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26 March 2003

The Hon Donald TSANG, GBM, JP
The Chief Secretary for Administration
Government Secretariat
Central Government Offices
Lower Albert Road
Hong Kong

On behalf of the House Committee, I am writing to convey Members' concern about the Administration's delay in providing papers for meetings of the Bills Committee on Interest on Arrears of Maintenance Bill 2001 and in following up issues raised by the Bills Committee.

At the House Committee meeting held on 21 March 2003, Hon Margaret NG, Chairman of the Bills Committee formed to study the Interest on Arrears of Maintenance Bill 2001, reported that the scrutiny work of the Bills Committee had been affected by the Administration's delay in providing papers for meetings and in following up issues raised by the Bills Committee. Hon Margaret NG pointed out, for instance, that it was the Bills Committee's plan to conclude scrutiny of the Bill at the meeting on 21 March 2003 when the fourth draft of certain Committee Stage amendments (CSAs) and the Administration's response to the Bills Committee's suggestion of developing a computer software for the calculation of interest on maintenance arrears would be discussed. However, no paper on the Bills Committee's suggestion was provided for the meeting. As for the draft CSAs, the English version (66 pages in total) was tabled at the meeting while the Chinese version and the marked-up copy showing changes made to the third draft of the CSAs were not available. As a result, another meeting had to be scheduled.

You will recall that a number of arrangements for provision of papers for committee meetings were agreed with the Administration and implemented early last year. Regarding papers and draft CSAs for Bills Committee meetings, Members consider that it is difficult to set a deadline across the board. However, as a Bills Committee would invariably have consulted the Administration in fixing

the date of its next meeting, the Administration, in agreeing to the date, should have assessed its ability to provide discussion papers and draft CSAs at a reasonable time before the meeting. Members fully appreciate that the Administration needs time to follow up issues and concerns raised by a committee, and prepare response. If the Administration is not ready to revert to the committee at a certain meeting, it should have explained the situation to the Chairman concerned, and the meeting could be deferred until the Administration's response is available.

Members have agreed that I should write to convey the concern of the Bills Committee on Interest on Arrears of Maintenance Bill 2001 to the Administration. You may wish to refer to the Appendix for more details. Members have also asked me to remind the Administration to provide papers for committee meetings and to follow up issues and concerns raised by committees in a timely and efficient manner.

(Selina CHOW LIANG Shuk-ye)
Chairman
Legislative Council House Committee

Encl.

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Appendix

Bills Committee on Interest on Arrears of Maintenance Bill 2001

Delay in provision of papers

Date of meeting	Deadline for provision of papers	Actual date on which papers/CSAs were received
14 January 2003	7 January 2003	<u>Paper</u> : 9 January 2003 (English version) 11 January 2003 (Chinese version) <u>CSAs</u> : 10 January 2003 (English version comprising 24 pages) 14 January 2003 (Chinese version comprising 17 pages tabled at the meeting)
13 February 2003	6 February 2003	<u>Paper</u> : 10 February 2003 <u>CSAs</u> : 12 February 2003 (English version comprising 36 pages and Chinese version comprising 29 pages)
11 March 2003	4 March 2003	<u>Paper</u> : 8 March 2003 <u>CSAs</u> : 10 March 2003 (English version comprising 64 pages and Chinese version comprising 52 pages)
21 March 2003	19 March 2003	<u>Paper</u> : not available <u>CSAs</u> : 21 March 2003 (English version comprising 66 pages tabled at the meeting; Chinese version and marked-up copy not available)

CSAs: Committee Stage amendments

Delay in following up issues

Surcharge ceiling

During the consultation on the draft legislation, the Hong Kong Bar Association had expressed concern about the imposition of a surcharge. At the meeting on 14 January 2003, members had asked the Administration to seek the views of the Bar Association and the Law Society of Hong Kong on the proposed CSAs which included a provision for surcharge to be made and then revert to members.

2. At the following meeting on 13 February 2003, members found that although the Administration had written to the two legal professional bodies as well as the Hong Kong Family Law Association, it had not forwarded the latest version of the CSAs to them to supersede the version provided earlier. Noting that the legal professional bodies had not yet responded to the Administration's letter, members pointed out that consultation with the legal professional bodies would take time, and the Administration's failure to provide the latest CSAs might cause further delay.

3. At the same meeting on 13 February 2003, the Chairman informed the Administration that members of the Bills Committee unanimously supported setting the surcharge ceiling at 100%, and asked the Administration to review its proposal of setting the ceiling at 30%. However, at the next meeting on 11 March 2003, the Administration's representative said that she needed to wait for comments from the Bar Association before making a decision on the issue.

4. At the meeting on 21 March 2003, the Administration's representative explained that the Bar Association's response was not available until Thursday, 13 March 2003, and she subsequently had to seek clearance from the Secretary for Home Affairs. She presented the details to the Secretary for Home Affairs on Monday, 17 March 2003 and as a decision was not available until the evening of 20 March 2003, she was unable to provide a written response as to why the Administration was unable to accept the Bills Committee's proposal of setting the surcharge ceiling at 100%.

5. Members considered that the Administration should have a clear stand either way instead of delaying the decision until the last moment.

Computer software for calculation of interest

6. At the meeting on 11 March 2003, the Administration was asked to develop a computer software for calculation of interest on maintenance arrears. The Administration was also asked to provide a written response to the Bills Committee's request for the Secretary for Home Affairs to give an undertaking in his speech during the resumption of the Second Reading debate on the Bill that the Administration would expeditiously deal with the matter.

7. No written response was provided at the meeting on 21 March 2003. It transpired that no further action to follow up the development of a computer software had been taken since the Bills Committee meeting on 11 March 2003.
