

Application for Leave to File Petition Checklist

(To be submitted when the application is lodged)

Instructions

1. Please read rules 46 and 49 of Bankruptcy Rules (Cap. 6A) and Part I (paragraphs 1 and 2) of Practice Direction 3.1 before completing this Checklist.
2. You MUST complete all sections by putting a tick (NOT a cross) in each of the boxes, unless otherwise stated.
3. If any part of this Checklist is not completed as aforesaid, please explain in details under Section J as to why it is so. Requisition will be raised if no or no satisfactory explanation is given. It may also delay the processing of the application.
4. *Please delete or adapt as appropriate.
5. Abbreviations (if any) used in this Checklist are the same as those in Part I (paragraphs 1 and 2) of Practice Direction 3.1.

Section A – Leave

- A1 ☐ Leave to file Petition is needed because:
- (a) the Statutory Demand could not be personally served on the Debtor, and
 - (b) rule 46(3) of the Bankruptcy Rules is not relied upon.

Section B – Statutory Demand

(Please tick one box in B2(a) – (b) and B3(a) – (b))

- B1 ☐ I confirm that the following Statutory Demand is appropriate in the case.

(Please tick as appropriate in the circumstances.)

- ☐ Form 162
- ☐ Form 163
- ☐ Form 164

B2 (a) ☐ I have checked and confirmed that the Statutory Demand was duly completed.

(b) ☐ I have checked that the Statutory Demand contains the following clerical / minor mistake(s) which does/do not cause prejudice to the Debtor. The Petitioner(s) hereby pray(s) for waiver of irregularity by the Court.

[Particulars of clerical / minor mistake(s)]

B3 (a) ☐ The Statutory Demand was not served more than 12 months ago.

(b) ☐ The Statutory Demand was served more than 12 months ago but it is still good and effective because:

[Particulars of justification]

Section C – Advertisement

(Please tick one box in C2(a) – (b). Please read paragraph 2.4 of Practice Direction 3.1 Part I)

C1 ☐ The requirements and suggested form as contained in paragraphs 2.2 to 2.4 of Practice Direction 3.1 Part I were complied with and adopted.

C2 (a) ☐ I have checked and confirmed that the particulars in the advertisement were duly completed.

(b) ☐ I have checked that the advertisement contains the following clerical / minor mistake(s) which does/do not cause prejudice to the Debtor. The Petitioner(s) hereby pray(s) for waiver of irregularity by the Court.

[Particulars of clerical / minor mistake(s)]

Section D – Draft Petition

D1 ☐ I confirm that the following Petition is appropriate in the case.

(Please tick as appropriate in the circumstances)

☐ Form 10

☐ Form 10A

D2 ☐ I have checked and confirmed that the Petition was duly drafted.

Section E – Service of Statutory Demand by Electronic Means (paragraph 2.1(b) of Practice Direction 3.1 Part I)

☐ The process server(s) has / have sent the Statutory Demand to the Debtor through the following Electronic Means:

Section F – Steps taken by Petitioner where Statutory Demand is brought to Debtor's attention in accordance with paragraph 2.1(c) of Practice Direction 3.1 Part I

(Please choose and complete at least one sub-section under (1) and (2). If necessary, repeat the sub-section(s) in the appropriate continuation sheet(s) if there are more than one residential and / or business address of the Debtor)

(1) Residential Address

F1 ☐ The process server has taken the following steps as stated in paragraph 3.2 of Practice Direction 3.1 Part I to attempt to serve the Statutory Demand on the Debtor at his/her residential address of _____

- F1.1 **1st Visit**
- ☐ weekday
 - ☐ before 7:30 a.m. or after 7:30 p.m.
 - ☐ enquiry made with occupier
 - ☐ enquiry made with neighbour (identified by at least gender and flat number)
 - ☐ *[enquiry made with management office] [no management office to make enquiry]
- F1.2 **Appointment Letter**
- ☐ ordinary prepaid post
 - ☐ giving not less than 2 business days' notice
 - ☐ enclosing a copy of Statutory Demand
 - ☐ offering opportunity of making a different appointment
 - ☐ informing the Debtor that the Creditor will serve by post and by advertisement if the Debtor fails to keep the appointment, and in the event that a Bankruptcy Petition is presented, the Court will be asked to treat it as proper service of Statutory Demand
 - ☐ the appointment letter *[has] [has not] been returned
- F1.3 **2nd (or subsequent) Visit(s)**
- ☐ an appropriate interval from the 1st (or earlier) Visit(s)
 - ☐ weekday
 - ☐ before 7:30 a.m. or after 7:30 p.m.
 - ☐ enquiry made with occupier (whether the Debtor has received the appointment letter and his/her whereabouts and if the Debtor is away, inquiry made as to when he/she will return and whether letters are being or have been forwarded to another address)
 - ☐ enquiry made with neighbour (identified by at least gender and flat number)
 - ☐ *[enquiry made with management office] [no management office to make enquiry]
 - ☐ *[further enquiry as to whether the Debtor has received the appointment letter and his/her whereabouts (if the Debtor cannot be found)] [further enquiry as to when the Debtor will return and whether letters are being or have been forwarded to another address (if the Debtor is away)]

