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IN REPLY PLEASE QUOTE THIS REF.: T11/10 -MTSC/CR
來函檔號 YOUR REF.:
電　話 TEL. NO.: 2867 2515
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2 July 2021

Provisional Trustees/Trustees under the Bankruptcy Ordinance (Cap. 6)

Consumption Voucher Scheme

The Government of the Hong Kong Special Administrative Region has introduced a Consumption Voucher Scheme ("the Scheme") under which eligible Hong Kong permanent residents and new arrivals aged 18 or above may register electronically or otherwise to receive electronic vouchers with a total value of HK$5,000 by instalments. Registration for the Scheme starts on 4 July 2021. All persons, including undischarged bankrupts, who meet the eligibility criteria, may register for the Scheme to receive the HK$5,000 electronic vouchers.

Pursuant to section 43A of the Bankruptcy Ordinance (Cap. 6), an undischarged bankrupt shall regularly report to his/her trustee details of earnings and any property acquired during bankruptcy, and the trustee may by notice in writing claim the property. Undischarged bankrupts are required to observe the requirements set out in the Bankruptcy Ordinance (Cap. 6) in respect of properties acquired during the bankruptcy period, which includes reporting to the trustee the electronic consumption vouchers received from the Scheme.

When receiving a report from an undischarged bankrupt, your members who are insolvency practitioners and appointment takers, as the joint and several provisional trustees/trustees under the Bankruptcy Ordinance (Cap. 6), should consider whether or not to claim the electronic consumption vouchers the undischarged bankrupt received from the Scheme as after-acquired property. In this connection, office-holders are reminded of their duty as provisional trustee/trustee to administer the bankruptcy proceedings under their charge with proper skill and competence and in a reasonable manner. In determining whether to lay claim on any part of the bankrupt's property or not, they are required to take into account the circumstances of the individual case, including nature and value of the property, the bankrupt's financial position, domestic needs of the bankrupt and his/her family, as well as other relevant factors such as the interest of stakeholders in the

proceedings like creditors and bankrupt. It is not appropriate for the office-holders to apply some across-the-board decisions in this regard without looking into circumstances of each case.

In respect of laying claim on such property, office-holders are also reminded that under section 43A(2) of the Bankruptcy Ordinance (Cap. 6), it is explicitly stipulated that the notice claiming any such property shall not be served in respect of any property falling within section 43(2), i.e. such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the bankrupt and his family（為滿足破產人及其家庭的基本家庭需要而必需有的衣物、寢具、家具、家居設備及供應品）. Office-holders are encouraged to exercise their professional judgement in using as much flexibility as possible to assess domestic needs of the bankrupt and his/her family and apply sensible discretion when considering to lay claim for after-acquired property during the pandemic.

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,

(Michael T S Cheung)
for Official Receiver