



## OFFICIAL RECEIVER'S OFFICE

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5 October 2016

## OFFICIAL RECEIVER OFFICE CIRCULAR NO. 1/2016

### **Commencement of Bankruptcy (Amendment) Ordinance 2016**

The Bankruptcy (Amendment) Ordinance 2016 (“the Amendment Ordinance”) will come into operation on 1 November 2016. The Amendment Ordinance is to amend the Bankruptcy Ordinance (Cap. 6) to abolish the regime under section 30A(10) of the Ordinance for the suspension of the relevant period under section 30A(1); to set up a new regime under which the relevant period may be treated as not commencing to run on the date of the bankruptcy order; and to provide for consequential and related matters.

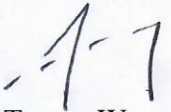
2. Under the new regime, upon trustee’s request, the bankrupt shall physically attend the office of the trustee for an initial interview; and at the initial interview, the bankrupt shall provide the trustee with all of the information concerning his affairs, dealings and property as reasonably required by the trustee. If the bankrupt fails to do so and the administration of the bankrupt’s estate was prejudiced as a result, the trustee may apply to the Court for a non-commencement order. A non-commencement order has the effect of treating the relevant period as not commencing to run on the date of the bankruptcy order until compliance with the prescribed terms of the order by the bankrupt.

3. The electronic version of the Amendment Ordinance is available at the website of the Government Logistics Department (Website: [www.gld.gov.hk/egazette](http://www.gld.gov.hk/egazette)).

4. Your attention is particularly drawn to the following provisions:-

- (a) Section 30(A)(10) will be repealed save that subsection (b)(ii) will continue to apply to a bankrupt against whom a bankruptcy order has been made before 1 November 2016.
- (b) Section 30AB(5) provides that the new regime only applies to bankrupt against whom a bankruptcy order is made on or after 1 November 2016.
- (c) Pursuant to section 30AB(2), the trustee may apply for a non-commencement order within 6 months after the date of the bankruptcy order against the bankrupt or such longer period as ordered by the Court under subsection (3).
- (d) Pursuant to rule 89A(7)(b) of the Bankruptcy Rules (Cap. 6A), the trustee (if not the Official Receiver) must, within 14 days after the date of the non-commencement order, send a copy of the order to the Official Receiver. The prescribed form is Form 82A under the Bankruptcy (Forms) Rules (Cap. 6B).

- (e) Pursuant to section 30AC(3)(b), the trustee (if not the Official Receiver) must, within 14 days after the date on which all the terms of the non-commencement order are complied with, send a copy of the notice of compliance to the bankrupt and the Official Receiver. The prescribed form is Form 82B under the Bankruptcy (Forms) Rules (Cap. 6B).

  
(Ms. Teresa Wong)  
Official Receiver

To all insolvency practitioners via

- (1) The Hong Kong Institute of Certified Public Accountants
- (2) The Hong Kong Institute of Chartered Secretaries
- (3) The Law Society of Hong Kong