

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

Ref : CB2/SS/7/01

Subcommittee on Attachment of Income Order (Amendment) Rules 2001

Minutes of the first meeting
held on Thursday, 20 December 2001 at 4:30 pm
in Conference Room B of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Hon Miriam LAU Kin-ye, JP
Hon LAW Chi-kwong, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Cyd HO Sau-lan
Dr Hon LUI Ming-wah, JP
Hon CHAN Yuen-han, JP
Hon CHOY So-yuk
Hon LI Fung-ying, JP
- Public Officers Attending** : Mr NG Hon-wah
Principal Assistant Secretary for Home Affairs 2
- Mr Joe POON
Senior Legal Aid Counsel
- Ms Phyllis POON
Government Counsel
- Clerk in Attendance** : Ms Doris CHAN
Chief Assistant Secretary (2) 4

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Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser

Ms Dora WAI
Senior Assistant Secretary (2) 4

I. Election of Chairman and membership of the Subcommittee

Miss Margaret NG was elected Chairman of the Subcommittee.

2. In accordance with House Rule 23(b), the Subcommittee noted and accepted Dr LUI Ming-wah's request for late membership.

II. Meeting with the Administration

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).
4. The Administration was requested to provide the following information to facilitate the work of the Subcommittee -
 - (a) the application procedures for a new Attachment of Income Order (AIO) in case of change of income source of a maintenance payer in the United Kingdom (UK); and
 - (b) information booklets on application procedures for an AIO and the proforma of the affidavit required for proceedings in applications for maintenance order.
5. Members generally expressed the view that the application procedures for a new AIO in case of change of income source should be made more user-friendly. Forms and more guidance should be provided to help those who had to comply with the procedures to do so without the need for legal representation. The Administration undertook to liaise with the Judiciary and consider members' views in this regard.
6. The Subcommittee agreed that the Chairman should seek to extend the scrutiny period to 16 January 2002 and that the next meeting should be held on 28 December 2001 at 2:30 pm to consider the Administration's response.
7. There being no other business, the meeting ended at 5:35 pm.

**Proceedings of the first meeting of the
Subcommittee on Attachment of Income Order (Amendment) Rules 2001
on Thursday, 20 December 2001 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0038	Miss Margaret NG	(a) Election of Chairman; and (b) Acceptance of Dr LUI Ming-wah's late membership	
0039-0047	SALA	Extension of scrutiny period	
0048-0119	Chairman	Ditto	
0120-0123	Mr LAW Chi-kwong	Ditto	
0124-0128	SALA	Ditto	
0129-0131	Mr LEUNG Yiu-chung	Ditto	
0132-0139	Chairman	Ditto	
0140-0146	SALA	Ditto	
0147-0200	Chairman	Ditto	
0201-0210	SALA	Ditto	
0211-0318	Chairman	(a) Extension of scrutiny period; and (b) Inviting Admin to brief members on the background of the Amendment Rules	
0319-0806	Admin	Briefing on the Amendment Rules	
0807-0828	Chairman	Conformity with the main Ordinance	
0829-0859	SALA	Ditto	
0900-0917	Mr LEUNG Yiu-chung	Reason for changing the period for application for a new AIO from 14 days to 21 days	
0918-0935	Admin	Ditto	
0936-0940	Mr LEUNG Yiu-chung	Ditto	
0941-1053	Admin	Ditto	
1054-1113	Mr LEUNG Yiu-chung	Lead time required for the application for a new AIO	
1114-1141	Admin	Ditto	
1142-1323	SALA	Reason for setting the period for application for a new AIO at 14 days initially	
1324-1338	Mr LEUNG Yiu-chung	Reason for changing the period for application for a new AIO from 14 days to 21 days	
1339-1346	Chairman	Ditto	
1347-1356	Mr LEUNG Yiu-chung	Ditto	
1357-1411	Chairman	Ditto	
1412-1417	Mr LEUNG Yiu-chung	Application procedures for an AIO	
1418-1424	Admin	Ditto	

Action

Time	Speaker	Subject(s)	Action required
1425-1439	Chairman	Application procedures for an AIO	
1440-1555	Admin	Ditto	
1556-1738	Ms Miriam LAU	(a) Application procedures for a new AIO in UK; and (b) Assistance provided by the Legal Aid Department (LAD) in respect of application for a new AIO	
1739-1743	Chairman	Application procedures for a new AIO in UK	
1744-1803	Admin	Ditto	
1804-1807	Ms Miriam LAU	Admin to provide information on the application procedures for a new AIO in UK	✓
1808-1816	Chairman	Application procedures for a new AIO in UK	
1817-1827	Ms Miriam LAU	Introduction of a user-friendly system for application for a new AIO	
1828-1833	Chairman	Assistance provided by LAD in respect of application for a new AIO	
1834-1845	Ms Miriam LAU	Ditto	
1846-1942	Admin	Ditto	
1943-2013	Ms Miriam LAU	Ditto	
2014-2058	Admin	Application procedures for a new AIO	
2059-2105	Ms Miriam LAU	Introduction of a user-friendly system for application for a new AIO	
2106-2119	Chairman	Ditto	
2120-2140	Admin	Application procedures for a new AIO	
2141-2219	Ms Miriam LAU	Ditto	
2220-2227	Admin	Admin to liaise with the Judiciary on the proposed introduction of a user-friendly system for application for a new AIO	✓
2228-2243	Ms Miriam LAU	Introduction of a user-friendly system for application for a new AIO	
2244-2544	Ms Audrey EU	Meaning of rule 8(6)	
2545-2647	Admin	Ditto	
2648-2655	Ms Audrey EU	Way of notifying the court in cases where a maintenance payer does not wish to apply for a new AIO in respect of his new income source	
2656-2704	Admin	Ditto	
2705-2719	Chairman	Ditto	
2720-2736	Ms Audrey EU	Ditto	
2737-2813	Admin	Ditto	

