

香港特別行政區  
原訟法庭  
高院公司清盤案件  
2008 年第 442 宗

有關《公司條例》事宜  
及  
有關美國電曼兄弟亞洲投資有限公司(清盤中)事宜

清盤令的日期: 二零零八年十一月十九日

1	Name of creditor 債權人姓名 / 名稱(中英文姓名 / 名稱)	
2	Address and telephone no. of creditor 債權人地址及電話	Address 地址
		Phone 電話
	Fax 傳真號碼	
	Email 電郵	
3	Total amount of claim, including any outstanding uncapitalised interest as at the date of the winding-up order 申索總額,包括任何在清盤令的日期尚未支付且未轉作本金的利息	(Analysis of claim can be supplied on separate sheet signed by creditor or person authorized to act on his behalf) (申索的分析可另紙述明,但該等散頁必須由債權人或獲授權代其行事者簽署)
	Currency 貨幣	\$ 元
4	Details of any documents by reference to which the debt can be substantiated [Note: Either the originals or copies of documentary evidence should be submitted. Bills of exchange or other negotiable securities must be produced before the proof can be admitted. The Official Receiver or liquidator may call for any document or evidence to substantiate the claim at his discretion.] 任何可供參閱以證實債權的文件之詳情 [註：須呈交文件證據的正本或副本。匯票或其他可流轉的抵押品必須先予出示，否則債權證明表將不獲接納。破產管理署署長或清盤人可酌情要求提供任何可用以證實有關申索的文件或證據。]	
5	If total amount above includes outstanding uncapitalised interest please state amount 如上述總額包括尚未支付且未轉作本金的利息，請述明款額	
6	Particulars of how and when debt incurred 詳述債項是何時及如何招致的	
7	Particulars of any security held, the value of the security, and the date it was given 所持抵押品的詳情與價值，及作出該項抵押的日期	
8	I hereby declare that the particulars set out in this Proof of Debt are, to the best of my knowledge and belief, true and correct. 本人現聲明：盡本人所知所信，本債權證明表所列各項詳情均真實無誤。  Signature of creditor or person authorized to act on his behalf 債權人或獲授權代其行事者的簽署 _____  Name in BLOCK LETTERS 姓名 / 名稱 _____  Position with or relation to creditor and means of knowledge of the matters declared herein 在債權人機構所持職位或與債權人的關係，和獲悉本債權證明表內所聲明事項的途徑 _____	HKIC No. 香港身分證號碼 _____

警告：任何人如被裁定就債權證明表作出虛假陳述罪名成立，可處第6級罰款（罰款額根據香港法例第221章《刑事訴訟程序條例》第113B條及附表8所訂）及監禁6個月。

To be returned to the provisional liquidator or, if a liquidator has been appointed, to the liquidator.  
此表格須交還臨時清盤人，或如已委任清盤人，則須交還清盤人。

**Note:** The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the provisional liquidator (liquidator for general meetings) not later than 24 hours before the time specified in the notice convening the meeting.

**註：** 債權證明表必須填寫妥當，並須在不遲於召開第一次會議的通知書內所指明的時間的24小時前向臨時清盤人(如屬大會則為清盤人)遞交，否則不得就在該會議上進行的表決而獲接納。

Admitted to vote for \$ 為表決而獲接納的款額 Date 日期 Official Receiver/Provisional Liquidator 破產管理署署長/臨時清盤人	元
Admitted preferentially for \$ 獲接納為有優先權的款額 Date 日期 Liquidator 清盤人	元
Admitted non-preferentially for \$ 獲接納為無優先權的款額 Date 日期 Liquidator 清盤人	元

### **Personal Information Collection Statement**

In accordance with the Data Protection Principles of the Personal Data (Privacy) Ordinance (Cap. 486), please note the following:

#### **Purpose of Collection**

The purpose of collecting your personal data is for the Official Receiver and the liquidator to discharge their duties under the Companies Ordinance and Companies (Winding-up) Rules.

#### **Transfer of Personal Data**

Where necessary, personal data and other related information in this form may be provided to parties who have the right under this and other legislation to obtain the data.

#### **Access to Personal Data**

You have the right to request access to and correction of the personal data and other related information provided by you in this form. Such requests should be made in writing to the Departmental Secretary of the Official Receiver's Office or to the liquidator.

### **個人資料收集聲明**

根據《個人資料(私隱)條例》(香港法例第486章)資料保障原則，請你注意以下各點：

#### **收集的目的**

破產管理署署長及清盤人是根據《公司條例》及《公司(清盤)規則》執行職務，收集你的個人資料。

#### **轉遞個人資料**

如有需要，在這份表格所提供的個人資料及其他有關資料，可能會給予根據這條條例及其他法例有權獲取該等資料的其他人士。

#### **查閱個人資料**

你有權提出要求查閱及改正你在本表格所提供的個人資料及其他有關資料。該等要求必須以書面向破產管理署部門主任秘書或清盤人提出。

(Companies  
(Winding-up)  
Rules 79-91)

# PROOF OF DEBT

## INSTRUCTIONS TO CREDITORS AS TO PROOFS

Great care required  
in filling up.

