

IN THE DISTRICT COURT OF HONG KONG
SPECIAL ADMINISTRATIVE REGION
MATRIMONIAL CAUSES
SUIT NO. _____ OF

BETWEEN

Petitioner ¹
(Name)

and

Respondent ²
(Name)

To _____ of _____
(Maintenance payer's name) (Address)

SUMMONS

YOU ARE HEREBY SUMMONED to appear before H.N./Deputy Judge
in Chambers sitting at Family Court, on _____ /F., Court No. _____, Wanchai Law
Courts, Wanchai Tower, No. 12 Harbour Road, Wanchai, Hong Kong on _____ day,
the _____ day of _____ 20 _____ at _____ o'clock
in the fore/afternoon on the hearing of an application on the part of the
Petitioner/Respondent for an Order to be made that -

A surcharge on maintenance arrears be paid ³

And you are to take notice that if you do not appear the Court may consider and deal
with the application in a summary way.

Dated this _____ day of _____ 20 _____

This summons was taken out by the said Petitioner/Respondent

who resides at _____
(Maintenance payee's address)

Petitioner/Respondent
(Name and Signature)

Notes :

¹ "Petitioner" refers to the party that initiated the divorce proceedings. The petitioner can be a maintenance payer or a maintenance payee.

² "Respondent" is the other party in the divorce proceedings.

³ If the maintenance payee applies for a surcharge order in person, it is not necessary for him/her to quote the statutes under which the application is made.

**Affidavit/Affirmation* in support of Application
for Surcharge on Maintenance Arrears
Made by the Maintenance Payee**

I, _____ (name of maintenance payee), presently residing at _____

(full residential address), do swear/solemnly and sincerely declare and affirm* as follows :

1. Name of maintenance payer : _____
Address for service/Last known address of the maintenance payer : _____

2. Particulars of the maintenance order
Date : _____
Contents (e.g. amount of maintenance payable, payment dates) : _____

3. The maintenance payer has defaulted in payment. Particulars of the default :
Total arrears of maintenance due and unpaid : _____
The date on which the arrears first accrued : _____
Other relevant information (if applicable) : _____

4. Requests made to the Court :

(a) I hereby apply to the Court for an order requiring the maintenance payer to pay surcharge in respect of the maintenance arrears mentioned in paragraph 3 at a rate to be decided by the Court under Section 20B(11) of the Guardianship of Minors Ordinance (Cap. 13)/ Section 9B(11) of the Separation and Maintenance Orders Ordinance (Cap. 16)/ Section 53B(11) of the Matrimonial Causes Ordinance (Cap. 179)/ Section 28AB(11) of the Matrimonial Proceedings and Property Ordinance (Cap. 192);

* Delete as appropriate

- (b) I also request a date, time and place to be fixed for the hearing of the application; and
- (c) If the aforementioned maintenance payer fails to appear at the hearing fixed under paragraph 4(b), I request an order requiring the maintenance payer to pay me the surcharge claimed in his/her absence.

 (Signature of Maintenance Payee)

Sworn/Affirmed* at _____
 _____, this _____ day
 of _____, _____,
 before me,

Commissioner for Oaths

Note : The maintenance payee shall serve the following documents on the maintenance payer :

- A. A sealed copy of the summons;
- B. A copy of this affidavit; and
- C. A notice of the hearing (either endorsed on the summons or a separate notice).

 * Delete as appropriate