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民政事務局

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13 December 2010

Mr. Thomas WONG
Clerk to Panel on Home Affairs
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Mr. Wong,

**Follow-up for the Panel on Home Affairs
Meeting on 11 June 2010**

At the Panel meeting held on 11 June 2010, the Administration was requested to provide the result of the survey conducted by the Census and Statistics Department (C&SD) on enforcement of maintenance orders when available.

2. The survey results have been released by C&SD in its Thematic Household Survey Report No. 45 on 10 December. I enclose herewith Chapter 8 of the report on enforcement of maintenance orders for Members' information please. The full report is available at C&SD's website http://www.censtatd.gov.hk/products_and_services/products/publications/statistical_report/social_data/index.jsp.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Percy Leung", written over a horizontal line.

(Percy Leung)
for Secretary for Home Affairs

主題性住戶統計調查 第四十五號報告書

Thematic Household Survey Report No. 45

香港居民的健康狀況
Health Status of Hong Kong Residents

就醫情況
Doctor Consultation

入住醫院情況
Hospitalisation

接受牙醫診治情況
Dental Consultation

僱主或機構提供醫療福利予僱員
及受個人購買的醫療保險保障的情況
Provision of Medical Benefits by
Employers / Companies and Coverage of Medical
Insurance Purchased by Individuals

執行贍養費命令的情況
Enforcement of Maintenance Order



中華人民共和國
香港特別行政區 政府統計處
Census and Statistics Department
Hong Kong Special Administrative Region
People's Republic of China

同心服務
caringorganisation²⁰⁰⁰⁻¹⁰

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Provision of Medical Benefits by Employers / Companies and Coverage of
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執行贍養費命令的情況
Enforcement of Maintenance Order

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8 執行贍養費命令的情況

Enforcement of maintenance order

引言

8.1 在每個接受訪問的住戶中，統計員訪問所有曾經離婚 / 分居的十六歲及以上人士，以搜集有關執行贍養費命令(以下簡稱為「贍養令」)的情況的資料。

8.2 在是項統計調查中，目標受訪者被問到有否向法院申請 / 打算向法院申請贍養令。該些沒有申請或不打算申請贍養令的受訪者會再被問到沒有申請或不打算申請贍養令的原因，包括有否與前配偶私下達成協議，由後者提供贍養費(以下簡稱為「贍養費協議」)。至於那些已成功獲取贍養令或已與前配偶達成贍養費協議的受訪者，則被問到他們是否已全數收取贍養費款項；若沒有，他們有否採取任何法律行動追討贍養費欠款。

概念及定義

8.3 就是項統計調查而言，「離婚 / 分居人士」是指曾經離婚 / 分居的十六歲及以上人士，不論他們在統計時有否再婚。

統計調查的主要結果

8.4 根據是項統計調查的結果，在統計時約有 256 300 名曾經離婚 / 分居的十六歲及以上人士，佔香港所有十六歲及以上人士的 4.5%。下表載列了按申請贍養令的情況及有否與前配偶達成贍養費協議劃分的離婚 / 分居人士數目。

Introduction

8.1 Within each enumerated household, all persons aged 16 and over who had divorced / separated were interviewed for the purpose of the survey on enforcement of maintenance order.

