

30B. Early discharge of bankrupt

- (1) Notwithstanding that the relevant period has not yet expired, a bankrupt who— (*Amended 1 of 2016 s. 6*)
 - (a) has not previously been adjudged bankrupt may, at any time; or
 - (b) has been previously adjudged bankrupt may, not less than 3 years after the date of the bankruptcy order,
 apply to the court for an order discharging him from bankruptcy.
- (2) The court shall not make an order under this section if— (*Amended 1 of 2016 s. 6*)
 - (a) the bankrupt has previously entered into— (*Amended 1 of 2016 s. 6*)
 - (i) a composition or scheme of arrangement under this Ordinance, as it existed before the Bankruptcy (Amendment) Ordinance 1996 (76 of 1996) came into operation; or
 - (ii) a voluntary arrangement;
 - (b) the bankrupt has unsecured liabilities that exceed 150% of the income that the trustee determines was derived by the bankrupt during the year immediately before the date of the bankruptcy order;
 - (c) the bankrupt has failed to disclose a beneficial interest in any property;
 - (d) the bankrupt has failed to disclose any liability that existed at the date of the bankruptcy order;
 - (e) the bankrupt has failed to disclose in his statement of affairs income that he expected in the 12 months following the filing of the statement;
 - (f) the bankrupt has engaged, after the date of the bankruptcy order, in misleading conduct in relation to a person in respect of an amount or amounts exceeding \$15,000;
 - (g) the bankrupt has after the date of the bankruptcy order continued to act as a director or taken part in the management of a company, except with the leave of the court, contrary to section 156 of the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date* of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) or to section 480 of the Companies Ordinance (Cap. 622); (*Amended 28 of 2012 ss. 912 & 920*)
 - (h) the bankrupt has failed or refused to give his passport or other travel document to the trustee when requested to do so;
 - (i) the bankrupt has failed to co-operate with the trustee; or (*Amended 1 of 2016 s. 6*)
 - (j) the relevant period for the bankrupt has not commenced to run pursuant to a non-commencement order. (*Added 1 of 2016 s. 6*)
- (3) A bankrupt shall give notice to the trustee of an application under this section at least 28 days before the date of the hearing and the trustee shall advise each creditor of the application.
- (4) The trustee or a creditor may object to the discharge of the bankrupt on one or more of the grounds set out in section 30A(4) and the court may decline to make an order discharging the bankrupt if it is satisfied that the objection is valid.
- (5) Section 30A(8) and (9) applies to a discharge under this section.

(*Added 76 of 1996 s. 20*)

Editorial Note:

* Commencement date: 3 March 2014.