

立法會
Legislative Council

LC Paper No. CB(2)1617/02-03

(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 9th meeting
held on Friday, 21 March 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members Present** : Hon Margaret NG (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Miriam LAU Kin-yee, JP
Dr Hon LAW Chi-kwong, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon CHAN Yuen-han, JP
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
- 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
- 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)1559/02-03(01) and (02))

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

2. Members noted the fourth draft of the Committee Stage amendments (CSAs) proposed by the Administration (English version only) (LC Paper No. CB(2)1559/02-03(01)) and a list of follow-up actions prepared by the Secretariat (LC Paper No. CB(2)1559/02-03(02)) tabled at the meeting.

3. Members expressed dissatisfaction that the Administration had only submitted its latest proposed CSAs, and without the Chinese version, at the meeting. Members also expressed dissatisfaction that the Administration had failed to provide a written response on whether it would agree to set the surcharge ceiling at 100%, which was raised by members at the meeting on 13 February 2003. In its written response to members for the meeting on 11 March 2003 (LC Paper No. CB(2)1430/02-03(01)), the Administration said that it would like to await the Hong Kong Bar Association's comments on the surcharge proposal before taking a view on the matter, having regard to the Law Society of Hong Kong's concern that the surcharge proposal might cause the maintenance payer to simply opt to disappear. Apart from this, the Administration had also failed to confirm in writing as to whether the Secretary for Home Affairs would give an undertaking, in his speech at Second Reading debate, that the Administration would expeditiously develop a computer software for calculation of interest on maintenance arrears for use by all parties concerned, as recommended by the Bills Committee at the last meeting. As the aforesaid tardiness on the part of the Administration had unnecessarily delayed the scrutiny of the Bill, the Chairman suggested and members agreed to report this unsatisfactory situation to the House Committee.

4. The Administration was requested to provide a copy of the Hong Kong Bar Association's response, and the latest version of the proposed CSAs highlighting the changes made since the third draft before the next meeting. The Administration was also requested to provide a written response on the following issues raised by members before the next meeting -

- (a) Reason(s) for refusing to raise the surcharge ceiling from 30% to 100%; and

- (b) Implementation timetable of a computer software for calculation of interest on maintenance arrears which could be used by all parties concerned.

II. Date of next meeting

- 5. Members agreed to hold a further meeting, on a date to be fixed after the Administration confirmed its readiness, to consider the response and the fourth draft of the CSAs proposed by the Administration, and to complete clause-by-clause examination of the Bill.
- 6. There being no other business, the meeting ended at 9:15 am.

Council Business Division 2
Legislative Council Secretariat
27 March 2003

**Proceedings of the 9th meeting of the
Bills Committee on Interest on Arrears of Maintenance Bill 2001
on Friday, 21 March 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000339	Chairman, SALA1 and Clerk	Way forward	
000340 - 000734	Chairman, Administration and SALA1	Welcoming remarks 4 th draft of the Committee Stage amendments (CSAs) proposed by the Administration (English version only) tabled at the meeting (LC Paper No. CB(2)1559/02-03(01)) The Administration was requested to provide the latest version of the proposed CSAs highlighting the changes made since the 3 rd draft before the next meeting	✓ (Admin to provide the marked up CSAs)
000735 - 000847	Chairman, SALA1 and Administration	Administration's stance on setting the surcharge ceiling at 100% and progress made on the development of a computer software for the calculation of interest on maintenance arrears	
000848 - 002447	Chairman, Administration, Clerk, Ms Audrey EU, Ms Cyd HO, Ms LI Fung-ying and Ms Miriam LAU	Reason(s) why the Administration failed to provide a written response on why it did not agree to set the surcharge ceiling at 100%, and confirming whether the Secretary for Home Affairs would give an undertaking, in his speech at Second Reading debate, that the Administration would expeditiously develop a computer software for calculation of interest on maintenance arrears for use by all parties concerned, as recommended by the Bills Committee at the last meeting	✓ (Chairman to report to the House Committee on the tardiness of the Administration in providing papers to the Bills Committee)
002448 - 002700	Ms Miriam LAU, Chairman and Administration	Development of a computer software for calculation of interest on maintenance arrears	
002701 - 004200	SALA1, Chairman, Ms Miriam LAU, Dr David CHU, Ms LI Fung-ying, Mr Albert HO, Ms Cyd HO and Dr LAW Chi-kwong	Necessity for holding a further meeting The Administration was requested to provide a copy of the Hong Kong Bar Association's response on the proposal of setting the surcharge ceiling at 100% before the next meeting. The Administration was also requested to provide a written response on the following issues before the next meeting - (a) Reason(s) for refusing to raise the surcharge ceiling from 30% to 100%; and (b) Implementation timetable of a computer software for calculation of interest on maintenance arrears	✓ (Admin to provide)
004201 - 004212	Chairman	Date of next meeting to be fixed by the Administration and the Secretariat after the meeting	
004213 - 004348	Ms Cyd HO and Chairman	Proposed changes to the relevant legal forms in the	

		Rules of the High Court (Cap.4A), Attachment of Income Order Rules (Cap.13A), Matrimonial Cause Rules (Cap.179A), and the Rules of the District Court (Cap. 336H)	
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Note : The audio records of the above proceedings are kept at the LegCo Library

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