Finding a lawyer can be a challenge, and personal recommendations are often a good way to decide. Before you make a decision, ask the following questions:

- Is there any firm specialising in debt recovery?
- Does the firm have a mediator or dispute resolution service that you can consider as an alternative option?
- How will you be charged – a per hour rate plus expenses or by the percentage of the sum recovered?
- If they do business on a 'no win, no fee' basis, are there any hidden costs? Will you have to pay court costs?

#### **c. What we do**

Our recovery team provides a one stop shop from initial advice through judgments and enforcement. We undertake all methods of enforcement including charging orders and insolvency action. The team provides commercial advice at every stage of the litigation procedure.

#### **d. Our fee**

We have a variety of reasonable fee packages for any considerable work and will discuss individual requirements. A one size fits all approach is not applied as each case is handled on its own merits.

If you would like further information on how our firm can assist in addressing your debt recovery and litigation issues, please either email to our Partners at: [info@phuoc-partners.com](mailto:info@phuoc-partners.com) or call to our office at: +84 (8) 3823 5895

### **Event Organizer PELIGO Advanced Learning Academy**

 A regional alliance of conference organizers and training companies that brings to you strategic financial and business management programs aimed at equipping professionals with global managerial skills. Our event producers have many years of experience in putting together contemporary conference and workshop topics for highly targeted audience. We invite expert speakers who are practicing consultants, senior corporate executives and distinguished academics with extensive experience in the areas of cross border financial management, international tax planning, corporate finance, strategic management and applied accounting.



Over the years, we have received the continuous support from our clients and sponsors that include major public listed and multinational companies, large enterprises, government bodies and established consulting firms in the region.



Indochina Link derives its synergies from the alliance of regional business advisors, lawyers, accountants and entrepreneurs who are committed to intensifying business and investment link in the Indochina region.

Our alliance members are strong believers of further economic integration in the greater Mekong region. We see vast opportunities offered in this region of abundant natural resources and dynamic population that complements the economic and financial clout of vibrant East Asian economies.

The alliance was incepted in Vietnam in 2007. We have organized many Indochina investment and "doing business" conferences and workshops in Singapore, Kuala Lumpur, Ho Chi Minh City, Jakarta and Bangkok. Indochina Link has spearheaded many study tours and business exchanges, and has worked with trade promotion institutions and professional bodies for exchanges in the region.

We publish "doing business" information, and with the growing cross border investment and M&A activities in Indochina, we offer business intelligence, market feasibility studies and market research reports. Working closely with our alliance members in Vietnam, Cambodia, Thailand and Laos, we also offer a full suite of professional services ranging from valuation, due diligence, structuring, tax planning and accounting.

## Registration Details

**Early Birds! Pay By 30<sup>th</sup> Sept 2013**

**SGD 280 per person**

*10% discount for groups of 3*

**Normal Price**

**SGD 350 per person**

*10% discount for groups of 3*

## Event Consultants

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203 Jalan Bukit Bintang

55100 Kuala Lumpur

### Notes:

Confirmation of attendance is subject to receipt of full payment. No cancellation will be entertained after confirmation, but substitutes are allowed.

### Our Track Record

- VIETNAM: Practical Strategies for Market Entry in Trading, Distribution and Retailing - Opportunities in Challenging Times  
Singapore 28 May 2013  
Kuala Lumpur 20 May 2013
- VIETNAM - Acquisition and Structuring of Businesses  
Singapore 12 March 2013  
Kuala Lumpur 11 March 2013

- VIETNAM - **Debt Collection** – Strategies and Practice (in collaboration with Vietnam Supply Chain Council), Renaissance Riverside Hotel, Ho Chi Minh City, 22 March 2013
- VIETNAM – Effective **Debt Collection** – Strategies and Practice: The Commercial Practices and Legal Procedures for Debt Recovery , Nikko Hotel, Ho Chi Minh City, 16 May 2012
- VIETNAM - Managing **Commercial Credit Risk**, How to sustain sales while ensuring effective collection Norfolk Hotel, Ho Chi Minh City, 5 Oct 2011
- Vietnam Investment Updates - Setting Up and Acquiring Business  
23<sup>rd</sup> August 2012, Singapore  
13<sup>th</sup> August 2012, Kuala Lumpur
- VIETNAM: Acquisition of Business-Legal, Tax and Practical Considerations  
14<sup>th</sup> May 2012 Singapore  
20<sup>th</sup> April 2012 Kuala Lumpur  
13<sup>th</sup> March 2012 Ho Chi Minh City
- Effective Debt Collection in Vietnam– Strategies and Practice  
18<sup>th</sup> August 2011 **Ho Chi Minh City**
- VIETNAM: International Tax Planning MasterClass  
4 May 2011 **HCMC** / 4 July 2011 **Hanoi**
- Corporate Management of Foreign Exchange Exposure  
21 April 2011, Sheraton Hotel, **HCMC** (in collaboration with CFVG)

.....And many other workshops in the region on Vietnam investment since 2006.....

