

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 14 December 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 7 December 2001**

Date of Tabling in LegCo : 12 December 2001

Amendment to be made by : 9 January 2002 (or 16 January 2002 if extended by resolution)

**Attachment of Income Order Ordinance (Cap. 13)
Attachment of Income Order (Amendment) Rules 2001
(L.N. 260)**

These Rules amend the Attachment of Income Order Rules (Cap. 13 sub. leg.) to give effect to the Attachment of Income Orders (Amendment) Ordinance 2001 (20 of 2001) passed on 4 July 2001.

2. The Amendment Ordinance seeks to relax the circumstances in which an attachment of income order ("attachment order") may be made. Under the Amendment Ordinance, an attachment order may be made where the court is satisfied that -

- (a) a maintenance payer has without reasonable excuse failed to make any payment pursuant to a maintenance order;
- (b) where the court has reasonable ground to believe that the maintenance payer will not make full and punctual payment; or
- (c) where the maintenance payer and the payee agree to the making of an attachment order.

3. The new rules make provisions for -
 - (a) the information to be supplied in the supporting affidavit when a designated payee applies for an attachment order on the ground that the maintenance payer will not make full and punctual payment in compliance with the maintenance order (rule 4(b));
 - (b) the procedures relating to the making of an attachment order -
 - (i) on the joint application of the maintenance payer and the designated payee (new rule 3A);
 - (ii) on the application of the maintenance payer (new rule 3B); and
 - (iii) on the court's own motion (new rule 3C);
 - (c) the obligations of the maintenance payer to notify the court and the relevant person of his change of income source and to make application for an attachment order in respect of his new income source (new rule 8(4)); and
 - (d) the court to dispense with or relax any procedure or to abridge any time limit specified in rules 3 to 8 of the existing Rules (new rule 13).
4. Members may refer to LegCo Brief (Ref: HAB/CR/1/19/95 Pt.5) dated 5 December 2001 issued by the Home Affairs Bureau for background information.
5. This Rules shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.
6. The legal and drafting aspects of the Order are in order.

Prepared by

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10 December 2001