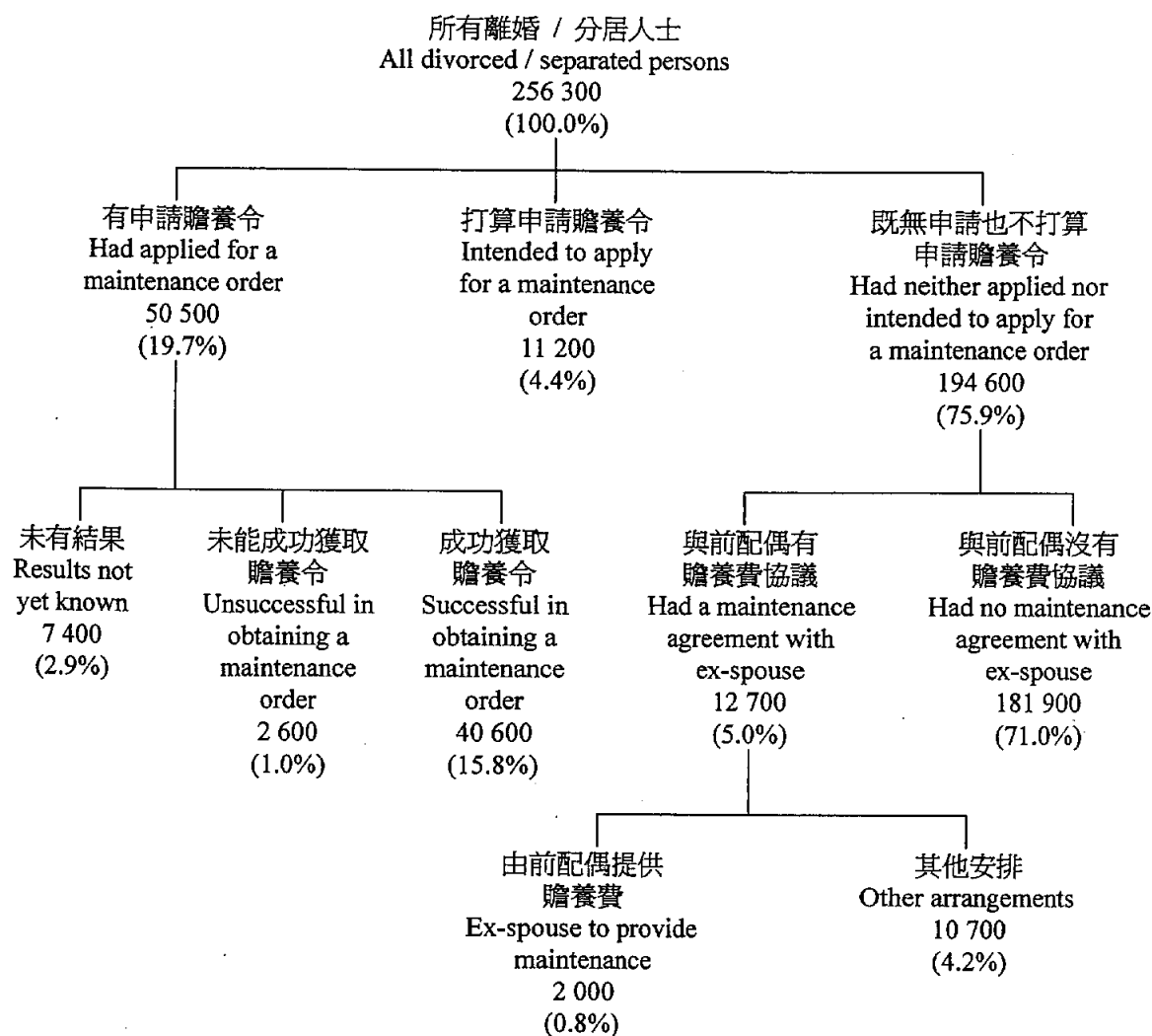
8.2 In this survey, the target respondents were asked whether they had applied / intended to apply for a maintenance order from the court and if not, the reasons for not doing so, including whether they had an agreement in private with their ex-spouse that the latter would provide them with maintenance (hereafter referred to as "maintenance agreement"). For those respondents who either had successfully obtained a maintenance order or had a maintenance agreement with their ex-spouse, they were asked whether they had received the maintenance payment in full and if not, whether they had taken any legal action to recover the arrears of maintenance.

Concepts and definition

8.3 For the purpose of this survey, "divorced / separated persons" referred to persons aged 16 and over who had divorced / separated, regardless of whether they had re-married at the time of enumeration.

Major findings of the survey

8.4 It was estimated that some 256 300 persons aged 16 and over had divorced / separated at the time of enumeration, constituting 4.5% of all persons aged 16 and over in Hong Kong. An overview of the number of divorced / separated persons analysed by their status of application for a maintenance order and whether they had a maintenance agreement with their ex-spouse was presented below.



註釋：括號內的數字顯示在所有離婚 / 分居人士中所佔的百分比。

Note: Figures in brackets represent the percentages in respect of all divorced / separated persons.

