THE PARALEGAL DESK

# Private client — succession, probate and bankruptcy

A printable reference pack for Hong Kong paralegals and legal executives.

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**Reference edition, fees checked to 14 November 2026.** Educational material only, not legal advice. Fees, time limits and practice directions change: verify against the current ordinance, practice direction or registry guidance before relying on anything in this pack for a live matter.

# Succession

**PRIVATE CLIENT · SUCCESSION**

Every succession file starts with the same three questions: is there a will, what does it actually dispose of, and who has the right to apply for the grant. The probate page takes the second half — the application itself.

**THE MISTAKE THAT COSTS THE MOST**
A will disposes only of what the deceased owned alone. Jointly owned property passes by survivorship, and a nomination under an MPF scheme or an insurance policy passes to the nominee. A will that "leaves everything to my wife" does nothing for the flat held in joint names — the survivorship already did it, and the will's residue is then smaller than the client expected.

## 1 What passes under the will, and what does not

**Four routes an asset can take on death**

| Asset | Route | What to check |
|---|---|---|
| Flat held by husband and wife as joint tenants | Survivorship — passes outside the estate, no grant needed to transfer | The assignment: "joint tenants" not "tenants in common" |
| Flat held as tenants in common | Passes under the will or on intestacy; the deceased's share is an estate asset | The share stated in the assignment, usually a fraction of the lot |
| MPF accrued benefits | To the scheme member's nominee, or to the scheme's rules if none | The nomination form, and whether it was updated after marriage or divorce |
| Insurance policy with a named beneficiary | Directly to the beneficiary | Whether the nomination was made, and to whom |

Everything else — bank accounts in the deceased's name, shares, a sole-name flat, a business interest, debts owed to the deceased — is estate property and needs a grant before anyone can deal with it.

## 2 Making a will that works

Section 5 of the Wills Ordinance sets four requirements, and all four are mandatory: the will must be **in writing**, **signed by the testator** or by someone in his presence and at his direction, the signature must be made or acknowledged **in the presence of two witnesses present at the same time**, and each witness must **attest and sign** the will in the testator's presence. A witness, or the spouse of a witness, cannot take a benefit under it.

**The questions that decide whether the will stands**

| Issue | Test or rule | Evidence you will need |
|---|---|---|
| Capacity | Did the testator understand the nature of the act, the extent of the property, and the claims to which he ought to give effect? | Medical records, the drafting solicitor's attendance note, the will file |
| Knowledge and approval | Did he know and approve the actual contents, especially where a draftsman or interpreter was involved? | The instructions, the draft sent for approval, the interpreter's note |
| Undue influence | Coercion, not persuasion — the burden is on the person alleging it | Contemporaneous notes, care home records, family correspondence |
| Formalities | Section 5, all four limbs | The original will; the attesting witnesses if the will is challenged |
| Revocation | By a later will or codicil, by writing declaring an intention to revoke, or by marriage — marriage revokes unless the will was made in contemplation of it | Any later will, the marriage certificate, the will file |
| Lapse and ademption | A gift to a beneficiary who predeceases fails; a specific gift of property sold before death is adeemed | The will's residue clause, which is what catches the failure |

| **Will — operative clauses** Specimen · example only | |
|---|---|
| **Opening** | This is the last will of me, TANG Chi Hang, Vincent, of 12A, Block 3, Greenfield Gardens, 1 Tai Hang Road, Hong Kong, made on 4 March 2026 |
| **Revocation** | I revoke all former wills and codicils made by me |
| **Executors** | I appoint my wife HO Man Yee, Grace, and my brother TANG Chi Keung, Peter, to be the executors and trustees of this my will, and I declare that a trustee may act notwithstanding a conflict of interest |
| **Specific gift — property** | I give my one-half share as tenant in common in Flat 8, 25/F, Bel Air Heights, 88 Pok Fu Lam Road, Hong Kong to my said wife absolutely |
| **Specific gift — chattels** | I give my watch collection to my son TANG Hei Tung, Anson, absolutely, and if he does not survive me, to my daughter TANG Hei Yu, Chloe |
| **Residuary gift** | I give the residue of my estate to my said wife if she survives me by 30 days, and if she does not, to my children in equal shares, the share of a child who does not survive me passing to that child's issue |
| **Guardianship** | If my wife does not survive me, I appoint my sister TANG Mei Ling, Karen, as guardian of my minor children |
| **Attestation** | Signed by the testator in our presence and by us in his presence, both of us being present at the same time, on 4 March 2026 — two witnesses, with names, addresses and occupations |

*The 30-day survivorship clause prevents a double probate when spouses die close together · the residue clause is the safety net for lapsed and adeemed gifts · keep the original, never a copy, and record where it is*

## 3 Intestacy — who takes what

**Intestates' Estates Ordinance (Cap 73) — who takes, and the L1 form each class applies on**

| Order | Survived by | Who takes, and what | L1 form |
|---|---|---|---|
| 1 | Spouse, no issue, and no parent, brother or sister of the whole blood or their issue | The spouse takes the whole estate (s 4(2)) | L1.1a husband · L1.2a wife |
| 2 | Spouse and issue | Spouse: personal chattels, **HK$500,000** and half the residue. Issue: the other half on the statutory trusts, per stirpes (s 4(3)) | L1.1a husband · L1.2a wife |
| 3 | Spouse, no issue, but a parent, or a brother or sister of the whole blood, or their issue | Spouse: personal chattels, **HK$1,000,000** and half the residue. Parents in equal shares; if no parent, brothers and sisters of the whole blood on the statutory trusts (s 4(4)) | L1.1a husband · L1.2a wife |
| 4 | Issue, no spouse | Issue on the statutory trusts, per stirpes (s 4(5)) | L1.3a |
| 5 | No spouse, no issue — one or both parents | Both parents in equal shares, or the survivor alone (ss 4(6)–(7)) | L1.4a |
| 6 | No spouse, issue or parent | First brothers and sisters of the whole blood on the statutory trusts; then brothers and sisters of the half blood; then grandparents in equal shares; then uncles and aunts of the whole blood; then uncles and aunts of the half blood — each class on the statutory trusts, so the issue of a predeceased sibling, uncle or aunt take in their place (s 4(8)) | L1.5a for a brother or sister · L1.6a for a grandparent, an uncle or an aunt |
| 7 | Nobody entitled | The Government as bona vacantia, subject to Cap 481 (s 4(9)) | Official Administrator |

*"Personal chattels" means the tangible movable property — furniture, jewellery, cars, household effects — but not money, securities or property used for business. The statutory figures are fixed sums, not percentages, so a small estate can be entirely absorbed by the spouse's entitlement. The forms are the same L1 series set out on the probate page: L1.1 or L1.2 for a spouse, L1.3 for a child, L1.4 for a parent, L1.5 for a brother or sister, and L1.6 for a grandparent, an uncle or an aunt. There is no L1.7 or L1.8 — the series stops at L1.6, and the "a" suffix is used where the death occurred on or after 11 February 2006.*

The order of entitlement is not quite the order of priority to apply. Distribution follows Cap 73, which separates whole blood from half blood. The right to a grant follows r 21 of the Non-Contentious Probate Rules (Cap 10A), which does not: a brother or sister of the half blood ranks with one of the whole blood for the grant, even though Cap 73 puts the whole blood first for the money. A person in a lower class cannot apply while a person above is able and willing.

**Intestacy — distribution worked through** Specimen · example only

**Estate of HK$7,000,000 net, survived by a spouse and two children**

| Step | Calculation | Amount (HK$) |
|---|---|---|
| Net estate | After debts, funeral and administration expenses | 7,000,000 |
| Spouse — statutory legacy | Fixed sum under Cap 73 | 500,000 |
| Residue | 7,000,000 − 500,000 | 6,500,000 |
| Spouse — half of residue | 6,500,000 ÷ 2 | 3,250,000 |
| **Spouse total** | 500,000 + 3,250,000 | **3,750,000** |
| Issue — half of residue | 6,500,000 ÷ 2, equally between two children | 3,250,000 |
| Each child | 3,250,000 ÷ 2 | 1,625,000 |

*Check: 3,750,000 + 1,625,000 + 1,625,000 = 7,000,000 · if a child had predeceased leaving children, that child's share would pass to them per stirpes · personal chattels pass to the spouse in addition to the figures above, so the cash sums are reduced by their value if the estate is small*

**THE SAME ESTATE, NO CHILDREN**

If the deceased left a spouse and both parents but no issue, the spouse takes the chattels, HK$1,000,000 plus half of the residue of HK$6,000,000 — **HK$4,000,000** — and the parents share the remaining **HK$3,000,000**, HK$1,500,000 each. The statutory legacy is higher precisely because no child is competing for it.

## 4 Claims against the estate

A will can be valid and still be disturbed. Under the Inheritance (Provision for Family and Dependants) Ordinance (Cap 481) a spouse, a former spouse, a child, a parent, or a person maintained by the deceased may apply for reasonable provision out of the estate. The application is made to the court and, in practice, must be brought promptly — the ordinance sets a short period running from the grant, and an extension is not automatic.

Three other claims are often overlooked. A beneficiary under a will who has not been paid can sue for the legacy. A creditor of the deceased can pursue the estate, which is why the executor advertises for claims before distributing. And a person who has been maintained by the deceased may have a claim even without any family relationship, which is exactly the case Cap 481 was written for.

## 5 Timeline

**From death to distribution**

| Stage | Timing | Who acts |
|---|---|---|
| Death registered; funeral | Within days | Family; the death certificate is needed for every later step |
| Will located and read | Immediately | Executor, or the solicitor holding the original |
| Assets and liabilities identified | First 2 to 4 weeks | Executor's solicitor — bank balances as at death, share values, property valuation |
| Grant applied for | Once the schedule is complete | Executor or administrator; see the probate page |
| Grant issued | Typically 5 to 7 weeks for a simple estate | Probate Registry |
| Assets collected, property transferred or sold | Weeks to months after the grant | Executor, using sealed copies of the grant |
| Creditors dealt with and residue ascertained | Before any distribution | Executor — advertise for claims, clear debts |
| Distribution to beneficiaries | Within the executor's year where possible | Executor; accounts and receipts kept |

## 6 What goes wrong

- **The will is signed but not properly witnessed.** Two witnesses present at the same time, both signing in the testator's presence. One witness, or witnesses signing on different days, and the will fails.
- **A witness takes a benefit.** The gift to that witness is void, even though the rest of the will may stand.
- **Marriage revokes the will and nobody notices.** A will made before the wedding is revoked by the marriage unless it was made in contemplation of it.
- **Joint property is treated as estate property.** Survivorship passes it outside the will, and an executor who distributes it as residue is distributing someone else's asset.
- **Intestacy is assumed to split evenly.** The spouse's fixed statutory legacy comes off the top before the division, which changes the arithmetic completely.
- **Distribution happens before creditors are dealt with.** An executor who distributes early and is then faced with a valid claim may have to meet it personally.

