

No. 728.

Scale of fees and percentages prescribed by the Chief Justice under section 115 of the Bankruptcy Ordinance, 1931, Ordinance No. 10 of 1931, on the 15th day of October, 1932, and approved by the Legislative Council on the 10th day of November, 1932.

SCALE OF FEES AND PERCENTAGES.

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IN BANKRUPTCY.
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TABLE A.

	\$	c
1. Declaration by a debtor of inability to pay his debts, filing of	2.00	
2. Bankruptcy notice,	5.00	
3. Bankruptcy petition,	50.00	
4. Bond with sureties, including filing,	6.00	
5. Affidavit other than proof of debts, including filing,	2.00	
6. Subpœna, or summons under section 29,50	
7. Marking exhibit, including filing,50	
8. Proof of debt above \$20, including filing,	1.00	
9. Petition under section 113,	50.00	
10. (a) Application for an order of discharge including expenses of gazetting,.....	25.00	
(b) And for each creditor to be notified,50	
11. Application for search other than by petitioner, trustee, bankrupt, or any officer of the court,	1.00	
12. Application to the court, except by the Official Receiver when acting either as Official Receiver or trustee, and except where otherwise specifically provided for,	4.00	
13. Order of the court, including filing,.....	5.00	
14. Office copy, each folio of 72 words,50	
15. Allocatur by the Registrar for any costs, charges, or disbursements:—		
Where the amount allowed does not exceed \$100,	4.00	
Where the amount exceeds \$100:—		
For the first \$100,	4.00	
For every additional \$100 or fraction thereof,	1.00	
16. Application to the Registrar for payment of money out of the Bankruptcy Estates Account,	2.00	

17. On every application to the court to approve a composition a fee computed at the following rates on the gross amount of the composition, *i.e.*, \$15 on every \$1,000 or fraction of \$1,000 up to \$50,000, and \$7.50 on every \$1,000 or fraction of \$1,000 beyond \$50,000.

18. On every application to the court to approve a scheme of arrangement, a fee computed at the following rates on the gross amount of the estimated assets (but not exceeding the gross amount of the unsecured liabilities), *i.e.*, \$15 on every \$1,000 or fraction of \$1,000 up to \$50,000 and \$7.50 on every \$1,000 or fraction of \$1,000 beyond \$50,000:—

Provided that where a fee has been taken on a previous application to the court to approve a composition or scheme, or where a fee has been paid under this table on the account submitted for audit, seven-eighths of the amount thereof shall be deducted from the fee payable on an application to approve a composition or scheme.

19. On every application for release by a trustee, a fee of \$2.50 on every \$1,000 or fraction of \$1,000 of assets realized and brought to credit.

20. Registration of assignment of book debts under Rule 127.

(a) On producing original assignment, filing attested copy thereof and certified translation (when necessary) in the English language, including registering and marking original	\$1.00
(b) Every search or official certificate of the result of a search in one name in any register or index in the custody of the Registrar	1.00
(c) For every additional name if included in the same certificate50
(d) For a duplicate copy of certificate if not more than 3 folios50
(e) For every additional folio50
(f) On filing certificate (in English) or other evidence of satisfaction to the approval of the Registrar	1.00

TABLE B.

1. On the net assets realized or brought to credit by the Official Receiver, whether acting as interim receiver, receiver, or trustee, or by a trustee other than the Official Receiver, after deducting any sums paid to secured creditors in respect of their securities, and not being assets realized by a special manager or moneys received and spent in carrying on the business of the debtor, and on the net assets realized by an Official Receiver when acting as trustee, or by a trustee other than the Official Receiver to administer a debtor's property under a composition or scheme, after deducting any sums paid to secured creditors in respect of their securities, and not being moneys received and spent in carrying on the business of a debtor, a percentage according to the following scale:—

On the first \$10,000 or fraction thereof,	7½ per cent
On the next \$15,000 or fraction thereof,	6 " "
On the next \$25,000 or fraction thereof,	4½ " "
On the next \$50,000 or fraction thereof,	3 " "
On all further sums,	2 " "

Provided that where the assets realized or any part thereof consist of the profit on exchange contracts the following percentages shall be payable in respect of the net amount realized by such contracts:—

(a) Realized,	2½ per cent
(b) Set off,	1 " "

2. On the amount distributed to creditors by the Official Receiver or any other trustee, when acting as trustee under a composition:—

On the first \$5,000 or fraction thereof,	3 per cent
On the next \$5,000 or fraction thereof,	2½ " "
On the next \$10,000 or fraction thereof,	1½ " "
On all further sums,	¾ " "

3. On the amount distributed in dividend by the Official Receiver, or any other trustee, when acting otherwise than as trustee under a composition:—

On the first \$10,000 or fraction thereof,	3 $\frac{3}{4}$ per cent
On the next \$15,000 or fraction thereof,	3 " "
On the next \$25,000 or fraction thereof,	2 $\frac{1}{4}$ " "
On the next \$50,000 or fraction thereof,	1 $\frac{1}{2}$ " "
On all further sums,	1 " "

4. For the Official Receiver acting as interim receiver of the property of a debtor, in addition to the percentage chargeable on realizations, on every order,

	\$45.00
and in addition, where the order is in force for a longer period than fourteen days, for every seven days after the first fourteen, and for every fraction of seven days,	\$15.00

