

立法會
Legislative Council

LC Paper No. CB(2)42/02-03

(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 2nd meeting
held on Monday, 23 September 2002 at 10:45 am
in the Chamber of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon CHAN Yuen-han, JP
Hon YEUNG Yiu-chung, BBS
Hon Miriam LAU Kin-yee, 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 CHOY So-yuk
- 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
- Miss Betty CHAN
Acting Assistant Principal Legal Aid Counsel

Action

Mr FUNG Pak-yan
Assistant Director of Social Welfare
(Family and Child Welfare)

Mrs Justina HO
Chief Social Work Officer (Family and Child Welfare)

Mr NG Wai-kuen
Senior Social Security Officer (Social Security)

Deputations by : The Law Society of Hong Kong
Invitation

Mr Robin Egerton
Member of Family Law Committee

Mr Anthony HUNG
Member of Family Law Committee

Mr Dennis HO
Member of Family Law Committee

Hong Kong Family Welfare Society

Ms Amarantha YIP
Principal Social Worker

Maintenance Concern Group

Ms POON Lai-sheung
Member

Ms CHAN Ying-ho
Member

Hong Kong Catholic Marriage Advisory Council

Mr Peter HO
Executive Director

Ms CHOW Siu-ling, Catherine
Marriage Mediation Counselling Service Centre-in-charge

Action

Hong Kong Association for the Survivors of Women Abuse
(Kwan Fook)

Ms FUNG Mei-yung
Chairlady

Caritas - Hong Kong

Ms KWOK Chi-ying
Supervisor, Caritas Family Crisis Support Centre

Hong Kong Federation of Women's Centres

Ms CHEUNG Pui-na
Training Officer

Hong Kong Single Parents Association

Ms Jessie YU Sau-chu
Chief Executive

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. Confirmation of minutes of meeting held on 22 July 2002
(LC Paper No. CB(2)2762/01-02)

The minutes were confirmed.

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II. Meeting with deputations and the Administration
(LC Paper Nos. CB(2)2786/01-02(01) to (09))

2. Members noted the submission from the Hong Kong Single Parents Association tabled at the meeting.
3. The Bills Committee deliberated (Index of proceedings attached at the **Annex**).
4. The Administration was requested to provide a written response to the following issues/questions raised by members/deputations at the meeting prior to the next meeting scheduled for 2 October 2002 at 10:45 am -
 - (a) Interest should be imposed on late payment of interest on arrears of maintenance payment;
 - (b) Whether interest would be imposed on arrears of maintenance payments and interest payable by the Judgement Debtor (JD) between the date of judgement and the date of payment or on arrears of maintenance payments only between the date of judgement and the date of payment; and if so, to specify such in the Bill;
 - (c) Calculation of interest on arrears of maintenance payments should be clearly spelt out in the Bill;
 - (d) Apart from imposing interest on arrears of maintenance payments, JD should be penalised for repeatedly failing to pay maintenance payments in full and on time without reasonable excuse;
 - (e) There should be no need for maintenance payees to apply for interest in legal proceedings instituted to recover maintenance arrears, i.e. once the court issued an order to enforce a maintenance payment, interest on arrears of maintenance payments should be automatically calculated;
 - (f) The administrative costs for handling the two cases depicted in the Administration's response to the issues raised by members on 22 July 2002; and
 - (g) The definition of the address of the maintenance payer should be set out in the relevant legislation to avoid the person concerned using a post office box as his address.