## 7 Checklist

**PRINT THIS**

- Original will located; a copy is not enough for the grant
- Formalities checked on the face of the will — signature, two witnesses, attestation
- Later will, codicil or revocation considered; marriage certificate checked for date
- Joint tenancy versus tenancy in common established from the assignment
- MPF and insurance nominations identified and separated from the estate
- Full schedule of assets and liabilities as at the date of death
- Intestacy shares calculated using the statutory legacy, not by simple division
- Potential Cap 481 claimants identified before distribution
- Creditors advertised for and cleared before residue is paid
- Distribution schedule and receipts kept on the estate file

## 8 Sources

- Wills Ordinance (Cap 30), ss 5 (formalities), 10 (gifts to attesting witnesses and their spouses), 13 (modes of revocation), 14 (revocation by marriage), 15 (dissolution or annulment), 23 (lapse).
- Intestates' Estates Ordinance (Cap 73), Part II — distribution where there is a spouse, issue, parent or sibling, and bona vacantia.
- Inheritance (Provision for Family and Dependants) Ordinance (Cap 481); Probate and Administration Ordinance (Cap 10).
- Mandatory Provident Fund Schemes Ordinance (Cap 485) on nominations; Insurance Ordinance (Cap 41) on beneficiary nominations.

# Probate

**PRIVATE CLIENT · PROBATE**

Who takes the estate is a succession question — see the succession page. This page is the application: which grant, applied for by whom, on what evidence, at what fee, and how long it takes.

**THE FEE IS NOT SCALED TO THE ESTATE**

Since estate duty was abolished for deaths on or after 11 February 2006, the probate court fee is flat: **HK$265** to file the application and **HK$72** for engrossment of the grant. The old scale by estate value was repealed. If a source still quotes a percentage or a band, it is out of date.

## 1 Which grant

**The grants and when each is used**

| Grant | When | Who applies |
|---|---|---|
| Grant of probate | There is a valid will and an executor willing to act | The executor named in the will |
| Letters of administration with will annexed | There is a will but no willing or surviving executor | The residuary beneficiary, or the person entitled on intestacy |
| Letters of administration | There is no will | The person first entitled under r 21, who is a person with a beneficial interest under Cap 73 |
| Double probate | An executor reserves power and later proves | That executor |
| Cessate grant | A grant has been made to someone whose own interest has ended | The person next entitled |
| De bonis non | The sole or last executor or administrator has died or become unable to act, leaving assets unadministered | The person entitled to the unadministered assets |
| Resealing a foreign grant | The deceased was domiciled outside Hong Kong and left Hong Kong assets | The foreign personal representative |

## 2 Who has the right to apply

Rule 21 of the Non-Contentious Probate Rules sets the order. Where there is a will, the executor comes first. Where there is no will, the order below applies, and a person in a lower class cannot apply while a person above is able and willing.

**Order of priority on intestacy (r 21), and the form each applicant uses**

| Rank | Person entitled | Specified form (suffix "a" for deaths on or after 11 February 2006) |
|---|---|---|
| 1 | Husband or wife — L1.1 is the husband's application, L1.2 the wife's (r 21(1)(i)) | L1.1a / L1.2a |
| 2 | Child, or the issue of a child who died in the intestate's lifetime — L1.3, the child's application (r 21(1)(ii)) | L1.3a |
| 3 | Father or mother — L1.4, the parent's application (r 21(1)(iii)) | L1.4a |
| 4 | Brother or sister, or the issue of a brother or sister who died in the intestate's lifetime — L1.5 (r 21(1)(iv)) | L1.5a |
| 5 | Grandparent; then uncle or aunt, or the issue of an uncle or aunt who died in the intestate's lifetime — the last classes r 21 names, and all of them use the one form, L1.6 "Other Applications" (r 21(2)) | L1.6a |
| 6 | The Official Administrator, where no person with a beneficial interest in the estate survives (r 21(3)) | Application to the court |
| 7 | A creditor, or a person interested only on an accretion or under Cap 481 — and only once everyone above has been cleared off (r 21(4)) | Application to the court |

*The series runs **L1.1 to L1.6 only** — there is no L1.7 or L1.8, and no form beyond L1.6: the classes above are the whole of r 21, so a relative further out than an uncle or aunt has no entitlement to apply. Each form comes in two versions: the "**a**" version for a death **on or after 11 February 2006**, and the "**b**" version for a death before that date, as the notes printed on the forms themselves state. Choose the suffix from the date of death, not the date of the application. Where the person entitled is a minor or lacks capacity, the application is made on their behalf. A person who does not wish to act signs a renunciation; a person who is entitled but does not apply may be cited to accept or refuse.*

Rank here means priority to the grant, not the share. r 21 does not separate whole blood from half blood, so a brother or sister of the half blood applies at the same rank as one of the whole blood; Cap 73 does separate them, and puts the whole blood first for the distribution. The same table, with the shares, is set out on the succession page.

## 3 What is lodged

**Testate application — the bundle**

| Document | Form | Notes |
|---|---|---|
| Executor's affirmation or affidavit | W1.1a | Signed and sworn by the executor; identifies the will and the deceased |
| Schedule of assets and liabilities, verified | N2.1 | Assets in Hong Kong as at the date of death, with values; liabilities separately |
| The original will and a copy | — | The Registry keeps the original; a copy is filed for the record |
| Death certificate | — | Certified copy or original |
| Marriage certificate, birth certificates | — | To prove relationship where the application depends on it |
| Renunciation, if an executor is not acting | — | Signed and attested; filed with the application |
| Probate fee | — | HK$265 on filing |

## 4 The documents, filled in

**W1.1a — Affirmation by executor** Specimen · example only

| | |
|---|---|
| **In the** | High Court of the Hong Kong Special Administrative Region, Probate Jurisdiction |
| **Deceased** | WONG Kam Chuen, Raymond, lately of Flat 21A, Tower 2, Riviera Gardens, 8 Sai Lau Kok Road, Tsuen Wan, New Territories |
| **Date of death** | 8 September 2026, in Hong Kong |
| **Domicile** | Hong Kong |
| **Will** | Dated 4 March 2024, the original of which is exhibited to this affirmation |
| **Applicant** | WONG Lee Mei Fong, Alice, widow of the deceased, one of the executors named in the will |
| **Oath** | "I will administer the estate according to law, exhibit a true and perfect inventory, and render a just and true account when required" |
| **Declaration** | The estate is within Hong Kong and consists of the assets set out in the schedule verified by the accompanying affirmation (N2.1) |
| **Sworn** | Sworn before a solicitor on 21 October 2026 at Hong Kong |
| **Fee** | HK$265 on filing; HK$72 engrossment when the grant issues |

*One affirmation per applicant · the will is exhibited, not described · if the executor cannot swear in Hong Kong, a power of attorney or a local notarial form is needed*

| N2.1 — Schedule of assets and liabilities | Specimen · example only |
|---|---|
| **Property — Flat 21A, Riviera Gardens, Tsuen Wan** | 9,800,000 |
| **Bank deposits — three accounts with Hang Seng Bank** | 1,250,000 |
| **Listed shares — 12,000 shares, valued at the date of death** | 980,000 |
| **Mandatory Provident Fund accrued benefits** | 320,000 |
| **Insurance policy proceeds payable to the estate** | 110,000 |
| **Total assets in Hong Kong** | **12,460,000** |
| **Credit card balance outstanding** | 48,000 |
| **Medical and hospital charges outstanding** | 12,000 |
| **Total liabilities** | **60,000** |
| **Net value of the estate** | **12,400,000** |
| **Assets outside Hong Kong** | None declared; a bank account in Singapore was closed in 2023 |

*Values as at the date of death, not today · the property figure is a valuation, not the rateable value · a policy payable to a named beneficiary stays out of the estate, so read the nomination before listing it*

| Renunciation of probate | Specimen · example only |
|---|---|
| **Deceased** | WONG Kam Chuen, Raymond, died 8 September 2026 |
| **Will** | Dated 4 March 2024 |
| **Renouncing party** | WONG Chi Keung, Michael, brother of the deceased, the other executor named in the will |
| **Declaration** | "I renounce all my right and title to probate and execution of the said will and to administration of the estate of the deceased" |
| **Signature** | Signed by the renouncing party on 15 October 2026 |
| **Attestation** | Attested by a solicitor |
| **Effect** | Probate is granted to the remaining executor; the renouncing executor takes no part in the administration |

*No fee · a renunciation cannot be retracted once filed without the court's leave · if no executor remains, the grant becomes letters of administration with will annexed*

| L1.2a — affirmation or affidavit by administratrix (wife's application) Specimen · example only | |
|---|---|
| **Court and estate** | In the High Court of the HKSAR, Court of First Instance — In the estate of LAU Kin Wah, late of Flat 4A, 18 Tai Hang Road, Hong Kong, married man, deceased |
| **Form and suffix** | **L1.2a** — the "a" suffix because the death occurred on or after 11 February 2006; a death before that date needs the "b" version |
| **Deponent** | LAU Siu Fung, Amy, housewife, of Flat 4A, 18 Tai Hang Road, Hong Kong — the lawful widow of the deceased |
| **Death** | Died intestate on 6 January 2026 at Pamela Youde Nethersole Eastern Hospital, aged 71, domiciled in Hong Kong |
| **Paragraph 2 — persons entitled** | The deponent, his lawful widow, aged 68, and the two children named in paragraph 3 — so the estate is shared, not taken by the widow alone |
| **Paragraph 3 — issue** | LAU Chi Keung, Marcus, son, born 1984; LAU Wai Man, Joyce, daughter, born 1987 — no other children, and none who died before or after the deceased |
| **Paragraphs on the estate** | No life interest arises under the intestacy; the estate is within the summary administration limit only if the figures in the schedule support it, so this application proceeds in the ordinary way |
| **Paragraph 11 — the application** | The deponent applies as the lawful widow, one of the persons entitled to share in the estate, for letters of administration |
| **Execution** | Affirmed at Hong Kong on 20 February 2026, before a solicitor or a commissioner for oaths — an affidavit is sworn, an affirmation is affirmed; the choice is the deponent's, not the Registry's |
| **Filed with** | N2.1 schedule of assets and liabilities · the death certificate · the marriage certificate · the deponent's identity document |

