

《2004年破產(修訂)條例草案》委員會
二零零五年四月一日第六次會議

跟進行動一覽表

私營清盤/破產工作從業員(私營從業員)所提交的標書的評審準則，除包括投標價格外，是否還應包括其他因素，例如投標者過往在無力償債案件方面的工作經驗及提供有關服務的往績？

我們已在早前給予法案委員會的答覆¹中表示，破產管理署打算以公開招標方式，把債務人呈請的簡易程序破產案件外判予私營從業員。

2. 私營從業員必須符合多項預審資格準則，才有資格參與投標。該等準則與現時外判簡易程序清盤案件計劃所採用的準則類似。私營從業員必須是指明專業團體(即香港會計師公會、香港律師會或香港公司秘書公會)的成員，並於取得專業資格後有若干年數的執業經驗，以及曾就無力償債個案提供不少於某個時數的專業或收費服務。如投標者符合預審資格，破產管理署會主要根據投標價格評審標書，但也會考慮投標者提供服務的往績等其他因素。

3. 我們認為擬議的招標安排恰當，特別是因為當局已參考了外判簡易程序清盤案件的經驗。我們亦注意到，在二零零五年四月一日的法案委員會會議上有意見指出擬外判的案件屬簡易程序性質，因此不應把投標制度訂得太繁複。

在附屬法例內訂明獲委任為外判破產案件的暫行受託人或受託人的最低資格準則的建議

4. 我們現正徵詢有關專業團體的意見，以考慮在《破產條例》的附屬法例內訂明獲委任為暫行受託人或受託人的最低基本資格準則的建議，稍後我們會回覆法案委員會。

¹ 例如二零零四年十二月九日發給法案委員會的“就法案委員會提出的具體問題的回應”(立法會 CB(1)436/04-05(18)號文件)。

簡易程序破產案件管理工作涉及的整套文件範本和破產管理署有關處理該類案件的指引

5. 破產管理署已應要求提供一套範本²，供議員參閱。

草案第 2 及 5 條

6. 我們已根據二零零五年四月一日法案委員會會議上的討論結果，完善條例草案有關條文的擬議修訂。請參閱附件所載的有關條文的最新標明修訂事項文本。有關字眼尚未敲定，還須待法律草擬專員進一步考慮。在法案委員會繼續逐一審議條例草案的各項條文時，我們可能會在議員發表意見後提出更多修訂。

草案第 9 條：

- (i) 建議刪除條例第 19(8)條的理由；以及
- (ii) 建議增訂第(4A)及(4B)款及建議刪除第(8)款，是否涉及政策改變

現行安排

7. 目前，破產管理署署長可以受託人或公職身分，向法院申請對破產人進行公開訊問。雖然現行第 19(2)及 19(3)條訂明，如有佔所需債權價值的債權人作出通知或提出請求，破產管理署署長須申請進行公開訊問，但根據《破產規則》第 158A 條，署長可向法院匯報有關破產人的產業並無款項，並要求法院頒令無須進行公開訊問。該規則訂明，除非法院另有指示，否則不得要求破產管理署署長就有關產業招致任何開支。因此，一般而言，如產業沒有足夠款項，破產管理署署長是不會以受託人身分申請進行公開訊問。

8. 破產管理署署長以公職身分行事時，必須信納進行公開訊問符合公眾利益，才會申請進行訊問。在這種情況下，是否有足夠款項並不是主要的考慮因素。

9. 根據現行第 19(8)條，法院如同意申請進行公開訊問一事乃屬瑣屑無聊或無理取鬧，可飭令該名要求進行公開訊問的債權人以債項價值為基準，按比例償付公開訊問所招致的費

² 部分文件只有英文本。

用。不過，鑑於上文第 7 及 8 段所述的現行安排，第 19(8)條實際上不會被援用。就我們記憶所及，其實該條在過去十年從未被援用。

建議

10. 在外判建議落實後，由於破產人的產業或會由私營從業員管理，現建議修訂第 19 條，以授權私營從業員申請進行公開訊問。條例草案建議增訂第 19(4A)和 19(4B)條，訂明受託人可要求提出進行公開訊問的債權人向受託人提供足夠款項，以進行公開訊問。按建議增訂第 19(4A)和 19(4B)條後，債權人必須在受託人(包括以該身分行事的破產管理署署長)有此要求時提供進行公開訊問的款項。如債權人拒絕提供款項，則受託人可決定不進行任何公開訊問。

11. 鑑於上述建議，加上第 19(8)條實際上從未被援用，我們認為不再需要該條，故建議予以廢除。

財經事務及庫務局
破產管理署
二零零五年四月

Encl.**Document**

- 1 Debtor's statement of affairs
- 2 Debtor's petition
- 3 Letter to debtor informing him to contact this office to fix an appointment when a bankruptcy order is made
- 4 Draft bankruptcy order
- 5 Letter to bankrupt informing him to attend an interview
- 6 Memorandum of notice of bankruptcy order
- 7 Acknowledgement of receipt signed by bankrupt
- 8 Preliminary examination of bankrupt
- 9 Monthly income and expenditure of bankrupt
- 10 Bank search letter
- 11 Letter to bank agreeing to bankrupt to open a savings account
- 12 Letter to bankrupt enclosing a sealed copy of bankruptcy order
- 13 Application for summary procedure and draft order
- 14 Summary procedure order
- 15 Memorandum of notice of summary procedure order
- 16 Report to creditors
- 17 Notice to creditors of intention to apply for release
- 18 Calculation of OR's fees

- 19 Application of OR & trustee for release and draft order
- 20 Release order
- 21 Annual statement of earnings and property acquired submitted by bankrupt (3 statements)
- 22 Advertisement of OR's intention to object/not object to bankrupt's discharge from bankruptcy
- 23 Letter to court for issuance of a discharge certificate

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B10/

2867

The High Court
Hong Kong

Bankruptcy No. 99999 of 2010

Date of Adjudication Order / Bankruptcy Order :

Date of discharge from bankruptcy :

The Official Receiver has no objection to a certificate of discharge under Rule 92 of the Bankruptcy Rules being issued to the discharged bankrupt with personal particulars as follows :

Name of discharged bankrupt :

H K Identity Card Number / * Passport Number :

*The usual period of automatic discharge (that is, four years from the date of *adjudication order / *bankruptcy order) is not applicable to this case because

* the bankrupt had previously been adjudged bankrupt, pursuant to s.30A(2)(b) of the Bankruptcy Ordinance, the bankrupt's period of discharge was five years from the date of the * adjudication order / * bankruptcy order.

* pursuant to a court order dated (DATE), the bankrupt's discharge from bankruptcy had been suspended for a period of X years and the bankrupt was discharged on (DATE).

* pursuant to s.30A(10) of the Bankruptcy Ordinance, the bankruptcy period had ceased to run from (DATE A) to (DATE B) inclusive * and furthermore pursuant to a court order dated DATE, the bankrupt's discharge from bankruptcy had been suspended for a period of (X) years and the bankrupt was discharged on (DATE).

Yours faithfully,

(
for Official Receiver

* delete if inapplicable

受託人擬根據《破產條例》(第6章)第30A(5)條給予債權人的通知書
香港特別行政區高等法院原訟法庭
高院破產案件

A 部

根據《破產條例》(第6章)第30A條的條文，在下述 A 欄所指定的有關日期，以下破產人在其破產案受託人或債權人沒有任何反對的情況下將獲解除破產。

案件編號	破產人姓名及商號名稱	部分 身份證明號碼	A (日期)
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本人不擬反對破產人的破產解除。

破產人的債權人有權基於以下任何理由反對其破產解除—

- (i) (如屬《破產條例》(第6章)第30A(2)(a)條適用的破產解除)破產人相當可能在自破產開始起計的5年內有能力對其產業作出重要的供款；
- (ii) 破產人的破產解除將會損害對其產業的管理；
- (iii) 在對破產人產業的管理方面，破產人並不合作；
- (iv) 破產人就破產開始前的期間或就破產開始後的期間的行為操守並不令人感到滿意；
- (v) 在不局限《破產條例》(第6章)第30A(4)(c)或(d)條[即理由(iii)或(iv)]的原則下，破產人已離開香港，且在受託人要求其返回香港後沒有隨即返回香港；
- (vi) 破產人在知悉自己無力償債後仍繼續營商；
- (vii) 破產人已犯《破產條例》(第6章)第129條或第131至136條中的任何一條所訂的罪行；
- (viii) 破產人沒有為受託人擬備一份其入息及財產的取得的周年報告。(註：由於以往的破產人並無法定責任擬備及呈交任何周年報告，因此任何基於這個理由而提出的反對可能不獲法院接納為有效理由。)

B 部

根據《破產條例》(第6章)第30A條的條文，在下述 A 欄所指定的有關日期，以下破產人在其破產案受託人或債權人沒有任何反對的情況下將獲解除破產。

案件編號	破產人姓名及商號名稱	部分 身份證明號碼	A (日期)	反對理由
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B99999/PC10	X	X	X	X
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本人擬基於以上反對理由一欄內所述的各項理由反對破產人的破產解除。

破產人的債權人有權基於在 A 部所述的任何理由反對其破產解除。

A 部或 B 部所述破產人的任何債權人如欲反對破產人的破產解除，則必須在有關日期前不少於14天(即上述 A 欄所指定的日期前15天)以表格82(親自前往破產管理署或透過互聯網索取)通知法院及本人。

特此通知。

日期：2004年12月31日

署理破產管理署署長李美意

香港金鐘道六十六號金鐘道政府合署十樓

電話：2867 2448 圖文傳真：3105 1814

互聯網：<http://www.info.gov.hk/oro/>

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周年收入及取得的財產說明書 Annual Statement of Earnings and Property Acquired

破產案檔號 Bankruptcy Reference: B10/ 99999 / 2010

破產令日期 Date of Bankruptcy Order: _____

(說明書期間由 Statement period from **DATE 1** 至 to **DATE 2**)

(A) 收入及支出 Income and Expenditure

收入來源 Sources of Income	總額 (港幣) Total Amount (HK\$)	支出項目 Items of Expenditure	總額 (港幣) Total Amount (HK\$)
工資及薪金 (包括超時款項) Wages and salary (including commission and allowance)		租金/差餉/管理費 Rent/Rates/Management fee	
自僱的收入 Earnings from self-employment		膳食 Meals	
退休金、退休計劃或任何公積金支付的款項 (請註明種類) Pensions, payments from retirement scheme or provident funds of any kind (specify type)		公共開支 (水、電、煤、等) Utilities (Water, Electricity, Gas, etc.)	
政府綜援金 Comprehensive Social Security Assistance		交通費 Traveling expenses	
分居/離婚贍養費 Maintenance for Separation/Divorce		學費 School fee	
配偶分擔開支的款項 Amount of family expenditure borne by spouse		強積金/公積金 Mandatory Provident Fund/ Provident Fund	
終止僱用所獲取的一筆過款項 Lump sum payment on termination of employment		稅款 Tax payment	
從任何其他上文沒有提及的來源取得的款項 (請註明來源及種類) Money from any other sources not mentioned above (specify source and type)		對破產產業作出的供款 Contributions to bankruptcy estate	
		其他支出, 請註明 Other expenses, please specify :	
(a) 總計 Total		(b) 總計 Total	
		(a) - (b) 盈餘 Surplus	

受供養家庭成員 (包括破產人):

No. of dependent family member(s) (including the bankrupt):

EA/B-108b (11/2003)

(B) 本人取得或給予本人超過2,000元的財產(例如：遺產，禮品，獎品，等)

Property Acquired by or Given to Me in excess of \$2,000 (e.g. Legacy, Gifts, Prizes, etc.)

財產詳情 Details of Property	取得的日期 Date Acquired	價錢或估值 Cost or estimated value

警告

根據〈破產條例〉(香港法例第6章)第43A(6)條，直至獲解除破產為止，破產人須每年向受託人呈交一份詳列入息和取得財產的說明書。如破產人不遵守這項規定，可能屬犯罪，可能受監禁最高達6個月。此外，受託人或債權人亦可根據〈破產條例〉第30A條反對解除破產。

2. 你亦須注意香港法例第200章〈刑事罪條例〉第36條所載的以下規定：-

「任何人士明知及蓄意(在宣誓以外的情況下)作出一份含有虛假的重要細節的供詞，而該供詞係於下列情況下作出的 -

- a. 在一項法定聲明；或
- b. 在一摘要、帳項、資產負債表、簿冊、證明書、聲明、登記項目、預算、存貨清單、通知書、報告、報表或其他文件，而該名人士係根據一項當時有效的法令，獲得授權或須要擬訂這些文件，或就這些文件內容的真實性作出證明或加以證實；或
- c. 在一項口頭聲明或口頭答案，而該名人士係根據或按照一項當時有效的法令而須要作出這些聲明或答案，

即屬有罪，一經起訴且被判罪名成立的話，可被判入獄兩年及罰款。」

Warning

Under section 43A(6) of the Bankruptcy Ordinance (Cap. 6), a bankrupt is required to submit to the trustee, until discharged from bankruptcy, a statement of earnings and property acquired annually. A bankrupt may be guilty of an offence and may be liable to imprisonment for a term up to 6 months if he/she fails to comply with this requirement. In addition, the trustee or the creditors can also object to a discharge from bankruptcy under section 30A of the Bankruptcy Ordinance.

2. Your attention is also drawn to the provisions of section 36 of the Crimes Ordinance (Cap. 200) which reads as follows:-

"Any person who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, such statement being made -

- a. in a statutory declaration; or
- b. in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document which he is authorized or required to make, attest or verify, by any enactment for the time being in force; or
- c. in any oral declaration or oral answer which he is required to make by, under or in pursuance of any enactment for the time being in force,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 2 years and to a fine."

