

Practice Direction 3.2

Procedure for filing and hearing bankruptcy petitions by debtors who are legally represented

1. This Practice Direction applies only to uncontested hearings of petitions for bankruptcy by debtors themselves who are legally represented. It does not apply to the following cases:
 - (a) where the petitioners are not legally represented;
 - (b) where the petitions are opposed; or
 - (c) where the petitions are made by creditors.
2. At the time of filing a petition and the related statement of affairs for each case, the practitioner in charge or the solicitor in charge:
 - (i) must lodge an Information Sheet in duplicate or in two copies in the form as set out in the Appendix with Part I duly completed;and (ii) is strongly advised to lodge a draft order signed by the practitioner in charge or the solicitor in charge for approval.
3. The Court shall not later than two weeks before the hearing, process the petitions and inform the practitioners of the results by returning a copy of the Information Sheet through the Registry.
4. If the papers are in order, the attendance of legal practitioners is dispensed with.

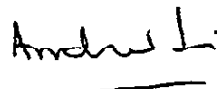
Where the papers are considered not in order:

5. (a) If requisitions need to be answered, the practitioners may take the appropriate action as they consider necessary e.g. writing in for waiver, filing and serving a supplemental affidavit/affirmation and/or applying leave therefor, applying leave to amend petition etc. The documents submitted must be filed with the Court Registry not later than seven days before the hearing, failing which the Master may not have time to consider them before the hearing and the hearing will have to be adjourned.

- (b) After the practitioners have filed their additional documents, the Court is not obliged to further inform them whether the queries have been waived or satisfactorily answered.
 - (c) For these cases legal practitioners are required to attend by themselves or by counsel unless the Court otherwise directs.
6. For cases where the petitioners wish to withdraw the petitions or adjourn the hearing or where it is known that the petitions will be opposed, the solicitors for the petitioners must attend and inform the court clerk of the matter before the hearing.
 7. All hearings will be conducted in open court.
 8. The order of hearing will be as follows:
 - (a) Those cases that fall within paragraph 6 above;
 - (b) Those cases that fall within paragraph 5 above;and (c) Those cases where the papers are in order i.e. paragraph 4 above.
 9. For cases under paragraph 8(a) and (b), the Court will deal with them individually one after another.
 10. For cases under paragraph 8(c) the Master will ask the court clerk to read out the case numbers, the names of the petitioners and the firms representing them. After that, the Master will ask whether there is any opposition to the petitions in those cases. If there is no opposition, the Master will make bankruptcy orders in respect of all those cases.
 11. Notwithstanding the above provisions the Master reserves the right to request the attendance of the practitioner for hearing of any case if the Master considers necessary or to adjourn the hearing of any case, for which it has been indicated that the papers are in order.

12. If bankruptcy orders are granted, the draft orders duly approved will be returned through the Registry in the usual manner.
13. It is strictly prohibited to make any telephone enquiry or any form of communication with the Registry on the status of any petition.
14. This Practice Direction does not affect the Court's discretion to conduct the hearing in any other manner as it considers appropriate. Nor does it change the usual practice of adjourning the hearing of all petitions which are opposed, to a Judge in charge of the list.
15. This Practice Direction will come into effect on 2 October 2003. It applies to all petitions filed on or after that day by the practitioners on behalf of the petitioners for self-bankruptcy.

Dated this 28th day of August 2003.



Andrew Li
Chief Justice

Information Sheet for Self-bankruptcy Petition
(Represented Cases)

PART I
(to be completed by solicitor firm)

Registry Dox No.: _____

Case No. HCB _____ / 200__

Name of Petitioner : _____

Date & Time of Hearing : _____

Solicitors' Firm for the Petition : _____

- Petition filed.
- Statement of Affair filed.
- Draft bankruptcy order for approval lodged with this attendance slip.

PART II
Official Use

Results of Vetting

- 1) Papers in order
- 2) Papers not in order. Please see requisitions attached.
- 3) Others : _____

Dated the ___ day of _____ 2003.

Signed by: _____

PART III
Court Use

Coram: Registrar / Master _____ in Court. Date: _____ at _____ a.m. / p.m.

Mr. / Miss / Mrs. _____

Instructed by / of Messrs. _____

Appearance dispensed with

Order:-

- 1) Bankruptcy order made.
- 2) Adjourned to the date before a Master as stated in requisitions sheet.
- 3) Adjourned to the _____ day of _____ 200() at 9:30 a.m. before a Bankruptcy Judge.
- 4) Leave to file and serve supplemental affirmation(s) / affidavit(s) (Folio _____) granted and the filing and service of that / those affirmation(s) / affidavit(s) do stand.
- 5) Leave to the petitioner to withdraw the petition with no order as to costs except costs to the Official Receiver agreed at the sum of _____ to be deducted from the deposit.
- 6) Undertakings noted.
- 7) Others: _____

- 8) Costs reserved / No order as to costs for today's hearing.

Signed by: _____

Court:

**Explanatory Notes to
Practice Direction 3.2**

1. This Practice Direction is intended to save the practitioners' time to attend court in respect of cases where such attendance would serve no meaningful purpose. It is not intended to disallow their attendance: they may attend if they so choose.
2. For cases where this Practice Direction applies, at the time of filing the petition the solicitor has to lodge an Information Sheet in duplicate or two copies. Please note that the Information Sheet has three parts printed on both sides. Part I has to be completed by the practitioner when he lodges it. I have instructed the Registry Counter Clerk not to accept filing of the petition if the Information Sheet is not submitted together with the Petition.
3. It is also advisable at the same time to lodge a draft Order signed by the solicitor in charge for approval to facilitate the expeditions approval of Orders. In any event, pursuant to Rule 72A(1) of the Bankruptcy Rules (Cap. 6A), the latest the Petitioner has to submit a draft order is the day following the day on which a bankruptcy order is pronounced.
4. The Court will vet the papers filed. As soon as the vetting process is completed, the Information Sheet is returned to the practitioner with Part II duly completed by a judicial clerk who makes the appropriate recommendations to the Masters.
5. These recommendations are not binding on the Masters who have absolute discretion to decide whether to accept the recommendations made.
6. Notwithstanding that in Part II the papers have been indicated to be in order the Masters may ask the practitioners in charge to attend if they consider it necessary.
7. For cases where it has been indicated that papers are not in order the Registry welcomes written submission and filing of additional evidence, if appropriate. But, absolutely no telephone or fax enquiry is allowed. Even if documents are filed and requisitions fully answered it does not remove the requirement that the practitioners have to attend the hearing fixed unless the Masters otherwise direct.
8. Tentatively, all the cases to which the Practice Direction applies are fixed for hearing at 9:30 a.m. on every court day except Friday and Saturday. During the transitional period the waiting time may be slightly longer but it

will improve in due course. Our target is to handle 230 cases each morning and increase the number after a trial period.

9. These Explanatory Notes do not form part of the Practice Direction. In case of conflict the Practice Direction shall prevail.

Dated the 28th day of August 2003.



Registrar
High Court