有否申請 / 打算申請贍養令

8.5 在該 256 300 名離婚 / 分居人士中，50 500 人(19.7%)有向法院申請贍養令，而 11 200 人(4.4%)則打算申請。大部分離婚 / 分居人士(194 600 人或 75.9%)既無申請也不打算申請贍養令。(圖 8.1 及表 8.1)

Whether had applied / intended to apply for a maintenance order

8.5 Of the 256 300 divorced / separated persons, 50 500 (19.7%) had applied for a maintenance order from the court while 11 200 (4.4%) intended to do so. The majority (194 600 persons or 75.9%) of the divorced / separated persons had neither applied nor intended to apply for a maintenance order. (Chart 8.1 and Table 8.1)

年齡及性別

Age and sex

8.6 按年齡組別分析，有申請 / 打算申請贍養令人士的比例在三十五至四十四歲的離婚 / 分居人士中最高，達 28.2%。其次是十六至三十四歲(27.4%)及四十五至五十四歲的離婚 / 分居人士(25.7%)。(表 8.1)

8.6 Analysed by age group, the percentage of those divorced / separated persons who had applied / intended to apply for a maintenance order was the highest among those aged 35-44, at 28.2%. This was followed by divorced / separated persons aged 16-34 (27.4%) and those aged 45-54 (25.7%). (Table 8.1)

8.7 在男性離婚 / 分居人士中，有申請/打算申請贍養令的百分比為 4.7%，顯著較女性的相應百分比(38.3%)為低。(表 8.1)

8.7 The percentage of male divorced / separated persons who had applied / intended to apply for a maintenance order was 4.7%, significantly lower than that of their female counterpart (38.3%). (Table 8.1)

有否與前配偶達成贍養費協議，並按既無申請也不打算申請贍養令的原因進一步分析

Whether had a maintenance agreement with the ex-spouse, further analysed by reason for not applying nor intending to apply for a maintenance order

8.8 在該 194 600 名既無申請也不打算申請贍養令的離婚 / 分居人士中，約 2 000 人表示他們已與前配偶達成贍養費協議由前配偶提供贍養費。至於餘下約 192 500 名沒有與前配偶訂定有關協議的人士被問到為何既無申請也不打算申請贍養令時，最多人提供的理由是「沒有需要」(佔該 192 500 人的 59.3%)。其他原因包括「認為男方不應收取贍養費」(16.5%)及「前配偶無能力支付贍養費」(10.8%)。(表 8.2)

8.8 Of the 194 600 divorced / separated persons who had neither applied nor intended to apply for a maintenance order, around 2 000 persons reported that they already had a maintenance agreement with their ex-spouse that the ex-spouse would provide maintenance. For the remaining some 192 500 persons who did not have such agreement with their ex-spouse nor intend to apply for a maintenance order, the most commonly cited reason for not doing so was “no such need” (cited by 59.3% of those 192 500 persons). Other reasons included “opined that men should not receive maintenance” (16.5%) and “the ex-spouse was unable to pay maintenance” (10.8%). (Table 8.2)

8.9 按性別分析，男性離婚 / 分居人士表示既無申請也不打算申請贍養令的原因，最普遍為「沒有需要」(佔既無申請也不打算申請贍養令以及沒有與前配偶達成贍養費協議的男性離婚 / 分居人士的 59.0%)及「認為男方不應收取贍養費」(30.9%)。女性方面，既無申請也不打算申請贍養令的最普遍原因為「沒有需要」(佔有關人士的 59.6%)，其次為「前配偶無能力支付贍養費」(18.9%)以及「認為前配偶不會支付贍養費」(9.1%)。(表 8.2)

是否成功獲取贍養令

8.10 在該 50 500 名有申請贍養令的離婚 / 分居人士中，大部分(80.3%)成功獲取贍養令，而 5.1%則未能成功獲取贍養令。至於其餘 14.6%人士的申請則尚未有結果。(表 8.3)

8.11 在已得悉申請贍養令結果的人士中，女性離婚 / 分居人士成功獲取贍養令的比率為 94.3%，較男性的相應比率(86.9%)為高。(表 8.3)

贍養令的執行情況

8.12 統計調查結果顯示，約 42 600 名離婚 / 分居人士可收取贍養費，包括 40 600 名成功獲取贍養令的人士及 2 000 名與前配偶有贍養費協議的人士。(表 8.3)

8.9 Analysed by sex, the most commonly reasons cited by male divorced / separated persons for not applying nor intending to apply for a maintenance order were "no such need" (cited by 59.0% of the male divorced / separated persons who had neither applied nor intended to apply for a maintenance order and did not have a maintenance agreement with their ex-spouse) and "opined that men should not receive maintenance" (30.9%). The most commonly reasons cited by their female counterpart for not applying nor intending to apply for a maintenance order were "no such need" (cited by 59.6% of the persons concerned), followed by "the ex-spouse was unable to pay maintenance"(18.9%), and "believed that the ex-spouse would not pay maintenance" (9.1%) (Table 8.2)

