



OFFICIAL RECEIVER'S OFFICE

破產管理署

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來函請註明本署檔號

IN REPLY PLEASE QUOTE THIS REF.: ORO CMD/6-60/4

來函檔號 YOUR REF.:

電話 TEL. NO.: 2867 2515

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- (i) The Hong Kong Institute of Certified Public Accountants
- (ii) The Law Society of Hong Kong
- (iii) The Hong Kong Chartered Governance Institute

27 March 2023

Provisional Trustees/Trustees under the Bankruptcy Ordinance (Cap. 6)

2023 Consumption Voucher Scheme

The Government has announced the implementation of the 2023 Consumption Voucher Scheme (“2023 CVS”) under which eligible people will receive consumption vouchers with a total value of \$5,000 or \$2,500 by instalments. The first instalment voucher of \$3,000 or \$1,500 will be disbursed to eligible people on 16 April. All persons, including undischarged bankrupts, who meet the eligibility criteria, will receive the consumption vouchers.

Pursuant to section 43A of the Bankruptcy Ordinance (Cap. 6), an undischarged bankrupt shall regularly report to his/her trustee details of earnings and any property acquired during bankruptcy, and the trustee may by notice in writing claim the after-acquired property. Electronic consumption vouchers received by undischarged bankrupts under the 2023 CVS are property acquired by them during the bankruptcy period and they must comply with the above-mentioned statutory reporting requirement under section 43A of the Bankruptcy Ordinance (Cap. 6).

When receiving a report from an undischarged bankrupt, your members who are insolvency practitioners and appointment takers as the joint and several provisional trustees/trustees under the Bankruptcy Ordinance (Cap. 6), should consider whether or not to claim the electronic consumption vouchers the undischarged bankrupt received as after-acquired property. In this connection, the office-holders are reminded that it is the duty of provisional trustee/trustees to administer the bankruptcy proceedings under their charge with proper skill and competence and in a reasonable manner. In determining whether to lay claim on any part of the bankrupt’s property or not, they are required to take into account circumstances of individual case, including nature and value of the property, the

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

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bankrupt's financial position, domestic needs of the bankrupt and his/her family, as well as other relevant factors such as interest of stakeholders in the proceedings like creditors and bankrupt. It is not appropriate for the office-holders to apply some across-the-board decisions in this regard without looking into circumstances of each case.

In respect of laying claim on such property, office-holders are also reminded that under section 43A(2) of the Bankruptcy Ordinance (Cap. 6), it is explicitly stipulated that the notice claiming any such property shall not be served in respect of any property falling within section 43(2), i.e. such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the bankrupt and his family (為滿足破產人及其家庭的基本家庭需要而必需有的衣物、寢具、家具、家居設備及供應品).

Please circulate this letter to your members who are insolvency practitioners for their attention. Should there be any query on this letter, please contact the undersigned on 2867 2515.

Yours faithfully,

Signed

(Michael T S Cheung)

for Official Receiver