簽署 Signature :

姓名 Name :

Bankrupt

身份證號碼 Identity Card No. :

XXXXX

電話號碼 Telephone No. :

XXXXX

XXXXX

地址(如跟上一次提供的不同)

Address (if different from last given) :

日期 Date :

(21)

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傳真號碼: 3105 1814
電郵地址 : oroadmin@oro.gov.hk

周年收入及取得的財產說明書 Annual Statement of Earnings and Property Acquired

破產案檔號 Bankruptcy Reference: B10/ 99999 / 2010

破產令日期 Date of Bankruptcy Order: _____

(說明書期間由 Statement period from DATE 3 至 to DATE 4)

(A) 收入及支出 Income and Expenditure

收入來源 Sources of Income	總額 (港幣) Total Amount (HK\$)	支出項目 Items of Expenditure	總額 (港幣) Total Amount (HK\$)
工資及薪金 (包括超時款項) Wages and salary (including commission and allowance)		租金 / 差餉 / 管理費 Rent/Rates/Management fee	
		膳食 Meals	
		公共開支 (水、電、煤、等) Utilities (Water, Electricity, Gas, etc.)	
自僱的收入 Earnings from self-employment		交通費 Traveling expenses	
		學費 School fee	
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		稅款 Tax payment	
政府綜援金 Comprehensive Social Security Assistance		對破產業作出的供款 Contributions to bankruptcy estate	
分居 / 離婚贍養費 Maintenance for Separation/Divorce		其他支出, 請註明 Other expenses, please specify :	
配偶分擔開支的款項 Amount of family expenditure borne by spouse			
終止僱用所獲取的一筆過款項 Lump sum payment on termination of employment			
從任何其他上文沒有提及的來源取得的款項 (請註明來源及種類) Money from any other sources not mentioned above (specify source and type)			
(a) 總計 Total		(b) 總計 Total	
		(a) - (b) 盈餘 Surplus	

受供養家庭成員 (包括破產人):

No. of dependant family member(s) (including the bankrupt):

EA/B-108b (11/2003)

(B) 本人取得或給予本人超過2,000元的財產(例如：遺產，禮品，獎品，等)

Property Acquired by or Given to Me in excess of \$2,000 (e.g. Legacy, Gifts, Prizes, etc.)

財產詳情 Details of Property	取得的日期 Date Acquired	價錢或估值 Cost or estimated value

警告

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「任何人士明知及蓄意(在宣誓以外的情況下)作出一份含有虛假的重要細節的供詞，而該供詞係於下列情況下作出的 -

- a. 在一項法定聲明；或
- b. 在一摘要、帳項、資產負債表、簿冊、證明書、聲明、登記項目、預算、存貨清單、通知書、報告、報表或其他文件，而該名人士係根據一項當時有效的法令，獲得授權或須要擬訂這些文件，或就這些文件內容的真實性作出證明或加以證實；或
- c. 在一項口頭聲明或口頭答案，而該名人士係根據或按照一項當時有效的法令而須要作出這些聲明或答案，

即屬有罪，一經起訴且被判罪名成立的話，可被判入獄兩年及罰款。」

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2. Your attention is also drawn to the provisions of section 36 of the Crimes Ordinance (Cap. 200) which reads as follows:-

“Any person who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, such statement being made -

- a. in a statutory declaration; or
- b. in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document which he is authorized or required to make, attest or verify, by any enactment for the time being in force; or
- c. in any oral declaration or oral answer which he is required to make by, under or in pursuance of any enactment for the time being in force,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 2 years and to a fine.”

簽署 Signature :

姓名 Name :

Bankrupt

身份證號碼 Identity Card No. :

XXXXX

電話號碼 Telephone No. :

XXXXX

地址(如跟上一次提供的不同)

Address (if different from last given) :

日期 Date :

21

OFFICIAL RECEIVER'S OFFICE
10th Floor, Queensway Government Offices,
66 Queensway, Hong Kong
Fax No.: 3105 1814
E-mail address: oroadmin@oro.gov.hk

破產管理署
香港金鐘道66號
金鐘道政府合署10樓
傳真號碼: 3105 1814
電郵地址: oroadmin@oro.gov.hk

周年收入及取得的財產說明書 Annual Statement of Earnings and Property Acquired

破產案檔號 Bankruptcy Reference: B10/ 99999 / 2010

破產令日期 Date of Bankruptcy Order: _____

(說明書期間由 Statement period from DATE 4 至 to DATE 5)

(A) 收入及支出 Income and Expenditure

收入來源 Sources of Income	總額 (港幣) Total Amount (HK\$)	支出項目 Items of Expenditure	總額 (港幣) Total Amount (HK\$)
工資及薪金 (包括超時款項) Wages and salary (including commission and allowance)		租金/差餉/管理費 Rent/Rates/Management fee	
		膳食 Meals	
		公共開支 (水、電、煤、等) Utilities (Water, Electricity, Gas, etc.)	
自僱的收入 Earnings from self-employment		交通費 Traveling expenses	
		學費 School fee	
		強積金/公積金 Mandatory Provident Fund/ Provident Fund	
退休金、退休計劃或任何公積金支付的款項 (請註明種類) Pensions, payments from retirement scheme or provident funds of any kind (specify type)		稅款 Tax payment	
		對破產業作出的供款 Contributions to bankruptcy estate	
政府綜援金 Comprehensive Social Security Assistance		其他支出, 請註明 Other expenses, please specify :	
分居/離婚贍養費 Maintenance for Separation/Divorce			
配偶分擔開支的款項 Amount of family expenditure borne by spouse			
終止僱用所獲取的一筆過款項 Lump sum payment on termination of employment			
從任何其他上文沒有提及的來源取得的款項 (請註明來源及種類) Money from any other sources not mentioned above (specify source and type)			
(a) 總計 Total		(b) 總計 Total	
		(a) - (b) 盈餘 Surplus	

受供養家庭成員 (包括破產人):

No. of dependant family member(s) (including the bankrupt):

EA/B-108b (11/2003)

(B) 本人取得或給予本人超過2,000元的財產(例如：遺產，禮品，獎品，等)

Property Acquired by or Given to Me in excess of \$2,000 (e.g. Legacy, Gifts, Prizes, etc.)

財產詳情 Details of Property	取得的日期 Date Acquired	價錢或估值 Cost or estimated value

警告

根據〈破產條例〉(香港法例第6章)第43A(6)條，直至獲解除破產為止，破產人須每年向受託人呈交一份詳列入息和取得財產的說明書。如破產人不遵守這項規定，可能屬犯罪，可能受監禁最高達6個月。此外，受託人或債權人亦可根據〈破產條例〉第30A條反對解除破產。

2. 你亦須注意香港法例第200章〈刑事罪條例〉第36條所載的以下規定：-

「任何人士明知及蓄意(在宣誓以外的情況下)作出一份含有虛假的重要細節的供詞，而該供詞係於下列情況下作出的 -

- a. 在一項法定聲明；或
- b. 在一摘要、帳項、資產負債表、簿冊、證明書、聲明、登記項目、預算、存貨清單、通知書、報告、報表或其他文件，而該名人士係根據一項當時有效的法令，獲得授權或須要擬訂這些文件，或就這些文件內容的真實性作出證明或加以證實；或
- c. 在一項口頭聲明或口頭答案，而該名人士係根據或按照一項當時有效的法令而須要作出這些聲明或答案，

即屬有罪，一經起訴且被判罪名成立的話，可被判入獄兩年及罰款。」

Warning

Under section 43A(6) of the Bankruptcy Ordinance (Cap. 6), a bankrupt is required to submit to the trustee, until discharged from bankruptcy, a statement of earnings and property acquired annually. A bankrupt may be guilty of an offence and may be liable to imprisonment for a term up to 6 months if he/she fails to comply with this requirement. In addition, the trustee or the creditors can also object to a discharge from bankruptcy under section 30A of the Bankruptcy Ordinance.

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破產案檔號 Bankruptcy Reference: B10/ 99999 / 2010

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(說明書期間由 Statement period from DATE 5 至 to DATE 6)

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自僱的收入 Earnings from self-employment		交通費 Traveling expenses	
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政府綜援金 Comprehensive Social Security Assistance		對破產產業作出的供款 Contributions to bankruptcy estate	
分居/離婚贍養費 Maintenance for Separation/Divorce		其他支出, 請註明 Other expenses, please specify :	
配偶分擔開支的款項 Amount of family expenditure borne by spouse			
終止僱用所獲取的一筆過款項 Lump sum payment on termination of employment			
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身份證號碼 Identity Card No. :

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地址(如跟上一次提供的不同)

Address (if different from last given) :

日期 Date :

*(SUMMARY CASE)

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. 99999 OF 2010

Re : Bankrupt

Ex parte : The Official Receiver and Trustee

BEFORE MASTER

OF THE HIGH COURT IN CHAMBERS

ORDER

WHEREAS the Official Receiver has acted as / was appointed trustee of the property of the above-named *discharged bankrupt / bankrupt on pursuant to an order of the court

*AND WHEREAS a composition or scheme under Section 25 of the Bankruptcy Ordinance has been duly approved by the court

AND WHEREAS the Official Receiver and Trustee has made application to the court for his release in accordance with Section 94 of the Bankruptcy Ordinance and Bankruptcy Rule 169

AND WHEREAS no objection has been made to the proposed release of the Official Receiver and Trustee

AND UPON READING the application and report of the Official Receiver and Trustee filed herein on

IT IS ORDERED that the Official Receiver and Trustee be released * and may destroy the books of account and documents of the * discharged bankrupt / bankrupt.

Dated this

day of

Registrar

*Deleted if inapplicable

(SUMMARY CASE)
IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO. 99999 OF 2010

15

Re : Bankrupt

Ex parte : The Official Receiver and Trustee

Bankruptcy
Ordinance
Section 94 and
Rules 169
&202

REPORT AND APPLICATION BY THE OFFICIAL RECEIVER AND
TRUSTEE FOR RELEASE AND ~~DESTRUCTION OF~~
~~BOOKS OF ACCOUNT AND DOCUMENTS~~

The Official Receiver and Trustee of the property of the above-named *discharged bankrupt(s) / bankrupt(s), hereby reports to the court as follows :-

1. That the whole of the property of the above-named * discharged bankrupt(s) / bankrupt(s) now known to the Official Receiver and Trustee has been realized* but is insufficient to enable a preferential payment or dividend to be declared/* and a first and final preferential payment of % made to the preferential creditors and also a first and final dividend of % paid to the ordinary creditors as is shown in the statement annexed hereto.
2. The Official Receiver and Trustee has sent, to all creditors who have proved their debts and to the * discharged bankrupt(s)/ bankrupt(s) , notice of his intention to apply for his release together with a summary of his receipts and payments. No objection to the Official Receiver and Trustee's application for release has been intimated to the Official Receiver and Trustee by any of the creditors or by the * discharged bankrupt(s) / bankrupt(s).
3. The Official Receiver and Trustee knows of no reason why his proposed release should not be granted.
4. The Official Receiver and Trustee has in his possession certain books of accounts, papers and documents belonging to the * discharged bankrupt(s) / bankrupt(s), and considers them to be of no further use or value.

The Official Receiver and Trustee accordingly applies to the court for orders:-

- (a) for his release and
- (b) permitting him to destroy the said books of accounts, papers and documents.

Dated this day of 19 .

p.p. Official Receiver

(SUMMARY CASE)

Ex parte : The Official Receiver and Trustee

REPORT AND APPLICATION BY THE OFFICIAL RECEIVER AND TRUSTEE FOR RELEASE AND DESTRUCTION OF BOOKS OF ACCOUNT AND DOCUMENTS

Ref. No. : B10/
Tel. No. : 2867
Fax No. :

HCB

DRAFT

*(SUMMARY CASE)

Clerk to Master _____
for your approval, please.

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. 99999 OF 2010

Re : Bankrupt

Ex parte : The Official Receiver and Trustee

BEFORE MASTER

OF THE HIGH COURT IN CHAMBERS

ORDER

WHEREAS the Official Receiver has acted as / was appointed trustee of the property of the above-named *discharged bankrupt / bankrupt on pursuant to an order of the court

*AND WHEREAS a composition or scheme under Section 25 of the Bankruptcy Ordinance has been duly approved by the court

AND WHEREAS the Official Receiver and Trustee has made application to the court for his release in accordance with Section 94 of the Bankruptcy Ordinance and Bankruptcy Rule 169

AND WHEREAS no objection has been made to the proposed release of the Official Receiver and Trustee

AND UPON READING the application and report of the Official Receiver and Trustee filed herein on

IT IS ORDERED that the Official Receiver and Trustee be released * and may destroy the books of account and documents of the * discharged bankrupt / bankrupt.

Dated this day of

Registrar

*Deleted if inapplicable

Bankruptcy No. _____ of 19 _____

(18)

OFFICIAL RECEIVER'S FEES

Table A

18. For insertion in the Gazette— \$ _____

Table B

11. OR's fees to be collected under this item \$ _____

AMOUNT TO BE CHARGE

(the entire remaining cash balance as
shown in the attached Cash Position
Report to be taken for OR's fees)

[Total OR's fees (amount previously charged + amount to be charged) : \$ _____]

Prepared by :

Checked by :

Approved by :

(_____)
CO (_____)

(_____)
IO (_____)

(_____)
IO (_____)

Date :

Date :

Date :

R-3B1 (5/93)

(For minimum OR's fee case)

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO. 99999 OF 2010

(17)

Re: Bankrupt

**NOTICE TO CREDITORS OF INTENTION TO APPLY FOR RELEASE
AND FOR THE DESTRUCTION OF BOOKS OF ACCOUNTS AND
DOCUMENTS**

TAKE NOTICE THAT I, the Official Receiver and Trustee of the property of the above-named *discharged bankrupt(s) / bankrupt(s), intend to apply to the court for my release and for destruction of books and papers of the * discharged bankrupt(s) / bankrupt(s), and further take notice that any objection you may have to the granting of my release and to the destruction of books and papers of the * discharged bankrupt(s) / bankrupt(s) must be notified to the court within twenty-one days from the date hereof.