*Fee: HK$265 on filing, plus HK$72 for each page of the grant engrossed · 14 days must have passed since the death before administration is applied for · a grant to the widow does not exclude the children: the shares follow the Intestates' Estates Ordinance, not the grant*

| L1.1a — affirmation or affidavit by administrator (husband's application) | Specimen · example only |
|---|---|
| **Court and estate** | In the High Court of the HKSAR, Court of First Instance — In the estate of CHAN Wai Ming, late of Flat 12B, Block 3, Bel-Air on the Peak, 68 Cyberport Road, Hong Kong, married woman, deceased |
| **Form and suffix** | **L1.1a** — the husband's form, "a" because the death occurred on or after 11 February 2006. L1.2 is the wife's form; using the wrong one of the pair is the commonest slip in the series |
| **Deponent** | CHAN Kwok Leung, Peter, retired, of Flat 12B, Block 3, Bel-Air on the Peak — the lawful widower of the deceased |
| **Death** | Died intestate on 14 March 2026 at Queen Mary Hospital, aged 63, domiciled in Hong Kong |
| **Paragraph 2 — persons entitled** | The deponent, her lawful widower, aged 67, and the two children in paragraph 3. The widower does not take the whole estate: under Cap 73 he takes the chattels, HK$500,000 and half the residue, and the children take the other half |
| **Paragraph 3 — issue** | CHAN Tsz Hin, Alan, son, born 1990; CHAN Yuen Ting, Betty, daughter, born 1993 — no other children, and none who died before the deceased leaving issue |
| **Paragraphs on the estate** | No life interest arises; the estate is well above the summary administration figure, so this is an ordinary application. The matrimonial flat was held by the deceased and the deponent as joint tenants and passes by survivorship — it does not appear in the schedule |
| **Paragraph 11 — the application** | The deponent applies as the lawful widower, one of the persons entitled to share in the estate, for letters of administration |
| **Execution** | Affirmed at Hong Kong on 27 April 2026 before a solicitor |
| **Filed with** | N2.1 schedule of assets and liabilities · death certificate · marriage certificate · the deponent's identity document · the children's written consents to the grant being made to the father alone |

*HK$265 on filing, plus HK$72 per page of the grant engrossed · the husband's form, not L1.2 · joint tenancy property stays out of the schedule · consents from the children keep the grant to one administrator, but they still take their half of the residue under Cap 73*

| L1.3a — affirmation or affidavit by administrator (child's application) | Specimen · example only |
|---|---|
| **Court and estate** | In the High Court of the HKSAR, Court of First Instance — In the estate of TAM Suk Yee, late of Flat 8C, Harbour View Court, 25 Harbour Road, Wan Chai, Hong Kong, widow, deceased |
| **Form and suffix** | **L1.3a** — the child's form, "a" for a death on or after 11 February 2006 |
| **Deponent** | TAM Hoi Yan, Karen, teacher, of Flat 8C, Harbour View Court, 25 Harbour Road, Wan Chai — the lawful daughter and only child of the deceased |
| **Death** | Died intestate on 2 November 2025 at Ruttonjee Hospital, aged 74, domiciled in Hong Kong |
| **Why the child is first** | The deceased's husband, TAM Kin Sang, died on 19 May 2019 — the death certificate and the marriage certificate go in with the papers, because the child's priority depends on the spouse being dead, not on her being the only child |
| **Paragraph 2 — persons entitled** | The deponent alone: no surviving spouse, and no issue other than her |
| **Paragraph 3 — issue and parents** | The deponent is the only child. Both of the deceased's parents predeceased her — her father in 1998, her mother in 2011 — so no parent competes at rank 3 |
| **Paragraphs on the estate** | The estate is HK$3,410,000: the flat, two bank accounts and a small share portfolio. There is no life interest and no minor beneficiary |
| **Paragraph 11 — the application** | The deponent applies as the lawful daughter and only child, the person entitled to the whole estate, for letters of administration |
| **Execution** | Affirmed at Hong Kong on 8 December 2025 before a commissioner for oaths |
| **Filed with** | N2.1 schedule · death certificate of the deceased · death certificate of her husband · the deponent's birth certificate · the deceased's marriage certificate · the deponent's identity document |

*HK$265 on filing and HK$72 per page engrossed · the spouse's death certificate is what proves priority, not the birth certificate alone · a child takes the whole estate only where there is no surviving spouse · an only child still cannot apply within 14 days of the death*

| L1.4a — affirmation or affidavit by administrator (parent's application) Specimen · example only | |
|---|---|
| **Court and estate** | In the High Court of the HKSAR, Court of First Instance — In the estate of NG Chun Hung, late of Room 1503, Fortune Building, 12 Kwai Chung Road, Kwai Chung, New Territories, bachelor, deceased |
| **Form and suffix** | **L1.4a** — the parent's form, "a" for a death on or after 11 February 2006. Either parent may use it; where both are alive they are equally entitled |
| **Deponent** | NG Kam Shing, retired driver, of Room 1503, Fortune Building, 12 Kwai Chung Road, Kwai Chung — the lawful father of the deceased |
| **Death** | Died intestate on 9 August 2026 at Princess Margaret Hospital, aged 29, domiciled in Hong Kong |
| **Why the parents come third** | The deceased was unmarried, had no children, and left no issue. His mother, NG Lai Fong, died in 2016. The father is therefore the only person at rank 3 — and he is applying alone because there is nobody else in that rank, not because a sibling stepped aside |
| **Paragraph 2 — persons entitled** | The deponent alone: no spouse, no issue, and no surviving parent other than him |
| **Paragraph 3 — brothers and sisters** | None. The deceased was an only child, which is why the estate does not fall to be shared at rank 4 |
| **Paragraphs on the estate** | The estate is HK$1,240,000 — an MPF account, two bank accounts and a motorcycle. No property, so no valuation report is needed, and the estate is still above the summary administration limit |
| **Paragraph 11 — the application** | The deponent applies as the lawful father, the person entitled to the whole estate, for letters of administration |
| **Execution** | Affirmed at Hong Kong on 30 September 2026 before a solicitor |
| **Filed with** | N2.1 schedule · death certificate · the deceased's birth certificate showing the deponent as father · the mother's death certificate · the deponent's identity document |

*HK$265 on filing and HK$72 per page engrossed · both living parents are equally entitled, so one applies with the other's renunciation or both apply together · the mother's death certificate is what removes rank 3 competition · an only child means no rank 4 at all*

| L1.5a — affirmation or affidavit by administrator (brother's or sister's application) Specimen · example only | |
|---|---|
| **Court and estate** | In the High Court of the HKSAR, Court of First Instance — In the estate of HO Mei Ling, late of Flat 21, Block A, Greenfield Gardens, 1 Tsing Yi Road, Tsing Yi, New Territories, spinster, deceased |
| **Form and suffix** | **L1.5a** — the sibling's form, "a" for a death on or after 11 February 2006, used by a brother or a sister alike |
| **Deponent** | HO Tsz Kit, engineer, of Flat 21, Block A, Greenfield Gardens, 1 Tsing Yi Road, Tsing Yi — the lawful brother of the deceased |
| **Death** | Died intestate on 30 June 2026 at Tuen Mun Hospital, aged 45, domiciled in Hong Kong |
| **Why the siblings come fourth** | The deceased never married and had no children. Both parents predeceased her — her father in 2003, her mother in 2020 — so the estate moves past ranks 1 to 3 to the brothers and sisters |
| **Paragraph 2 — persons entitled** | The deponent and his sister, HO Mei Yan, Fiona, in equal shares. The sister has given written consent to the grant being made to the deponent alone, and that consent is filed with the papers — without it, the Registry expects both to apply |
| **Paragraph 3 — issue and parents** | No spouse, no issue, no surviving parent; one sister, living, named above. No other sibling, and none who died before the deceased leaving issue |
| **Paragraphs on the estate** | The estate is HK$2,680,000: a flat held in the deceased's sole name, one bank account and a car. There is no life interest and no minor beneficiary |
| **Paragraph 11 — the application** | The deponent applies as the lawful brother, one of the persons entitled in equal shares, for letters of administration |
| **Execution** | Affirmed at Hong Kong on 12 August 2026 before a commissioner for oaths |
| **Filed with** | N2.1 schedule · death certificate · the deceased's birth certificate · the deponent's birth certificate · both parents' death certificates · the sister's written consent · the deponent's identity document |

*HK$265 on filing and HK$72 per page engrossed · siblings share equally, so one applying alone needs the others' consent on file · both parents' death certificates are required, not just one · four ranks have to be cleared before a sibling is entitled*

| L1.6a — affirmation or affidavit by administrator (other next of kin) Specimen · example only | |
|---|---|
| **Court and estate** | In the High Court of the HKSAR, Court of First Instance — In the estate of LAM Chi Wai, late of Room 706, Wah Fung House, Wah Fu Estate, Pok Fu Lam, Hong Kong, bachelor, deceased |
| **Form and suffix** | **L1.6a** — the "Other Applications" form, "a" for a death on or after 11 February 2006. It carries grandparents, and uncles and aunts (or the issue of a deceased uncle or aunt); those are the last classes r 21 names, so there is no relative beyond them who is entitled to apply |
| **Deponent** | LAM Fuk Hing, retired, of Room 1201, Kam Wah Building, 88 Des Voeux Road West, Hong Kong — the lawful uncle of the deceased, being a brother of the deceased's late father |
| **Death** | Died intestate on 12 January 2026 at Queen Mary Hospital, aged 52, domiciled in Hong Kong |
| **Why an uncle** | The deceased never married and had no children, and both his parents died before him — his father in 2012, his mother in 2018. He had one brother, LAM Chi Keung, who died in 2021 without issue. That clears ranks 1 to 4 and leaves the grandparents, then the uncles and aunts |
| **Grandparents** | All four grandparents predeceased the deceased; the two death certificates that can still be produced are filed, and the others are accounted for in the affirmation by date and place |
| **Paragraph 2 — persons entitled** | The deponent and the deceased's maternal aunt, CHEUNG Siu King, in equal shares as the next of kin. The aunt has renounced administration, and the renunciation is filed with the papers — the estate is small and she does not wish to act |
| **Paragraph 3 — relationship** | Full particulars of the family tree, since the entitlement depends on it: the deceased's parents, their children, and the deponent's own parentage. A one-line assertion of unclehood is not enough for this form |
| **Paragraphs on the estate** | The estate is HK$760,000 — an MPF account, one bank account and a stored-value balance. It is above the HK$50,000 Home Affairs Department route and well above the HK$150,000 ceiling for summary administration under s 15 of the Probate and Administration Ordinance, so the ordinary application is the right one |
| **Paragraph 11 — the application** | The deponent applies as the lawful uncle, one of the persons entitled as next of kin, for letters of administration |
| **Execution** | Affirmed at Hong Kong on 26 February 2026 before a solicitor |
| **Filed with** | N2.1 schedule · death certificate · the deceased's birth certificate · the deponent's birth certificate · the deceased's father's death certificate · the brother's death certificate · the aunt's renunciation (L2.1) · the deponent's identity document |

