

61. Powers exercisable by trustee with permission of creditors' committee

The trustee may, with the permission of the creditors' committee, do all or any of the following things— (*Amended 76 of 1996 s. 74*)

- (a) carry on the business of the bankrupt so far as may be necessary for the beneficial winding up of the same or allow the bankrupt to restructure the business in accordance with conditions determined by the trustee where such restructuring is in the interests of the creditors and, for the purpose of such restructuring, the trustee may permit the debtor to retain any leasehold interest in property in which his business is situated; (*Amended 76 of 1996 s. 41*)
- (b) bring, institute or defend any action or other legal proceeding relating to the property of the bankrupt;
- (c) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the creditors' committee; (*Amended 76 of 1996 s. 74*)
- (d) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit;
- (e) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;
- (f) refer any dispute to arbitration, or compromise any debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times and generally on such terms as may be agreed on;
- (g) make such compromise or other arrangement as may be thought expedient with creditors or persons claiming to be creditors in respect of any debts provable under the bankruptcy;
- (h) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person;
- (i) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold;
- (j) where any right, option or other power forms part of the bankrupt's estate, make payments or incur liabilities for the purpose of obtaining any property which is the subject of the right, option or power; (*Added 76 of 1996 s. 41*)
- (k) if, after taking expert advice, he considers it to be in the interest of the estate to delay conversion of foreign currency into Hong Kong dollars, delay such conversion for the period he considers appropriate, and, where there is no committee, may do so with the concurrence of the court. (*Added 76 of 1996 s. 41*)

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things but shall only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

(*Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule; 20 of 1948 s. 4*)

[*cf. 1914 c. 59 s. 56 U.K.*]