A summary of my receipts and payments as trustee is annexed hereto.

Dated this day of

Official Receiver and Trustee
10th Floor, Queensway Government Offices,
66 Queensway, Hong Kong.

To :

- NOTE :-
- (1) Section 94(3) of the Bankruptcy Ordinance (Chapter 6) enacts that "An order of the court releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact."
 - (2) The release of the trustee's duties will not affect the bankrupt's liability to submit the annual statement of his/her earnings and acquisition to the trustee prescribed in Section 43A (6) of the Bankruptcy Ordinance until he/she is discharged from bankruptcy.
 - (3) Pursuant to Section 94(4) of the Bankruptcy Ordinance (Chapter 6), when the Official Receiver has been released, he shall continue to act as trustee for any subsequent purposes of the administration of the bankrupt's estate but no liability shall attach to him personally by reason of his so continuing in respect of any act done, default made or liability incurred before his release.

香港特別行政區原訟法庭

高院破產案件

年第 宗

關於：

致債權人通告：

擬申請解除受託人職務及毀滅帳簿與文件

先生/女士：

本人為破產管理署署長暨上開 * 已解除破產人 / 破產人 身分的人士的財產受託人，現擬向法院申請解除受託人職務及毀滅該人士的帳簿與文件。凡反對批准本人解除受託人職務及毀滅該人士的帳簿與文件者，必須由本通告發出日期起計21天內通知法院，特此通告。

本通告附有本人出任受託人期內的收支表一份。

破產管理署署長暨受託人
香港金鐘道66號
金鐘道政府合署10樓

年 月 日

註：(一) 破產條例(香港法例第6章)第94(3)條頒布如下：「由法院所發出解除受託人職務的命令，將卸除該受託人於處理破產人事務時任何因他採取行動或因其過失所引起的責任或與受託人行為有關的責任。不過，若證明該項解除令是透過欺詐或隱瞞重要事實而取得的，則可予以撤銷。」

(二) 破產條例第43A(6)條規定，破產人須呈交周年收入及取得的財產說明書，直至獲得解除破產為止。解除受託人職務，並不影響破產人在這方面的責任。

(三) 根據破產條例(香港法例第6章)第94(4)條，破產管理署署長獲免除職務後，他仍須為其後與管理破產人的產業有關的任何事情而繼續以受託人身分行事，但他無須因其如此繼續行事而為其獲免除職務前所作的任何作為或失責行為或所招致的任何法律責任，承擔任何個人法律責任。

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION 香港特別行政區高等法院原訟法庭
COURT OF FIRST INSTANCE
BANKRUPTCY NO. 99999 OF 2010 破產案 年第 宗

Re 關於

Bankrupt

STATEMENT SHOWING POSITION OF ESTATE AT DATE OF APPLICATION FOR RELEASE 計算至申請解除受託人職務日期的收支情況表

			RECEIPTS 收入				PAYMENTS 支出
			\$				\$
To: 存	Cash found 現金			By: 付	Petitioner's taxed costs 入稟人訟費		
	Bank balance 銀行存款				Court fees & taxing fees 法院費用		
	Refund of utility deposits 公用事務按金				Gazetting & advertising charges 憲報報章廣告費		
	Receipts for termination of insurance policies 保險費退款				Travelling expenses & transportation charges 舟車費及運輸費		
	Proceeds from Court 法院轉來款項				Insurance premium 保險費		
	Proceeds of sale 變賣資產所得款項				Rent/rates/tax 租金/差餉/稅款		
	Book debts collected 帳面債款				Charges for preparation of Statement of Affairs 擬備資產負債狀況說明書費用		
	Payment by debtor/bankrupt (including composition money) 債務人/破產人交來款項 (包括和解協議還款)				Professional fees 專業人士費用		
	Other assets realized 變賣其他資產所得款項				Photocopying charges 影印費		
	Dividend on investments 投資股息				Sundry expenses 雜項開支		
	Others 其他				Official Receiver's fees 破產管理署署長收費		
					Distribution to creditors 攤還債權人款項		
					Preferential 優先派款	%	
					Deferred Preferential 遞延優先派款	%	
					Ordinary 普通派款	%	
					Deferred Ordinary 遞延普通派款	%	
					Storage charges 倉租		
					Others 其他		
NET REALIZATIONS 淨變產				Balance: 結存	Subject to the Official Receiver's costs of release 須支付破產管理署署長解除其受託人職務費用		
Composition money paid by third party 由第三者交來的和解協議還款							
Petitioner's deposit 入稟人按金							
Less: Refund 減去：退款							
Distrainment money 扣押令款項							
Less: Refund 減去：退款							

NOTE:

註

1. There are no further assets to be realized and no further payments to be made to creditors.

再無可以變賣的資產，亦再無款項可供發還各債權人。

2. Creditors—	_____	preferential	優先債權人	_____	\$	_____
債權人	_____	ordinary	普通債權人	_____	\$	_____
					\$	_____

3. Creditors can obtain any further information by enquiring at the office of the Official Receiver and Trustee, _____ Floor, Queensway Government Offices, 66 Queensway, Hong Kong or telephoning Mr./Ms. _____ at _____.
- 債權人如希望查詢更詳細資料，可逕往香港金鐘道六十六號金鐘道政府合署 _____ 樓破產管理署署長暨受託人辦事處或致電 _____ 先生/女士查詢 (電話： _____)。

Dated this

日期：

(_____)

p. Official Receiver & Trustee

破產管理署署長暨受託人

(_____ 代行)

B10/99999/2010

2867

Fax No.

«Address» } To all proven creditors
«Name» }

先生*/女士*：

關於：破產案===年第===宗

Bankrupt

致債權人的報告

破產令頒布日期：===

破產案受託人：破產管理署署長

破產人的資產負債狀況說明書已送交法院存檔。經繳付適當費用後，
你可在本署查閱上述說明書及取得說明書副本。

本人已調查他*/她*於資產負債狀況說明書內披露的資產負債狀況。
他*/她*沒有任何資產，而他*/她*的負債總額為===元。截至目前為止，共有
===名債權人提交債權證明表向破產案財產申索共===元的款項。他*/她*現
正失業，並不能作出任何供款。因此，本破產案很可能不會向債權人派發任
何償款。

如你對破產人的資產或其他有關破產人財務事宜有任何資料，請盡
快提供有關詳情，以便本人採取跟進行動。

破產人必須向本署提供有關他*/她*收入的年度說明書及任何他*/她*
於該年度取得的其他資產的詳細資料。破產人必須持續履行這項義務，直至
破產人獲解除破產為止。

除非本人收到一些與破產案及／或破產人財務事宜有重要關連的資
料，否則本人不會再向債權人發出報告。

破產管理署署長暨受託人

(=== 代行)

二〇〇五年三月九日

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
9899 2010
NO. «CN» OF «CY»

Re : «NC» Bankrupt

Ex parte : The Official Receiver

MEMORANDUM OF ADVERTISEMENT

The following advertisement appeared in The Government of the Hong Kong Special Administrative Region Gazette on «DS1».

Notice of Summary Procedure Order

Ref: B10/ 9999/2010/

Tel. No.

Fax No.

14

(SUMMARY CASE)
IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. OF

9999 2010

Re: Bankrupt

Ex parte : The Official Receiver

BEFORE MASTER OF HIGH COURT IN CHAMBERS

ORDER

UPON THE APPLICATION by the Official Receiver's report to the court filed
herein on

IT IS ORDERED that the bankrupt's estate be administered in a summary manner and
that :

- (i) the first meeting of creditors shall be dispensed with;
- (ii) the Official Receiver shall be the trustee of the property of the bankrupt; and
- (iii) there shall be no creditors' committee, and the Official Receiver may do all things which may be done by a trustee with the permission of a creditors' committee.

Dated this day of , 200 .

Registrar

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO. 99999 OF 2010

Re : Bankrupt

Ex parte : The Official Receiver

Cap. 6
S. 112A

OFFICIAL RECEIVER'S REPORT TO COURT AND
APPLICATION FOR SUMMARY PROCEDURE

The Official Receiver reports to the court as follows :

1. On , a bankruptcy order was made against the above-named bankrupt and the Official Receiver was appointed receiver.
2. The Official Receiver has made a preliminary investigation into the affairs of the bankrupt, including the extent of the bankrupt's assets. Based upon that investigation, the Official Receiver believes that the property of the bankrupt is not likely to exceed in value the sum of \$200,000.
3. The Official Receiver has been unable to locate the bankrupt to date.
4. In the circumstances, the Official Receiver respectfully requests the court to order that the bankrupt's estate be administered in a summary manner and that :
 - (i) the first meeting of creditors shall be dispensed with;
 - (ii) the Official Receiver shall be the trustee of the property of the bankrupt; and
 - (iii) there shall be no creditors' committee, and the Official Receiver may do all things which may be done by a trustee with the permission of a creditors' committee.

Dated this day of , 200 .

()
for Official Receiver

Ex-parte Application

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO. OF

Re :

Ex parte : The Official Receiver

OFFICIAL RECEIVER'S REPORT TO COURT AND
APPLICATION FOR SUMMARY PROCEDURE

Filed this

at 11:30 a.m.

Official Receiver's Office,
10/F, Queensway Government Offices,
66 Queensway, Hong Kong.

Tel. No. :

Fax No. :

Ref. No. B10/ / -

EA/B-23(10/2004)

Ref : B10/ / -
Tel. No.
Fax No.

BOX 711

Clerk to Registrar Chan

Draft

For your approval , please.

()
for Official Receiver

(SUMMARY CASE)
IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO. OF

Re :

Ex parte : The Official Receiver

BEFORE MASTER OF HIGH COURT IN CHAMBERS

ORDER

herein on

UPON THE APPLICATION by the Official Receiver's report to the court filed

that :

IT IS ORDERED that the bankrupt's estate be administered in a summary manner and

- (i) the first meeting of creditors shall be dispensed with;
- (ii) the Official Receiver shall be the trustee of the property of the bankrupt; and
- (iii) there shall be no creditors' committee, and the Official Receiver may do all things which may be done by a trustee with the permission of a creditors' committee.

Dated this day of , 200 .

Registrar

B10/99999/2010

先生/女士:

關於： 破產案 99999 年第 2010 宗

本人現將香港高等法院發出的破產令的蓋章文本送達你。

破產管理署署長已根據破產條例在憲報刊登該破產令公告，並把該公告記錄在破產管理署署長為這宗破產案備存的公眾登記冊上。

破產管理署署長暨*接管人/受託人

(代行)

年 月 日

*刪去不適用者

B10/

Dear Sir/Madam,

Bankruptcy No. **of**

I hereby serve upon you a sealed copy of the bankruptcy order made by the High Court of Hong Kong.

Notice of the Bankruptcy Order has been gazetted by the Official Receiver in accordance with the Bankruptcy Ordinance and recorded in the public register maintained by the Official Receiver for the purpose of this bankruptcy.

Yours faithfully,

for Official Receiver & *Receiver/Trustee

*Delete if inapplicable

EA/B-65 (Revised) (9/2003) (New)

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. ⁽¹⁾ 99999 OF ⁽²⁾ 2010

RE : ⁽³⁾ Bankrupt the Debtor

BEFORE MASTER ⁽²⁰⁾ OF HIGH COURT IN COURT

BANKRUPTCY ORDER ON DEBTOR'S PETITION

UPON HEARING the Debtor and the Official Receiver and ON THE PETITION of
the Debtor himself/herself, filed on the ⁽¹⁵⁾ , a Bankruptcy Order is
hereby made against ⁽³⁾
of ⁽¹⁸⁾
and the Official Receiver is hereby constituted Receiver of the estate of the said Debtor.

Dated this ⁽²¹⁾ day of , .

Registrar

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. (1) 99999 OF (2) 2010

RE : (3) Bankrupt the Debtor

BANKRUPTCY ORDER ON DEBTOR'S PETITION

Filed on : (22)

Name: (3)

Address: (18)

Tel.: (19)

11

B10/99999/2010

XXXXXXX Bank

Re: Bankruptcy No. 99999 of 2010
Bankrupt

Holder of HKIC Number xxxxxx

Dear Sirs,

I am the trustee of the property of Mr. Bankrupt against whom a Bankruptcy Order was made on xxx.

This is to certify that the bankrupt has been authorised by me to open a savings account with no credit facilities with you. No special conditions are imposed on the operation of the account and the bankrupt may operate it as a normal customer.

Yours faithfully,

XXXX
for Official Receiver & Trustee



OFFICIAL RECEIVER'S OFFICE

破產管理署

10TH-12TH FLOORS, QUEENSWAY GOVERNMENT OFFICES,
66 QUEENSWAY, HONG KONG.
香港金鐘道六十六號金鐘道政府合署十樓至十二樓

FAX (852) 2536 9963 (11TH FLOOR)
(852) 2501 0698 (11TH FLOOR)
(852) 2104 7151 (12TH FLOOR)
(852) 2104 7150 (FINANCE)
(852) 2869 0423 (ADMIN.)

10

來函請註明本署檔號

IN REPLY PLEASE QUOTE THIS REF.: Please see the lists attached

來函檔號 YOUR REF.:

電話 TEL. NO.: Please see the lists attached

圖文傳真 FAX NO.: 3105 1814

圖文傳真 (852) 2536 9963 (十一樓)
(852) 2501 0698 (十一樓)
(852) 2104 7151 (十二樓)
(852) 2104 7150 (財務)
(852) 2869 0423 (行政)

Designated Representatives of Member Banks of

~~2104 7151~~

The Hong Kong Association of Banks

Dear Sirs,

Closing Accounts

I have been appointed receiver/provisional liquidator in a number of bankruptcy and liquidation cases as per lists attached.