*HK$265 on filing and HK$72 per page engrossed · the family tree is the application, and a bare assertion of relationship fails · a renunciation from the other kin at the same rank is what lets one person apply · grandparents come before uncles and aunts · this is the form for every rank the L1.1 to L1.5 forms do not name, and the last form in the series*

| C1.1 caveat and C1.4 appearance to warning | Specimen · example only |
|---|---|
| **C1.1 — heading** | In the High Court of the HKSAR, Court of First Instance — In the estate of LAU Kin Wah, late of Flat 4A, 18 Tai Hang Road, Hong Kong, married man, deceased; and in the matter of r 44 of the Non-Contentious Probate Rules (Cap 10A) |
| **C1.1 — the operative words** | "Let no grant be sealed in the estate of the deceased, who died on 6 January 2026, at Pamela Youde Nethersole Eastern Hospital, without notice to [solicitors] of [address], solicitors for LAU Chi Keung, Marcus, the caveator of [address]" |
| **C1.1 — address for service** | An address within the jurisdiction must appear on the caveat; a caveat without one is not accepted |
| **C1.1 — life of the caveat** | **Six months** from entry, unless withdrawn on C1.2; a further caveat may be entered, but leave is needed once an earlier caveat has ceased to be in force under r 44(11) or (12) |
| **C1.1 — what it does** | It stops a grant being sealed without notice to the caveator. It does not decide anything, and a grant can still issue on the day the caveat is entered, so it is not a substitute for an injunction |
| **C1.3 — the other side's answer** | The applicant, now the "person warning", issues a warning requiring particulars of the caveator's contrary interest; by practice a draft is submitted for the Registrar's approval first |
| **C1.4 — appearance to warning** | The caveator states the interest relied on and gives an address for service — **within 8 days** of service of the warning |
| **If no appearance is entered** | The caveat ceases to be in force and the grant proceeds; the 8 days are the whole of the caveator's window |
| **Next step after an appearance** | The dispute is case-managed: a summons for directions, then a probate action if it is not resolved, with costs exposure on the usual principles |

*Fees: caveat HK$72 · withdrawal of caveat HK$36 · warning to caveator HK$145, and HK$44 for service · appearance to warning no fee · 6 months for the caveat, 8 days to appear*

| **W1.4a — administration with will annexed, where the will appoints no executor** **Specimen · example only** | |
|---|---|
| **In the** | High Court of the HKSAR, Probate Jurisdiction — In the estate of CHEUNG Lai Mei, late of Room 1204, Kam Wah Building, 45 Mong Kok Road, Kowloon |
| **Deceased** | CHEUNG Lai Mei, widow, died 2 October 2026 in Hong Kong, aged 84, domiciled in Hong Kong |
| **The will** | Dated 12 June 2019, the original exhibited — a will that disposes of the estate but **appoints no executor**, which is why the grant is letters of administration with the will annexed and not probate |
| **Form and suffix** | W1.4a — the "a" suffix because the death occurred on or after 11 February 2006 |
| **Applicant** | CHEUNG Wai Man, Irene, daughter, of Flat 8B, Tower 3, Metro City, 8 Wan Hang Road, Tseung Kwan O — the person entitled to administration with the will annexed |
| **Paragraph 1 — the death** | Died on 2 October 2026 at Queen Elizabeth Hospital; the death certificate is exhibited |
| **Paragraph 2 — the will** | The will was found among the deceased's papers, is unrevoked, and was made when she had capacity; the attesting witnesses are named |
| **Paragraph 3 — no executor** | The will appoints no executor and none has been appointed by any codicil; no earlier will is known and no caveat has been entered |
| **Paragraph 4 — the applicant's priority** | The applicant is the only child and the residuary beneficiary, and the other beneficiary has consented in writing |
| **Paragraph 5 — the estate** | The flat, two bank accounts and a holding of shares, valued in the schedule at N2.1 filed with this application |
| **Paragraph 6 — sureties** | No surety is required: the applicant is the residuary beneficiary and the estate is solvent |
| **Execution** | Affirmed by the applicant on 5 November 2026 before a solicitor, with the will and the death certificate exhibited |

*Fee HK$265 on filing, plus HK$72 for each page of the grant engrossed · 14 days must have passed since the death · the grant is sealed with the will annexed, and the administrator's powers are those the will gives, not those of an executor*

| N2.2 — corrective affirmation of an additional schedule, after the grant | Specimen · example only |
|---|---|
| **In the** | High Court of the HKSAR, Probate Jurisdiction — In the estate of WONG Kam Chuen, Raymond, late of Flat 21A, Tower 2, Riviera Gardens, Tsuen Wan |
| **Form** | N2.2 — affirmation or affidavit correcting the schedule of assets and liabilities, or adding an asset discovered after the grant |
| **Grant** | Probate granted to the executor on 14 November 2026 |
| **What was missed** | A time deposit of HK$380,000 with a bank in Macau, opened in 2016, discovered when the bank wrote to the executors in January 2027 — the original schedule was prepared from the Hong Kong statements and the deceased's own summary |
| **Paragraph 1 — the grant** | The date of the grant, the court and the grant number, so the affirmation is filed against the right file |
| **Paragraph 2 — the omission** | How the asset came to be left out, and why it was not known when the schedule was sworn — an omission explained is treated differently from one unexplained |
| **Paragraph 3 — the asset** | Full particulars, its value at the date of death and the evidence of it: the bank's letter and statement exhibited |
| **Paragraph 4 — the corrected total** | The net estate as originally sworn and as corrected, with the difference stated in figures |
| **Paragraph 5 — duty and tax** | No estate duty arises (abolished for deaths on or after 11 February 2006); the corrected figure is disclosed to the bank and to the beneficiaries |
| **Paragraph 6 — the request** | The court is asked to accept the corrected schedule and, if it thinks fit, to issue an amended grant or note the correction on the file |
| **Execution** | Affirmed by the executor on 9 February 2027 before a solicitor — made by the personal representative, not by the solicitor |

*No separate fee for the corrective affirmation · file it as soon as the asset is discovered: an asset outside the grant cannot be sold or transferred by the personal representative without it, and the delay costs more than the form*

## 5 The forms for the harder routes

The specimens above are the ordinary application: an executor at home, a will that names one, an estate that fits the standard schedule. These are the routes that turn up when it does not — an executor abroad, an executor who has died or refused, a person entitled who will not apply, a small estate, and a grant made overseas. Each one is a different form, and the wrong form means the application is rejected after the filing fee has been paid.

| W1.2 — power of attorney where the executor is abroad | Specimen · example only |
|---|---|
| **When it is used** | The executor named in the will lives outside Hong Kong and does not want to travel. The executor appoints an attorney in Hong Kong by power of attorney, and the attorney then applies for probate on the executor's behalf |
| **Estate** | TSE Man Kit, late of Flat 8, 12 Chun Wah Road, Kwun Tong, died 3 January 2027, domiciled in Hong Kong |
| **The will** | Dated 14 May 2019, appointing the deceased's son, TSE Ka Ho, as sole executor; the son has lived in London since 2018 |
| **The power of attorney** | Signed by TSE Ka Ho in London before a notary public, appointing his sister TSE Ka Yan, of Flat 3B, 22 Shau Kei Wan Road, Hong Kong, to apply for and obtain probate, and to do everything necessary to administer the estate |
| **What the attorney lodges** | The power of attorney (W1.2), the attorney's own application and affirmation (W1.2a and W1.2b), the will, the death certificate and the relationship evidence |
| **The point that fails** | A power of attorney that does not authorise the application, or that is not properly executed and attested where it was signed. The Registry reads the scope, not just the signature |
| **Effect** | The grant issues to the executor, acting through the attorney. The executor remains the personal representative and remains liable for the administration |
| **Fee** | **HK$265** on filing, **HK$72** engrossment per page of the grant |

*No separate fee for the power of attorney · the attorney applies, the executor is the personal representative · the power must expressly authorise the probate application · execution abroad needs the attestation the Registry expects, so check before the documents are couriered*

| W1.3a / W1.3b — the sole executor has died without proving, or has renounced | Specimen · example only |
|---|---|
| **Why this route exists** | Where the only executor cannot or will not act, probate cannot be granted to anyone. The estate instead needs **administration with the will annexed**, and the applicant has to explain what happened to the executor |
| **Estate** | HO Suk Yee, late of Flat 15C, Block 4, Amoy Gardens, Kowloon, died 21 November 2026 |
| **The will** | Dated 2 August 2020, appointing her husband, HO Chun Keung, as sole executor, with the whole estate to their daughter HO Wing Sze |
| **What happened** | The husband died on 9 January 2027, before applying for probate. He left no will, and no one has taken out a grant to his own estate |
| **The application** | W1.3a — application by the daughter for administration with the will annexed, setting out the death of the executor and the chain of entitlement; W1.3b — her affirmation exhibiting both death certificates and the will |
| **If the executor had renounced instead** | The same route follows: the renunciation is lodged, and the person entitled to the residue under the will applies. A renunciation of probate is a separate document from a renunciation of administration |
| **Who gets it** | The person entitled to the residue under the will — here the daughter — because there is no executor left to take the grant |
| **Fee** | **HK$265** on filing, **HK$72** engrossment per page |

*Fee HK$265 plus HK$72 a page · the grant is with the will annexed, so the administrator's powers come from the will · the executor's death certificate is the document that unlocks the route, and a second grant into his own estate is not needed to explain his death*

| L2.1 — renunciation of administration by the person entitled in priority | Specimen · example only |
|---|---|
| **When it is used** | On an intestacy, where the person first entitled to administer does not want to act, so the next person in the order may apply. Without the renunciation the Registry will not pass over the senior applicant |
| **Estate** | NG Wai Hung, late of Room 502, 88 Sai Yee Street, Mong Kok, died intestate on 17 December 2026, a widower with no children |
| **The order** | No spouse and no issue, so the parents come first; the mother, NG Chan Siu Ying, aged 86, is the person entitled in priority. She does not wish to act |
| **The renunciation** | Signed by the mother, attested by a solicitor, and lodged with the application: "I renounce all my right and title to a grant of letters of administration of the estate of the said deceased" |
| **What follows** | The deceased's brother, NG Chi Wai, applies. The renunciation is filed with his application; the Registry does not grant administration to the senior applicant and then remove her |
| **What it does not do** | A renunciation is not a disclaimer of the estate. The mother's entitlement as a beneficiary is unaffected — renouncing the grant gives up the administration, not the inheritance |
| **If it is not obtained** | The application is rejected, or a citation has to be issued to force the question — which costs HK$72 and weeks |
| **Fee** | **No fee** for the renunciation itself |

*No fee · signed and attested, then filed with the next applicant's papers · it gives up the administration, not the inheritance · a renunciation cannot be withdrawn once acted upon without the court's leave*

| C2.1 — citation to accept or refuse administration | Specimen · example only |
|---|---|
| **When it is used** | Someone is entitled to apply and will not say yes or no — they have not renounced and they have not applied. A citation compels the answer, and clears the way for the next applicant |
| **Estate** | FONG Siu Fan, late of Flat 12A, 33 Waterloo Road, Kowloon, died intestate on 6 October 2026, leaving a daughter, FONG Mei Yi, and a brother, FONG Kwok Leung |
| **The problem** | The daughter is first in line but has not applied, has not renounced, and does not answer correspondence. The brother cannot apply while she is silent |
| **The citation** | Issued on the brother's application, citing the daughter to accept or refuse letters of administration within the time stated, and warning that if she does neither the application will proceed without her |
| **Service** | Personally on the person cited, with the time for appearance running from service. Where she cannot be found, substituted service needs the court's permission |
| **What she can do** | Accept — and then she is the applicant; refuse — and the renunciation is recorded; or appear and be heard, on C2.3, and explain why she has not acted |
| **If she does nothing** | The brother applies, lodging the citation and proof of service. The court may grant to him, and may order that the costs come out of the estate |
| **Fee** | **HK$72** per citation |

