

**立法會**  
**Legislative Council**

LC Paper No. CB(2)230/02-03

(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 3<sup>rd</sup> meeting  
held on Wednesday, 2 October 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members Present** : Hon Margaret NG (Chairman)  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Hon YEUNG Yiu-chung, BBS  
Hon CHOY So-yuk  
Dr Hon LAW Chi-kwong, JP  
Hon LI Fung-ying, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Dr Hon David CHU Yu-lin, JP  
Hon CHAN Yuen-han, JP  
Hon Miriam LAU Kin-yee, JP

**Public Officers Attending** : Mrs Nancy HUI  
Principal Assistant Secretary for Home Affairs  
  
Mr Andrew CHEUNG  
Assistant Secretary for Home Affairs  
  
Ms Phyllis POON  
Government Counsel  
  
Miss Betty CHAN  
Acting Assistant Principal Legal Aid Counsel

Action

Mrs Justina HO  
Acting Assistant Director of Social Welfare  
(Family and Child Welfare)

Mr NG Wai-kuen  
Senior Social Security Officer (Social Security)

**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 No. CB(2)2847/01-02(01))

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

2. Having regard to the concerns raised by members about the lack of deterrent effect and cost-effectiveness of the Bill, the Administration agreed to re-consider the following issues raised by members and provide a written response to such prior to the next meeting -

- (a) There should be an automatic mechanism for payment of interest on maintenance arrears, i.e. once the court issued an order to enforce a maintenance order, interest on arrears of maintenance payments should be automatically calculated; and
- (b) The court should have the discretion to impose a surcharge where the maintenance payer had defaulted in payment without reasonable excuse. The levying of surcharge on late maintenance payment could take the form of a percentage of arrears similar to surcharge on late tax payment. Alternatively, consideration could be given to setting a ceiling for the surcharge, say, at three times of the amount of the maintenance arrears.

3. The Administration was also requested to provide information on the number of Legal Aid Department and Social Welfare Department staff involved in the enforcement of maintenance payments and the costs incurred prior to the next

Action

meeting.

4. As the various legislative amendments implemented hitherto to improve the enforcement of maintenance orders were ineffective, Dr LAW Chi-kwong, Ms Cyd HO, Mr Albert HO, Ms LI Fung-ying, Miss CHOY So-yuk, Ms Audrey EU and the Chairman were of the view that the Administration should re-examine the proposal of setting up an intermediary body for the collection and enforcement of maintenance payments.

5. The Chairman proposed and members agreed that the clerk should prepare a paper setting out members' views on setting up an intermediary body for the collection and enforcement of maintenance payments or other proposal(s) to expedite maintenance recovery and strengthen support for those in financial difficulty. The draft paper would be issued to members and the Administration for comments, and would be incorporated in the Bills Committee report for the House Committee's consideration.

**II. Date of next meeting**

6. Members agreed to hold the next meeting on 4 November 2002 at 8:30 am to continue discussion on the Bill.

7. There being no other business, the meeting ended at 12:05 pm.

Council Business Division 2  
Legislative Council Secretariat  
31 October 2002

**Proceedings of the 3<sup>rd</sup> meeting of the  
Bills Committee on Interest on Arrears of Maintenance Bill 2001  
on Wednesday, 2 October 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

| <b>Time</b>     | <b>Speaker</b>                                                                                 | <b>Subject(s)</b>                                                                                                                                   | <b>Action required</b>                     |
|-----------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 000000 - 000510 | Chairman                                                                                       | Way forward                                                                                                                                         |                                            |
| 000511 - 001844 | Administration                                                                                 | Briefed members on the Administration's response to issues raised by members at the meeting on 23 September 2002 (LC Paper No. CB(2)2847/01-02(01)) |                                            |
| 001845 - 002403 | Ms Cyd HO and Administration                                                                   | Deterrent effect and cost effectiveness of the Bill                                                                                                 |                                            |
| 002404 - 003501 | Chairman, Administration and Ms Audrey EU                                                      | Automatic mechanism for payment of interest on maintenance arrears and levying of surcharge on late payments                                        | ✓<br>(Admin to provide a written response) |
| 003502 - 005858 | Ms LI Fung-ying, Administration, Mr Albert HO, Chairman, Miss CHOY So-yuk and Dr LAW Chi-kwong | Deterrent effect and cost effectiveness of the Bill                                                                                                 |                                            |
| 005859 - 011206 | Dr LAW Chi-kwong, Chairman, Miss CHOY So-yuk and Ms Audrey EU                                  | Review the need for the setting up of an intermediary body for the collection and enforcement of maintenance payments                               |                                            |
| 011207 - 011423 | Ms Cyd HO, Administration and Chairman                                                         | The number of Legal Aid Department and Social Welfare Department staff involved in the enforcement of maintenance payments and the costs incurred   | ✓<br>(Admin to provide a written response) |
| 011424 - 011548 | Chairman                                                                                       | Date of next meeting                                                                                                                                |                                            |

Council Business Division 2  
Legislative Council Secretariat  
31 October 2002