

立法會
Legislative Council

LC Paper No. CB(2)1380/02-03

(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 7th meeting
held on Thursday, 13 February 2003 at 8:30 am
in Conference Room B of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Miriam LAU Kin-ye, JP
Dr Hon LAW Chi-kwong, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Hon CHAN Yuen-han, JP
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
- Public Officers Attending** : Mrs Nancy HUI
Principal Assistant Secretary for Home Affairs
- Mr Enoch YUEN
Assistant Secretary for Home Affairs
- Ms Phyllis POON
Government Counsel
- Ms Ada CHAU
Acting 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)1122/02-03(01) and (02))

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

2. Members noted the revised version of the Administration's paper (LC Paper No. CB(2)1122/02-03(01)) forwarded to members the previous evening and tabled at the meeting.

3. At the request of the Bills Committee, the Administration undertook to provide the following -

- (a) Draft application forms for the use of maintenance payees when they made applications for surcharge in proceedings initiated for enforcing the maintenance order; and
- (b) Views of the Hong Kong Bar Association, the Law Society of Hong Kong and the Family Law Association in response to consultation conducted by the Home Affairs Bureau regarding the Committee Stage amendments (CSAs) proposed by the Administration as set out in the revised LC Paper No. CB(2)1122/02-03(01).

At the request of Ms Cyd HO, the Administration agreed to provide item (a) above by end of February 2003.

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

- (a) Whether it would raise the surcharge ceiling to 100% of the amount of the maintenance arrears, as all members had in response to a question

on the issue indicated their support to setting it at 100%; and

- (b) Ways on dealing with consequential amendments, i.e. incorporating them in the Bill or in the form of subsidiary legislation made under the relevant Ordinances.

II. Date of next meeting

- 5. Members agreed to hold the next meeting on 11 March 2003 at 8:30 am to continue discussion on the CSAs proposed by the Administration and the Chairman, and complete clause-by-clause examination of the Bill.
- 6. There being no other business, the meeting ended at 10:20 am.

Council Business Division 2
Legislative Council Secretariat
4 March 2003

**Proceedings of the 7th meeting of the
Bills Committee on Interest on Arrears of Maintenance Bill 2001
on Thursday, 13 February 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000240	Chairman	Opening remarks	
000241 - 002737	Administration, Chairman and Ms Miriam LAU	Administration's response to matters arising from the meeting on 14 January 2003 (revised LC Paper No. CB(2)1122/02-03(01))	
002738 - 003558	Ms Audrey EU, Administration, and Chairman	Application for surcharge on arrears of maintenance under the currently available enforcement proceedings and by way of summons Consultation with the Hong Kong Bar Association, the Law Society of Hong Kong and the Family Law Association on the procedures for maintenance payees to seek and enforce a surcharge by way of summons	✓ (Admin to provide the responses from the legal profession)
003559 - 004405	Ms Miriam LAU, Ms Audrey EU, Administration and SALA1	Difficulties in enforcing a maintenance order under which arrears had accrued by way of judgment summons (JS)	
004406 - 010927	Ms LI Fung-ying, Administration, Ms Miriam LAU and SALA1	Need for introducing application for surcharge by summons	
010928 - 011950	Ms Cyd HO, Administration, Ms Miriam LAU and Chairman	Completion time on review of JS	
011951 - 013759	Ms Miriam LAU, Administration, Chairman and Ms Cyd HO	Advantages for introducing application for surcharge by summons	
013800 - 014057	Administration, Chairman and SALA1	Use of "may" or "shall" in the proposed clause 9C(3)	
014058 - 014209	Chairman, Administration and SALA1	Surcharge ceiling The Administration was requested to re-consider setting the surcharge ceiling at 100% of the amount of arrears on maintenance	✓ (Admin to provide a written response)
014210 - 014729	Chairman, SALA1 and Administration	Consequential amendments The Administration was requested to provide a response on how it intended to implement the consequential amendments	✓ (Admin to provide a written response)
014730 - 014943	Chairman, members and Administration	Date of next meeting	
014944 - 015024	Ms Cyd HO and Administration	Draft application forms for surcharge	✓ (Admin to provide the application forms)

**Note : The audio records of the above proceedings are kept at the LegCo Library
Council Business Division 2
Legislative Council Secretariat
4 March 2003**