Great care should be taken to fill up the form of proof correctly. If it is not correctly filled in, not only will you cause considerable inconvenience to yourself and the Official Receiver or liquidator, but also your rights to dividends and any security held by you may be adversely affected. If you have any difficulty in filling up the form, you should consult your solicitor or accountant.

Debt must be proved.

Rule 79. “In a winding-up by the court, every creditor shall prove his debt...”

Form of Proof.

(Note. — The proof must be in the prescribed form.)

By whom proof to  
be made.

Rule 81. “A proof of debt may be made by the creditor himself or by a person authorized by or on behalf of the creditor and having knowledge of the facts.”

Must submit  
supporting  
documents.

Rule 82(2). “There shall be specified in the proof any documents by reference to which the debt can be substantiated and such documents or a copy of such documents shall be submitted together with the proof.” The whole or any part of the claim made in the proof may be rejected if the necessary supporting documents are not submitted.

Rule 82(3). “The Official Receiver or the liquidator to whom the proof is sent may call for any document, which has not already been submitted, or other evidence to be produced to him, where he thinks it necessary for the purpose of substantiating the whole or any part of the claim made in the proof.”

Surrender of security.

Rule 84. “If it is found at any time that the proof made by or on behalf of a secured creditor has omitted to state that he is a secured creditor, the secured creditor shall surrender his security to the Official Receiver or, where a liquidator has been appointed, to the liquidator, for the general benefit of the creditors unless the court on application is satisfied that the omission has arisen from inadvertence in which case the court may allow the proof to be amended upon such terms as to the repayment of any dividends or otherwise as the court may consider just.”

Bills of exchange and  
promissory notes must  
be produced.

Rule 91. “Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security on which the company is liable, such bill of exchange, note, instrument or security must, subject to any special order of the court made to the contrary, be produced to the Official Receiver, chairman of a meeting or liquidator, as the case may be, and be marked by him before the proof can be admitted either for voting or for any purpose.”

Must notify liquidator  
of any change of  
address.

You must inform the provisional liquidator or the liquidator, if appointed, of any change of your correspondence address .

(公司(清盤)規則  
第79至91條)

## 債 權 證 明

### 就證明債權事宜向債權人提供的指示

必須小心填寫債權證明表格

債權人必須小心正確填寫債權證明表格。錯誤填寫債權證明表格，不僅會為你／貴公司及破產管理署署長或清盤人帶來頗多不便，更可能損害你／貴公司在獲得發還債款及持有抵押方面所享有的權利。如果你／貴公司填寫債權證明表格時有任何困難，應徵詢你／貴公司的律師或會計師的意見。

債權必須予以證明

規則第 79 條「在由法院作出的清盤中，每名債權人均須證明其債權 ……」

債權證明表格

(附註一債權人必須使用法定的表格以證明其債權。)

應由誰人作出證明

規則第 81 條「債權證明可由債權人本人提出，或由獲得債權人授權或代表債權人而又知悉有關事實的人提出。」

必須呈交支持文件

規則第 82(2) 條「債權證明表內須指明任何可用作參考以證實債權的文件，而該等文件或其副本須連同債權證明表一併呈交。」如未有提交所需支持文件，債權證明表內所列申索的全部或部分可被拒絕。

規則第 82(3) 條「獲送交債權證明表的破產管理署署長或清盤人，如認為有需要為證實債權證明表中所提出申索的全部或任何部分而要求出示任何尚未呈交的文件或要求出示其他證據，則可作出該項要求。」

交出抵押品

規則第 84 條「如在任何時間發現任何有抵押債權人所作出或其他人代其作出的債權證明表漏述該人是有抵押債權人，則該名有抵押債權人須為債權人的一般利益而向破產管理署署長或(如已有清盤人委出)清盤人交出其抵押品，但如法院在接獲申請時信納該項漏述是出於無心的，則法院可容許將該債權證明表修訂，修訂須按法院認為公正的、有關任何攤還債款的退還或其他事宜的條款作出。」

必須出示匯票及承付票

規則第 91 條「凡債權人尋求就公司須負法律責任的匯票、承付票或其他可流轉票據或證券而證明債權，則除法院作出的任何特別命令有相反規定外，有關債權證明表必須在該匯票、承付票、票據或證券向破產管理署署長、會議主席或清盤人(視屬何情況而定)出示並由他予以標記後，方可獲接納以作表決或任何目的之用。」

如果你的通訊地址有所更改，必須通知清盤人

如果你的通訊地址有所更改，你必須通知臨時清盤人，如已委任清盤人，則通知清盤人。