

29. Inquiry as to bankrupt's conduct, dealings and property

- (1) The court may, on the application of the Official Receiver or trustee, at any time after a bankruptcy order has been made against a bankrupt summon before it the bankrupt or his spouse, or any person known or suspected to have in his possession any of the estate or effects belonging to the bankrupt or supposed to be indebted to the bankrupt, or any person whom the court may deem capable of giving information respecting the bankrupt, his dealings or property, and the court may require any such person to produce any documents in his custody or power relating to the bankrupt, his dealings or property. (*Amended 76 of 1996 ss. 71, 72 & 73*)
- (1A) The court may require a person referred to in subsection (1), other than the bankrupt, to submit an affidavit to the court containing an account of his dealings with the bankrupt or to produce any documents in his possession or under his control relating to the bankrupt or the bankrupt's dealings, affairs or property. (*Added 76 of 1996 s. 19*)
- (2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the court at the time of its sitting and allowed by it, the court may, by warrant, cause him to be apprehended and brought up for examination.
- (3) The court may, by itself or by a commissioner appointed for the purpose, examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the bankrupt, his dealings or property and any other matter the court considers relevant. (*Amended 76 of 1996 ss. 19 & 72*)
- (3A) It shall be the duty of a person examined under subsection (3) to answer all questions that the court may put or allow to be put to him. (*Added 76 of 1996 s. 19*)
- (3B) Evidence given on oath under this section shall not be admissible in criminal proceedings other than for perjury by the person who gave it. (*Added 76 of 1996 s. 19*)
- (4) If on the examination of any person it appears to the court that he is indebted to the bankrupt, the court may, on the application of the Official Receiver or trustee, order him to pay to the Official Receiver or trustee, at such time and in such manner as to the court seems expedient, the amount admitted or any part thereof, either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination. (*Amended 76 of 1996 ss. 19 & 72*)
- (5) If on the examination of any person it appears to the court that he has in his possession any property belonging to the bankrupt, the court may, on the application of the Official Receiver or trustee, order him to deliver to the Official Receiver or trustee such property or any part thereof, at such time and in such manner and on such terms as to the court may seem just. (*Amended 76 of 1996 ss. 19 & 72*)
- (6) The court may, if it thinks fit, order that any person who if in Hong Kong would be liable to be brought before it under this section shall be examined in any place out of Hong Kong by a commissioner appointed for the purpose. (*Amended 47 of 1984 s. 16*)
- (7) In the case of the death of the bankrupt or his spouse or of any other witness whose evidence has been duly taken under this Ordinance, the deposition of the person so deceased purporting to be sealed with the seal of the court, or a copy thereof purporting to be so sealed, shall in all legal proceedings be admitted as evidence of the matters therein deposed to, saving all just exceptions. (*Amended 76 of 1996 ss. 71 & 72*)

[*cf. 1914 c. 59 s. 25 U.K.*]