*HK$72 per citation · personally served, with the time to appear running from service · the citation is the answer to silence: without it, an entitled applicant who does nothing blocks the estate indefinitely*

| N1.1 – N1.3 — summary administration of a small estate (s 15) Specimen · example only | |
|---|---|
| **When it is used** | A small estate, where s 15 of the Probate and Administration Ordinance lets the Official Administrator take possession and distribute without a grant. The application is made on **N1.1**, affirming the schedule of assets on **N4.1**, and lodged with the Official Administrator — not the Probate Registry. The ceiling is HK$150,000 and is deliberately low; an application that exceeds it is refused |
| **Estate** | YU Kin Sang, late of Room 703, 9 Fuk Wing Street, Sham Shui Po, died 12 February 2027, leaving a widow and two adult children |
| **The assets** | One bank account with HK$38,400, a MPF balance of HK$22,000 and personal effects of about HK$5,000. No land, no shares, no business interest |
| **N1.1 — the affirmation** | The applicant's affirmation verifying the schedule and the basis of entitlement — the widow, first in priority under r 21. N1.1 is the affirmation; the schedule it verifies is the separate form **N4.1**, and the two go in together. A "nil" return on liabilities is a statement, not an omission |
| **N4.1 — the schedule** | The assets and liabilities, item by item, with the bank and account number and the date-of-death values: the bank account at HK$38,400, the MPF balance at HK$22,000, personal effects of HK$5,000 |
| **N1.2 and N1.3 — the corrective schedules** | Not part of the ordinary application: they are sworn only if an asset turns up that the schedule missed — **N1.2** before the order, **N1.3** after it. The order itself is the court's, and is not a form the applicant fills in |
| **What it avoids** | The full affirmation, the detailed schedule of the estate and, in practice, some of the correspondence — which is why it is used for small estates instead of the standard N2 route |
| **What it does not avoid** | The court fee, the 14 days since death, the death certificate, or the need to establish who is entitled. A small estate is still an estate |
| **Fee** | **HK$265** on filing, **HK$72** engrossment per page of the grant |

*Fee HK$265 plus HK$72 a page · the affirmation and the schedule are the whole application, so value every item: an asset left out is an asset the administrator may not be able to collect · N1.2 or N1.3 repairs the schedule, at the cost of a second trip to swear it*

| N3.1 — schedule of assets for sealing a foreign grant Specimen · example only | |
|---|---|
| **When it is used** | The deceased was domiciled outside Hong Kong, a grant has been made abroad, and there are Hong Kong assets. The foreign grant is sealed here so the personal representative can deal with them |
| **Estate** | MACLEOD, Ian Douglas, late of 14 Elm Grove, Bristol, England, died 28 August 2026, domiciled in England and Wales |
| **The foreign grant** | Grant of probate issued by the Bristol District Probate Registry on 2 December 2026 to his widow, MACLEOD, Helen Mary |
| **The Hong Kong assets** | Flat 6B, Block 2, Fairview Park, Yuen Long, valued at HK$5,800,000; a Hong Kong bank account with HK$412,000; 2,000 shares in a Hong Kong listed company |
| **N3.1 — the schedule** | Each Hong Kong asset, its value at the date of death, and the documents that prove the personal representative's title — the sealed foreign grant, the will, and the death certificate |
| **What the Registry checks** | That the grant is genuine and final, that the applicant is the person named in it, and that the assets listed are in Hong Kong. Foreign assets are not included |
| **Effect of sealing** | The foreign grant has the same effect in Hong Kong as a grant made here, for the Hong Kong assets listed. The Land Registry will then register the transmission |
| **Fee** | **HK$265** for the sealing application |

*HK$265 · only the Hong Kong assets are scheduled · the foreign grant must be final, not a temporary or limited grant · the sealed grant is what the Land Registry and the bank will accept, so obtain several sealed copies*

## 6 The application, step by step

- **Confirm the death and the will** Death certificate, original will, and whether any later will or codicil exists. Search the deceased's papers and ask the drafting solicitor.
- **Establish the values** Property valuation, bank balances as at death, share prices at death, MPF statement, insurance position. Liabilities separately, with statements.
- **Settle who applies** Executor, or the person first entitled under r 21. Obtain renunciations from anyone standing aside.
- **Swear the documents** W1.1a and N2.1, signed and sworn before a solicitor or court officer; the will exhibited.
- **File at the Probate Registry** With the death certificate, the will and copy, the relationship certificates and the HK$265 fee.
- **Answer requisitions** The Registry raises questions on the schedule, the values or the entitlement. Each answer is a document and a delay; answer completely the first time.
- **Grant issues** Pay the HK$72 engrossment fee. Obtain sealed copies for each bank, the Land Registry and the company registrar.
- **Administer** Collect assets, transfer or sell the property, clear liabilities, advertise for creditors, distribute, and keep the accounts.

## 7 Timeline and fees

**What to expect**

| Stage | Time | Fee |
|---|---|---|
| Instructions, values and schedule | 2 to 4 weeks | — |
| Filing the application | Same day | HK$265 |
| Requisitions and answers | 2 to 4 weeks, sometimes more | — |
| Grant issued — simple estate | **5 to 7 weeks** on average from a complete filing | HK$72 engrossment |
| Grant issued — contested or complicated | Months | — |
| Administration after the grant | 3 to 12 months, depending on the property | — |

**Probate fees — High Court Fees Rules, Second Schedule (probate jurisdiction)**

| Item | Fee |
|---|---|
| Filing an application for probate or letters of administration, or for resealing | **HK$265** |
| Engrossing the grant, and engrossing wills and other documents — per page | HK$72 |
| Double or cessate probate, cessate letters, de bonis non, or duplicate grant | HK$145 |
| Probate of a codicil, or administration with a codicil to a will already proved | HK$145 |
| Exemplification of a grant, in addition to engrossing fees | HK$145 |
| Search of the Probate Registry | HK$18 |
| Commission of appraisement | HK$72 |

*No fee is scaled to the value of the estate for deaths on or after 11 February 2006. For an earlier death, estate duty may be payable and the Estate Duty Office must be satisfied before the application — a certificate of exemption or payment is required, and the forms carry the suffix "b". A simple estate therefore costs **HK$337** in court fees: $265 + $72.*

## 8 What goes wrong

- **The schedule is valued at the wrong date.** Everything is as at the date of death. A property valuation obtained three months later is not the answer the Registry wants.
- **An asset is left off.** A dormant bank account or a small shareholding discovered after the grant means a corrective affirmation and a longer administration.
- **The wrong person applies.** A lower-ranked applicant cannot leapfrog a person who is able and willing; obtain a renunciation or a citation first.
- **The will is not the original.** The Registry requires the original will. A copy means an application for leave to prove a copy, which is a separate and slower route.
- **Requisitions are answered piecemeal.** Each partial answer resets the queue. Read the requisition, answer every point, and attach the documents it asks for.
- **The grant is treated as the end.** It is the beginning of the administration: assets must be collected, creditors dealt with and accounts kept, and the executor remains personally liable for getting that wrong.
- **Foreign assets are assumed to be covered.** A Hong Kong grant does not touch assets abroad; a foreign grant may need resealing here, or a separate application there.

## 9 Checklist

**PRINT THIS**

- Death certificate obtained
- Original will located, with any codicil; later will ruled out
- Executor willing, or renunciation obtained, or citation issued
- Property valued as at the date of death
- Bank balances, share values and MPF confirmed as at the date of death
- Insurance and MPF nominations checked — nothing outside the estate is listed as an estate asset
- Liabilities listed with statements, not estimated
- W1.1a and N2.1 sworn and filed with the HK$265 fee
- Requisitions answered in full, with documents attached
- HK$72 engrossment paid; sealed copies obtained for each institution
- Creditors advertised for before distribution
- Estate accounts and receipts on file, with the distribution schedule signed

## 10 Sources

- Probate and Administration Ordinance (Cap 10); Non-Contentious Probate Rules (Cap 10A), r 21 (priority) and r 2A (specified forms); Practice Direction 20.1.
- High Court Fees Rules (Cap 4 sub. leg. D), Second Schedule, probate jurisdiction.
- Judiciary, *Guide to Court Services — High Court Probate Registry*; *Guide to Non-Contentious Probate Practice*; *Guide to the Use of the Specified Forms*.
- Intestates' Estates Ordinance (Cap 73) for the persons entitled on intestacy.

# Personal bankruptcy

**PERSONAL INSOLVENCY**

Bankruptcy is personal insolvency: one person's assets collected and realised, the creditors proved, the surplus divided, and the debtor released after a fixed period whatever is still owed. This page covers the statutory demand and its three weeks, the debtor's petition and the creditor's petition, the Official Receiver's deposit, the statement of affairs, the forms, the discharge and what a paralegal actually does in the first week after instructions.

**FOUR NUMBERS THAT CATCH PEOPLE OUT**

The deposit with the Official Receiver is **HK$8,000** on a debtor's petition but **HK$11,250** on a creditor's — different figures for the same office, and neither includes the **HK$1,045** court fee. A statutory demand gives the debtor **three weeks** from service. Once a bankruptcy order is made on a creditor's petition, the statement of affairs is due in **21 days** — seven days shorter than in a winding up, and late filing is a contempt of court rather than a fine.

## 1 The two ways in, and the one that is not bankruptcy

**Choosing the route**

| Route | Who starts it | What it needs | Court and Official Receiver |
|---|---|---|---|
| **Debtor's petition** (s 10) | The debtor personally, on the ground of inability to pay | Form 3 petition and Form 28C statement of affairs, HK$8,000 deposit, HK$1,045 court fee. No minimum debt | High Court; the Official Receiver becomes provisional trustee on the order |
| **Creditor's petition** (s 6) | A creditor owed HK$10,000 or more, on an unsecured liquidated debt | A statutory demand unsatisfied for 3 weeks, or execution returned unsatisfied; Form 10, 10A or 10B; HK$11,250 deposit; HK$1,045 court fee | High Court; the Official Receiver becomes provisional trustee on the order |
| **Individual voluntary arrangement** | The debtor proposes; the creditors decide | A proposal put to the creditors through a nominee, and their approval at a meeting | No bankruptcy order; if approved by the required majority, it binds the creditors who were entitled to vote |
| **A statutory demand on its own** — not bankruptcy | The creditor | Service of the demand and three weeks' wait | No court, no filing, no deposit, no order. It is the threat, not the proceeding |

*The Official Receiver's own guide tells debtors, in terms, to consider an individual voluntary arrangement before filing. That is not courtesy: an IVA keeps the debtor out of the register, out of the restrictions and out of the trustee's hands if it is approved and performed. The other thing that catches firms out is the direction of travel — a client who says "I'll declare myself bankrupt" usually means a debtor's petition, where the deposit is HK$8,000 and the statement of affairs goes in with the petition, not 21 days later.*

## 2 The three weeks

A creditor cannot petition on a bare unpaid invoice. Section 6A(1) gives two routes to inability to pay. The first is the statutory demand: a demand in the prescribed form requiring the debtor to pay the debt, or to secure or compound for it to the creditor's satisfaction, with **at least 3 weeks elapsed since service** and the demand **neither complied with nor set aside**. The second needs no demand at all: execution or other process on a judgment, returned unsatisfied in whole or in part.

