

**立法會**  
**Legislative Council**

LC Paper No. CB(2)498/02-03

(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 4th meeting  
held on Monday, 4 November 2002 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 YEUNG Yiu-chung, BBS  
Hon Miriam LAU Kin-yee, JP  
Hon CHOY So-yuk  
Dr Hon LAW Chi-kwong, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Albert HO Chun-yan  
Hon CHAN Yuen-han, JP  
Hon LI Fung-ying, 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

Action

Legal Aid Counsel

Mrs Rachel Cartland  
Assistant Director of Social Welfare  
(Social Security)

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

**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

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**I. Confirmation of minutes of meeting held on 2 October 2002**  
(LC Paper No. CB(2)230/02-03)

The minutes were confirmed.

**II. Meeting with the Administration**  
(LC Paper No. CB(2)221/02-03(01))

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

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

- (a) Arrears of maintenance should be deemed as judgment debts in the Bill, so that interest would be automatically calculated in case of default. A maintenance payee could then apply to the court for a judgment summons to sue for his/her arrears of maintenance and interest thereon;
- (b) As a further deterrent, the court should have discretion to impose a surcharge on arrears of maintenance. Consideration could be given to

Action

setting a ceiling for the surcharge, say, at three times of the amount of the maintenance arrears;

- (c) The maintenance payer should be given an opportunity to give reason for default, but the court should be given the power to impose a surcharge even though the payer failed to appear before the court, so long as the summons had been served to the correspondence address provided by the payer; and
- (d) The surcharge received should go to the maintenance payee concerned.

In respect of (b) above, the Administration was requested to provide illustrations on how the surcharge would be calculated.

**III. Date of next meeting**

- 4. Members agreed to hold the next meeting on 2 December 2002 at 10:45 am to continue discussion on the Bill.
- 5. There being no other business, the meeting ended at 9:55 am.

Council Business Division 2  
Legislative Council Secretariat  
29 November 2002

**Proceedings of the 4<sup>th</sup> meeting of the  
Bills Committee on Interest on Arrears of Maintenance Bill 2001  
on Monday, 4 November 2002 at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000154	Chairman	Confirmation of minutes and way forward	
000155 - 001258	Administration	The Administration's response to issues raised by members at the meeting on 2 October 2002 (LC Paper No. CB(2)221/02-03(01))	
001259 - 001514	Dr David CHU and Administration	Percentage of surcharge on maintenance arrears	
001515 - 001838	Ms Audrey EU, Administration, Chairman	Calculation of surcharge on maintenance arrears	
002658 - 002720	Ms Audrey EU, Chairman, Administration and Ms Cyd HO	Arrears of maintenance deemed as judgment debts	
003250 - 003555	Dr David CHU, Dr LAW Chi-kwong and Chairman	Calculation of surcharge on maintenance arrears	
003556 - 004632	Ms Miriam LAU and Chairman	Arrears of maintenance deemed as judgment debts	
004633 - 010609	Ms Audrey EU, Dr LAW Chi-kwong, Chairman and Ms Miriam LAU	Arrears of maintenance should be deemed as judgment debts in the Bill, so that interest would be automatically calculated in case of default. As a further deterrent, the court should have discretion to impose a surcharge on arrears of maintenance. The maintenance payer should be given an opportunity to give reason for default, but the court should be given the power to impose a surcharge even though the payer failed to appear before the court, so long as the summons had been served to the correspondence address provided by the payer	✓
010610 - 011149	SALA1, Ms Audrey EU, Chairman and Ms Cyd HO	Recipient of surcharge on maintenance arrears	✓
011150 - 011412	Ms Cyd HO, Administration and Chairman	Comprehensive Social Security Assistance payments to maintenance payees	
011413 - 011900	Chairman, Administration and Ms Miriam LAU	Illustrations on how the surcharge would be calculated	✓
011901 - 012209	Chairman	Date of next meeting	

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