

32. Effect of order of discharge

- (1) An order of discharge shall not release the bankrupt—
 - (a) *(Repealed 76 of 1996 s. 23)*
 - (aa) from any liability to pay any amount under a confiscation order made under the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) or under an external confiscation order registered under that Ordinance. *(Added 35 of 1989 s. 32. Amended L.N. 19 of 1991; E.R. 1 of 2019)*
 - (b) *(Repealed 76 of 1996 s. 23)*
- (2) Subject to subsections (1) and (3) to (8), where a bankrupt is discharged, the discharge releases him from all the bankruptcy debts, but has no effect—
 - (a) on the functions (so far as they remain to be carried out) of the trustee and the operation of the provisions of this Ordinance for the purposes of carrying out those functions; or
 - (b) on the liability of the discharged bankrupt to make continuing contributions to his estate pursuant to an order made under section 30A(9). *(Replaced 76 of 1996 s. 23)*
- (3) Discharge does not affect the right of any secured creditor of the bankrupt to enforce his security for the payment of a debt from which the bankrupt is released. *(Replaced 76 of 1996 s. 23)*
- (4) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party. *(Replaced 76 of 1996 s. 23)*
- (5) Discharge does not release the bankrupt from any liability in respect of a fine imposed for an offence or from any liability under a recognizance except, in the case of a penalty imposed for an offence under an enactment relating to the public revenue or of a recognizance, with the consent of the Financial Secretary. *(Added 76 of 1996 s. 23)*
- (6) Discharge does not, except to such extent and on such conditions as the court may direct, release the bankrupt from any bankruptcy debt which consists in a liability to pay damages for negligence, nuisance or breach of a statutory, contractual or other duty being damages in respect of personal injuries to any person. *(Added 76 of 1996 s. 23)*
- (7) Discharge does not release the bankrupt from such other bankruptcy debts, not being debts provable in his bankruptcy, as may be prescribed. *(Added 76 of 1996 s. 23)*
- (8) Discharge does not release any person other than the bankrupt from any liability (whether as partner or co-trustee of the bankrupt or otherwise) from which the bankrupt is released by the discharge, or from any liability as surety for the bankrupt or as a person in the nature of such a surety. *(Added 76 of 1996 s. 23)*

[cf. 1914 c. 59 s. 28 U.K.]