The debt must be **HK$10,000 or more**, for a liquidated sum, unsecured, and owing at the date of the petition (s 6(2)). Where the debt is not yet payable, s 6A(2) applies instead: the demand requires the debtor to establish that there is a reasonable prospect of payment when it falls due, and the same three weeks run.

**Which demand form**

| The debt | Form | The demand asks for |
|---|---|---|
| A judgment or order of any court | **Form 162** | Payment, or security or composition — unless the creditor relies instead on execution returned unsatisfied |
| A liquidated sum payable immediately, on any other basis | **Form 163** | Payment, or security or composition, within three weeks |
| A debt payable at a future date | **Form 164** | Establishing a reasonable prospect of payment when it falls due |

*The forms are in the Bankruptcy (Forms) Rules (Cap 6B); the content is prescribed by r 44 of the Bankruptcy Rules (Cap 6A). Service is not a formality: r 46 requires the creditor to do all that is reasonable to bring the demand to the debtor's attention and, where practicable, to serve it personally, and r 49 requires an affidavit of service to go with the petition — and where personal service was not effected, that affidavit has to explain the steps actually taken. A demand posted to an old address and never seen is the commonest reason a petition fails at the hearing.*

**NO ADVERTISEMENT**

Unlike a winding-up petition, a bankruptcy petition is **not advertised**. There is no Gazette notice and no newspaper notice seven clear days before the hearing, and the 2023 amendments removed newspaper publication from bankruptcy notices generally. What is published is the *order*: notice of the bankruptcy order goes out by the means the Ordinance specifies (r 78). A trainee who carries the winding-up advertising step across to a bankruptcy file is adding a week and a wasted fee to a timetable that does not have it.

## 3 The debtor's petition, step by step

- **Consider the IVA first.** The Official Receiver's guide says so, and a client who has not been told so will say nobody explained it.
- **Complete Form 3** (debtor's bankruptcy petition) and **Form 28C** (statement of affairs on a debtor's petition). Section 10(2) requires the petition to be accompanied by the statement of affairs — there is no later filing date on this route.
- **Deposit HK$8,000** with the Official Receiver and keep the receipt; it is what proves the deposit was paid before the petition went in.
- **Attest the petition and swear the statement.** Both are sworn documents; an unattested petition is not filed.
- **High Court Registry:** pay the **HK$1,045** court fee, take a hearing date, and file the petition and the statement together.
- **Straight back to the Official Receiver** with a sealed copy of the petition and a copy of the statement — immediately after filing, not at leisure.
- **The hearing.** If the order is made it is in Form 25, and the Official Receiver becomes provisional trustee at once.
- **Then the duties begin:** the initial interview, the preliminary examination questionnaire, the monthly income and expenses assessment, handing over the assets and the cards, and any contribution assessed out of income.

## 4 The creditor's petition, step by step

- **Statutory demand, then three weeks.** Form 163 (or 162, or 164), served properly, with the affidavit of service ready for the petition.
- **Prepare Form 10, 10A or 10B** — the general creditor's petition and its two variants — and have it verified by affidavit (r 56).
- **Deposit HK$11,250** with the Official Receiver, then go to the High Court Registry, pay **HK$1,045**, take a hearing date and file.
- **Serve a sealed copy on the debtor** (r 59), and deliver copies of everything filed to the Official Receiver.
- **The hearing.** If the order is made it is in Form 26, and the Official Receiver becomes provisional trustee at once.
- **The debtor's statement of affairs** is then due **within 21 days** of the order, verified by affidavit (s 18(1)). The trustee can extend the period or release the debtor from the duty, and the court can do the same if the trustee refuses. Default is a **contempt of court**.
- **Creditors' meeting and proof.** A creditor may ask the provisional trustee to summon a general meeting to appoint a trustee; otherwise the provisional trustee decides. Where the estate is unlikely to exceed **HK$200,000**, the court can order summary administration — no meeting, and the provisional trustee becomes trustee. Creditors prove with **Form 46A** and a **HK$35** filing fee, waived for claims of HK$250 or less and for wages.

## 5 What the order does

The estate vests on the making of the order: in the Official Receiver first, then in the trustee once one is appointed (s 58), passing from trustee to trustee without any conveyance. The estate is everything belonging to the bankrupt at the commencement of the bankruptcy (s 43), subject to the statutory exclusions — and this is where most client questions land.

**What is in the estate, and what is not**

| Item | Position | Source |
|---|---|---|
| Home, cash, investments, cars, business assets | In the estate; the trustee realises at market value and may sell the home, though the bankrupt is often allowed to stay for a period while rehousing is arranged | ss 43, 58, 60 |
| Tools, books, vehicles and equipment needed for the bankrupt's work | Excluded — but the trustee may claim them where their realisable value exceeds the cost of reasonable replacements | s 43(2), s 43B |
| Clothing, bedding, furniture, household equipment and provisions for basic domestic needs | Excluded, on the same replacement proviso | s 43(2), s 43B |
| Property held on trust for someone else | Not the bankrupt's property | s 43(3) |
| Accrued benefits from mandatory MPF contributions | Excluded from the estate — but a payment out of those benefits during the bankruptcy may be claimed | Official Receiver's Office guidance |
| Future income | Not vested, but the trustee assesses a contribution out of income, and the annual statement of earnings must be filed | s 43A; ORO duties |

Three consequences follow the order immediately. Creditors cannot sue or continue proceedings on a provable debt without the leave of the court. The trustee investigates — including an inquiry under s 29, and a public examination under s 19, which a creditor holding a quarter in value of the debts can require the trustee to apply for. And the restrictions bite: an undischarged bankrupt who obtains credit of **HK$100 or more** without disclosing the bankruptcy commits an offence (s 131(a)); trading under another name carries its own disclosure and publication duties (s 131(b) and (c)); and acting as a company director, or taking part in management, needs the leave of the court that made the order (Cap 622 s 480). Failure to file the annual statement of earnings is itself an offence under s 43A.

## 6 The trustee: who gets appointed, what they can do, and what they must file

The estate vests in the Official Receiver the moment the order is made, but the Official Receiver is only the *provisional* trustee. Who ends up administering the estate, and on what authority, decides almost everything that follows — including whether a creditors' meeting happens at all.

**How the trustee is appointed**

| Stage | What happens | Source |
|---|---|---|
| On the order | The Official Receiver becomes provisional trustee of the bankrupt's property by virtue of office. On a debtor's petition the Official Receiver may appoint another qualified person as provisional trustee. | s 12(1), (1A) |
| Within 12 weeks | The provisional trustee decides whether to summon a general meeting of creditors to appoint a trustee. Any creditor may ask for one; a request supported by creditors holding at least one quarter in value must be acted on. | s 17A |
| If a meeting is held | It must be held within 16 weeks of the order, and the creditors appoint a fit person as trustee by resolution. Only a creditor who has proved may vote. | ss 17(1), 17A; r 99A |
| If no meeting is held | The provisional trustee becomes the trustee, on notice to the court and the creditors who would have been summoned. | s 17A |
| Small estate | Where the property is not likely to exceed **HK$200,000**, the court may order summary administration: no first meeting, no creditors' committee, and the provisional trustee becomes trustee with the committee's powers exercisable without permission. | s 112A |
| A vacancy | The creditors fill it; if they do not within **3 weeks**, the court appoints, and the Official Receiver acts in the meantime. | s 81 |

**Powers.** Section 60 is the general power: the trustee may take the estate into custody, sell all or any part of it by auction or private contract, give receipts, prove and collect debts due to the bankrupt, and do what is necessary to administer the estate and distribute it. Section 61 lists the powers that need **permission** — carrying on the bankrupt's business, employing a solicitor or agent, accepting deferred payment, mortgaging or pledging property to raise money to pay debts, compromising debts and claims, and referring disputes to arbitration. The permission must relate to the particular matter; it is

not a general licence for the administration. Where there is no creditors' committee, the court gives the permission instead (s 24(10)). And every exercise of these powers stays under the court's control — a creditor can apply about a proposed exercise (s 61A). Solicitors' costs are taxed, and the Registrar will not allow them unless the employment was sanctioned, which in practice means sanction before the work, save in an urgent case (s 86(3)).

**The creditors' committee, and the trustee's remuneration**

| Point | Position | Source |
|---|---|---|
| Appointment | Creditors qualified to vote may appoint a creditors' committee by resolution at their first or a later meeting, to act with the trustee. | s 24(1) |
| Size and composition | At least **2** and no more than **5** members, each a creditor who has proved. | r 122ZE |
| What it does | Superintends the administration and gives the permissions in s 61 that the trustee needs. Where there is no committee, the court stands in its place. | ss 24, 61, 100E |
| Remuneration of the trustee | Fixed by ordinary resolution of the creditors or, if the creditors so resolve, by the creditors' committee. The petition deposit is not remuneration: it covers the Official Receiver's fees and expenses, and where the Official Receiver acts as trustee the charge is not less than **HK$11,250**. | ss 85, 85A; ORO fees |
| Removal | The creditors may remove a trustee they appointed, on **7 days' notice** of a meeting called for the purpose; the court may remove one for misconduct, failure to perform duties, or a connection with the bankrupt or a creditor that may impede impartiality. A trustee made bankrupt vacates office automatically. | ss 95, 96 |

**What the trustee must file, and when**

| Record or report | When | To whom |
|---|---|---|
| Record of meetings, resolutions and proceedings, with an estate account of receipts and payments | Kept continuously, and produced at creditors' and committee meetings | Open to creditors' inspection at reasonable times (s 92) |
| Statement of proceedings | At least once in every year of the bankruptcy, and whenever the Official Receiver requires one | The Official Receiver (s 89) |
| Accounts, vouchers and books | On demand; the Official Receiver may inspect and have the accounts audited | The Official Receiver (s 93) |
| Notice of intended dividend | No more than **4 months** before the dividend is declared, with proofs due at least **14 days** after the notice | Every creditor who has proved (s 67; r 123) |
| Final account and application for release | Once the realisable property is realised and the final dividend paid, or on resignation or removal; notice to the Official Receiver, the creditors who proved and the bankrupt | The court, with a summary of receipts and payments; objections within **21 days** (s 94; r 169) |

**What the paralegal actually does.** The trustee's side of the file is a set of short deadlines that only matter if they are met exactly:

- **Proof of debt, Form 46A,** with the HK$35 fee, lodged before the meeting if the client wants to vote — and before the dividend if the client wants to be paid.
- **The 12-week decision and the 16-week meeting** diarised from the date of the order, not from the first interview. The two periods run from the same event and expire at different times.
- **The trustee's sanction file:** committee permission before the business is carried on, the solicitor instructed, or a debt compromised — a permission obtained afterwards is the point the taxing officer takes (s 61, s 86(3)).
- **The annual statement of proceedings** to the Official Receiver, and the estate account up to date for inspection, because a creditor holding a quarter in value can demand a statement of accounts (s 88).
- **The dividend notice** at least 14 days before proofs close, and the final account and release application with its 21-day objection window.

