

立法會
Legislative Council

LC Paper No. CB(2)2762/01-02

(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 1st meeting
held on Monday, 22 July 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon Margaret NG (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon LAW Chi-kwong, JP
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Albert HO Chun-yan
Hon CHAN Yuen-han, JP
Hon YEUNG Yiu-chung, BBS
Hon Miriam LAU Kin-yee, JP
Hon CHOY So-yuk
- Public Officers Attending** : Mrs Nancy HUI
Principal Assistant Secretary for Home Affairs
- Ms Phyllis POON
Government Counsel
- Mr Andrew CHEUNG
Assistant Secretary for Home Affairs
- Clerk in Attendance** : Ms Doris CHAN
Chief Assistant Secretary (2) 4

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

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Election of chairman

Miss Margaret NG was elected chairman of the Bills Committee.

II. Meeting with the Administration

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

3. The Administration was requested to provide a written response to the submission from the Law Society of Hong Kong dated 16 January 2002, and to the following issues/questions raised by members at the meeting -

- (a) To consider whether the Bill had any real deterrent effect on discouraging deferred maintenance payments and whether it was worthwhile for the maintenance payees to apply for interest in legal proceedings instituted to recover maintenance arrears;
- (b) The number of matrimonial cases handled by the Legal Aid Department (LAD) in the past two years, including a breakdown of the number of cases which sought and did not seek maintenance payment, the average amount of monthly maintenance payment awarded to the legal aid applicants and the reasons why some legal aid applicants did not seek maintenance payment from their ex-spouses; and
- (c) The average time taken by the Social Welfare Department (SWD) to give out emergency assistance fund to maintenance payees upon the latter's applications.

III. Dates of next meetings

4. Members agreed that the next two meetings be held on the following dates -

- (a) 18 September 2002 at 10:45 am to meet deputations; and
- (b) 2 October 2002 at 10:45 am to continue discussion on the Bill.

Action

5. It was agreed that the Hong Kong Bar Association and the Law Society of Hong Kong should be invited to the meeting on 18 September 2002. The clerk would circulate a list of other groups/organisations to be invited for members' comments. The Administration would also invite representatives of LAD and SWD to attend to facilitate discussion.

(Post-meeting note : The next meeting scheduled for 18 September 2002 at 10:45 am was subsequently changed to 23 September 2002 at 10:45 am.)

6. There being no other business, the meeting ended at 9:00 am.

Council Business Division 2
Legislative Council Secretariat
7 September 2002

**Proceedings of the 1st meeting of the
Bills Committee on Interest on Arrears of Maintenance Bill 2001
on Monday, 22 July 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000021	Dr David CHU	Election of Chairman	
000022 - 000313	Chairman	Opening remarks	
000314 - 000500	Administration	Briefed members on the Bill	
000500 - 000556	Ms Audrey EU	Formula to calculate interests on maintenance arrears	
000556 - 000615	Chairman	Ditto	
000615 - 000640	Administration	Ditto	
000640 - 000756	Ms Audrey EU	Ditto	
000756 - 000858	Administration	Ditto	
000858 - 000910	Ms Audrey EU	Ditto	
000910 - 000938	Administration	Ditto	
000938 - 000958	Chairman	Ditto	
000958 - 001030	Administration	The Administration undertook to provide a response to the submission from the Law Society of Hong Kong dated 16 January 2002	✓ (Admin to provide a written response)
001030 - 001136	Ms LI Fung-ying	Effectiveness of the Bill to discourage deferred payment from maintenance payers	
001136 - 001149	Administration	Ditto	
001149 - 001153	Chairman	Ditto	
001153 - 001204	Administration	Ditto	
001204 - 001259	Chairman	Ditto	
001259 - 001345	Administration	Ditto	
001345 - 001416	Ms LI Fung-ying	Ditto	
001416 - 001512	Administration	Ditto	
001512 - 001747	Ms Cyd HO	Suggested to invite deputations to give views on the Bill Review the effectiveness of a series of measures recommended by an "Inter-departmental working group on review of law and administrative measures affecting divorcees and children who are eligible for alimony" to see whether there was still a need to set up an intermediary body for the collection of maintenance payments	
001747 - 001754	Chairman	Consultation on the Bill	
001754 - 001908	Administration	Ditto	

Action

001908 - 002008	Ms Cyd HO	Requested the Administration to provide information on the number of matrimonial cases handled by the Legal Aid Department (LAD) in the past two years, including a breakdown of the number of cases which sought and did not seek maintenance payment, the average amount of monthly maintenance payment awarded to the legal aid applicants and the reasons why some legal aid applicants did not seek maintenance payment from their ex-spouses; and the average time taken by the Social Welfare Department (SWD) to give out emergency assistance fund to maintenance payees upon the latter's applications	✓ (Admin to provide a written response)
002008 - 002348	Chairman	The Administration was requested to consider whether the Bill had any real deterrent effect on discouraging deferred maintenance payments and whether it was worthwhile for the maintenance payees to apply for interest in legal proceedings instituted to recover maintenance arrears	✓ (Admin to provide a written response)
002348 - 002414	Chairman	Representatives of LAD and SWD should attend future meetings of the Bills Committee to facilitate discussion	
002414 - 002420	Ms Cyd HO	Ditto	
002420 - 002440	Chairman	Ditto	
002440 - 002452	Administration	Ditto	
002452 - 012920	Chairman	Dates of next meetings	

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