

立法會
Legislative Council

LC Paper No. CB(2)1549/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/BC/5/01

Bills Committee on Interest on Arrears of Maintenance Bill 2001

Minutes of the 8th meeting
held on Tuesday, 11 March 2003 at 8:30 am
in Conference Room B of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Miriam LAU Kin-ye, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Hon CHAN Yuen-han, JP
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Dr Hon LAW Chi-kwong, JP
- Public Officers Attending** : Mrs Nancy HUI
Principal Assistant Secretary for Home Affairs
- Mr Enoch YUEN
Assistant Secretary for Home Affairs
- Ms Francoise LAM
Senior Government Counsel
- Ms Ada CHAU
Acting Assistant Principal Legal Aid Counsel
- Ms Mandy CHOW
Legal Aid Counsel

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Meeting with the Administration
(LC Paper Nos. CB(2)1430/02-03(01) and (02))

The Bills Committee deliberated (Index of proceedings at **Annex**).

2. The Bills Committee requested the Secretary for Home Affairs to give an undertaking, in his speech during the resumption of Second Reading debate on the Bill, that the Administration would expeditiously develop a computer software for calculation of interest on maintenance arrears for use by all parties concerned. This would save the Family Court Registry a lot of time in assisting unrepresented litigants to work out the interest involved. It would also facilitate lawyers to work out the same for their clients. Moreover, the use of a common computer software to calculate the interest involved by all parties concerned would prevent any arguments on the amount of interest involved.

3. The Clerk would prepare a list of follow-up actions before the next meeting.

II. Date of next meeting

4. As the latest Committee Stage amendments (CSAs) proposed by the Administration might be revised upon receipt of comments from the Hong Kong Bar Association, members agreed to hold an additional meeting on 21 March 2003 at 8:30 am to consider the proposed CSAs and complete clause-by-clause examination of the Bill.

5. There being no other business, the meeting ended at 9:20 am.

**Proceedings of the 8th meeting of the
Bills Committee on Interest on Arrears of Maintenance Bill 2001
on Tuesday, 11 March 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

| Time Marker | Speaker | Subject(s) | Action Required |
|--------------------|--|---|--|
| 000000 - 000231 | Chairman | Opening remarks | |
| 000232 - 001347 | Administration, Chairman, Ms Cyd HO and Clerk | Administration's response to matters arising from the meeting held on 13 February 2003 (LC Paper No. CB(2)1430/02-03(01)) | |
| 001348 - 001624 | Ms Cyd HO, Chairman and Ms Miriam LAU | Draft affidavit in support of the application for surcharge | |
| 001625 - 001727 | Ms Cyd HO and Administration | Serving of summons to judgment debtor | |
| 001728 - 001940 | Chairman and Administration | Need to wait for comments from the Hong Kong Bar Association on the latest Committee Stage amendments proposed by the Administration set out in LC Paper No. CB(2)1430/02-03(02) | |
| 001941 - 002603 | Ms Miriam LAU, Chairman and Administration, Ms Audrey EU and SALA1 | Views of the Law Society of Hong Kong that the imposition of interest and surcharge might be too onerous in that in the majority of cases there was simply insufficient money to pay the maintenance | |
| 002604 - 003136 | Ms Audrey EU and Administration | Concern of the Law Society of Hong Kong about the possible resource implications on the court arising from the need to calculate the interests for unrepresented litigants | |
| 003137 - 003204 | Ms Audrey EU and Administration | Provision for a stay of the proceedings or for a right to review | |
| 003205 - 004644 | Ms Audrey EU, Administration, Chairman, Ms Miriam LAU, Ms Cyd HO and SALA1 | Development of a computer software for calculation of interest on maintenance arrears The Secretary for Home Affairs was requested to give an undertaking, in his speech during the resumption of Second Reading debate on the Bill, that the Administration would expeditiously develop a computer software for calculation of interest on maintenance arrears for use by all parties concerned | ✓ (Admin to provide a written response) |
| 004645 - 005012 | Chairman and Administration | Date of next meeting | |

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