**TWO THINGS FIRMS GET WRONG**

- **The provisional trustee is not the trustee.** Until a meeting appoints one — or the provisional trustee becomes trustee on notice, or summary administration is ordered — the provisional trustee's authority comes from the Ordinance, and s 61 permissions still need the committee or the court.
- **Permission is specific, not general.** A committee resolution that "approves the trustee's conduct of the estate" is not the permission s 61 requires for carrying on the business or compromising a debt.

## 7 Getting out: discharge, objection, annulment

- **Automatic discharge — four years.** A first-time bankrupt is discharged automatically **four years** from the date of the bankruptcy order, which is when the bankruptcy commences (ss 30, 30A). A person previously adjudged bankrupt waits **five years**.
- **Objection.** The trustee or a creditor may object on the grounds in s 30A(4) — non-cooperation, unsatisfactory conduct, failure to file the annual statement, prejudice to the administration of the estate, and for a first bankruptcy a likely ability to make a significant contribution. The trustee must

tell creditors of an intended objection **at least three months** before the period ends, and notice must reach the court **not less than 14 days** before it ends.

- **Extension.** If the objection succeeds the court may extend the period by up to **four years** — three where the bankrupt has been bankrupt before. An objection that is lodged but not upheld does not stop the clock by itself.
- **Non-commencement order.** Under ss 30AB and 30AC the court can order that the four years do not start running until the bankrupt complies with specified terms; the trustee must then file notice within 14 days of compliance, and the period runs from that date.
- **Early discharge.** Section 30B allows an application to the court: a first-time bankrupt at any time, a previously bankrupt person no earlier than three years after the order, with at least 28 days' notice to the trustee.
- **Annulment.** Section 33(1)(b): if the provable debts and the bankruptcy expenses are paid in full, or secured to the court's satisfaction, the order can be annulled and the bankruptcy treated as never having happened. Section 33(1)(a) deals with an order that ought not to have been made.
- **Discharge is not the end of the estate.** Assets vested in the trustee stay vested and can be realised after discharge; the discharge releases the person, not the property.

## 8 The forms

**Document, form, stage, fee**

| Document | Form | Used at | Fee |
|---|---|---|---|
| Statutory demand — immediately payable debt | Form 163 | Before a creditor's petition; three weeks to comply | — |
| Statutory demand — judgment debt | Form 162 | The same, or rely on execution returned unsatisfied | — |
| Statutory demand — debt payable in future | Form 164 | Before a petition on a future debt | — |
| Debtor's bankruptcy petition | Form 3 | Filed with the statement of affairs | HK$1,045 court fee; HK$8,000 deposit |
| Statement of affairs on a debtor's petition | Form 28C | Filed with the petition (s 10(2)) | — |
| Creditor's bankruptcy petition | Form 10 / 10A / 10B | High Court Registry | HK$1,045 court fee; HK$11,250 deposit |
| Affidavit verifying the petition | Affidavit (r 56) | Filed with the petition | — |
| Affidavit of service of the statutory demand | Affidavit (r 49) | Filed with the petition | — |
| Statement of affairs after a creditor's petition | Form 28A (non-trading) / 28B (trading) | Within 21 days of the order (s 18) | — |
| Bankruptcy order | Form 25 (debtor's petition) / Form 26 (creditor's petition) | At the hearing | — |
| Proof of debt | Form 46A | Lodged with the provisional trustee or trustee | HK$35; waived at HK$250 or less and for wages |

*The forms are in the Bankruptcy (Forms) Rules (Cap 6B), not in the Bankruptcy Ordinance itself, which is why a search of Cap 6 for "Form 163" finds nothing. The two statements of affairs are not interchangeable: Form 28C*

*accompanies a debtor's petition, and Forms 28A and 28B are the post-order statements on a creditor's petition, the choice turning on whether the bankrupt traded.*

## 9 The documents, filled in

| Statutory demand — Form 163, immediately payable debt | Specimen · example only |
|---|---|
| **Heading** | Statutory demand under section 6A(1)(a) of the Bankruptcy Ordinance (Cap 6) |
| **To** | LEUNG Ka-fai, Flat B, 18th Floor, Block 2, Amoy Gardens, 22 Ngau Tau Kok Road, Kowloon |
| **From** | Sunrise Finance Limited, 12th Floor, Wing On House, 71 Des Voeux Road Central, Hong Kong |
| **Debt** | HK$312,000, being the balance under a personal loan agreement dated 3 March 2024 (principal HK$300,000, interest HK$12,000), in default since 1 July 2026 |
| **Demand** | Payment of HK$312,000, or security for it, or a composition acceptable to the creditor, within three weeks of service of this demand |
| **Warning** | "If you do not comply with this demand within three weeks, a bankruptcy petition may be presented against you. If you dispute the debt you should seek legal advice immediately: you may apply to the court to set aside this demand or to restrain the presentation of a petition." |
| **Contact** | Ms Y. WONG, Sunrise Finance Limited, telephone 2522 8181 — the person to contact about securing or compounding for the debt |
| **Signed and dated** | Signed for the creditor by its authorised officer on 6 October 2026 |
| **Served** | Personally on the debtor at the address above on 6 October 2026 at 7.40 pm |
| **Three weeks expire** | 27 October 2026 |

*Service is the vulnerable step: r 46 asks for personal service where practicable, and r 49 wants the affidavit of service with the petition — saying what was done if personal service was not possible · the three weeks run from service, not from the date of the demand · the demand must be the prescribed form (Form 163 here), not a solicitor's letter that happens to mention bankruptcy*

| Creditor's petition — Form 10, after an unsatisfied demand | Specimen · example only |
|---|---|
| **Court and number** | HCB 4211/2026 · In the High Court of Hong Kong, Court of First Instance, Bankruptcy Jurisdiction |
| **Petitioner** | Sunrise Finance Limited, a company incorporated in Hong Kong, of 12th Floor, Wing On House, 71 Des Voeux Road Central |
| **Debtor** | LEUNG Ka-fai, of Flat B, 18th Floor, Block 2, Amoy Gardens, 22 Ngau Tau Kok Road, Kowloon; occupation: logistics supervisor |
| **The debt** | HK$312,000, a liquidated sum payable immediately, unsecured, under a personal loan agreement dated 3 March 2024 |
| **Inability to pay** | Statutory demand in Form 163 served personally on 6 October 2026; three weeks elapsed on 27 October 2026; no payment, security or composition; the demand has not been set aside |
| **Ground relied on** | Section 6(2)(c) with s 6A(1)(a) — the debtor appears unable to pay the debt |
| **Deposit** | HK$11,250 paid to the Official Receiver; receipt exhibited and produced to the Registrar |
| **Court fee** | HK$1,045 |
| **Presented** | 2 November 2026 |
| **Hearing** | 9 December 2026, before the Bankruptcy Judge |
| **Supporting documents** | Affidavit verifying the petition (r 56); affidavit of service of the demand (r 49); loan agreement, statements of account, demand and proof of service |
| **Prayer** | That the debtor be adjudged bankrupt, and for such further order as the court thinks fit |

*The petition is not the place to argue · the deposit receipt must be produced or the petition is not received · the petition cannot be presented inside the three weeks, and it is not advertised — the hearing is the first public step*

| Statement of affairs after a creditor's petition — Form 28A | Specimen · example only |
|---|---|
| **Bankrupt** | LEUNG Ka-fai, Flat B, 18th Floor, Block 2, Amoy Gardens, 22 Ngau Tau Kok Road, Kowloon |
| **Order** | Bankruptcy order made on 9 December 2026 on the petition of Sunrise Finance Limited (HCB 4211/2026) |
| **Statement as at** | 9 December 2026, the date of the bankruptcy order |
| **Deadline** | **30 December 2026** — 21 days from the order (s 18(1)); filed 23 December 2026 |
| **Classification** | Non-trading bankrupt — Form 28A |
| **Verification** | Sworn by the bankrupt before a solicitor on 23 December 2026; submitted in duplicate with one copy verified (r 81) |
| **Sanction** | Failure to submit, or an incomplete statement, is a contempt of court (s 18(4)) |

### Assets

| Asset | Estimated to realise (HK$) | Note |
|---|---|---|
| Flat B, 18th Floor, Block 2, Amoy Gardens | Nil | Value 5,200,000 against a mortgage of 5,450,000 — no equity |
| Motor car, 2019 Toyota, registration KJ 4821 | 68,000 | Used for work; no replacement claimed |
| Bank balances — HSBC 004-1-234567 and Bank of China 012-8-765432 | 15,500 | 12,400 and 3,100 |
| Life insurance policy, surrender value | 24,000 | No beneficiary nomination |
| MPF accrued benefits | — | HK$486,000, excluded from the estate |
| Household furniture and personal effects | Nil | Necessary for basic domestic needs |
| **Total realisable** | **107,500** | |

### Liabilities

| Creditor or liability | Amount (HK$) | Security |
|---|---|---|
| **Secured** — Hang Seng Bank, mortgage over the flat | 5,450,000 | Mortgage; property worth 5,200,000, so no dividend to unsecured creditors from it |
| Sunrise Finance Limited — personal loan; the petitioning creditor | 312,000 | None |
| Hang Seng Bank — two credit cards | 96,400 | None |
| Standard Chartered Bank — credit card and overdraft | 172,000 | None |
| Inland Revenue Department — salaries tax 2025/26 | 18,600 | None |
| Personal loan from a friend — NG Siu-hung, HK$50,000, no document | 50,000 | None |
| Bank overdraft, Bank of China | 31,500 | None |
| **Total unsecured** | **680,500** | |
| **Shortfall on realisations** | **573,000** | 680,500 less 107,500 |

### Income and expenditure (monthly)

| Item | Amount (HK$) | Note |
|---|---|---|
| Salary, net | 28,400 | Logistics supervisor |
| Rent, food, transport, utilities | 19,800 | Rented room since the flat was surrendered |
| Support of two children | 5,000 | Living with the former spouse |
| Assessed contribution to the estate | 2,000 | Assessed by the provisional trustee; reviewed annually |

*Two deadlines, not one: 21 days for the statement itself, and the annual statement of earnings thereafter · name every creditor and every card, including the ones the client has "almost paid off" · the MPF balance is disclosed but excluded, and the negative-equity flat is disclosed at nil, because the trustee has to see both · an undocumented loan from a friend is still a liability, and leaving it out is the omission that turns into a s 129 allegation*

| Debtor's petition — Form 3, with the statement of affairs attached | Specimen · example only |
|---|---|
| **Court** | In the High Court of Hong Kong, Court of First Instance, Bankruptcy Jurisdiction — to be numbered on filing |
| **Petitioner** | CHENG Mei-ling, of Flat 9A, 88 Java Road, North Point, Hong Kong; occupation: secondary school teacher |
| **Ground** | That the debtor is unable to pay her debts (s 10) |
| **Debts** | HK$742,000 in all: credit cards HK$396,000; personal loans HK$286,000; salaries tax HK$60,000 |
| **Assets** | HK$48,200: bank balances 8,200; motor car 40,000; no land, no property, no investments |
| **Statement of affairs** | Form 28C attached and sworn with the petition, as s 10(2) requires |
| **Deposit** | HK$8,000 paid to the Official Receiver on 12 January 2027; receipt no. OR/B/2027/0158 |
| **Court fee** | HK$1,045 |
| **Filed** | 14 January 2027, with the statement of affairs |
| **Hearing** | 11 February 2027 |
| **After filing** | Sealed copy of the petition and a copy of the statement delivered to the Official Receiver the same day |

