

立法會
Legislative Council

LC Paper No. CB(2)1033/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/01

Bills Committee on Interest on Arrears of Maintenance Bill 2001

Minutes of the 6th meeting
held on Tuesday, 14 January 2003 at 8:30 am
in Conference Room A of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon CHAN Yuen-han, JP
Hon Miriam LAU Kin-yee, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Albert HO Chun-yan
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Dr Hon LAW Chi-kwong, JP
- Public Officers Attending** : Mrs Nancy HUI
Principal Assistant Secretary for Home Affairs
- Mr Andrew CHEUNG
Assistant Secretary for Home Affairs
- Ms Phyllis POON
Government Counsel
- Mrs Nina TAM
Assistant Principal Legal Aid Counsel
- Ms Mandy CHOW
Legal Aid Counsel

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Meeting with the Administration
(LC Paper Nos. CB(2)851/02-03(01) and (02))

The Bills Committee deliberated (Index of proceedings at **Annex**).

2. Members noted the Chinese version of the Committee Stage amendments (CSAs) proposed by the Administration tabled at the meeting.

3. The Administration was requested to provide a written response to the following issues raised by members at the meeting -

- (a) Procedures for the maintenance payee to seek and enforce a surcharge on arrears of maintenance;
- (b) Basis for requiring the judgment debtor (JD) to first pay the interest/surcharge on arrears of maintenance before he/she could appeal to the Court of Appeal against the order to pay the interest/surcharge; and
- (c) Explanation of the use of the word "may" instead of "shall" in the proposed new clause 9C(3).

4. The Administration was also requested to seek the views of the Bar Association of Hong Kong and the Law Society of Hong Kong on the proposed CSAs and revert to members.

5. The Secretariat would issue a circular to seek members' views on the surcharge ceiling at 30% instead of 100%. If a majority of members opposed the Administration's proposal to set it at 30%, the Chairman said that the Bills Committee could propose its own CSA to set the surcharge ceiling at 100% as proposed by members during the last meeting or another percentage agreed by members.

II. Date of next meeting

6. Members agreed to hold the next meeting on 13 February 2003 at 8:30 am to continue discussion on the CSAs proposed by the Administration and complete clause-by-clause examination of the Bill.

7. There being no other business, the meeting ended at 10:05 am.

Council Business Division 2
Legislative Council Secretariat
24 January 2003

**Proceedings of the 6th meeting of the
Bills Committee on Interest on Arrears of Maintenance Bill 2001
on Tuesday, 14 January 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000936	Chairman	Welcoming remarks and way forward	
000937 - 001631	Administration and Ms Audrey EU	Surcharge ceiling	
001632 - 010647	Ms LI Fung-ying, Administration, Chairman, Ms Miriam LAU and SALA1	Application for and enforcement of surcharge The Administration was requested to provide the procedures for the maintenance payee to seek and enforce a surcharge on arrears of maintenance	✓ (Admin to provide a written response)
010648 - 011831	Chairman, Ms Miriam LAU, Ms LI Fung-ying and Miss CHAN Yuen-han	Surcharge ceiling The Secretariat was requested to issue a circular to seek members' views on the Administration's proposal to set the surcharge ceiling at 30% instead of 100% as proposed by members during the last meeting	Clerk to issue a circular to members
011832 - 013319	Chairman, SALA1 and Administration	Committee Stage amendments (CSAs) proposed by the Administration The Administration was requested to provide the following - (a) Basis for requiring the judgment debtor (JD) to first pay the interest/surcharge on arrears of maintenance before he/she could appeal to the Court of Appeal against the order to pay the interest/surcharge; and (b) Explanation of the use of the word "may" instead of "shall" in the proposed new clause 9C(3)	✓ (Admin to provide a written response)
013320 - 013753	Chairman and Administration	Date of next meeting The Administration was requested to seek the views of the Bar Association of Hong Kong and the Law Society of Hong Kong on the proposed CSAs and revert to members	✓ (Admin to provide a written response)

Note : The audio records of the above proceedings are kept at the LegCo Library