



OFFICIAL RECEIVER'S OFFICE

破 產 管 理 署

10TH-12TH FLOORS, HIGH BLOCK,
QUEENSWAY GOVERNMENT OFFICES,
66 QUEENSWAY, HONG KONG.
香港金鐘道六十六號金鐘道政府合署高座十樓至十二樓

FAX (852) 2536 9963 (Case Management)
(852) 2501 0698 (Case Management)
(852) 2104 7151 (Case Management)
(852) 2104 7150 (Finance)
(852) 3105 1814 (Admin.)
(852) 3105 0435 (Legal Services)
(852) 3106 0347 (Personnel)

圖文傳真 (852) 2536 9963 (個案處理)
(852) 2501 0698 (個案處理)
(852) 2104 7151 (個案處理)
(852) 2104 7150 (財務)
(852) 3105 1814 (行政)
(852) 3105 0435 (法律事務)
(852) 3106 0347 (人事)

Internet Homepage Address
互聯網網址
<http://www.oro.gov.hk>

來函請註明本署檔號

IN REPLY PLEASE QUOTE THIS REF.:

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

30 May 2022

Summary Procedure Order Applications by Provisional Trustees in Bankruptcy Cases

The court have observed a lack of consistency in the applications for summary procedure orders (“SPO”) by different provisional trustees in bankruptcy cases, resulting in many requisitions being raised by the court. With a view to streamlining the application process, and making such process more efficient, the court, in consultation with the Official Receiver, have approved a template and two checklists that we consider appropriate for use in all cases.

I attached at Annex A to C the said template for the application and the checklists for creditor’s petition and debtor’s petition cases. With immediate effect, provisional trustees are expected to follow the said template and complete the relevant checklist in every SPO application. Provisional trustees must answer all questions on the relevant checklist for each application and sign the checklist.

We trust that this new arrangement will save the time required by provisional trustees in preparing the SPO applications and reduce the processing time required by the Court to approve the application.

Please circulate this letter to your members who are provisional trustees 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

Ex-parte Application

HCB []/[]

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

Re: []

Ex parte: [The Official Receiver / The Provisional Trustees]

APPLICATION FOR SUMMARY PROCEDURE ORDER

The [Official Receiver / Provisional Trustees] report(s) to the court as follows:

1. On [], a bankruptcy order was made against the above-named bankrupt.
2. The Official Receiver was appointed provisional trustee(s) by virtue of the bankruptcy order / and has appointed (name of the Provisional Trustees) as the joint and several provisional trustees of the bankruptcy in place of the Official Receiver under section 12(1A) of the Bankruptcy Ordinance, Cap. 6.
3. The [Official Receiver / Provisional Trustees] [has/have] made a preliminary investigation into the affairs of the bankrupt, including the extent of the bankrupt's assets. Particulars are confirmed in the attached checklist.
4. (Further information provided pursuant to Questions 1 and [3/4] of the Checklist.)
5. Based upon that investigation, the [Official Receiver / Provisional Trustees] believe(s) that the property of the bankrupt is not likely to exceed in value the sum of \$200,000.
6. In the circumstances, the [Official Receiver / Provisional Trustees] respectfully request(s) the court to order that the bankrupt's estate be administered in a summary manner and that:
 - (1) the first meeting of creditors shall be dispensed with;
 - (2) [the Official Receiver / (names of Trustees)] shall be the trustee(s) of the property of the bankrupt; and
 - (3) there shall be no creditors' committee, and the [Official Receiver / Trustees] may do all things which may be done by a trustee with the permission of a creditors' committee.

Date: []

(name of the Provisional Trustee / officer for the OR)

Checklist for Summary Procedure Order Application (self-petition)

- | | |
|---|------------|
| 1. Has/Have the Provisional Trustee(s) ("PT") interviewed the Bankrupt?
(If no, please state efforts to locate the Bankrupt and his assets in the report.) | Yes No |
| 2. Has/Have the PT checked all the assets disclosed in the SOA?
(The PT should note that assets may be disclosed in Lists A and/or C of the SOA) | Yes No |
| 3. Has/Have the PT found assets not disclosed in the SOA?
(If yes, please provide particulars in the report.) | Yes No |
| 4. Has/Have the PT checked the assets of the business formerly operated by the Bankrupt? | Yes No N/A |
| 5. Have the PT checked the disposal of the sum(s) disclosed in List H of the SOA? | Yes No N/A |

Date: []

I confirm the above are true and correct

(name of the PT / officer for the OR)