#### Other activities:

- Lead organizer for Multimedia Development Corporation (MDeC) for “MSC Malaysia Go Vietnam” Program in 2010 – professional networking and business matching, facilitated business tour and investment consultancy
- In-house “Working and Living in Vietnam” induction workshops targeted at senior managers and managers of major multinational corporations
- High level forum on investing and doing business in Vietnam (legal, government, business practices and working culture) for a major multinational corporation during its senior management’s regional meeting

- Vietnam Business Tour from Malaysia – guided business tour for professional networking, business matching, industry visits, information brokering and investment consultancy.

### Featured powerpoint slides in the Vietnam Debt Recovery Workshop



#### Observations on Debt Recovery in Vietnam

- “Not a legal issue”
- Regulatory framework on bankruptcy / liquidation still developing
- Lack of reliable credit / corporate information, decentralized and not easily accessible
- Dedicated credit manager / legal support / debt collection department is an exception

2



#### ❖ Understanding typical costs payable for debt recovery through legal means

- Lawyer fees (hourly, capped, fixed, dual arrangement, contingent)
- Court fees, arbitration fees
- Proceedings expenses (*Survey charges, translation fees, traveling, accommodation and out-of-pocket expenses*)
- Enforcement fee



#### ❖ To enforce the effective judgments or arbitration awards

#### ❖ The tasks to be handled include:

- Submitting a dossier to the Enforcement Agent (“EA”):
- Closely working with the EA to provide the debtor’s property-related information; and
- The EA will carry out all the possible ways to get the Judgments or Awards enforced.



**Sign Me Up!**  
**Registration Form**



Your business and investment link to the Mekong region

**VIETNAM: EFFECTIVE BUSINESS COLLECTIONS  
AND DEBT RECOVERY**

Peninsular Excelsior Hotel, Singapore  
Tuesday 8 October 2013  
Half Day Workshop: 130pm to 5pm  
(Afternoon coffee break / refreshment provided)

	<u>Name</u>	<u>Email</u>	<u>Designation</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

(10% discount applies to group of 3 or more)

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Do you have an existing business operation in Vietnam? YES / NO

**Payment / Terms & Conditions**

- Payment methods:  
Cheques issued to **INDOCHINA LINK PTE LTD**  
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- **Direct bank-in: OCBC 629 184 607 001**  
Please email the transfer slip to [events@peligotraining.com](mailto:events@peligotraining.com).
- Confirmation of attendance is subject to receipt of full payment. No cancellation will be allowed after confirmation, but substitutes are allowed. The management have right to change the date / venue of the event with notice to given in advance.

## VIETNAM: EFFECTIVE BUSINESS COLLECTIONS AND DEBT RECOVERY

(Half Day Workshop: 130pm to 5pm)

Singapore 8 October 2013

Kuala Lumpur 28 October 2013

1300 – 1330	Registration
1330 - 1500	<p><b>Session 1</b> <b>Understanding the Regulatory and Business Context of Collections in Vietnam</b></p> <ul style="list-style-type: none"> <li>▪ Company law and contractual authority in signing purchase agreements</li> <li>▪ Salient points on the legal system, administrative and enforcement processes in Vietnam</li> <li>▪ Tax invoices and tax compliance</li> <li>▪ Vietnamese method for accounting on receivables / payables and how this can affect business collections</li> <li>▪ Exchange control and outbound remittances</li> <li>▪ Withholding tax for payments of services</li> <li>▪ Understanding Vietnamese business practices vis-à-vis sales and collections</li> </ul> <p><b>Session 2 Pre Litigation</b></p> <ul style="list-style-type: none"> <li>• Pros and cons of debt recovery through legal means in Vietnam</li> <li>▪ What will improve the chances of legal recovery? <ul style="list-style-type: none"> <li>○ Legal basis</li> <li>○ Evidence</li> <li>○ Type of clients</li> <li>○ Nature of debt</li> </ul> </li> <li>▪ Typical cost of debt recovery through legal means</li> <li>• Alternative Methods for Debt Recovery - Arbitration and mediation</li> </ul>
1500 – 1515	<b>Coffee Break</b>
1515 – 1630	<p><b>Session 3 The Legal Recovery Process</b></p> <ul style="list-style-type: none"> <li>• Engaging recovery lawyers and typical fee schedules</li> <li>• Instituting a proactive legal debt recovery strategy by sales, finance and operational team for the legal debt recovery</li> <li>▪ Understanding essential legal terminology used and directly related to the legal debt recovery in Vietnam</li> <li>▪ Understanding the legal process for debt recovery (i.e. negotiation, litigation or arbitration, and enforcement);</li> <li>▪ Preparing and initiating legal actions</li> <li>▪ Judgment and enforcement</li> <li>▪ The essential issues of the bankruptcy and liquidation needed to know for the legal debt recovery in Vietnam</li> </ul>
1630 – 1700	<p><b>Session 4</b> <b>Internal Control and Fraud Prevention</b></p> <ul style="list-style-type: none"> <li>▪ Typical breaches in internal controls in Vietnam - case studies</li> <li>▪ Understanding the factors / reasons behind corporate / credit fraud and implementing fraud prevention mechanism in companies</li> <li>▪ Enhancing credit policy and increasing monitoring of sales and collection</li> </ul>