I shall be grateful if you will with immediate effect : -

1. in respect of each bankruptcy case, close the bankrupt's account(s) or any other account(s) maintained with your bank under the name of a business carried on by the bankrupt as a sole proprietor; and
2. in respect of each liquidation case, close the company's account(s).

Please remit any credit balance in each case to me by a cashier's order made payable to "The Official Receiver, Hong Kong". Please also send me statements of the account(s) covering the period of 8 months for liquidation cases or 6 months for bankruptcy cases prior to the date of the closure of the account(s). (Note: If the account has been closed for over 8 months for liquidation cases or 6 months for bankruptcy cases from the date of this letter, there is no need to provide the account statements.) If photocopying charges are payable, please deduct the same from the credit balance or if there is no credit balance, let me have separate bill(s) for each case.

In respect of each bankruptcy case, please freeze and advise me of any account(s) maintained with your bank jointly in the name of the bankrupt. For an account in the name of a business of which the bankrupt is a partner, please supply me with the name and address of the partnership and advise me of the outstanding balance of such account only.

I shall be grateful if you will also check whether the bankrupt or company is the registered holder of any safe deposit box(es). If so, please immediately forbid further access to the box(es) by the bankrupt, joint-hirer(s) or other authorised person(s) until further instructions are given by me. Nil returns, as the case may be, are appreciated so that we are aware that such a search in your records has been conducted.

If proof of debt forms are required for filing your claims, you may download the formats from our web-site at <http://www.info.gov.hk/oro/> and make sufficient photocopies for your own use.

(Note : Undischarged bankrupts are not allowed to open bank accounts without our permission).

Yours faithfully,

(
for Official Receiver

(9/2000)

CORRESPONDENCE SHOULD BE ADDRESSED TO THE OFFICIAL RECEIVER AND NOT TO INDIVIDUAL OFFICERS.

來函請書明「破產管理署署長」收

無論是否在職，均須填寫下列表格一及表格二，並於會晤當日帶同已填妥的表格及證明文件到破產管理署或本署委任的行號辦事處。

致：破產管理署署長

破產人的破產案檔號： B10/ 99999 / 2010

如果配偶已破產，請填報破產案檔號： B10/ /

表格一 本人及家庭每月之收入與支出如下：

每月收入(元)		每月支出(元)	
收入項目	破產人收入	支出項目	破產人支出
基本薪金及工資		租金	
		差餉	
佣金		管理費	
		水費	
津貼		電費	
		煤氣費/石油氣費	
自僱收入		住宅電話費	
		流動電話費	
退休金/退休計劃支款		家庭膳食	
		交通費	
政府綜援金		家庭雜項開支	
		學費	
分居/離婚贍養費		學校雜費(書簿費、校服等)	
		強積金/公積金	
配偶分擔開支的款項		預留稅款	
[配偶收入(每月 元)]		其他支出，請註明：	
其他收入/其他人士代支款項，請註明：			
總數		總數	

由(日期) 開始，本人願意每月還款 元。

破產人簽署： _____

姓名： _____

日期： _____

注意

1. 破產人應申報實際數額，化作每月平均數填報。
2. 支出只限於破產人及其家庭的合理需要。如果破產人的配偶有收入，亦需分擔家庭開支。
3. 如果破產人不提交以上資料，或故意隱瞞或提交虛假資料，或欺詐地移走他的財產，將影響將來破產令的解除，亦可能受到刑事檢控。

表格二 收入與支出證明

現附上有關本人及家庭每月收入與支出之證明文件副本：

- ☐ 工作入息證明 (職位： _____)
- ☐ 其他收入證明
- ☐ 租單
- ☐ 差餉單
- ☐ 管理費單
- ☐ 水費單
- ☐ 電費單
- ☐ 煤氣費單/石油氣費單
- ☐ 住宅電話費單
- ☐ 流動電話費單
- ☐ 學費單
- ☐ 學校雜費單
- ☐ 強積金證明書/公積金證明書
- ☐ 稅單
- ☐ 醫療費用單/醫生證明書
- ☐ 分居/離婚協議書/法庭命令
- ☐ 其他費用單據，請註明： _____

☐ 受供養人士：

姓名	關係	年齡	現況
			<input type="checkbox"/> 在職 <input type="checkbox"/> 無業 <input type="checkbox"/> 學生
			<input type="checkbox"/> 在職 <input type="checkbox"/> 無業 <input type="checkbox"/> 學生
			<input type="checkbox"/> 在職 <input type="checkbox"/> 無業 <input type="checkbox"/> 學生
			<input type="checkbox"/> 在職 <input type="checkbox"/> 無業 <input type="checkbox"/> 學生
			<input type="checkbox"/> 在職 <input type="checkbox"/> 無業 <input type="checkbox"/> 學生
			<input type="checkbox"/> 在職 <input type="checkbox"/> 無業 <input type="checkbox"/> 學生

BANKRUPTCY**破產案****PRELIMINARY EXAMINATION OF BANKRUPT****對破產人的初步訊問**

Bankruptcy No. : 99999 of 2010

破產案： 年第 宗

Date of presentation of petition :
提交呈請日期 xxxxxDate of bankruptcy order :
頒布破產令日期 xxxxxxxName of the Case Insolvency Officer :
破產管理主任的姓名 xxxxxDate of Submission :
提交表格日期 xxxx

Before you complete this form, read the Important Note on page 2. If the space provided in this form is not enough, continue on the last page or a separate sheet.

先閱讀第2頁的重要須知，然後才填寫這份表格。如這份表格的空間不足，於末頁或另頁書寫。

Official Receiver's Office
Hong Kong Special Administrative Region
香港特別行政區破產管理署

IMPORTANT NOTE

重要須知

You are obliged to complete this form in accordance with the provisions of the Bankruptcy Ordinance (Cap. 6).

根據《破產條例》(香港法例第6章)的規定，你必須填寫這份表格。

In accordance with the Data Protection Principles of the Personal Data (Privacy) Ordinance (Cap. 486), please note the following:

根據《個人資料(私隱)條例》(香港法例第486章)資料保障原則，請你注意以下各點：

Purpose of Collection 收集的目的

The purpose of collecting your personal data is for the Official Receiver to discharge his duties under the Bankruptcy Ordinance.

破產管理署署長是根據《破產條例》執行職務，收集你的個人資料。

Transfer of Personal Data 轉遞個人資料

Where necessary, personal data and other related information in this form may be provided to parties who have the right under this and other legislation to obtain the data.

如有需要，在這份表格所提供的個人資料及其他有關資料，可能會給予根據這條條例及其他法例有權獲取該等資料的其他人士。

Access to Personal Data 查閱個人資料

You have the right to request access to and correction of the personal data and other related information provided by you in this form. Such a request should be made in writing to the Departmental Secretary of the Official Receiver's Office.

你有權提出要求查閱及改正你在本表格所提供的個人資料及其他有關資料。該等要求必須以書面向破產管理署部門主任秘書提出。

WARNING

警告

You must answer all questions in this form truthfully and accurately. Your attention is drawn to the following provisions of Section 36 of the Crime Ordinance (Cap. 200):-

你必須據實準確回答所有問題。你亦須注意香港法例第200章「刑事罪條例」第36條所載的以下規定：-

"Any person who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, such statement being made -

「任何人士明知及蓄意（在宣誓以外的情況下）作出一份含有虛假的重要細節的供詞，而該供詞係於下列情況下作出的 -

- (a) in a statutory declaration; or
在一項法定聲明；或
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document which he is authorized or required to make, attest or verify, by any enactment for the time being in force; or
在一摘要、帳項、資產負債表、簿冊、證明書、聲明、登記項目、預算、存貨清單、通知書、報告、報表或其他文件，而該名人士係根據一項當時有效的法令，獲得授權或須要擬訂這些文件，或就這些文件內容的真實性作出證明或加以證實；或
- (c) in any oral declaration or oral answer which he is required to make by, under or in pursuance of any enactment for the time being in force,
在一項口頭聲明或口頭答案，而該名人士係根據或按照一項當時有效的法令而須要作出這些聲明或答案，

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 2 years and to a fine."

即屬有罪，一經起訴且被判罪名成立的話，可被判入獄兩年及罰款。」

PART A: PERSONAL PARTICULARS

A 部: 個人資料

1. (i) Name in English :
英文姓名 :
- (ii) Name in Chinese :
中文姓名 :
- (iii) Other names (e.g. alias, former name) :
其他名字(例如: 別名、從前使用的名字) :
- (iv) Hong Kong Identity Card No. or
Passport No. and Issuing Country :
香港身分證號碼或護照號碼及
簽證國家
- H.K.I.D. Card No. 香港身分證號碼 :
Passport No. 護照號碼 :
Issuing Country 簽證國家 :
- (v) Gender
性別 :
- (vi) Date of Birth, Age and Place of Birth :
出生日期、年齡及地點 :
- (vii) Home Tel. No./Fax No.
/E-mail address :
住所電話號碼/傳真號碼/
電郵地址 :
- Tel. 電話:
Fax. 傳真:
E-mail address 電郵地址:
- (viii) Office Tel. No. :
辦公室電話號碼 :
- (ix) Mobile Phone/Pager No. :
手提電話/傳呼機號碼 :
- (x) Home Address :
住所地址 :
- (xi) If you are a tenant, please state the
monthly rent and other charges and
produce a copy of the tenancy
agreement, if any.
如你是租戶, 說明每月租金
數目及其他收費。如有的話,
提交一份租賃協議副本。

2. (i) State your marital status. (Tick the appropriate box below)

說明你的婚姻狀況。(在適當方格內加上「√」號)

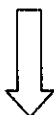
- ☐ Single 單身
☐ Married 已婚
☐ Divorced 離婚
☐ Separated 分居
☐ Widowed 喪偶

- (ii) If married, provide the name and Hong Kong Identity Card / Passport No. of your spouse.
如你是已婚，提供配偶的姓名及香港身分證號碼/護照號碼。

3. (i) Do you hold any professional qualification or vocational licence? (e.g. lawyer, licensed estate agent, licensed insurance agent, electrical technician.)
你是否擁有任何專業資格或職業牌照？(例如：律師、持牌地產中介人、持牌保險代理人、電器技術員。)

Yes 是

No 否



- (ii) Provide details.
提供詳情。

PART B: BUSINESS/EMPLOYMENT

B 部：業務/職業

4. (i) Are you currently employed?
你目前是否就業？

☐

Yes 是

☐

No 否



[Go to Question 4(iii)]

[回答第4 (iii)條問題]

- (ii) State 說明

- (a) name and address of your employer,
僱主的姓名及地址，

- (b) commencement of present employment,
目前職業的開始受僱日期，

- (c) your present salary / wages.
現時的薪金/工資。

- (iii) If **unemployed**, state the last date of your employment.
如果你現在失業，說出最後受僱日期。

- (iv) Were you **self-employed** in the past 3 years (counting from the date of the bankruptcy order)?
在過去3年（由頒布破產令當日起計），你是否自營作業？

☐

Yes 是

☐

No 否

- (v) Provide details of your total income for the last 3 years and copies of tax returns.
提供你於過去3年的收入總額詳情及報稅表副本。

Year of Assessment 評估年份	Total Income before tax 繳稅前的收入總額 (HK\$) 港幣
	HK\$ 港幣
	HK\$ 港幣
	HK\$ 港幣

PART C: SELF-EMPLOYMENT

C 部： 自營作業

5. (i) Name of your business :
商號名稱:

Name in English 英文名稱 :
Name in Chinese 中文名稱 :

- (ii) Business Registration No.:
商業登記號碼:

- (iii) Business address :
商號地址:

- (iv) Date of commencement of
business :
開始營業日期:

- (v) Date of cessation of business :
停業日期:

- (vi) Annual business turnover
for the past three years
preceding the date of cessation
of business:
在停業日期前三年內的每年營業額:

6. (i) Was the business a
partnership ?
商號是否屬合夥性質?

☐ Yes 是

☐ No 否

[Go to Question 7]
[回答第7條問題]

- (ii) Is there any written partnership
agreement?
有沒有簽訂合夥協議書?

☐ Yes 有

☐ No 沒有

- (iii) Provide names and addresses of the partners of the business and attach a copy of the agreement to this Questionnaire.

提供合夥人的姓名及地址並將一份協議書副本夾附於問卷。

7. For **sole-proprietorship**, you must deliver to the Official Receiver all books and accounting records together with the latest set of accounts of the business. For a **partnership**, books and accounting records are required for investigation.

若是獨資經營，你必須將所有帳冊及會計記錄，連同最新的一套業務帳目，一併提交破產管理署署長。若是合夥經營，你須提交帳冊及會計記錄作調查用。

8. (i) **Within 2 years before the date of the presentation of the petition, did you lose any of your assets in **gambling** which led to your insolvency or increased the extent of your insolvency?**

Yes 有

No 沒有



在提交呈請書前兩年內，你有沒有在賭博中損失資產，因而導致無力償債或令你更加無力償債？

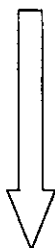
- (ii) How much did you lose?
你損失了多少資產？

HK\$
港幣

9. (i) **Within 2 years before the date of the presentation of the petition, did you lose any money in **speculation in activities** such as purchase of land, property, shares, commodities or other valuables not connected with your business?**

Yes 有

No 沒有



在提交呈請書前兩年內，你有沒有因參與投機活動，例如：購買土地、物業、股份、商品或與你業務無關的其他貴重物品而失去金錢？

- (ii) How much did you lose?
你失去了多少金錢？

HK\$
港幣



- (iii) Provide details and attach to this Questionnaire all statements and records relating to those activities.

提供詳情及將有關上述活動的所有報表和記錄夾附於問卷。

10. (i) Since the date of the presentation of the petition, have you lost any part of your assets by **gambling or speculation** which increased the extent of your insolvency?

