

## 2. Interpretation

In this Ordinance, unless the context otherwise requires—

**affidavit** (誓章) includes statutory declaration, affirmation and attestation on honour;

**bailiff** (執達主任) includes any officer charged with the execution of a writ or other process;

**bankruptcy debt** (破產債項), in relation to a bankrupt, means—

- (a) any debt or liability to which he is subject at the commencement of the bankruptcy; and
- (b) any debt or liability to which he may become subject after the commencement of the bankruptcy (including after his discharge from bankruptcy) by reason of any obligation incurred before the commencement of the bankruptcy; (*Added 76 of 1996 s. 2*)

**court** (法院、法庭) means the Court of First Instance sitting in its bankruptcy jurisdiction; (*Amended 92 of 1975 s. 59; 25 of 1998 s. 2*)

**debt provable in bankruptcy** (破產案中可證債權、破產案中可證債項) or **provable debt** (可證債權、可證債項) includes any debt or liability by this Ordinance made provable in bankruptcy;

**goods** (貨品) includes all chattels personal;

**nominee** (代名人) means the Official Receiver or some person who by reason of his experience and qualifications is, in the opinion of the court, a suitable person to perform the duties of the nominee specified in sections 20A, 20D, 20E and 20G; (*Added 76 of 1996 s. 2*)

**non-commencement order** (不開始令) means an order made by the court under section 30AC(1); (*Added 1 of 2016 s. 3*)

**oath** (誓言) includes affirmation, declaration and attestation on honour;

**Official Receiver** (破產管理署署長) means the Official Receiver appointed under section 75; (*Added 47 of 1984 s. 2*)

**ordinary resolution** (普通決議) means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

**prescribed** (訂明) means prescribed by general rules within the meaning of this Ordinance;

**property** (財產) includes money, goods, things in action, land and every description of property, whether real or personal and whether situate in Hong Kong or elsewhere, also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined; (*Amended 47 of 1984 s. 16*)

**proposal** (建議) means a proposal for a voluntary arrangement made to his creditors by a debtor; (*Added 76 of 1996 s. 2*)

**provisional trustee** (暫行受託人), in relation to a bankrupt, means—

- (a) where no person is appointed as provisional trustee of the property of the bankrupt under section 12(1A), the Official Receiver; or
- (b) where any person is appointed as provisional trustee of the property of the bankrupt under section 12(1A), the person; (*Added 18 of 2005 s. 2*)

**Registrar** (司法常務官) means the Registrar of the High Court, and any Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the High Court; (*Replaced 47 of 1984 s. 2. Amended 25 of 1998 s. 2; 10 of 2005 s. 167*)

**relevant period** (有關期間), in relation to a bankrupt, means the relevant period mentioned in section 30A(1); (*Added 1 of 2016 s. 3*)

**resolution** (決議) means ordinary resolution;

**secured creditor** (有抵押債權人) means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof, as a security for a debt due to him from the debtor;

**special resolution** (特別決議) means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution;

**trustee** (受託人) means, subject to section 58(1B), the trustee in bankruptcy of a bankrupt's estate; (Amended 76 of 1996 s. 72; 18 of 2005 s. 2)

**voluntary arrangement** (自願安排) means a composition in satisfaction of a debtor's debts or a scheme of arrangement of a debtor's affairs. (Added 76 of 1996 s. 2)

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[cf. 1914 c. 59 s. 167 U.K.]

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