

**立法會**  
**Legislative Council**

LC Paper No. CB(2)663/02-03

(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 5th meeting  
held on Monday, 2 December 2002 at 10:45 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 Andrew CHEUNG  
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

Mr Daniel CHU Kam-sing  
Senior Social Work Officer (Family Services)

Mr WU Kin-sing  
Senior Social Security Officer (Social Security)

**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 4 November 2002**  
(LC Paper No. CB(2)498/02-03)

The minutes were confirmed.

**II. Meeting with the Administration**  
(LC Paper No. CB(2)476/02-03(01))

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

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

(a) Surcharge ceiling should be 100% of the amount of the maintenance arrears; and

(b) The court should be given the power to impose a surcharge on maintenance arrears even though the maintenance payer failed to appear before the court, so long as the summons had been served on the payer.

4. The Administration was also requested to provide the draft Committee Stage amendments to deem arrears of maintenance as judgment debts and to provide the

court with discretion to impose a surcharge on maintenance arrears on application from a maintenance payee.

5. The Chairman said that an informal meeting with the Steering Committee on the Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings had been scheduled for 13 December 2002 to brief Members on the amendments to Matrimonial Causes Rules. Members might wish to raise with the Steering Committee on ways to address deliberate evasion of the service of summons by the maintenance payers then. She would instruct the Clerk to the Panel on Administration of Justice and Legal Services to issue a circular inviting Members to forward their views on the subject if they could not attend the informal briefing.

### **III. Date of next meeting**

6. Members agreed to hold the next meeting on 14 January 2003 at 8:30 am to continue discussion on the Bill.

7. There being no other business, the meeting ended at 11:45 am.

Council Business Division 2  
Legislative Council Secretariat  
12 December 2002

**Proceedings of the 5<sup>th</sup> meeting of the  
Bills Committee on Interest on Arrears of Maintenance Bill 2001  
on Monday, 2 December 2002 at 10:45 am  
in Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000301	Chairman	Opening remarks and confirmation of minutes of meeting held on 4 November 2002	
000302 - 002137	Administration, Chairman and Ms Audrey EU	Administration's response to issues raised by members at the meeting on 4 November 2002 (LC Paper No. CB(2)476/02-03(01))	
001308 - 002137	Administration	Power point presentation on the calculation of maintenance arrears and interest thereon and the calculation of maintenance arrears and interest and surcharge thereon	
002138 - 003016	Ms LI Fung-ying, Administration, Dr LAW Chi-kwong, Chairman Ms Audrey EU and Ms Cyd HO	Calculation of maintenance arrears and interest thereon	
003017 - 003457	Ms LI Fung-ying and Administration	Ceiling of surcharge on maintenance arrears	
003458 - 004806	Ms Audrey EU, Chairman, Administration and Ms Miriam LAU	Deliberate evasion of the service of summons by the maintenance payer, and ceiling of surcharge on maintenance arrears  The Administration was requested to consider a ceiling surcharge at 100% of the amount of the maintenance arrears, and to re-consider that the court should be given the power to impose a surcharge on maintenance arrears even though the maintenance payer failed to appear before the court, so long as the summons had been served to the payer  The Administration was also requested to provide the draft Committee Stage amendments (CSAs)	✓ (Admin to provide a written response)  ✓ (Admin to provide the draft CSAs)
004807 - 005148	Ms Cyd HO, Administration and Chairman	Deliberate evasion of the service of summons by the maintenance payer	
005149 - 005200	Chairman and Administration	Treatment of surcharge to the maintenance payee on public assistance	
005201 - 005636	Chairman and Administration	Date of next meeting	
005637 - 010016	Ms Miriam LAU, Chairman and Administration	Measures to avoid deliberate evasion of the service of summons by the maintenance payer	

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

Council Business Division 2  
Legislative Council Secretariat  
12 December 2002