

27 December 2001

Ms Doris Chan,
Clerk to Sub-committee on
Attachment of Income Order (Amendment) Rules 2001
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Ms Chan,

Thank you for your letter dated 21 December 2001.

The following will attend the meeting on 28 December 2001 –

Mr NG Hon-wah, Principal Assistant Secretary for Home Affairs
(吳漢華先生 民政事務局首席助理局長)

Mr Andrew CHEUNG, Assistant Secretary for Home Affairs
(張駿先生 民政事務局助理局長)

Ms Phyllis POON, Government Counsel
(潘漢英女士 政府律師)

Ms Ada CHAU, Senior Legal Aid Counsel
(鄒明慧女士 高級法律援助律師)

In response to Members' suggestion to make the procedures more user-friendly, we have consulted the Judiciary Administrator and our proposals are as follows –

- (a) HAB will prepare, as an administrative document (i.e. not as a statutory form), a blank form for use as the affidavit required for applying for an attachment of income order (AIO). Copies of the

form will be available for picking up at various places including the Family Court Registry;

(b) after completing the form, a maintenance payer or maintenance payee can make a statutory declaration before a Commissioner of Oath at the Family Court Registry or other places such as a District Office of the Home Affairs Department;

(c) the form, and the necessary application procedures, will be set out in a revised version of the information booklets published by HAB on the AIO scheme (copies sent to you under cover of my letter dated 21 December 2001);

(d) the Court Bailiff will, on request from applicants who are not legally represented and have difficulties to effect services of summons, effect service on behalf of the applicants free of charge;

(e) when the court makes an AIO, it will attach to the AIO a note to remind maintenance payers to comply with the new rule 8(4) (i.e. if he changes to a new job, he should, among other things, apply for a new AIO) and a copy of the form referred to in (a) will also be attached to the note; and

(f) when revising the information booklet referred to in (c) above, HAB will include additional guidance and proformas aimed at those who have to comply with the procedures without legal representation.

As regards Members' question on the UK practice, we shall report at the meeting.

Yours sincerely,

(NG Hon-wah)
for Secretary for Home Affairs