

**Bills Committee on Bankruptcy (Amendment) Bill 2004
Fourth meeting on 21 February 2005**

List of follow-up actions to be taken by the Administration

1. The Administration has undertaken to propose a Committee Stage amendment to reflect its policy intent that the Bill will enable only the outsourcing of debtor-petition summary bankruptcy cases (and not creditor-petition summary bankruptcy cases) to the private-sector insolvency practitioners (PIPs) by the Official Receiver.
2. The Administration has undertaken to report to the Bills Committee at its next meeting to be held on 11 March 2005 on the findings of a survey conducted by the Official Receiver's Office (ORO) on the costs, charges and other expenses incurred by PIPs, and the remuneration for the PIPs concerned, in handling outsourced liquidation cases (paragraph 8 of LC Paper No. CB(1)925/04-05(02)).
3. The Administration has undertaken to report to the Bills Committee at its next meeting to be held on 11 March 2005 on the outcome of the Administration's consultation with relevant professional bodies and other stakeholders on some members' suggestion of setting out in the legislation (main ordinance or subsidiary legislation) the qualification criteria for appointment as provisional trustees or trustees for summary bankruptcy cases, and to provide written responses to the views and suggestions made by the concerned parties.
4. In connection with item 3 above, the Administration is requested to address a member's concern about whether there is any inconsistency between the views respectively expressed in the two submissions from the Insolvency Law Committee of the Law Society of Hong Kong, as follows:
 - (a) "Our view is also that a panel system should be established. This would involve a review of the qualifications and experience of practitioners undertaking office and also that an equitable system for the allocation of appointments to panel members be established" (Paragraph 12 of the submission dated 5 January 2005 (LC Paper No. CB(1)654/04-05(01))).
 - (b) "The scheme for summary company liquidations appears to operate satisfactorily and under that scheme the minimum qualification requirements are spelled out in the ORO tender documents. The Committee cannot see any justification to change either the qualification criteria or the way that they are recorded and applied in the case of summary personal bankruptcies" (Paragraph 3 of the submission dated 8 February 2005 attached in Annex D to the paper

provided by the Administration — LC Paper No.
CB(1)925/04-05(02)).

Council Business Division 1
Legislative Council Secretariat
21 February 2005