自提交呈請書後，你有沒有因賭博或投機而損失部分資產，致令你更加無力償還債項？

Yes 有

No 沒有



- (ii) Provide details and attach to this Questionnaire all statements and records relating to those activities.

提供詳情及將上述有關活動的所有報表和記錄夾附於問卷。

PART D: DIRECTORSHIP

D 部：董事職務

11. (i) Have you been a director of a limited company or involved in its management in the last 5 years?

你在過去5年有沒有擔任過有限公司的董事，或涉及有限公司的管理？

Yes 有

No 沒有



- (ii) Provide the names of the companies.

提供該等公司的名稱。

PART E: ASSETS**E 部：資產**

(You are not required to answer Question No. 12 if you have submitted your statement of affairs.)

(如你已提交資產負債狀況說明書，便無須回答第12條問題。)

12. (i) List everything you own wherever located and the estimated value:
列出你在各處所擁有的全部資產及估計價值：

- (a) Cash in hand
手上現金
- (b) Cash held by other person(s) on your behalf (e.g. solicitor, accountant, estate agent, relative.) (Give their names and addresses.)
其他人士（例如：律師、會計師、地產中介人、親戚）為你保管的現金。
（提供有關人士的姓名及地址）
- (c) Cash in bank(s) (State the names of the banks and account numbers.)
銀行存款（列出銀行名稱及帳戶號碼）
- (d) Debts owed to you
(Give the names of debtors and state the legal action number, if any.)
別人拖欠你的債項（提供債務人姓名，如曾採取法律行動，說出訴訟編號。）
- (e) Stocks, shares, bonds and other financial securities
股票、股份、債券及其他財務證券
- (f) Bills of exchange, promissory note etc.
匯票、承付票等
- (g) Life and other insurance policies
人壽保險單及其他保險單
- (h) Jewellery
珠寶

Details 詳情	Estimated value 估計價值

- (i) Safe Deposit Box
保險箱
- (j) Stock in trade and inventory
交易中的貨品及存貨
- (k) Motor vehicles (state makes and vehicle numbers)
汽車（說出牌子及車牌號碼）
- (l) Machinery, plant and equipment
機器、廠房及設備
- (m) Trade fixtures and fittings
營業裝置（包括固定的裝置）
- (n) Household furniture and effects
家庭用傢具及雜物
- (o) Interest in landed properties (Provide address and state whether it is mortgaged or charged.)
地產的權益（提供地址，並說明有否將其按揭或抵押。）
- (p) Goodwill of your business
你公司的商譽
- (q) Other property not listed above
上述沒有列載的其他財產

Details 詳情	Estimated value 估計價值
Total : 總計:	

- (ii) Property listed above which will deteriorate or diminish in value if not realized immediately.
上述所列載如不立即變賣便會變壞或貶值的財產。

13. (i) Have you made any assignment of book debts? ☐ Yes 有 ☐ No 沒有
你有沒有轉讓任何帳面債項？



- (ii) Provide details including the date of notice to book debtors or in the case of general assignment, the date of registration.
提供詳情，包括向拖欠帳面債項者發出通知的日期，或在一般轉讓的情況下，有關的登記日期。

14. (i) Is there any property now in your possession held under a hire purchase agreement?
你現在有沒有任何財產仍受分期付款購買合約所約束？ ☐ Yes 有 ☐ No 沒有



- (ii) Provide details and produce the agreement.
說明有關詳情及出示該份合約。

15. (i) Have you in your possession or under your control any goods on hire (other than hire purchase), on loan, for safe custody, for repair, or otherwise?
你現在有沒有擁有或管理任何租賃（以分期付款方式購買的除外）、借用、由你保管、修理、或以其他方式交予你的貨物？ ☐ Yes 有 ☐ No 沒有



- (ii) Provide details.
詳細說明。

16. (i) Do you expect to receive money, property or valuables under a will or settlement?
你會否憑遺囑或遺產安排而獲得金錢、物業或貴重物品？ ☐ Yes 有 ☐ No 沒有



- (ii) Provide details.
詳細說明。

17. (i) Do you hold any property in trust for any person?
你有否為其他人士託管財產？

☐

Yes 有

☐

No 沒有



- (ii) Provide details.
詳細說明。

18. (i) Have you executed any bill of sale of your stock-in-trade, furniture or other personal effects?
你有沒有簽訂任何賣據，將你的存貨、傢具或其他個人財產抵押給別人？

☐

Yes 有

☐

No 沒有



- (ii) State where the bill is and provide details.
說明該賣據存放在什麼地方，並提供有關詳情。

19. (i) Did you within 12 months before the date of the presentation of the petition pledge, sell, remove or dispose of any portion of your stock, furniture, or effects, otherwise than in the ordinary course of your business?
你有沒有在提交呈請書前12個月內，除了在正常營業情況下，另外將你某部分存貨、傢具或個人財物抵押、出售、搬走或處置？

☐

Yes 有

☐

No 沒有



- (ii) Provide details.
詳細說明。

20. Within 5 years prior to the presentation of the petition, did you enter into any transactions in the following manner?
在提交呈請書前5年，你有沒有與任何人以下列方式訂立交易？

- (i) make a gift or entered into a transaction for no value?
向任何人饋贈或進行沒有代價的交易？ ☐ Yes 有 ☐ No 沒有
- (ii) enter into a transaction in consideration of marriage?
以結婚為代價訂立交易？ ☐ Yes 有 ☐ No 沒有
- (iii) transfer assets to any person at less than the market value?
低於市價轉讓資產給任何人？ ☐ Yes 有 ☐ No 沒有
- (iv) waive any debt due to you?
免除任何拖欠你的債項？ ☐ Yes 有 ☐ No 沒有



- (v) If your answer to (i) or (ii) or (iii) is 'Yes', provide details in Table A below:
如你第(i)或(ii)或(iii)題的答案是「有」的話，於以下A表填上詳情：

Table A:
A 表:

Date of transaction/ gift 交易/饋贈 日期	Name of purchaser or recipient 買家或收受人 姓名	Relationship to the bankrupt 與破產人 的關係	Description of the transaction/gift (e.g. land property, machinery, jewellery, company shares.) 交易/饋贈的詳情 (例如：土地、物業、機 器、珠寶、公司股份)	Market value of the transaction/gift 交易/饋贈 的市價	Price agreed under the transaction 交易的協議價

- (vi) If your answer to (iv) is 'Yes', provide details in Table B below:
如你第(iv)的答案是「有」的話，於以下B表填上詳情：

Table B:
B 表:

Date of the waiver 免除日期	Amount of the debt waived 免除債項的款額	Reasons for waiving the debt 免除債項的理由	Name and address of the debtor 債務人的姓名和地址	Relationship to the bankrupt 與破產人的關係	Name and details of guarantor 擔保人的姓名和詳細資料

21. (i) **Within 2 years** prior to the presentation of the petition, did you enter into any transaction including payment of your debts which would have the effect of giving an unfair preference to anyone?
在提交呈請書前兩年內，有否與人訂立交易，包括發還債款而致令對其他人不公平？

☐

Yes 有

☐

No 沒有



- (ii) Provide details.
詳細說明。

22. **Provident Fund/Pension Scheme**
公積金/退休金計劃

- (i) Are you or have you been a member of a provident fund or pension scheme including the Mandatory Provident Fund Scheme?
你是否或曾否是公積金/退休金計劃成員，包括強制性公積金計劃？
- ☐ Yes 是 ☐ No 否



- (ii) Have you ever made contributions of more than 5% of your total income in the scheme?
你有否就有關計劃繳付超逾總收入5%的供款？
- ☐ Yes 是 ☐ No 否



- (iii) When do you expect to receive payment from your pension/provident fund?
你預期何時可以取得退休金/公積金款項？

--

- (iv) Provide a copy each of the scheme and the latest statement of your account in the scheme.
提供每項計劃的副本及有關計劃的最新帳目報表副本。

23 **Club Membership**
會所會籍

- (i) Do you hold membership of any club which is transferable?
你是否任何可以轉讓會籍的會所成員？
- ☐ Yes 是 ☐ No 否



- (ii) Provide details.
提供詳情。

Name 姓名	Address 地址	Value 價值	Membership No. 會員編號

24. Extortionate Credit Transactions

敲詐性的信貸交易

- (i) Within 3 years before the date of the bankruptcy order, did you obtain any credit where:
在發出破產令前3年內，你有否在以下情況下獲得信貸：

- (a) the interest rate charged was greater than 48% per annum;
每年的息率超過48%； ☐ Yes 有 ☐ No 沒有
- (b) an exorbitant payment was required from you before the credit was provided;
在你獲得信貸前須繳付敲詐性款項； ☐ Yes 有 ☐ No 沒有
- (c) the ordinary principles of fair dealing had been grossly contravened.
嚴重違反了公平交易的一般原則。 ☐ Yes 有 ☐ No 沒有



- (ii) If your answer to any of the above is "Yes", provide details.
如你就上述任何一題的答案是「有」的話，提供詳情。

25. **Income within 5 years following the making of the bankruptcy order**

頒布破產令後5年內的收入

- (i) Do you expect to receive any income or property in addition to your salary/wages within the 5 years following the making of the bankruptcy order? If yes, put a tick in the appropriate box and provide details.

在法院頒布破產令後5年內，你預期會否收到薪酬/工資以外任何收入或財產？

如果有的話，在適當方格填上「√」號及提供詳情。

	Details 詳情
<input type="checkbox"/> Legacy 遺產	
<input type="checkbox"/> As a beneficiary under a life policy of another person 任何人壽保險單的受益人	
<input type="checkbox"/> As the beneficiary under a trust 信託的受益人	
<input type="checkbox"/> An end of contract payment 約滿時收取的款項	
<input type="checkbox"/> Others 其他	

(You are not required to complete this Part if you have submitted your statement of affairs.)

(如你已提交資產負債狀況說明書，便無須填寫這個部分)

PART F: LIABILITIES

F 部: 債項

26. (i) Do you owe money to any of the following creditors? Enter the amount owing in the relevant boxes and provide details in respect of the creditors marked with asterisks below in (ii):
 你有否拖欠以下債權人任何債務？在有關空格內填上√號及欠款數目。
 並在以下(ii)項內提供關於註有*號的債權人的詳情：

	Amount owing (HK\$) 所欠數額 (港幣)	Refundable Deposit (HK\$) 應退還按金 (港幣)
Electricity電	<input type="text"/>	<input type="text"/>
Gas煤氣	<input type="text"/>	<input type="text"/>
Telephone電話	<input type="text"/>	<input type="text"/>
Water水	<input type="text"/>	<input type="text"/>
Rates差餉	<input type="text"/>	
Tax due到期應繳稅款	<input type="text"/>	
Money owed to employees拖欠僱員的款項	<input type="text"/>	
*Credit Card Accounts*信用咭帳戶	<input type="text"/>	
*Rent*租金	<input type="text"/>	
Trade Creditors商業債權人	<input type="text"/>	
*Guarantees you have given*作為擔保人	<input type="text"/>	
Unsecured loans from any banks or finance companies 從銀行或財務公司獲得的無抵押貸款	<input type="text"/>	
Other unsecured creditors 其他無抵押債權人	<input type="text"/>	
Sub-total 小計	<input type="text"/>	
*Secured Creditors (e.g. mortgagees, chargees, debenture-holders.) *有抵押債權人 (例如: 承按人、承押記人、債券持有人)	<input type="text"/>	
*Hire purchase or credit sale agreements *分期付款購買合約或賒銷合約	<input type="text"/>	
Total: 總計	<input type="text"/>	

(ii)

Credit Card Accounts

信用咭帳戶

Name of Credit Card Company 信用咭公司名稱	Account Number 帳戶號碼

Rent Due

所欠租金

Address of Rented Premises 租住樓宇的地址	Name and Address of Landlord 業主姓名及地址	Details of Tenancy (Give details of any distress levied) 租約的詳細資料 (提供封租行動的詳請)	Refundable Deposit 應退還按金

Guarantee Given

所作的擔保

In favour of (including address) 擔保的對象 (連同地址)	Details 詳請

Secured Creditors

(e.g. Mortgagees, Chargees, Debenture Holders.)

有抵押債權人 (例如: 承按人、承押記人、債券持有人等。)

Name and Address of Secured Creditors 有抵押債權人姓名及地址	Name and Value of Security 抵押品性質及價值	Amount Owning 所欠數額

Hire Purchase or Credit Sale Agreements

分期付款購買合約或賒銷合約

Name and Address of Creditor 債權人姓名及地址	Details of Goods Covered by Agreement 合約所載貨物的詳細資料	Amount Owning 所欠數額

27. (i) Provide details of the creditors who have issued legal proceedings against you:
提供向你提出法律訴訟的債權人的詳細資料：

Name and Address of Creditor 債權人姓名及地址	Amount Owning 所欠數額	Action Number 訴訟編號

- (ii) Has any execution been levied against you during the last six months?
過去6個月，你的店舖或貨物有沒有被封？

☐

Yes 有

☐

No 沒有



- (iii) Provide details.
提供詳情。

--

(Complete this Part if you have been trading in your own name or in a partnership.)

