

**30A. Discharge from bankruptcy**

- (1) Subject to this section and section 30AC, a bankrupt is discharged from bankruptcy by the expiration of the relevant period. (*Amended 1 of 2016 s. 4*)
- (2) The relevant period referred to in subsection (1) is as follows—
  - (a) where a person has not previously been adjudged bankrupt, the period of 4 years;
  - (b) where a person has been previously adjudged bankrupt, the period of 5 years, beginning with the commencement of the bankruptcy.
- (3) Where the court is satisfied on the application of the trustee or one of the bankrupt's creditors that a valid objection based on one or more of the grounds set out in subsection (4) has been made, the court may order that the relevant period shall cease to run for such period, not exceeding, in the case of a person who— (*Amended 1 of 2016 s. 4*)
  - (a) has not previously been adjudged bankrupt, 4 years; or
  - (b) has previously been adjudged bankrupt, 3 years,as may be specified in the order.
- (4) Subject to subsection (4A), the grounds on which an objection can be made to the discharge of a bankrupt under this section are as follows— (*Amended 1 of 2016 s. 4*)
  - (a) in the case of a discharge to which subsection (2)(a) applies, that the bankrupt is likely within 5 years of the commencement of the bankruptcy to be able to make a significant contribution to his estate;
  - (b) that the discharge of the bankrupt would prejudice the administration of his estate;
  - (c) that the bankrupt has failed to co-operate in the administration of his estate;
  - (d) that the conduct of the bankrupt, either in respect of the period before or the period after the commencement of the bankruptcy, has been unsatisfactory;
  - (e) without limiting paragraph (c) or (d), that the bankrupt has departed from Hong Kong and has failed forthwith to return to Hong Kong following a request to do so from the Official Receiver or the trustee;
  - (f) that the bankrupt has continued to trade after knowing himself to be insolvent;
  - (g) that the bankrupt has committed an offence under section 129 or any of sections 131 to 136;
  - (h) that the bankrupt has failed to prepare an annual report of his earnings and acquisitions for the trustee.
- (4A) A matter referred to in section 30AB(1)(b)(i) or (ii) does not form the basis for the grounds set out in subsection (4) if—
  - (a) the trustee has applied under section 30AB to the court for a non-commencement order against the bankrupt; and
  - (b) the court has approved or dismissed the application. (*Added 1 of 2016 s. 4*)
- (5) Not less than 3 months before the end of the relevant period, the trustee shall— (*Amended 1 of 2016 s. 4*)
  - (a) send a notice by ordinary mail to the last known address of each proving creditor; or
  - (b) publish a notice in English and Chinese, respectively, in an English and a Chinese newspaper circulating in Hong Kong,advising the creditors that—
  - (i) the bankrupt will, in the absence of an objection, be discharged;

- (ii) the trustee does or does not intend to object to the discharge and, where he does intend to do so, giving the grounds of the objection;
  - (iii) each of them has a right to object to the discharge and giving the grounds on which an objection can be based and the procedure for making an objection.
- (6) Where the trustee or a creditor objects to the discharge of a bankrupt, he shall—
  - (a) notify the court; and
  - (b) in the case of a creditor, also notify the trustee,
 not less than 14 days before the end of the relevant period, stating the grounds of his objection and applying for an order under subsection (3). *(Amended 1 of 2016 s. 4)*
- (7) Where the court has suspended the running of the relevant period under subsection (3), the bankrupt may, at any time, apply to have the suspension lifted and the court may, having regard to the interests of all the parties, lift the suspension or shorten the period during which it will operate.
- (8) Where a bankrupt has been discharged, he shall, notwithstanding his discharge—
  - (a) continue to give such information respecting his affairs; and
  - (b) attend on the trustee at such times, and do such other things,
 as the trustee requires for the purpose of completing the administration of the estate, and if a discharged bankrupt does not comply with the requirements of this subsection, he shall be guilty of a contempt of court and may be punished accordingly on the application of the trustee.
- (9) Where the court grants a discharge under this section, it may, as a condition of granting the discharge, order the bankrupt to continue to make contributions to his estate in such amount and for such period as it considers appropriate but not exceeding a period of 8 years from the date the bankruptcy order was made.
- (10) *(Repealed 1 of 2016 s. 4)*
- (10A) Despite the repeal of subsection (10) by the Bankruptcy (Amendment) Ordinance 2016 (1 of 2016), subsection (10)(b)(ii) as in force immediately before 1 November 2016 continues to apply to a bankrupt against whom a bankruptcy order has been made before that date. *(Added 1 of 2016 s. 4)*
- (11) This section is without prejudice to any power of the court to annul a bankruptcy order.
 

*(Added 76 of 1996 s. 20)*