Whether successful in obtaining a maintenance order

8.10 Of those 50 500 divorced / separated persons who had applied for a maintenance order, the majority (80.3%) were successful in obtaining the order while 5.1% were not successful. For the remaining 14.6%, the results of their applications were not yet known. (Table 8.3)

8.11 Among those who had already known the results of their applications for a maintenance order, the success rate for female divorced / separated persons was 94.3%, which was higher than their male counterpart (86.9%). (Table 8.3)

Enforcement of maintenance order

8.12 The survey results showed that 42 600 divorced / separated persons could receive maintenance, including 40 600 persons who had successfully obtained a maintenance order and 2 000 persons who had a maintenance agreement with their ex-spouse. (Table 8.3)

贍養費支付方式

8.13 撇除 17 300 名象徵式收取前配偶一元的贍養費的離婚 / 分居人士，在餘下 25 400 名可收取贍養費的離婚 / 分居人士中，大部分 (91.9%) 表示其贍養費是以定期方式收取，而 8.1% 則是以一次過方式收取。(表 8.4)

Mode of maintenance payment

8.13 Excluding the 17 300 divorced / separated persons who had received nominal maintenance of \$1 from their ex-spouse, the majority (91.9%) of the remaining 25 400 divorced / separated persons who could receive maintenance had their maintenance settled by periodic payments while 8.1% by a lump sum payment. (Table 8.4)

是否已全數收取贍養費款項

8.14 在該 25 400 名離婚 / 分居人士中，約 53.5%(或 13 600 人)表示已全數收取贍養費款項，而 46.5%(或 11 800 人)則未能全數收取贍養費款項。(圖 8.2 及表 8.4)

Whether had received maintenance payment in full

8.14 Among those 25 400 divorced / separated persons, 53.5% (or 13 600 persons) reported that they had received the maintenance payment in full while 46.5% (or 11 800 persons) reported the opposite. (Chart 8.2 and Table 8.4)

有否採取任何法律行動追討贍養費欠款

8.15 在 11 800 名未能全數收取贍養費款項的離婚 / 分居人士中，只有 2 500 人(20.8%)採取了法律行動追討贍養費欠款，而其餘 9 300 人(79.2%)則沒有採取任何法律行動。(圖 8.2 及表 8.5)

Whether had taken any legal action to recover the arrears of maintenance

8.15 For those 11 800 divorced / separated persons who had not received maintenance payment in full, only 2 500 (20.8%) had taken legal action to recover the arrears of maintenance while the remaining 9 300 persons (79.2%) had not. (Chart 8.2 and Table 8.5)

沒有採取任何法律行動的原因

8.16 該 9 300 名離婚 / 分居人士被問到為何沒有採取任何法律行動時，最多人提供的原因是「前配偶無能力支付贍養費」(佔該 9 300 人的 44.3%)。其他原因包括「認為前配偶不會支付贍養費」(24.2%)、「未能聯絡前配偶」(21.3%)及「提出法律訴訟的程序太繁複」(11.7%)。(表 8.5)

Reason for not taking any legal action

8.16 For those 9 300 divorced / separated persons who had not taken any legal action, the most commonly cited reason for not doing so was “the ex-spouse was unable to pay maintenance” (accounting for 44.3% of those 9 300 persons). Other reasons included “believed that the ex-spouse would not pay maintenance” (24.2%), “unable to contact the ex-spouse” (21.3%) and “application procedures for legal proceedings too complicated” (11.7%). (Table 8.5)

圖 8.1 按有否申請 / 打算申請贍養令劃分的離婚 / 分居人士的百分比分布
Chart 8.1 Percentage distribution of divorced / separated persons by whether had applied / intended to apply for a maintenance order