(如你自營作業或合夥營商，請填寫以下部分)

PART G: ACCOUNTING RECORDS

G 部: 會計記錄

28. (i) What books of account have you kept and what period do they cover?
(S. 30A(4)(g) and S. 134)
你保存了什麼帳冊?
這些帳冊涉及那一段時間?
(第30A(4)(g)及第134條)

Books 帳冊	Period covered 所包括時期
(1)	
(2)	
(3)	
(4)	
(5)	



- (ii) All books of account, documents, sales invoices, delivery notes and other financial documents and correspondence together with a signed inventory must be delivered to the Official Receiver.
將所有帳冊、文件、發票、送貨單及其他財務文件，以及往來書信，連同一份經簽署作實，詳列有關文件的細目表送交破產管理署署長。

PART H: INSOLVENCY INFORMATION**H 部：關於無力償還債務的資料**

29. (i) Have you ever been a bankrupt or have you ever reached a settlement with your creditors?
你以往曾否成為破產人或你曾否與債權人和解？
- ☐ Yes 有 ☐ No 沒有
- ↓

- (ii) Provide details.
提供詳情。

Bankruptcy No. 破產案編號

IVA No. 個人自願安排編號

30. (i) When did you first become aware that you had insufficient assets to pay your debts in full and stop payment?
你在什麼時候最先察覺沒有足夠資產償還所有債務並停止付款？

- (ii) Did you continue to trade?
那時你有沒有繼續經營你的業務？

☐

Yes 有

☐

No 沒有

- (iii) Did you continue to borrow?
你有沒有繼續借貸？

☐

Yes 有

☐

No 沒有

- (iv) If your answer to (ii) or (iii) above is "yes":
如上述第(ii)或(iii)題的答案是「有」的話，

- (a) why? 原因為何？

- (b) provide details of your borrowing for the period 3 months prior to the date of the presentation of the petition; 提供你在提交呈請前三個月內的借貸詳情;

Date of Application 申請日期	Bank / Finance Company 銀行 / 財務公司	Credit Card / Loan No. 信用咭 / 貸款編號	Credit Limit / Loan Amount 信用咭限額 / 貸款數額	Usage 用途

- (c) provide details of your borrowing for the period from the date of the presentation of the petition to the date of the bankruptcy order. 提供你在提交呈請至頒布破產令期間的借貸詳情。

Date of Application 申請日期	Bank / Finance Company 銀行 / 財務公司	Credit Card / Loan No. 信用咭 / 貸款編號	Credit Limit / Loan Amount 信用咭限額 / 貸款數額	Usage 用途

- (v) When did you cease trading?
你於何時停業？

- (vi) When did you stop payment of your debts?
你於何時停止償還債務？

- (vii) Did you give notice to any of your creditors that you stopped payment or intended to stop payment?
你有否通知任何一位債權人你停止償還債務或有意停止償還債務？

☐

Yes 有

☐

No 沒有



- (viii) State when, to whom and in what manner?
在什麼時候通知？
通知了誰？
用什麼方式？

31. What are the causes of your bankruptcy?
什麼原因導致你破產？

32. **Uncompleted contracts or other transactions at the date of the bankruptcy order**
在頒布破產令當日尚未完成的合約或其他交易

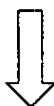
- (i) Did you have any uncompleted contracts or other transactions at the date of the bankruptcy order?
在頒布破產令當時，你有否任何尚未完成的合約或其他交易？

☐

Yes 有

☐

No 沒有



- (ii) Provide details.
提供詳情。

Part I: INVOLVEMENT IN PUBLIC OFFICES
I 部：出任公職

33. (i) Are you at present holding office of any public service?
e.g. District Council Member.
你現時是否出任任何公職
(例如區議員)

☐

Yes 是

☐

No 否



- (ii) Provide details.
提供詳情。



- (iii) Will you be disqualified from holding office as a result of your bankruptcy?
你會不會因破產而被取消出任該公職的資格？

☐

Yes 會

☐

No 不會

Part J: INDIVIDUAL VOLUNTARY ARRANGEMENT (IVA) PROPOSAL

J 部：個人自願安排建議

34. (i) Do you intend to make a proposal for an IVA?
你有沒有打算提出個人自願安排的建議？

☐

Yes 有

☐

No 沒有



- (ii) Provide details.
提供詳情。

Part K: OTHER MATTERS

K 部：其他事項

35. Further information relevant to your bankruptcy.
其他與你的破產個案有關的資料。

I hereby declare that all answers and statements made by me in this Form of Preliminary Examination of Bankrupt (including annexures) are true and correct to the best of my knowledge and belief and were made after my attention had been drawn to Section 36 of the Crimes Ordinance (Cap. 200).

我謹此聲明我就對破產人初步訊問表格（包括各附件）內提供的所有答案和陳述，就我所知和所信內容完全屬實。在作答前，我已獲知有關香港法例第200章刑事條例第36條的內容。

Date 日期

(Bankrupt 破產人)

接收聲明

破產案 2010 年第 99999 宗

Bankrupt

本人，下方簽署人，現確認收到下列文件：

- ☐ (a) 有關上述破產案的資產負債狀況說明書兩套，須於破產令發出日（即年_____月_____日）起計二十一天內填妥並交回破產管理署署長（只供債權人呈請個案）；
- ☐ (b) “破產簡介”小冊子一本，以供參閱；
- ☐ (c) 初步訊問問卷(EA/B-11)一份，須於七天內填妥並交回；
- ☐ (d) “周年收入及取得的財產說明書”表格(EA/B-108b)____份，須於本人破產令發出後的每一周年填妥並交回；
- ☐ (e) “個人自願安排簡介”小冊子一本。

見證人 _____
()

簽署人 _____
()

香港身分證號碼：

日期：

File Ref. : _____

ACKNOWLEDGEMENT OF RECEIPT

Bankruptcy No. 99999 of 2010

Bankrupt

I, the undersigned, acknowledge receipt of

- ☐ (a) two sets of Statement of Affairs forms for completion and return in respect of the captioned bankruptcy to the Official Receiver within 21 days from the issue of the bankruptcy order on
[For creditor's petition only];
- ☐ (b) one copy of 'Simple Guide on Bankruptcy' ;
- ☐ (c) one copy of Preliminary Examination questionnaire (EA/B-11) for completion and return within 7 days;
- ☐ (d) _____ copy/ copies of 'Annual Statement of Earnings & Property Acquired' form (EA/B-108b) for completion and return on each anniversary of my bankruptcy order;
- ☐ (e) one copy of 'Simple Guide on Individual Voluntary Arrangement'.

Witnessed _____
()

Signed _____
()

H.K. Identity Card No. :

Date :

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
9999 2010
NO. «CN» OF «CY»

Re : «NC»

Ex parte : The Official Receiver

MEMORANDUM OF ADVERTISEMENT

The following advertisement appeared in The Government of the Hong Kong Special Administrative Region Gazette on «DS1».

Notice of Bankruptcy Order

5

B10/99998/2010

先生/女士：

關於：破產案 年第 宗

Bankrupt

香港高等法院已於 年 月 日向你發出破產令。

現請你於 年 月 日 午 時 分前來本署*十樓/十一樓/十二樓與本人會晤。

根據香港法例第6章破產條例的破產規則第150(3)條及第160條的規定，你有責任於破產管理署署長指定的日期、時間及地點，與破產管理署人員會晤，並提供所有破產管理署署長需要的帳目及詳情，否則該署長可向法院報告，由法院採取適當的行動。

警告：任何破產人如不履行破產程序所規定的法定責任，可能

(甲)影響破產令的解除，

(乙)引致破產管理署署長或受託人向高等法院申請發出拘捕令，及

(丙)導致破產管理署署長向你提出檢控。

破產管理署署長暨*接管人/受託人

(代行)

年 月 日

* 請將不適用的字句刪除

B10/99999/2010

Dear Sirs/Madam,

Re: Bankruptcy No. 99999 of 2010

Bankrupt

A bankruptcy order was made by the High Court of Hong Kong against you on

You are requested to attend at *10th/11th/12th floor of this office for an interview on
at

According to Rules 150(3) and 160 of the Bankruptcy Rules (Cap. 6), it is your duty to attend at such times and places as the Official Receiver may appoint and to furnish him with all such accounts and particulars as he may require, failing which he may report to the court which may take such action as it thinks fit.

Warning : Failure of bankrupts to comply with their statutory duties in bankruptcy proceedings may :-

- (a) affect their discharge from bankruptcy,**
- (b) result in the issue of warrants of arrest by the High Court upon application by the Official Receiver or the trustee, and**
- (c) lead to prosecution by the Official Receiver.**

Yours faithfully,

for Official Receiver & *Receiver / Trustee

* Delete if inapplicable

EA/B-52 (9/2003) (New)

(D R A F T)

HCB (1) 99999 / (2) 2010

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IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

To: Clerk to Master (20) _____
For your approval please.

NO. (1) 99999 OF (2) 2010

(14) _____

RE : (3) Bankrupt the Debtor

BEFORE MASTER (20) OF HIGH COURT IN COURT

BANKRUPTCY ORDER ON DEBTOR'S PETITION

UPON HEARING the Debtor and the Official Receiver and ON THE PETITION of
the Debtor himself/herself, filed on the (15) , a Bankruptcy Order is
hereby made against (3)
of (18)
and the Official Receiver is hereby constituted Receiver of the estate of the said Debtor.

Dated this (21) day of , .

Registrar

HCB (1) 99999 / (2) 2010

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. (1) 99999 OF (2) 2010

RE : (3) Bankrupt the Debtor

BANKRUPTCY ORDER ON DEBTOR'S PETITION

Filed on : (22)

Name: (3)

Address: (18)

Tel.: (19)

B10/《檔號》 99999/2010

《電話》

《傳真》

《債務人姓名》

Bankier

《債務人地址》

《姓》先生/女士：

關於： 破產案《年份》年第《編號》宗
《案件名稱1》

高等法院已接獲一份你自己遞交的破產呈請書，並定於
《聆訊日1》進行聆訊。

倘若破產令於聆訊當日發出，你必須立即致電本人，預約
前往以下地址會晤：

地址： 香港金鐘道66號金鐘道政府合署《樓》樓

個案處理組： 《組》組

請帶同本信及附表所列的有關文件前來會晤。

破產管理署署長

(《主任1》

代行)

2005年《日期1》

本署檔案： B10/《檔號》

關於： 破產案《年份》年第《編號》宗
《案件名稱 1》

在發出破產令後，請帶同以下文件前往破產管理署：

- 填妥的
- i) 初步訊問問卷 (已由接待處派發之表格 EA/B-11)。
 - ii) 每月收入與支出表格 (已由接待處派發之表格 EA/B-7Aa)。

現職的僱傭合約及目前每月收入的證明 (如有的話)。

過往三年的報稅表或稅單副本。

關於你擁有全部或部分物業而欠下承按人及其他承押記人的款項的證明文件 (例如按揭貸款結算表) (如有的話)。

關於你擁有的車輛的分期付款購買合約及財務公司最近期的結算表 (如有的話)。

過去三年自營作業 (獨資經營或合夥企業) 的商業登記證副本 (如有的話)。

你所參與的公積金或退休金計劃的有關條款及最近期的結算表副本 (如有的話)。

你在資產負債狀況說明書提及的人壽保險單副本。

由提交破產呈請日起計前三個月及呈請日至聆訊日該段時間內所有信用咭的結算表及貸款協議書副本。

其他可以交給破產管理署參考的文件。

此外，亦請填寫下列表格：-

在遞交呈請書當日所欠無抵押的債項	數量(項)	款額(元)
財務公司的私人貸款		
信用卡債款		
其他無抵押債款		
你的資產負債狀況說明書 B 表內的無抵押債款總額		

破產管理署

表格3

Form 3

HCB 99999 / 2101

2

香港特別行政區
原訟法庭

高院破產案件⁽²⁾ 年第⁽¹⁾ 宗

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO. 99999 OF 2010

關於： 債務人
RE : Bankrupt the Debtor

債務人的破產呈請書
DEBTOR'S BANKRUPTCY PETITION

本人，⁽⁴⁾

I, ⁽⁴⁾ Bankrupt

[又名⁽⁵⁾

[also known as ⁽⁵⁾

[最近居於⁽⁶⁾

[and lately residing at ⁽⁶⁾

[並以下述身分經營業務⁽⁷⁾

[and carrying on business as ⁽⁷⁾

[和最近以下述身分經營業務⁽⁸⁾

[and lately carrying on business as ⁽⁸⁾

現請求法院針對本人作出破產令，本人聲言如下 —

request the court that a bankruptcy order be made against me and say as follows —

1. 本人以香港為本人的居籍 / 本人在提出

1. I am domiciled in Hong Kong / personally present in Hong Kong on the
此項呈請的日期時處身於香港 / 本人在緊接
date of presentation of this petition/have within 3 years immediately preceding the
此項呈請提出前3年內曾在香港⁽⁹⁾ 於
presentation of this petition ⁽⁹⁾ [resided at] [carried on business at] ⁽⁹⁾

[居住] [經營業務] ⁽⁹⁾。
within Hong Kong.

2. 本人無能力償付本人的債項。
2. I am unable to pay my debts.
3. 現連同此項呈請書提交一份本人的資產負債狀況說明書。
3. A statement of my affairs is filed with this petition.

日期：₍₁₁₎ 年 月 日
Dated this ₍₁₁₎ day of , .

由₍₄₎
Signed by ₍₄₎
在₍₁₂₎
in the presence of ₍₁₂₎

簽署本呈請書

在場的情況下

證人簽署
Signature of witness.

