



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

圖文傳真 FAX NO.: 2110 0315

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

15 February 2023

Reasonable Time for Trustees-in-Bankruptcy to issue No Objection Letter to Discharged Bankrupts

Pursuant to Rule 92(1) of the Bankruptcy Rules (Cap. 6A), a discharged bankrupt can apply to the High Court for a certificate of his/her discharge (“**Certificate**”). When applying the Certificate from the High Court, the discharged bankrupt should produce a letter from his/her trustees-in-bankruptcy confirming no objection to the issuance of the Certificate by the High Court (“**No Objection Letter**”) as required by the court. It has come to the attention of the Official Receiver that recently there have been some cases where the trustees-in-bankruptcy failed to issue such No Objection Letter to the discharged bankrupts within a reasonable time.

Given its nature, the Official Receiver considers that generally, in a straightforward case with no unusual or other complicated matters involved, the reasonable time for the trustees-in-bankruptcy to issue the No Objection Letter should be no more than one month from the receipt of request from the discharged bankrupt. Please remind your members who are insolvency practitioners and have taken up the appointment as trustees-in-bankruptcy of their obligation to handle the request from discharged bankrupts for the issuance of the No Objection Letter expeditiously and in any event within one month from receiving the request from discharged bankrupts. In exceptional circumstances where more time is required to issue the No Objection Letter, the trustees-in-bankruptcy should, as a good practice, inform discharged bankrupts of the reason(s) and the expected time required for issuance.

After being discharged, a bankrupt is entitled to obtain the No Objection Letter from his/her trustees-in-bankruptcy for the purpose of applying for the Certificate

as provided for by statute, and the trustees-in-bankruptcy should not withhold issuance of the same on the ground that there is outstanding information or matters requiring to follow up with the bankrupt in the administration of his/her bankruptcy case. Such outstanding information or matter should be handled in accordance with the applicable provisions of the Bankruptcy Ordinance or other relevant legislation.

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