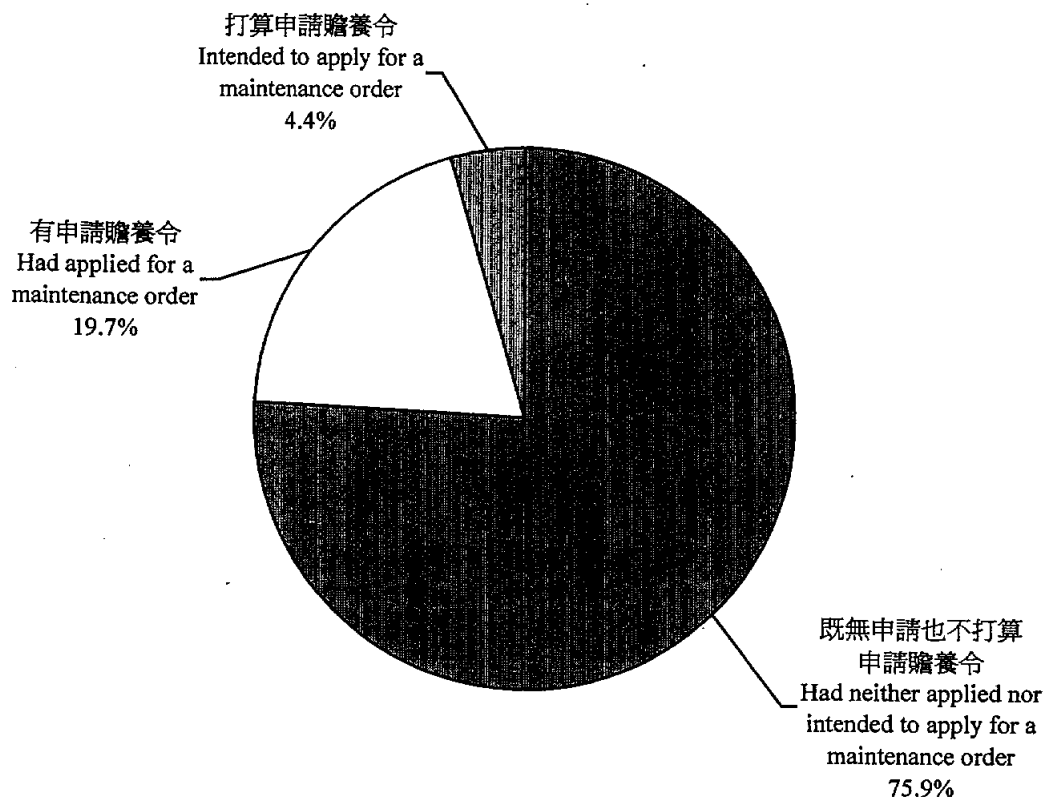
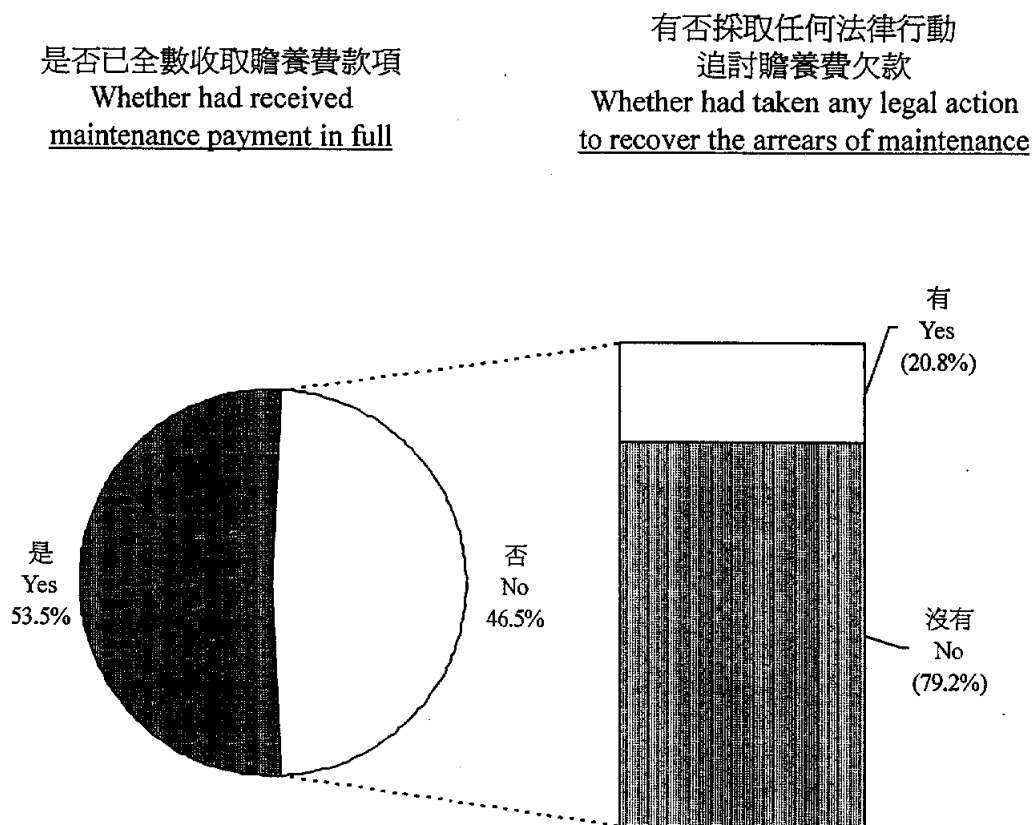