Action

III. Any other business

5. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
9 October 2002

**Proceedings of the 2nd meeting of the
Bills Committee on Interest on Arrears of Maintenance Bill 2001
on Monday, 23 September 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000649	Chairman	Confirmation of minutes of meeting held on 22 July 2002 and way forward	
000650 - 001334	Mr Dennis HO of the Law Society of Hong Kong (the Law Society)	Views of the Law Society on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(01))	
001335 - 002121	Ms Amarantha YIP of the Hong Kong Family Welfare Society (HKFWS)	Views of HKFWS on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(02))	
002122 - 002607	Ms POON Lai-sheung and Ms CHAN Ying-ho of the Maintenance Concern Group	Views of the Maintenance Concern Group on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(03))	
002608 - 002939	Mr Peter HO of the Hong Kong Catholic Marriage Advisory Council (HKCMAC)	Views of HKCMAC on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(04))	
002940 - 003705	Ms FUNG Mei-yung of the Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Views of Kwan Fook on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(05))	
003706 - 004221	Ms Kwok Chi-ying of Caritas - Hong Kong	Views of Caritas on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(06))	
004222 - 004836	Ms CHEUNG Pui-na of the Hong Kong Federation of Women's Centres (the Federation)	Views of the Federation on the Bill which were set out in its submission (LC Paper No. CB(2)2786/01-02(07))	
004837 - 005426	Ms Jessie YU of the Hong Kong Single Parents Association (the Association)	Views of the Association on the Bill which were set out in its submission tabled at the meeting	
005427 - 010816	Administration, Chairman	Responses to deputations' views and explanation of the calculation of interest of arrears of maintenance	
010817 - 011124	Ms Audrey EU, Administration, Chairman	Calculation of interest of arrears of maintenance	
011125 - 011253	Ms Cyd HO, Administration, Chairman	Administrative costs for applying for interest in legal proceedings instituted to recover maintenance arrears	✓ (Admin to provide a written response)
011254 - 011853	Mr Dennis HO of the Law Society, Chairman, Administration	Calculation of interest of arrears of maintenance payments should be clearly spelt out in the Bill	✓ (Admin to provide a written response)
011854 - 012104	Ms LI Fung-ying, Administration, Chairman, Dr LAW Chi-kwong	Interest should be imposed on late payment of interest on arrears of maintenance payment	✓ (Admin to provide a written response)

Action

012105 - 012137	Miss CHAN Yuen-han, Chairman	Apart from imposing interest on arrears of maintenance payments, maintenance payers should be penalised for repeatedly failing to pay maintenance payments in full and on time without reasonable excuse	✓ (Admin to provide a written response)
012138 - 013020	Mr Albert HO, Chairman, Administration, Ms Audrey EU, Mr Dennis HO of the Law Society	Whether interest would be imposed on arrears of maintenance payments and interest payable by the Judgement Debtor between the date of judgement and the date of payment or on arrears of maintenance payments only between the date of judgement and the date of payment; and if so, to specify such in the Bill	✓ (Admin to provide a written response)
013021 - 013916	Ms FUNG Mei-yung of Kwan Fook, Chairman, Ms Miriam LAU, Ms Audrey EU, Administration	Calculation of interest of arrears of maintenance	
013917 - 014518	Ms Audrey EU, Chairman, Mr Dennis HO of the Law Society, Ms Jessie YU of the Association, Administration	Assistance provided by government departments concerned, i.e. the Police and the Immigration Department, in locating the missing maintenance payers	
014519 - 015302	Ms Miriam LAU, Chairman, Administration, Ms Audrey EU, Ms FUNG Mei-yung of Kwan Fook	There should be no need for maintenance payees to apply for interest in legal proceedings instituted to recover maintenance arrears, i.e. once the court issued an order to enforce a maintenance payment, interest on arrears of maintenance payments should be automatically calculated	✓ (Admin to provide a written response)
015303 - 015727	Miss CHAN Yuen-han, Ms Cyd HO	Deterrent effect of the Bill	
015728 - 015833	Ms Kwok Chi-ying of Caritas - Hong Kong	Enforcement of maintenance order	
015834 - 015926	Ms Catherine CHOW of HKCMAC	More efforts should be made by the Administration to educate the maintenance payers that they were required under the law to report their new contact address to the authorities concerned	
015927 - 020051	Ms FUNG Mei-yung of Kwan Fook	Need for setting up an intermediary body for the collection of maintenance payments	
020052 - 020222	Mr Dennis HO of the Law Society, Chairman	The definition of the address of the maintenance payer should be set out in the relevant legislation to avoid the person concerned using a post office box as his address	✓ (Admin to provide a written response)
020223 - 020555	Ms POON Lai-sheung of the Maintenance Concern Group, Administration, Chairman	Contribution of aided persons involving cases relating to divorce and other matrimonial matters	
020556 - 020814	Administration	Responses to views/concern expressed by members and deputations at the meeting	
020815 - 020913	Chairman	Date of next meeting	