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來函檔號 YOUR REF.:

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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

12 July 2023

Dear Sirs,

Bankruptcy and Companies Legislation **(Miscellaneous Amendments) Ordinance 2023**

On 12 July 2023, the Legislative Council enacted the Bankruptcy and Companies Legislation (Miscellaneous Amendments) Ordinance 2023 (“**the Amendments Ordinance**”). The Amendments Ordinance will be published in the Gazette on 21 July 2023.

Electronic version of the Amendments Ordinance will be available at both the websites of the Official Receiver’s Office and the Government Logistics Department from 21 July 2023 –

English version: <https://www.gld.gov.hk/egazette/english/index.html>; and

Chinese version: https://www.gld.gov.hk/egazette/tc_chi/index.html.

The Amendments Ordinance contains 5 parts and serves to amend the Bankruptcy Ordinance (Cap. 6) (“**BO**”), the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) (“**CWUMPO**”) and their subsidiary legislation to facilitate the submission of certain documents to the Official Receiver by electronic means, to change the publication requirements for various notices, to facilitate the sending of proxies by electronic means and to make other miscellaneous and related amendments.

The Amendments Ordinance commences its operation by parts. Parts 1, 4 and 5 of the Amendments Ordinance come into operation on the day when the Amendments Ordinance is gazetted (i.e., 21 July 2023). Parts 2 and 3 of the Amendments Ordinance are to commence on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

Your attention is drawn to the following:

- (a) Part 4 amends rule 99R of the Bankruptcy Rules (Cap. 6A) and rule 139 of the Companies (Winding-up) Rules (Cap. 32H) so that a proxy sent by electronic means to, and received by, the trustee and the relevant person within the relevant time limit is to be regarded as having been deposited in accordance with the relevant rules.
- (b) Part 5 introduces a new fee item to the Bankruptcy (Fees and Percentages) Order (Cap. 6C) for inspection of a copy of the trustee's accounts filed under section 93(4) or (4A) of the BO.
- (c) Part 2 deals with amendments in the BO, the CWUMPO and their subsidiary legislation relating to the submission of certain documents to the Official Receiver by electronic means.
- (d) Part 3 deals with amendments in the BO, the CWUMPO and their subsidiary legislation to require various notices, orders or matters under the relevant provisions to be published or given by the specified means (i.e., the Gazette) as provided in Schedule 4 to the BO and Schedule 27 to the CWUMPO respectively.
- (e) At present, it is planned that Parts 2 and 3 will be commenced in 2 phases where Phase 1 is expected to be in the 4th quarter of 2023. The Official Receiver will provide further information for the commencement of Parts 2 and 3 of the Amendments Ordinance in due course.

Please circulate this letter to your members who are insolvency practitioners for their attention. Should there be any query on this letter, please contact our enquiry hotline at 2867 2448 or by email at roadmin@oro.gov.hk.

Yours faithfully,

Signed

(Miss Lillian Chow)
Official Receiver (Ag.)