圖 8.2 按是否已全數收取贍養費款項及有否採取任何法律行動追討贍養費欠款劃分的可收取贍養費的離婚 / 分居人士*的百分比分布

Chart 8.2 Percentage distribution of divorced / separated persons who could receive maintenance* by whether had received maintenance payment in full and whether had taken any legal action to recover the arrears of maintenance



註釋：* 不包括象徵式收取前配偶一元的贍養費的離婚 / 分居人士。

Notes: * Excluding those divorced / separated persons who received nominal maintenance of \$1 from their ex-spouse.

括號內的數字顯示在所有未能全數收取贍養費款項的離婚 / 分居人士中所佔的百分比。

Figures in brackets represent the percentages in respect of all divorced / separated persons who had not received maintenance payment in full.

表 8.1 按年齡 / 性別及有否申請 / 打算申請贍養令劃分的離婚 / 分居人士數目
 Table 8.1 Divorced / separated persons by age / sex and whether had applied / intended to apply for a maintenance order

年齡組別 / 性別 Age group / Sex	有否申請 / 打算申請贍養令 Whether had applied / intended to apply for a maintenance order					
	有申請 / 打算申請 Had applied / intended to apply		既無申請 也不打算申請 Had neither applied nor intended to apply		總計 Total	
	人數 No. of persons (‘000)	百分比 %	人數 No. of persons (‘000)	百分比 %	人數 No. of persons (‘000)	百分比 %
年齡組別 Age group						
16 - 34	3.3	27.4	8.8	72.6	12.1	100.0
35 - 44	17.4	28.2	44.4	71.8	61.8	100.0
45 - 54	24.5	25.7	70.7	74.3	95.2	100.0
≥ 55	16.5	18.9	70.7	81.1	87.2	100.0
性別 Sex						
男 Male	5.2	4.7	103.4	95.3	108.5	100.0
女 Female	56.6	38.3	91.2	61.7	147.7	100.0
合計 Overall	61.7	24.1	194.6	75.9	256.3	100.0

表 8.2 按性別以及既無申請也不打算申請贍養令的原因劃分的既無申請也不打算申請贍養令的離婚 / 分居人士*數目
 Table 8.2 Divorced / separated persons who had neither applied nor intended to apply for a maintenance order* by reason for not applying nor intending to apply for a maintenance order and sex

既無申請也不打算申請贍養令的原因# Reason for not applying nor intending to apply for a maintenance order#	男 Male		女 Female		合計 Overall	
	人數 No. of persons ('000)	百分比 %	人數 No. of persons ('000)	百分比 %	人數 No. of persons ('000)	百分比 %
沒有需要 No such need	60.8	59.0	53.3	59.6	114.2	59.3
認為男方不應收取贍養費 Opined that men should not receive maintenance	31.9	30.9	§	§	31.9	16.5
前配偶無能力支付贍養費 The ex-spouse was unable to pay maintenance	3.9	3.8	16.9	18.9	20.8	10.8
未能聯絡前配偶 Unable to contact the ex-spouse	3.6	3.4	5.4	6.0	9.0	4.6
認為前配偶不會支付贍養費 Believed that the ex-spouse would not pay maintenance	§	§	8.1	9.1	8.9	4.6
經濟環境較前配偶好 Had better financial condition than the ex-spouse	3.3	3.2	5.6	6.3	8.9	4.6
雙方同意不需要提供贍養費予對方 Both parties agreed not to require each other to provide maintenance	4.2	4.1	2.1	2.3	6.3	3.3
其他 Others	5.0	4.9	5.2	5.8	10.2	5.3
總計 Total	103.1	100.0	89.4	100.0	192.5	100.0

註釋：* 不包括與前配偶達成贍養費協議由前配偶提供贍養費的離婚 / 分居人士 (約 2 000 人)。

可選擇多項答案。

Notes：* Excluding those divorced / separated persons who had a maintenance agreement with the ex-spouse that the ex-spouse would provide maintenance (around 2 000 persons).