債務人簽署
Signature of Debtor

證人 ₍₁₃₎
Witnessed by ₍₁₃₎

註 明
ENDORSEMENT

此 項 呈 請 已 於 ₍₁₅₎ 向法院提出，

This petition having been presented to the court on ₍₁₅₎ ,

現下令在以下日期、時間及地點就此項呈請進行聆訊 —

it is ordered that the petition shall be heard as follows —

日期₍₁₆₎

Date ₍₁₆₎

時間 ₍₁₆₎

時

Time ₍₁₆₎

hours

地點 ₍₁₆₎

Place ₍₁₆₎

司法常務官
Registrar

HCB⁽¹⁾ / ⁽²⁾

香港特別行政區
原訟法庭
高院破產案件⁽²⁾ 年第⁽¹⁾ 宗

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS

NO. ⁽¹⁾ OF ⁽²⁾

關於：⁽³⁾ 債務人
RE：⁽³⁾ the Debtor

債務人的破產呈請書
DEBTOR'S BANKRUPTCY PETITION

存檔日期⁽¹⁷⁾
Filed on : ⁽¹⁷⁾

姓名：⁽³⁾
Name: ⁽³⁾

地址：⁽¹⁸⁾
Address: ⁽¹⁸⁾

電話：⁽¹⁹⁾
Tel.: ⁽¹⁹⁾

表格 28C
FORM 28C香港特別行政區
原訟法庭
高院破產案件(2) _____ 年第⁽¹⁾ _____ 宗IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
IN BANKRUPTCY PROCEEDINGS
NO.⁽¹⁾ _____ OF⁽²⁾ _____有關⁽³⁾Re ⁽³⁾ _____資產負債狀況說明書(債務人的呈請)
STATEMENT OF AFFAIRS (DEBTOR'S PETITION)
《破產條例》(第 6 章)
BANKRUPTCY ORDINANCE (CHAPTER 6)

請填寫本表格各頁，以顯示你現在的經濟狀況；本表格填妥後即為你的資產負債狀況說明書。

Show your current financial position by completing all the pages of this form which will then be your Statement of Affairs.

誓章

AFFIDAVIT

你在填妥本表格的其他部分後，必須在一名律師、監誓員或獲妥為授權監誓的法院人員面前就本誓章宣誓。

This Affidavit must be sworn before a Solicitor or Commissioner of Oaths or an officer of the court duly authorized to administer oaths when you have completed the rest of this form.

本人⁽¹⁰⁾ _____I, ⁽¹⁰⁾ _____地址為⁽¹⁸⁾ _____of ⁽¹⁸⁾ _____

A 表
LIST A
有抵押債權人⁽²³⁾
SECURED CREDITORS⁽²³⁾

是否有人正就你的任何東西提出申索以消除或減少其申索？
Is anyone claiming something of yours to clear or reduce his or her claim?

有 無
Yes No
☐ ☐

如“有”，請在下面提供詳情：
If ‘YES’ give details
below :

債權人姓名/名稱 Name of creditor	地址 (及郵政編號) Address (with postcode)	欠債權人的款額 Amount owed to creditor \$	你的甚麼東西被提出申索？ 該等東西價值多少 ⁽²⁴⁾ ？ What of yours is claimed and what is it worth ⁽²⁴⁾ ？
1. _____ _____	_____ _____ _____	_____ _____	_____ _____ _____
2. _____ _____	_____ _____ _____	_____ _____	_____ _____ _____
3. _____ _____	_____ _____ _____	_____ _____	_____ _____ _____
4. _____ _____	_____ _____ _____	_____ _____	_____ _____ _____

簽署 _____
Signature

總額：
Total : _____
日期 (11) _____
Date (11) _____

UNSECURED CREDITORS (25)

總額
Total

簽署
Signature

日期 (11)

Date (11)

C1 表
LIST C1
資產
ASSETS

你是否有任何銀行帳戶或在任何銀行帳戶中有權益？

Do you have any bank accounts or an interest in one?

如‘有’，則述明該等帳戶所在何處、

有多少款項在其內，以及你所佔的份額⁽²⁶⁾。

If ‘YES’ state where they are, how much is in them and how much is your share⁽²⁶⁾.

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

你是否有任何業務銀行帳戶，包括聯權共有帳戶在內？

Do you have any business bank accounts, including joint accounts?

如‘有’，則述明該等帳戶的名稱、所在何處，以及有多少款項在其內⁽²⁷⁾。

If ‘YES’ state the name of the accounts, where they are and how much is in them⁽²⁷⁾.

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

你是否有任何銀行存款帳戶或你是否在任何該等帳戶中有權益？

Do you have any bank deposit accounts or an interest in one?

如‘有’，則述明該等帳戶所在何處、

有多少款項在其內，以及你所佔的份額⁽²⁸⁾。

If ‘YES’ state where they are and how much is in them and how much is your share⁽²⁸⁾.

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

簽署

Signature

日期

Date

⁽¹¹⁾

⁽¹¹⁾

C2 表
LIST C2
資產
ASSETS

你是否有任何其他儲蓄？
Do you have any other savings?
如‘有’，則提供詳情⁽²⁹⁾。
If ‘YES’ give details⁽²⁹⁾.

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

你是否使用汽車？
Do you use a motor vehicle?
如‘有’，則誰擁有該汽車？
該汽車價值多少⁽³⁰⁾？
If ‘YES’ who owns it and what is it worth⁽³⁰⁾?

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

你是否在任何其他汽車上有權益？
Have you an interest in any other motor vehicles?
如‘有’，則提供詳情及該等汽車的價值⁽³¹⁾。
If ‘YES’ give details and their value⁽³¹⁾.

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

簽署 _____
Signature

日期⁽¹¹⁾ _____
Date⁽¹¹⁾

C3 表
LIST C3
資產
ASSETS

<p>現請顯示你其他可能有價值的東西。</p> <p>Now show anything else of yours which may be of value.</p>	\$
<p>(a) 家具及家用物件 _____ Household furniture and belongings</p>	
<p>(b) 人壽保單 (32) _____ Life policies (32)</p>	
<p>(c) 欠你的金錢 (33) _____ Money owed to you (33)</p>	
<p>(d) 存貨 (34) _____ Stock in trade (34)</p>	
<p>(e) 其他財產 (35) _____ Other property (35)</p>	
<p>總 額 TOTAL</p>	\$

簽署

日期

(11)

Signature _____

Date _____

(11)

(XI)

D 表
LIST D

1. 述明你的受養人的姓名、年齡(如未滿 18 歲)，以及與你的關係。
State the name, age (if under 18), and relationship to you of your dependents.

1 _____ 2 _____ 3 _____ 4 _____ 5 _____	6 _____ 7 _____ 8 _____ 9 _____ 10 _____
---	--

2. 是否有任何債權人或其代表針對你而扣押財物？
Has distress been levied against you by or on behalf of any creditor?

有	無
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

如‘有’，請在下面提供詳情 —
If ‘YES’ give details below -

債權人 姓名/名稱 Name of creditor	申索款額 Amount of claim \$	扣押財物 的日期 ⁽³⁶⁾ Date Distress Levied ⁽³⁶⁾	所檢取財產的描 述及估計價值 Description and estimated value of property seized
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

簽署 _____
Signature

日期 ⁽¹¹⁾ _____
Date ⁽¹¹⁾

E 表
LIST E

3. 在你提出破產呈請的日期，是否有香港任何法院針對你作出而尚未履行的法院判決或尚未解決的其他法律程序？
- 有 無
Yes No
☐ ☐
- At the date you present your bankruptcy petition, is any court judgment or other legal process outstanding against you that has been made by any court in Hong Kong?
- 如‘有’，則提供以下詳情 —
If ‘YES’ give details below -

債權人 姓名/名稱 Name of creditor	申索款額 Amount of claim \$	發出的程序文件的 類型及日期 ⁽³⁷⁾ Type and date of process issued ⁽³⁷⁾	任何所檢取財產 的描述及估計價值 Description and estimated value of any property seized
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. 在你提出破產呈請的日期，是否有任何針對你且屬有效的收入付款令？
- 有 無
Yes No
☐ ☐
- At the date you present your bankruptcy petition, is any income payments order in force against you?
- 如‘有’，請在下面提供詳情 —
If ‘YES’ give details below -

債權人 姓名/名稱 Name of creditor	命令的 日期 Date of order	法院 Court	根據命令(每月/ 每週)須繳付的 分期付款 Amount of instalment payable under order (per month/week) \$	根據命令而 繳付的總款額 Total amount paid under order \$	命令有效期屆 滿的日期(如 適用的話) ⁽³⁷⁾ Date order expires (if applicable) ⁽³⁷⁾
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

簽署
Signature _____

日期 ⁽¹¹⁾
Date ⁽¹¹⁾ _____

F 表
LIST F

5. (a) 在你提出呈請前你是否曾為償付你的債項而試圖概括地與你的債權人達成任何協議?
Have you, before you presented your petition, tried to come to any agreement with your creditors generally for payment of your debts? 有 無
Yes No
☐ ☐
- (b) 如 5(a) 的答案是 '有'，則向債權人提出哪些條款—
If the answer to 5(a) is 'YES', what terms were offered to the creditors -
- (1) 償還的時間
time for repayment _____
- (2) 由債權人收取的按
百分率計算的款額
percentage amount
receivable by creditors _____
- (3) 何時提出該等條款?
when was the offer
made? _____
- (c) 該項嘗試是否因債權人拒絕接受所提出的條款而失敗?
Did the attempt fail because the creditors refused to accept the terms offered? 是 否
Yes No
☐ ☐
如 '否'，則為何該項嘗試失敗? _____
If 'NO' why did it fail? _____

-
6. 你是否認為你將有能力根據《破產條例》(第 6 章)為你的債權人引進一項相當可能被他們接受的自願安排?
Do you think that you will be able to introduce a voluntary arrangement for your creditors under the Bankruptcy Ordinance (Chapter 6), which is likely to be acceptable to them? 是 否
Yes No
☐ ☐
如 '是'，則簡述如下 _____
If 'YES' give brief details _____

簽署

Signature _____

日期 ⁽¹¹⁾

Date ⁽¹¹⁾ _____

G 表

LIST G

經濟能力說明書

STATEMENT OF MEANS

(在下面列出“每月”固定的收入及支出的全部項目)

(List below all items of regular “monthly” income and expenditure)

收入項目 (38) Items of income (38)	\$	開支項目 (39) Items of expenditure (39)	\$
總額 Total		總額 Total	

本頁顯示本人現將有能力每月償付債權人\$_____。

This page shows that I will now be able to pay creditors \$_____ a month.

簽署_____

Signature

日期 (11) _____

Date (11)

H 表
LIST H

近期及預期的收入說明書

STATEMENT OF RECENT AND EXPECTED INCOME

在以下的表內列入過去 12 個月你的總收入，以及以後 12 個月你的估計總收入。

Include in the table below details of your gross income in the past 12 months and your estimated gross income for the next 12 months.

總收入即為你的收入在作出任何扣除(包括稅項)之前的款額。

Gross income is the amount of your income before any deductions, including tax, are made.

確保你將所有收入詳情列入，因任何遺漏的詳情可能會影響你獲得提早解除破產的能力。

Ensure that you include all income details as any details left out may affect your ability to obtain an early discharge.

收入來源 Source of Income	最近 12 個月的收入 Income last 12 months	以後 12 個月的估計收入 Estimated income next 12 months
在扣除稅項之前的總工資及薪金 (包括超時及處罰工資) Gross Wages and Salary before income tax is deducted (including overtime & penalty rates) • •	\$ \$	\$ \$
(如屬自僱)從業務提取的款項 Drawings from Business if self-employed	\$	\$
政府退休金、利益及津貼(指明類別) Government Pensions, Benefits & Allowances (Specify type) • • •	\$ \$ \$	\$ \$ \$
退休或認可存款、公積金方面的付款 (指明類別) Payments from Retirement or Approved Deposit, Provident Funds (Specify type) • •	\$ \$	\$ \$
僱用終止時的整筆付款 Lump Sum payment on termination of employment	\$	\$
來自死者的遺產或信託的收入 Income from deceased estate or trust	\$	\$
來自投資的收入(指明類別) Income from Investments (Specify type) • 利息 Interest • 派息 Dividends • 保險單 Insurance policies • •	\$ \$ \$ \$ \$	\$ \$ \$ \$ \$
來自非以上所述的任何其他津貼、利益或來源所得的款項(指明來源及類別) ₍₄₀₎ Money from any other allowances, benefits or sources not mentioned above (Specify source & type) ₍₄₀₎ • • •	\$ \$ \$	\$ \$ \$
總額 TOTAL	\$	\$

標示政府當局擬修訂的

《 2004 年破產(修訂)條例草案 》條文

(只有英文文本)

2. Interpretation

Section 2 of the Bankruptcy Ordinance (Cap. 6) is amended -

- (a) in the definition of “**誓章**”, by repealing the full stop at the end and substituting a semicolon;

- (aa) in the definition of “trustee”, by adding “subject to section 58(1B),” before “means”¹:

- (b) by adding -

““provisional trustee” (暫行受託人), in relation to a bankrupt, means -

- (a) where no person is appointed as provisional trustee of the property of the bankrupt under section 12(1A), the Official Receiver; or
- (b) where any person is appointed as provisional trustee of the property of the bankrupt under section 12(1A), the person;”.

¹ This is in response to the suggestion that the definition of “trustee” in section 2, the interpretation provision, should make reference to the new subsection (1B) of section 58.

3. Effect of bankruptcy order

Section 12 is amended -

- (a) in subsection (1), by repealing “the Official Receiver shall be thereby constituted receiver” and substituting “, the Official Receiver shall thereby become the provisional trustee”;

- (b) by adding -

“(1A) In the case of a debtor’s petition, if²
~~Where~~ the Official Receiver as the provisional trustee considers that the value of the property of the bankrupt is unlikely to exceed \$200,000, he may at any time appoint any person as provisional trustee of the property of the bankrupt in his place.

(1B) The power of the Official Receiver to appoint a person as provisional trustee includes power to appoint 2 or more persons as joint provisional trustees; but such an appointment must make provision as to the circumstances in which the provisional trustees must act together and the circumstances in which one or more of them may act for the others.”.

² This amendment aims to reflect the policy intent that only debtor-petitioned bankruptcy cases may be outsourced.