*No minimum debt on this route — the test is inability to pay, not the size of the balance · the statement of affairs goes in with the petition, so there is no 21-day window to plan around · the deposit is HK$8,000, not the HK$11,250 a creditor pays, and the client needs that difference explained before they arrive at the counter*

| Proof of debt — Form 46A | Specimen · example only |
|---|---|
| **Bankruptcy** | LEUNG Ka-fai, HCB 4211/2026 |
| **Creditor** | Sunrise Finance Limited, 12th Floor, Wing On House, 71 Des Voeux Road Central |
| **Amount claimed** | HK$312,000, being principal HK$300,000 and interest HK$12,000 to 9 December 2026 |
| **Particulars** | Personal loan agreement dated 3 March 2024; six instalments unpaid from July 2026 |
| **Security** | None |
| **Documents** | Loan agreement, repayment schedule, statements of account, statutory demand and proof of service |
| **Fee** | HK$35, non-refundable — not payable where the claim is HK$250 or less or is for wages |
| **Filed with** | The provisional trustee, 15 January 2027 |
| **Voting** | Only a creditor who has proved may vote at the creditors' meeting on the trustee and the creditors' committee |

*A proof is a statement of account as at the date of the order, not as at today · interest runs to the date of the order and no further · a secured creditor either surrenders the security and proves for the whole debt or values the security and proves for the balance — proving for the whole debt while keeping the security is the error the trustee will pick up first*

## 10 Timelines and reminders

### Trigger, period, source

| The clock starts when | Period | Source |
|---|---|---|
| Statutory demand served | **3 weeks** to pay, secure or compound; an application to set the demand aside must be made within **18 days** of service (r 47) | s 6A(1)(a); r 47 |
| Petition presented | Service of a sealed copy on the debtor; copies of everything filed to the Official Receiver | r 59; ORO |
| Bankruptcy order made on a creditor's petition | Statement of affairs within **21 days**, verified by affidavit | s 18(1) |
| Bankruptcy order made | Initial interview with the provisional trustee; questionnaires, income and expenses, cards and assets surrendered | ORO duties |
| Bankruptcy order made | Provisional trustee decides whether to summon a creditors' meeting within **12 weeks**; if one is held, it is held within **16 weeks** | s 17A; r 99A |
| Official Receiver acts as trustee | Statement of proceedings at least once a year; accounts on demand, with audit | ss 89, 93 |
| Intended dividend | Notice no more than 4 months before declaration; proofs due at least 14 days after the notice | s 67; r 123 |
| Trustee's final account and release | Objection within 21 days of the notice | s 94; r 169 |
| A trustee's office falls vacant | Creditors fill it; if they do not within 3 weeks, the court appoints | s 81 |
| Estate unlikely to exceed HK$200,000 | Summary administration: no creditors' meeting; provisional trustee becomes trustee | ORO; rules |
| Creditor's proof | Any time before a dividend; HK$35 fee, waived at HK$250 or less and for wages | ORO; Cap 6B |
| Annual statement of earnings | Each year of the bankruptcy, on the trustee's requirement | s 43A |
| Bankruptcy order made | Automatic discharge **4 years** later; **5 years** if previously bankrupt | ss 30, 30A |
| Three months before that date | Trustee tells creditors if an objection is intended | s 30A |
| Not less than 14 days before that date | Objection filed with the court | s 30A(6) |
| Objection upheld | Extension of up to 4 years — 3 years for a repeat bankrupt | s 30A(3) |
| Debts and expenses paid or secured in full | Application to annul | s 33(1)(b) |

## 11 Worked examples

**Example 1 — a creditor's petition on a HK$312,000 loan** Guided example

- **6 October 2026** — Form 163 demand served personally; the three weeks run from today.
- **27 October 2026** — three weeks expire with no payment, no security, no composition, no application to set aside. Inability to pay is now established under s 6A(1)(a).
- **28 October 2026** — deposit HK$11,250 to the Official Receiver; affidavit of service sworn.
- **2 November 2026** — petition filed at the High Court Registry with the HK$1,045 fee; hearing fixed for 9 December.
- **3 November 2026** — sealed copy served on the debtor; copies of all filed documents to the Official Receiver.
- **9 December 2026** — order made in Form 26. The Official Receiver is provisional trustee from that moment; the 21-day statement of affairs runs to 30 December.
- **23 December 2026** — Form 28A statement of affairs sworn and filed, a week inside the deadline.
- **January to March 2027** — trustee decides on a creditors' meeting (within 12 weeks), meeting held (within 16 weeks), proofs in, contribution assessed.
- **9 December 2030** — automatic discharge four years from the order, unless an objection is filed and upheld before then.

*The whole creditor's route is nine weeks from demand to order on these dates, and four years and two months from demand to discharge — the second figure is the one clients ask about, and it is counted from the order, not the petition*

**Example 2 — a debtor's petition by a teacher with HK$742,000 of debt** Guided example

- **Week 1** — IVA considered and rejected: no surplus income for a proposal, and the creditors would not vote for one. Form 28C drafted from the client's cards, statements and tax return.
- **Week 2** — deposit HK$8,000 paid; petition attested and statement sworn; petition and statement filed together with the HK$1,045 fee; hearing date taken.
- **Same day** — sealed copy and statement to the Official Receiver.
- **Four weeks later** — order in Form 25; provisional trustee appointed; interview and questionnaire within days.
- **Months 1 to 6** — car realised, bank balances handed over, contribution assessed out of salary, annual statement of earnings filed each year.
- **Four years from the order** — automatic discharge, with the shortfall of about HK$694,000 written off but the record and the restrictions having run their course.

*A debtor's petition is faster to start and slower to live with: no minimum debt, but the statement of affairs is sworn before filing, the interview follows within days, and the four years run from the order whatever the creditors do*

## 12 The mistakes that matter

- **Using the winding-up figures.** HK$11,250 is the creditor's deposit, HK$8,000 the debtor's, and the statement of affairs is 21 days, not 28.
- **Advertising the petition.** Bankruptcy petitions are not advertised; only the order is published. The seven clear days belong to the company page.
- **Relying on a letter instead of the form.** The demand must be Form 163, 162 or 164, and a solicitor's letter threatening bankruptcy does not start the three weeks.
- **Serving the demand carelessly.** Where personal service was practicable and was not effected, the petition is exposed; the affidavit of service has to account for what was actually done.
- **Petitioning too early.** A petition presented inside the three weeks has no ground under s 6A(1)(a) and invites costs.
- **Missing the 21 days.** On a creditor's petition the statement of affairs is a court deadline enforced as contempt, and it is 21 days from the order, not from the trustee's first letter.

- **Leaving things out of the statement.** The car, the second bank account, the loan from a relative, the policy with a surrender value — omissions here are the ones that turn into s 129 allegations.
- **Promising a discharge date.** Four years is the default, not a guarantee: an objection, a non-commencement order or non-cooperation moves it, and the trustee's report is what the court reads.
- **Forgetting the restrictions.** Credit of HK$100 or more without disclosure, or a directorship without leave, is an offence committed after the order — and clients do not know it.

## 13 Checklist

**PRINT THIS**

- IVA discussed and the advice recorded before any petition is prepared
- Debt threshold checked (HK$10,000) and every debt listed with the creditor's full name and address
- Statutory demand in the right form — 163, 162 or 164 — served and the date of service diarised with the three weeks
- Affidavit of service prepared at the time of service, not reconstructed at the hearing
- Deposit paid and receipt on the file: HK$8,000 debtor, HK$11,250 creditor
- Court fee HK$1,045 and hearing date taken before filing
- Statement of affairs: Form 28C with a debtor's petition, Form 28A or 28B within 21 days of a creditor's petition
- Sealed copy to the debtor, copies of everything filed to the Official Receiver
- Restrictions explained in writing: credit, directorship, trading name, annual statement of earnings
- Discharge date diarised — 4 years from the order, 5 if previously bankrupt — with the three-month and 14-day objection points marked
- Trustee diarised: the 12-week decision on a creditors' meeting and the 16-week meeting date, both from the order
- Proof of debt (Form 46A) lodged with the HK$35 fee before the meeting, or before the dividend
- Committee permissions on file before carrying on business, instructing a solicitor or compromising a debt (s 61)

## 14 Sources

- Bankruptcy Ordinance (Cap 6): ss 6 and 6A (the creditor's petition and inability to pay), 9 and 10 (verification, service and the debtor's petition), 18 (statement of affairs), 19 (public examination), 29 (inquiry), 30, 30A, 30AB, 30AC and 30B (commencement, automatic discharge, non-commencement and early discharge), 33 (annulment), 43, 43A and 43B (the estate, annual statement of earnings, replacement of excluded goods), 12 (the Official Receiver as provisional trustee), 17, 17A and 17B (appointment of the trustee and the 12-week decision), 24 (the creditors' committee), 58 (vesting), 60 and 61 (the trustee's powers and those needing permission), 61A (court control), 67 and 72 (dividends), 77 (the trustee's duties), 81 (vacancies), 85 and 85A (remuneration), 86 (taxation of solicitors' costs), 89, 92 and 93 (statement of proceedings, records and accounts), 94, 95 and 96 (release, vacation and removal), 100E (the committee in a regulating order), 112A (summary administration), 129 to 134 (offences).
- Bankruptcy Rules (Cap 6A): rr 44 to 46 (form, content and service of the statutory demand), 49 (affidavit of service), 52 (deposit), 56 (verification of the petition), 59 (service of the petition), 78 (publication of notice of the bankruptcy order), 81 (statement of affairs in duplicate), 99A (the first meeting within 16 weeks), 122ZE (the creditors' committee, 2 to 5 members), 123 (notice of intended dividend), 169 (the trustee's release and the 21-day objection).
- Bankruptcy (Forms) Rules (Cap 6B): Forms 3, 10, 10A, 10B, 25, 26, 28A, 28B, 28C, 46A, 162, 163 and 164.

- Companies Ordinance (Cap 622) s 480 (undischarged bankrupt as director or in management).
- Official Receiver's Office: *Simple Guide on Bankruptcy* (the two routes, the deposits of HK$8,000 and HK$11,250, the HK$1,045 court fee, the 21-day statement of affairs, the HK$200,000 summary threshold, the four- and five-year discharge and the objection machinery), *Fees and Charges*, and the proof-of-debt guidance (HK$35, waived at HK$250 or less and for wages).