

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and
General Clauses Ordinance (Cap. 1))

ATTACHMENT OF INCOME ORDER (AMENDMENT) RULES 2001

RESOLVED that the Attachment of Income Order (Amendment)

Rules 2001, published in the Gazette as Legal Notice No. 260 of 2001 and laid on the table of the Legislative Council on 12 December 2001, be amended, in section 10(c), in the new rule 8(5), by repealing everything after "(b)," and before the dash and substituting "if subsequently a maintenance payer has a new income source, he shall, within 21 days after he is first entitled to receive any income from the new income source".

**Speech by the Secretary for Home Affairs
to move amendments to
the Attachment of Income Order (Amendment) Rules 2001
in the Legislative Council on 16 January 2002**

Madam President,

I move that the Attachment of Income Order (Amendment) Rules 2001 be amended as set out in the Appendix to the Order Paper.

The mentioned Amendment Rules, tabled in this Council on 12 December 2001, seek to provide for the court procedures to implement the Attachment of Income Order (Amendment) Ordinance that was enacted by this Council in July 2001.

The relevant Legislative Council Subcommittee has scrutinized the Amendment Rules. I am most grateful to the Hon Margaret NG, the Chairperson of the Subcommittee, the Hon Audrey EU, the Acting Chairperson, and other Subcommittee Members for the proposals they made during the scrutiny period.

The Subcommittee proposed to make a technical amendment to the newly added Rule 8(5) so that it would tie in with the newly added Rule 8(4). We agree with the proposal, which is the subject of this motion.

Another proposal the Subcommittee put forward is to make the procedures relating to the Attachment of Income Order (AIO) Scheme more user-friendly. We also agree with the proposal and will adopt the following measures –

- (1) The Home Affairs Bureau (HAB) will prepare, as an administrative document and not a statutory form, a blank form for use as the affidavit required for applying for an AIO. Copies of the form will be available at various places including the Family Court Registry;
- (2) After completing the form, a maintenance payer or payee can make a statutory declaration before a Commissioner of Oath at the Family Court Registry or any of the District Offices of the Home Affairs Department;
- (3) The form, and the necessary application procedures, will be set out in a revised version of the information booklets published by the HAB on the AIO Scheme;
- (4) The Court Bailiff will, at the request of applicants who are not legally represented and who have difficulties effecting the service, effect service on behalf of the applicants free of charge;

- (5) When the court makes an AIO, it will attach to the AIO a note to remind the maintenance payer to apply for a new AIO if he changes to a new job. A copy of the form to be used as affidavit will also be attached to the note; and
- (6) When revising the information booklet, the HAB will include additional guidance and proformas to help those involved in the legal procedures without legal representation. While revising the information booklets, we will consider, in particular, the other proposals made by the Subcommittee.

Madam President, with these remarks, I sincerely request Members to support the motion.