5. Power to appoint special manager

Section 15 is amended -

- (a) in subsection (1), by repealing “to act until a trustee is appointed, and with” and substituting “, who shall have”;
- (b) by adding -

“(4) The term of office of the special manager shall last until -

- (a) in a case where a person other than the Official Receiver is appointed as provisional trustee under section 12(1A)³, the appointment; or
- (b) in any other case, ~~there is a trustee in relation to the bankrupt’s estate~~ a trustee is appointed or constituted under sections 17, 78(1)(g), 81(4), 100D, 112(4), 112A(1)(i) or paragraph 6 of Part II of Schedule 1.⁴.

³ The proposed change is in response to the discussion at the Bills Committee on 1 April 2005.

⁴ Same as footnote 3 above.

15. Vesting and transfer of property

Section 58(1) is repealed and the following substituted -

“(1) On the making of a bankruptcy order, the property of the bankrupt shall vest in the Official Receiver.

(1A) On the appointment of a person other than the Official Receiver as provisional trustee, the property shall forthwith pass to and vest in the provisional trustee appointed.

(1B) Save in sections 15(4), 17, 17A, 17B, 42(3), ~~43A, 43B, 43C,~~⁵ 58(2), 60~~(1)~~⁶, 79, 80, 81, 85, 85A, 96(1) and 112A, the provisional trustee shall, unless the context otherwise requires, be regarded as the trustee for the purposes of this Ordinance.”.

17. Powers of provisional trustee and trustee to deal with property of the bankrupt

Section 60 is amended -

- (a) by renumbering it as section 60(1);
- (b) in subsection (1) -
 - (i) by repealing “, the trustee” and substituting “, a trustee or the Official Receiver when acting as provisional trustee”;

⁵ This amendment aims to enable provisional trustees to have the same power of trustees in claiming after-acquired property and certain items of excess value under existing sections 43A, 43B and 43C of the Bankruptcy Ordinance (BO).

⁶ This amendment is consequential to the amendments made to clause 17 below.

- (ii) in paragraph (a), by repealing “Official Receiver or” and substituting “trustee or the Official Receiver when acting as provisional”;
- (c) by adding -
 - “(2) Notwithstanding any other provisions of this Ordinance but subject to subsections (3) and (4), a provisional trustee other than the Official Receiver may do all or any of the following things -
 - (a) take into his custody or under his control all the property to which the bankrupt is or appears to be entitled;
 - (b) sell or dispose of perishable goods, or any property (other than derivatives, warrants, options, shares or choses in action) the estimated value of which is less than \$100,000 and is likely to significantly diminish if such property is not immediately sold or disposed of;
 - (c) subject to section 61, do all such other things as may be necessary for protecting or

preserving the bankrupt's property;

(d) exercise any power the capacity to exercise which is vested in the provisional trustee under this Ordinance and execute any powers of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Ordinance⁷; and

(e) subject to section 61, do all such other things as may be necessary for administering the estate pending the appointment of a trustee.⁸

(3) A provisional trustee other than the Official Receiver may also exercise a power under subsection (1) if the power is exercised

⁷ This amendment aims to clarify that a provisional trustee may exercise all the powers vested in him — including monitoring the conduct of a bankrupt and ensuring that the bankrupt performs his duties. Similar provision can be found in the existing section 60(d) of the BO.

⁸ This amendment aims to clarify that a provisional trustee has powers to administer the estate — which include interviewing a bankrupt and taking possession of his property. The phrase “administering the estate” is also used in section 60(e) of the BO.

under an order of the court or with the prior approval of the Official Receiver.

(4) A provisional trustee other than the Official Receiver shall not sell or dispose of anything under subsection (2)(b) to a person who is an associate of the bankrupt, unless the sale or disposal is under an order of the court or with the prior approval of the Official Receiver.

(5) For the purposes of subsection (4), any question whether a person is an associate of another person shall be determined in accordance with section 51B as if -

- (a) that section were applicable also for the purposes of such determination; and
- (b) references to the “debtor” in that section were references to the “bankrupt” in subsection (4).

(6) The Official Receiver shall not be personally liable for any costs and charges incurred by any person as a result of any refusal to grant approval under subsection (3) or (4).”.

28. Sections added

The following are added immediately after section 86 -

“Duties of trustee as regards the bankrupt’s conduct and estate

86A. Duties of trustee as regards the bankrupt’s conduct⁹

(1) As regards the conduct of a bankrupt, it shall be the duty of the trustee to investigate the conduct of the bankrupt and to report to the court on any conduct that justifies the court in refusing, suspending or qualifying an order for the bankrupt’s discharge.

(2) In the case of a trustee other than the Official Receiver, it shall also be the duty of the trustee –

(a) to investigate the conduct of the bankrupt and to immediately report to the Official Receiver when he reasonably believes that the bankrupt has committed an act that constitutes an offence under this Ordinance; and

⁹ Section 86A of the Bill originally provides that it shall be the duty of a trustee to (a) report to the court on any conduct of the bankrupt that justifies the court in refusing, suspending or qualifying an order for the bankrupt’s discharge; and (b) investigate the conduct of a bankrupt, and to submit a report to the court (if the trustee is the OR) or OR (if the trustee is a person other than OR), stating whether there is reason to believe that the bankrupt has committed any act that constitutes an indictable offence under the BO. On the former duty, new section 86A(1) aims to clarify that the trustee should also investigate the conduct of the bankrupt (a similar duty is also found in existing section 77 of the BO). As regards the latter duty, the existing arrangement is that whenever there is any report of an offence (whether indictable or not) under the BO, the OR will initiate the prosecution action, where appropriate. In view of this, it is not considered necessary to impose a reporting duty on the OR in relation to any conduct which constitutes an indictable offence under the BO. Furthermore, the scope of the reporting duty imposed on a trustee (other than the OR) should be expanded to cover both indictable and summary (not indictable) offences. New section 86A(2) aims to give effect to these changes.

(b) to take such part and give such assistance in relation to the prosecution of any bankrupt as the Secretary for Justice or the Official Receiver may direct.

~~(1) As regards the conduct of a bankrupt, it shall be the duty of the trustee—~~

~~(a) to investigate the conduct of the bankrupt and to submit a report in accordance with subsection (2) or (3), as the case may be, stating whether there is reason to believe that the bankrupt has committed any act that constitutes an indictable offence under this Ordinance;~~

~~(b) to report to the court on any conduct of the bankrupt that justifies the court in refusing, suspending or qualifying an order for the bankrupt's discharge;~~

~~(c) to take such part and give such assistance in relation to the prosecution of any bankrupt as the Secretary for Justice or the Official Receiver may direct.~~

~~(2) Where the trustee is a person other than the Official Receiver, the report referred to in subsection (1)(a) shall be submitted to the Official Receiver.~~

~~(3) Where the trustee is the Official Receiver, the report referred to in subsection (1)(a) shall be submitted to the court.~~

47. Consequential amendments

The enactments specified in column 2 of the Schedule are amended in the manner set out in column 3 of the Schedule.

SCHEDULE

[s. 47]

CONSEQUENTIAL AMENDMENTS

Item	Enactment	Amendment
1.	Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)	<p>(a) In section 16(5), repeal “receiver” where it twice appears and substitute “trustee”.</p> <p>(b) In section 18(3)(b)(i), repeal “receiver, interim receiver, special manager or trustee” and substitute “trustee (including provisional trustee), interim trustee or special manager”.</p>
2.	Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) Order (Cap. 405 sub. leg. A)	<p>(a) In Schedule 2, in section 16(5), repeal “receiver” where it twice appears and substitute “trustee”.</p> <p>(b) In Schedule 2, in section 18(3)(b)(i), repeal “receiver, interim receiver, special manager or trustee” and substitute “trustee (including provisional trustee),</p>

interim trustee or special manager”.

3. Organized and Serious Crimes Ordinance (Cap. 455)
 - (a) In section 2(1), in the definition of “insolvency officer”, in paragraph (b)(i), repeal “receiver, interim receiver, special manager or trustee” and substitute “trustee (including provisional trustee), interim trustee or special manager”.
 - (b) In section 21(5), repeal “receiver” where it twice appears and substitute “trustee”.
4. Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)
 - (a) In Schedule 2, in section 12(5), repeal “receiver” where it twice appears and substitute “trustee”.
 - (b) In Schedule 2, in section 14(3)(b)(i), repeal “receiver, interim receiver, special manager or trustee” and substitute “trustee (including provisional trustee), interim trustee or special manager”.
5. Securities and Futures (Licensing and

In Schedule 1, in Part 2, in section 1(k), repeal “receiver” and substitute

Registration) “provisional trustee”.
 (Information) Rules
 (Cap. 571 sub. leg. S)

6. Clearing and Settlement In section 2¹⁰, in the definition of
Systems Ordinance “relevant insolvency office-holder”,
(Cap. 584) repeal “receiver” and substitute for
“trustee”¹¹.

¹⁰ Copy of section 2, Cap. 584 at Appendix.

¹¹ This is a consequential amendment to the Clearing and Settlement Systems Ordinance, which was enacted in July 2004.

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Chapter: 584 Title: CLEARING AND SETTLEMENT SYSTEMS ORDINANCE Gazette Number: L.N. 145 of 2004
Section: 2 Heading: Interpretation Version Date: 04/11/2004

In this Ordinance, unless the context otherwise requires—

“applicant” (申請人), in relation to any proceedings under Part 4, means the person who refers a decision to the Tribunal for review under section 35(1);

“book-entry securities” (記帳證券) means any securities issued under any law transferable by a book-entry (whether on a register or of any other kind);

“certificate of finality” (終局性證明書) means a certificate issued by the Monetary Authority under section 16(3);

“Chairman of the Tribunal” (審裁處主席) means the person appointed as such under section 34(3);

“clearing and settlement system” (結算及交收系統) means a system established for—

- (a) the clearing or settlement of payment obligations; or
- (b) the clearing or settlement of obligations for the transfer of book-entry securities, or the transfer of such securities;

“collateral security” (附屬抵押品), in relation to a clearing and settlement system, means any realizable assets provided, whether under a charge or a re-purchase or similar agreement or otherwise (including money provided under a charge), for the purpose of securing rights and obligations potentially arising in connection with participation in the system;

“default arrangements” (違責處理安排), in relation to a clearing and settlement system, means the arrangements in place within the system for limiting systemic and other types of risk in the event of a participant appearing to be, or likely to become, unable to meet his obligations in respect of a transfer order; and, without affecting the generality of the foregoing, includes any arrangements for—

- (a) the netting of obligations owed to or by the participant;
- (b) the closing out of open positions held by the participant; or
- (c) the realizing of collateral security securing obligations owed by the participant;

“defaulting participant” (違責參與者), in relation to a clearing and settlement system, means a participant in respect of whom action has been taken by the system operator or settlement institution under the system’s default arrangements;

“designated system” (指定系統) means a clearing and settlement system that has been designated for the purposes of this Ordinance by the Monetary Authority under section 4(1);

“directors’ voluntary winding up statement” (董事自動清盤陳述書) means a statement made under section 228A(1) of the Companies Ordinance (Cap 32), and a reference to such a statement taking effect is a reference to it being delivered for registration as specified in section 228A(3) of that Ordinance;

“disposition of property” (財產產權處置), in the context of a disposition made to or by a participant in a designated system, includes a payment made to or by the participant in the designated system or in a clearing and settlement system, wherever located, that is utilized by the designated system to effect payments;

“Monetary Authority” (金融管理專員) means the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap 66);

“netting” (淨額計算), in relation to a clearing and settlement system, means the conversion of the various obligations owed to or by a participant, as between that participant and all the other participants in the system, into one net obligation owed to or by the participant;

“obligations” (義務), in the context of the default arrangements under a clearing and settlement system, means obligations resulting from the issue and receipt of transfer orders between participants, or otherwise resulting from action taken under the operating rules of the system;

“officer” (高級人員), in relation to a corporation, means a director, manager or secretary of, or any other person involved in the management of, the corporation and, where the corporation is a system operator or settlement institution of a designated system, means in addition the chief executive of the designated system;

“operating rules” (運作規則), in relation to a clearing and settlement system, means the rules or terms that govern the functioning or operations of the system;

“participant” (參與者), in relation to a clearing and settlement system, means a person who for the time being is a party to the arrangement by which the system is established;

“relevant insolvency office-holder” (有關破產清盤人員) means—

- (a) the Official Receiver appointed under section 75 of the Bankruptcy Ordinance (Cap 6);
- (b) a person acting under the laws of Hong Kong in relation to a company as its liquidator, provisional liquidator, receiver or manager or an equivalent officer;
- (c) a person acting under the laws of Hong Kong in relation to an individual as his trustee in bankruptcy or interim receiver of his property or an equivalent officer; or
- (d) a person appointed under the laws of Hong Kong pursuant to an order for the administration in bankruptcy of an insolvent estate of a deceased person;

“resolution for voluntary winding up” (自動清盤決議) means a resolution under section 228(1)(c) of the Companies Ordinance (Cap 32);

“settlement account” (交收帳戶), in relation to a clearing and settlement system, means an account at a settlement institution used to hold funds or securities (or both) and to settle transfer orders between participants in the system;

“settlement institution” (交收機構), in relation to a clearing and settlement system, means a person providing settlement accounts to the participants and to any central counterparty in the system for the settlement of transfer orders within the system and, as the case may be, for extending credit to such participants and any such central counterparty for settlement purposes;

“system operator” (系統營運者), in relation to a clearing and settlement system, means any person who, for the purposes of the system’s operating rules, is responsible for the operation of the clearing or settlement functions of the system;

“transfer order” (轉撥指令), in relation to a clearing and settlement system, means either of the following instructions—

- (a) an instruction—
 - (i) by a participant to place at the disposal of another participant an amount of money by means of a book-entry on the accounts of a settlement institution for the system; or
 - (ii) which results in the assumption or discharge of a payment obligation for the purposes of the operating rules of the system; or
- (b) an instruction by a participant either to settle an obligation for the transfer of book-entry securities, or for the transfer of such securities;

“Tribunal” (審裁處) means the Tribunal established under section 34(1).

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