Multiple answers were allowed.

表 8.3 按是否成功獲取贍養令及性別劃分的申請贍養令的離婚 / 分居人士數目
 Table 8.3 Divorced / separated persons who had applied for a maintenance order by whether had successfully obtained a maintenance order and sex

是否成功獲取贍養令 Whether had successfully obtained a maintenance order	男 Male		女 Female		合計 Overall	
	人數 No. of persons (‘000)	百分比 %	人數 No. of persons (‘000)	百分比 %	人數 No. of persons (‘000)	百分比 %
是 Yes	1.5	55.3 (86.9)	39.1	81.7 (94.3)	40.6	80.3 (94.0)
否 No	§	§ (§)	2.4	5.0 (5.7)	2.6	5.1 (6.0)
未有結果 Results not yet known	1.0	36.4	6.4	13.3	7.4	14.6
總計 Total	2.7	100.0	47.9	100.0	50.5	100.0

註釋：括號內的數字顯示在個別性別組別內所有申請了贍養令並且已知道申請結果的離婚 / 分居人士中所佔的百分比。

Note: Figures in brackets represent the percentages in respect of all divorced / separated persons in the respective sex groups who had applied for a maintenance order and had already known the results of their application.

表 8.4 按贍養費支付方式 / 是否已全數收取贍養費款項劃分的可收取贍養費的離婚 / 分居人士數目*
 Table 8.4 Divorced / separated persons who could receive maintenance* by mode of maintenance payment / whether had received maintenance payment in full

贍養費支付方式 是否已全數收取贍養費款項 Mode of maintenance payment Whether had received maintenance payment in full	人數 No. of persons ('000)	百分比 %
贍養費支付方式 Mode of maintenance payment		
以定期方式收取 Periodic payments	23.3	91.9
以一次過方式收取 Lump sum payment	2.1	8.1
是否已全數收取贍養費款項 Whether had received maintenance payment in full		
是 Yes	13.6	53.5
否 No	11.8	46.5
總計 Total	25.4	100.0

註釋：* 不包括 17 300 名象徵式收取前配偶一元的贍養費的離婚 / 分居人士。

Note: * Excluding 17 300 divorced / separated persons who received nominal maintenance of \$1 from their ex-spouse.

表 8.5 按有否採取任何法律行動追討贍養費欠款，以及沒有採取任何法律行動的原因劃分的未能全數收取贍養費款項的離婚 / 分居人士數目
 Table 8.5 Divorced / separated persons who had not received maintenance payment in full by whether had taken any legal actions to recover the arrears of maintenance, further analysed by reason for not taking any legal actions

有否採取任何法律行動追討贍養費欠款 / 沒有採取任何法律行動的原因 [#] Whether had taken any legal actions to recover the arrears of maintenance <i>Reason for not taking any legal actions[#]</i>	人數 No. of persons (‘000)	百分比 %
有 Yes	2.5	20.8
沒有 [#] No [#]	9.3	79.2
前配偶無能力支付贍養費 <i>The ex-spouse was unable to pay maintenance</i>	4.1	(44.3)
認為前配偶不會支付贍養費 <i>Believed that the ex-spouse would not pay maintenance</i>	2.3	(24.2)
未能聯絡前配偶 <i>Unable to contact the ex-spouse</i>	2.0	(21.3)
提出法律訴訟的程序太繁複 <i>Application procedures for legal proceedings too complicated</i>	1.1	(11.7)
其他 <i>Others</i>	2.2	(24.0)
總計 Total	11.8	100.0

註釋：# 可選擇多項答案。

Notes: # Multiple answers were allowed.

括號內的數字顯示在所有沒有採取任何法律行動追討贍養費欠款的離婚 / 分居人士中所佔的百分比。

Figures in brackets represent the percentages in respect of all divorced / separated persons who had not taken any legal action to recover the arrears of maintenance.