5. For each notice by an Official Receiver to a creditor of a first or any other meeting, or sitting of the court:—

Where the estimated value of the assets exceeds \$1,000 each notice

Where the estimated value of the assets does not exceed \$1,000:—

On the first twenty notices—each notice, 50 " "

For each notice above twenty,

Each notice by an Official Receiver to a creditor of an adjourned meeting or an adjourned sitting of the court,

6. For the Official Receiver supervising a special manager or the carrying on of a debtor's business, where the estimated assets exceed \$1,000, a fee according to the following scale:—

	Per week
If the gross assets are estimated by the Official Receiver not to exceed \$5,000,	\$15.00
If to exceed \$5,000 but not to exceed \$50,000,	30.00
If to exceed \$50,000 but not to exceed \$100,000...	45.00
If to exceed \$100,000 but not to exceed \$200,000, ..	60.00
If to exceed \$200,000,	75.00

7. Travelling, keeping possession, and other reasonable expenses of Official Receiver or trustee—the amount disbursed.

8. For official stationery, printing, books, forms, and postages, each estate:—

For every ten applications to debtors to an estate, or fraction of ten,

Where the estimated assets exceed \$1,000:—
For every ten creditors or fraction of ten, ...

Where the estimated assets do not exceed \$1,000:—

For every ten creditors or fraction of ten up to twenty,

For every ten creditors or fraction of ten above twenty,

9. On one copy of an account, showing assets realized, forwarded by the trustee to the Official Receiver, a fee according to the following scale on the gross amount of the assets realized and brought to credit, *i.e.*, \$15.00 on every \$1,000 or fraction of \$1,000 up to \$50,000 and \$7.50 on every \$1,000 or fraction of \$1,000 beyond \$50,000:—

Provided that where a fee has been taken on an application to approve a composition or scheme of arrangement seven-eighths of the amount thereof shall be deducted from the fee.

10. On every payment of money out of the Bankruptcy Estate Account 20 cents on each \$10 or fraction of \$10 to be charged as follows:—

When the money consists of unclaimed dividends, on each dividend paid out.

When the money consists of undistributed funds or balances, on the amount paid out.

TABLE C. R. 182.

Scale of Allowances to Auctioneers, Accountants and Special Managers.

All the following charges shall be subject to reduction by agreement with the Official Receiver or the trustee.

1.—*Auctioneers.*

Pure Personal Property.

For inventory, only, and one copy (not exceeding 5 folios)	\$15.00
For every additional folio beyond 5 up to 20 and one copy	1.00
For each folio above 20, and one copy75
For inventory and valuation:—	
On the first \$1,000	2½ per cent
On the next \$4,000	1½ „ „
Above \$5,000 up to \$100,000	1 „ „
Above \$100,000	½ „ „

For sales by private contract based on the valuation, half the above charges for inventory and valuation.

For sales by auction, in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or trustee:—

On the first \$1,000	6 per cent
On the next \$4,000	5 „ „
On the next \$5,000	4 „ „
Above \$10,000	2½ „ „

Leaseholds.

For sales by auction of leasehold property including prior valuations, for determining amount of reserve bids—and for sale, by private contract, to include prior valuation.

On the first \$ 3,000	5 per cent
On the next \$17,000	2½ „ „
Above up to \$50,000	1½ „ „
Above \$50,000	1 „ „

2.—*Architects.*

For valuation of leasehold property and reporting thereon a fee to be fixed by agreement but not to exceed:—

On the first \$10,000	1 per cent
On the next \$90,000	½ „ „
Above \$100,000	¼ „ „

Cost of Surveys dilapidations and specifications in discretion of taxing officer \$25 to \$100.

The foregoing charges to be in addition to such out-of-pocket expenses as may be authorised at the time by the Official Receiver or trustee.

General.

An Architect or Auctioneer who uses his own motor car or motor cycle, instead of travelling by railway or hired vehicles, shall be entitled if the Taxing Officer is satisfied that such user was reasonable to an allowance not exceeding 25 cents per mile.

Fees for services not provided for in the scale may be fixed by agreement with the trustee and the consent of the Committee of Inspection.

3.—*Special Manager's and Accountant's Charges.*

Where the employment of a special manager or accountant has been duly sanctioned, and in the absence of any special arrangement with the Official Receiver or the trustee for a smaller amount, the following charges may be allowed:—

For carrying on a business and supervising same and all accounting, collecting and realising assets in respect thereof or preparing balance sheet, investigating accounts etc., principal's time, exclusively so employed, per day of six hours, including necessary affidavit verifying accounts	\$100 to \$175
Chartered accountants other than principals...	\$ 75 to \$100
Chief clerk's time	\$ 20 to \$ 45
Other clerk's time, per day of seven hours...	\$ 5 to \$ 20

These charges shall include stationery, except the forms used.

N.B.—Only the minimum charges will be allowed as a rule, unless there is good reason for increasing them, such as the difficulty and unusual nature of the business to be carried on, the complexity of negotiations, or other similar considerations.

Courts of Justice, Hong Kong, this 15th day of October, 1932.

J. H. KEMP,
Chief Justice.

Approved by the Legislative Council this 10th day of November, 1932.

R. A. C. NORTH,
Deputy Clerk of Councils.