Action

Time	Speaker	Subject(s)	Action required
2814-2939	Mr LEUNG Yiu-chung	Introduction of a user-friendly system for application for a new AIO	
2940-2952	Chairman	Ditto	
2953-3011	Admin	Ditto	
3012-3057	Mr LEUNG Yiu-chung	Ditto	
3058-3105	Admin	Ditto	
3106-3122	Mr LEUNG Yiu-chung	Ditto	
3123-3151	Admin	Application procedures for a new AIO	
3152-3157	Mr LEUNG Yiu-chung	Ditto	
3158-3224	Admin	Ditto	
3225-3245	Chairman	Introduction of a user-friendly system for application for a new AIO	
3246-3311	Mr LEUNG Yiu-chung	Ditto	
3312-3426	Admin	Ditto	
3427-3456	Chairman	Ditto	
3457-3504	Admin	Ditto	
3505-3517	Ms Miriam LAU	Service of documents as referred to in rule 3B(5)	
3518-3528	Admin	Ditto	
3529-3624	Ms Miriam LAU	(a) Service of documents as referred to in rule 3B(5); and (b) Procedures applicable in cases where a maintenance payer has no new income source after he ceased to receive income from the original income source	
3625-3628	Admin	Procedures applicable in cases where a maintenance payer has no new income source after he ceased to receive income from the original income source	
3629-3637	Chairman	Ditto	
3638-3643	Ms Miriam LAU	Ditto	
3644-3645	Admin	Ditto	
3646-3648	Chairman	Ditto	
3649-3746	Admin	Ditto	
3747-3750	Chairman	Ditto	
3751-3801	Mr LEUNG Yiu-chung	Ditto	
3802-3854	Chairman	Ditto	
3855-3947	Admin	Application procedures for a new AIO	
3948-3955	Mr LEUNG Yiu-chung	Invalidity of the original AIO	
3956-3957	Admin	Ditto	
3958-3959	Mr LEUNG Yiu-chung	Ditto	

Action

Time	Speaker	Subject(s)	Action required
4000-4016	Admin	Invalidity of the original AIO	
4017-4018	Chairman	Ditto	
4019-4027	Mr LEUNG Yiu-chung	Ditto	
4028-4043	Admin	Ditto	
4044-4046	Mr LEUNG Yiu-chung	Ditto	
4047-4053	Chairman	Ditto	
4054-4112	Admin	Ditto	
4113-4115	Ms Miriam LAU	Ditto	
4116-4120	Admin	Ditto	
4121-4200	Chairman	Summary of members' views	
4201-4231	Ms Miriam LAU	Introduction of a user-friendly system for application for a new AIO	
4232-4316	Chairman	Ditto	
4317-4348	Admin	Ditto	
4349-4400	Ms Miriam LAU	Ditto	
4401-4435	Admin	Ditto	
4436-4722	Chairman	(a) Introduction of a user-friendly system for application for a new AIO; and (b) Drafting of the Amendment Rules	
4723-4738	Admin	Ditto	
4739-4816	Chairman	Ditto	
4817-5044	SALA	Introduction of different application procedures for an AIO under rules 3A, 3B and 3C	
5045-5200	Chairman	Introduction of appropriate form(s) to make application for an AIO more user-friendly	
5201-5403	Admin	Ditto	
5404-5456	Mr LAW Chi-kwong	Ditto	
5457-5608	Chairman	Ditto	
5609-5652	Ms Miriam LAU	Ditto	
5653-5729	Chairman	Ditto	
5730-5744	Mr LAW Chi-kwong	Ditto	
5745-5814	Chairman	(a) Summary of members' views; and (b) Drafting of the Amendment Rules	
5815-5917	Admin	Introduction of appropriate form(s) to make application for an AIO more user-friendly	
5918-5921	Chairman	Ditto	
5922-5940	Admin	Ditto	

Action

Time	Speaker	Subject(s)	Action required
5941-010037	Ms Miriam LAU	Introduction of appropriate form(s) to make application for an AIO more user-friendly	
010038-010055	Chairman	Ditto	
010056-010101	Ms Miriam LAU	Ditto	
010102-010214	Admin	Booklets on application procedures for an AIO and relevant form	
010215-010236	Chairman	Admin to provide booklets on application procedures for an AIO and relevant form	✓
010237-010512	Chairman and members	(a) Date of next meeting; and (b) Appointment of Acting Chairman for the next meeting	

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

Council Business Division 2
Legislative Council Secretariat
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