

**TO BE RETURNED TO THE PROVISIONAL TRUSTEE/ TRUSTEE**

NOTE : Before filling up the Proxy Form, please read the instructions on the back hereof carefully.

**FORM 51[s.86B(1)(c)]**

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
IN BANKRUPTCY PROCEEDINGS  
NO.                      OF**

**Re:** \_\_\_\_\_

**SPECIAL PROXY**

I/We (Name), .....  
of (address) .....

a creditor, hereby appoint (Note 1).....

as proxy at the meeting of creditors to be held on the .....day of....., ....., or at any adjournment thereof, to vote for the resolutions numbered (Note 2).....in Instruction 6 overleaf (Note 3) .....

Dated this.....day of....., .....(Note 4)

**CONTACT PERSON**

Name: ..... (Signed)(Note 5).....

Tel. No.: ..... Creditor

**NOTES**

- (1) The person appointed proxy may be the provisional trustee / trustee or such other person as the creditor may approve, and the proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters:-
  - (a) any of the resolutions in Instruction 6 overleaf and
  - (b) on all questions relating to any matter, other than those above referred to, arising from any specified meeting or adjournment thereof.
- (2) Insert the numbers of the particular resolutions in Instruction 6 if you so wish.
- (3) Insert any other resolution, if any, or delete the word 'and' if you have no other resolution.
- (4) If the blanks above are not filled up in the handwriting of the Creditor, the Certificate below has to be filled up and signed by the person filling up the blanks.
- (5) If a firm, sign the firm's trading title, and add 'by A.B., a partner in the said firm.' If the appointor is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorized in that behalf, and the fact that he is so authorized must be stated.
- (6) Here state whether clerk or manager in the regular employment of the creditor or solicitor employed by him in connexion with the matter, or a commissioner to administer oaths in the Court of First Instance.

**Certificate to be signed by person other than creditor filling up the above Proxy**

I (Name), .....  
of (address) .....

being a (Note 6) .....

hereby certify that all insertions in the above proxy are in my own handwriting, and have been made by me at the request of the above-named .....  
and in his presence before he attached his signature (or mark) thereto.

Dated this ..... day of ....., .....

(Signature).....  
Clerk/Manager/Solicitor/Commissioner for Oaths

THE PROXY MUST BE LODGED WITH THE PROVISIONAL TRUSTEE / TRUSTEE NOT LATER THAN 24 HOURS BEFORE THE TIME APPOINTED FOR THE MEETING AT WHICH IT IS TO BE USED.

## INSTRUCTIONS FOR FILLING UP FORM OF SPECIAL PROXY

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1. If the Creditor proposes attending the Meeting personally, or to be represented by a General Proxy, it is not necessary for him to fill up this Form.
2. A Company can only vote:—
  - (a) by means of a Proxy under the Company's Seal or signed by a person duly authorized under such Seal; or
  - (b) by a person authorized by Resolution of its Directors to act as its representative at the meeting. A copy of such Resolution either under the Seal of the Company or certified to be a true copy by the Secretary or a Director of the Company must be produced to the Chairman of the meeting.
3. A Creditor may give a special proxy to any person or the provisional trustee / trustee to vote at any specified meeting or adjournment thereof on all or any of the following matters:— Bankruptcy Rules 99Q and 99T
  - (a) for or against the appointment of any specified person as trustee or as member of the creditors' committee, or for or against the continuance in office of any specified person as trustee or member of a creditors' committee;
  - (b) on all questions relating to any matter, other than those referred to in paragraph (a), arising from any specified meeting or adjournment thereof.
4. A proxy shall be signed by the person giving the proxy, or by any manager or clerk or other person in his regular employment, or by his solicitor or solicitors. — Bankruptcy Rule 99N
5. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place him or his partner or employer in a position to receive any remuneration out of the estate of the bankrupt otherwise than as a creditor rateably with the other creditors of the bankrupt : Provided that where any person holds special proxies to vote for the appointment of himself as trustee he may use the said proxies and vote accordingly. — Bankruptcy Rule 99Y
6. Referring to paragraph (3), the resolutions to be voted on may be as follows: —
  - (a) that \*\* ..... be appointed trustee of the property of the bankrupt\*.....;
  - (b) that there should be a creditors' committee and that\*\*\*..... be appointed members of the committee, OR
  - (c) that a creditors' committee be not appointed in this bankruptcy.

\* Insert full name of the bankrupt.

\*\* Insert the names of the provisional trustees if you wish to appoint them as trustees, or you may insert the full name of any fit person other than the provisional trustees who has consented to act.

\*\*\* Insert full names of any persons other than the provisional trustees. Members of the creditors' committee, if appointed, should be between 2 to 5. They can be appointed only if they consent to act.
7. A proxy may not be used unless it is deposited with the provisional trustee / trustee 24 hours before the meeting at which it is to be used. A proxy can also be lodged by way of facsimile transmission or electronic means with the provisional trustee / trustee. If the Official Receiver is the provisional trustee / trustee, the proxy may be faxed to (852) 3105 1814, or submitted by email to [oroadmin@oro.gov.hk](mailto:oroadmin@oro.gov.hk) provided that the proxy form submitted is signed with a valid digital signature supported by a recognized digital certificate and in accordance with the relevant requirements under the Electronic Transactions Ordinance (Cap. 553). — Bankruptcy Rule 99R