

## BANKRUPTCY ORDINANCE

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### **RESOLUTION**

(Under section 36 of the Bankruptcy Ordinance (Cap. 6))

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RESOLVED that the Proof of Debts (Amendment) Rules 2007, made by the Chief Justice on 18 May 2007, be approved.

**PROOF OF DEBTS (AMENDMENT) RULES 2007**

(Made by the Chief Justice under section 36 of the  
Bankruptcy Ordinance (Cap. 6) subject to the  
approval of the Legislative Council)

**1. Commencement**

These Rules shall come into operation on the day  
appointed for the commencement of the Bankruptcy (Amendment)  
Ordinance 2005 (18 of 2005) (except sections 1, 12, 19 and 32  
of that Ordinance).

**2. Rules amended**

The Proof of Debts Rules (Cap. 6 sub. leg. E) are amended -

- (a) in rule 2, by repealing "Official Receiver or,  
if a trustee has been appointed, to the";
- (b) in rule 4(3), by repealing "Official Receiver  
or the";
- (c) in rule 5 -
  - (i) in paragraph (1), by repealing  
"Official Receiver or the trustee, as  
the case may be," and substituting  
"trustee";
  - (ii) in paragraph (2), by repealing "the  
Official Receiver, an assistant  
official receiver or";
- (d) in rule 5A, by repealing "Official Receiver or,

where a trustee has been appointed, the trustee," and substituting "trustee";

(e) in rule 10, by repealing "Official Receiver or";

(f) in rule 20, by repealing "Supreme" and substituting "High";

(g) in rule 24, by repealing "Official Receiver or";

(h) by repealing rule 26.

### **3. Transitional and savings provisions**

(1) Notwithstanding anything contained in these Rules, the amendments effected under these Rules shall not apply to any case in which the bankruptcy petition was presented before the commencement date, and such case shall continue and be disposed of as if these Rules had not been made.

(2) This section is in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(3) For the purpose of this section, "commencement date" (生效日期) means the day appointed for the commencement of the Bankruptcy (Amendment) Ordinance 2005 (18 of 2005) (except sections 1, 12, 19 and 32 of that Ordinance).

Chief Justice

18 May 2007

**Explanatory Note**

The main purpose of these Rules is to make amendments to the Proof of Debts Rules (Cap. 6 sub. leg. E) ("principal Rules") to -

- (a) adjust the respective powers and duties of the Official Receiver, provisional trustee and trustee in relation to proof of debts in bankruptcy cases, consequential to the enactment of the Bankruptcy (Amendment) Ordinance 2005 (18 of 2005); and
- (b) substitute the reference of "High Court Ordinance" for "Supreme Court Ordinance" in rule 20 of the principal Rules.