(2) Business Address

- F2 ☐ The process server has taken the following steps as stated in paragraph 3.2 of Practice Direction 3.1 Part I to attempt to serve the Statutory Demand on the Debtor at his/her business address of _____
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F2.1 **1st Visit**

- ☐ weekday
☐ between 9:00 a.m. and 6:00 p.m.
☐ enquiry made with occupier
☐ enquiry made with neighbour (identified by at least gender and flat number)
☐ *[enquiry made with management office] [no management office to make enquiry]

F2.2 **Appointment Letter**

- ☐ ordinary prepaid post
☐ giving not less than 2 business days' notice
☐ enclosing a copy of Statutory Demand
☐ offering opportunity of making a different appointment
☐ informing the Debtor that the Creditor will serve by post and by advertisement if the Debtor fails to keep the appointment, and in the event that a Bankruptcy Petition is presented, the Court will be asked to treat it as proper service of Statutory Demand
☐ the appointment letter *[has] [has not] been returned

F2.3 **2nd (or subsequent) Visit(s)**

- ☐ an appropriate interval from the 1st (or earlier) Visit(s)
☐ weekday
☐ between 9:00 a.m. and 6:00 p.m.
☐ enquiry made with occupier (whether the Debtor has received the appointment letter and his/her whereabouts and if the Debtor is away, inquiry made as to when he/she will return and whether letters are being or have been forwarded to another address)

- ☐ enquiry made with neighbour (identified by at least gender and flat number)
- ☐ *[enquiry made with management office] [no management office to make enquiry]
- ☐ *[further enquiry as to whether the Debtor has received the appointment letter and his/her whereabouts (if the Debtor cannot be found)] [further enquiry as to when the Debtor will return and whether letters are being or have been forwarded to another address (if the Debtor is away)]

(3) Other Efforts

(This sub-section is only to be completed, if applicable)

Section G – Whereabouts of the Debtor

- G1
- ☐ The Petitioner(s) verily believes that the Debtor is within jurisdiction.
 - ☐ The Petitioner(s) has/have no information and/or knowledge that the Debtor has left jurisdiction.
 - ☐ The Petitioner(s) has/have no information and/or knowledge of any other address(es) of the Debtor for which service of the documents could be effected, although steps including conducting updated company search / business registration search and making enquiries to the organization / institution / company related to the Debtor have been taken.

Section H – Debtor’s attention of the Statutory Demand

- H1
- ☐ To the best of knowledge, information and belief, the process server(s) / the person(s) making the supporting affidavit, confirm(s) that the Statutory Demand will have come to the Debtor’s attention on _____.

Section I – Full & Frank Disclosure

- I1 ☐ I have advised the Petitioner(s) to make all reasonable enquiries, to conduct all known searches and to make full and frank disclosure in the present application as to the whereabouts of the Debtor.
- I2 ☐ I have also advised the process server(s) to observe all the requirements laid down in paragraph 2.1 of Practice Direction 3.1 Part I as far as practicable and to make full and frank disclosure in the supporting affidavit, as well as the risk of being prosecuted for perjury, if it contains any incorrect or false information.

Section J – Other Matters

(You may include in this section any additional information to assist the Court, for example, reason(s) why any of the boxes cannot be completed, problem(s) spotted by the solicitor in the application. You may also leave it blank if it is a simple application.)

- J1 ☐ I set out below other information that will assist the Court to process the present application.

Section K – Confirmation

(The solicitor shall sign in his or her own name, NOT in the firm's name.)

- K1 ☐ I, [name of the solicitor-in-charge], solicitor for the Petitioner(s), having conduct of the present application, confirm that the above are true and accurate to the best of my information and belief.

Signed:	Date:
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