

## BANKRUPTCY ORDINANCE

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### **RESOLUTION**

(Under section 114 of the Bankruptcy Ordinance (Cap. 6))

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RESOLVED that the Bankruptcy (Fees and Percentages) (Amendment) Order 2007, made by the Chief Justice on 18 May 2007, be approved.

**BANKRUPTCY (FEES AND PERCENTAGES) (AMENDMENT) ORDER 2007**

(Made by the Chief Justice under section 114 of the  
Bankruptcy Ordinance (Cap. 6) subject to the  
approval of the Legislative Council)

**1. Commencement**

This Order 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. Schedule amended**

The Schedule to the Bankruptcy (Fees and Percentages) Order (Cap. 6 sub. leg. C) is amended -

(a) in Table A -

(i) by repealing item 3 and  
substituting -

"3. Bankruptcy petition ..... 1,045.00";

This fee includes any  
fee on answering a  
petition or setting down  
for hearing.

(ii) by repealing item 5 and substituting -

"5. Petition under section

112 ..... 1,045.00";

This fee includes any  
fee on answering a  
petition or setting down  
for hearing.

(iii) in item 21, in the English text, by  
repealing "furnishing" and  
substituting "providing";

(b) in Table B -

(i) in paragraph 1, by repealing  
"receiver, receiver" and substituting  
"trustee";

(ii) in paragraph 4, by repealing  
"receiver" and substituting "trustee";

(iii) in paragraph 9 -

(A) in subparagraph (a), by  
repealing "78(3)" and  
substituting "86B(2)";

(B) in subparagraph (b), by  
repealing "sends his accounts to  
the Official Receiver under  
section 93(1)" and substituting  
"provides his accounts to the  
Official Receiver under section  
93(1A)".

**3. Transitional and savings provisions**

(1) Notwithstanding anything contained in this Order, the amendments effected under this Order 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 this Order 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 purpose of this Order is to make amendments to the Bankruptcy (Fees and Percentages) Order (Cap. 6 sub. leg. C) to -

- (a) adjust the respective powers and duties of the Official Receiver, provisional trustee and trustee in relation to fees and percentages to

be charged for in bankruptcy cases,  
consequential to the enactment of the  
Bankruptcy (Amendment) Ordinance 2005 (18 of  
2005); and

- (b) clarify the fees for a bankruptcy petition or  
petition for a small bankruptcy to be inclusive  
of any fee on answering a petition or setting  
down for hearing.