

**The Administration's response to concerns raised by a member at
the meeting of Panel on Home Affairs held on 13 June 2008**

Agenda item II - Streamlining Court procedures and setting up an intermediary
body for the effective enforcement of maintenance order

Concerns raised by a Panel member -

Dr Fernando CHEUNG was concerned about the existing situation under which divorcees who were defaulted on maintenance payments would suffer financial loss when they applied for the Comprehensive Social Security Assistance (CSSA) because the amounts of their maintenance payments would be deducted from their CSSA payments notwithstanding the non-payment. In his view, the Social Welfare Department (SWD) should still issue the CSSA payment to the maintenance payees under these circumstances, but the arrears later recovered from the maintenance payers concerned could be returned to SWD. The Administration undertook to follow up with SWD and the Legal Aid Department (LAD) on whether there was further room for enhancing collaboration between SWD and LAD in providing assistance for maintenance payees who were CSSA recipients.

*Home Affairs Bureau's response regarding measures to assist maintenance
payees who failed to receive maintenance payment on 21 October 2008 -*

In processing applications for CSSA from maintenance payees who failed to receive maintenance payment, SWD will identify eligible cases¹ and refer them to LAD to take legal action to enforce the maintenance order. SWD will not reduce these recipients' CSSA payment until the recipients have successfully recovered the maintenance payment. LAD and SWD will continue to keep in view developments with respect to the provision of assistance for the maintenance payees who are CSSA recipients.

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¹ 'Eligible case' refers to a case where the CSSA applicant has a maintenance order in his/her favour and he/she has no acceptable reason for not taking legal action to enforce the order.