

CSO/ADM CR 4/1136/00(02)

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Chairman of the House Committee
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Interest on Arrears of Maintenance Bill 2001

Thank you for your letter to the Chief Secretary for Administration (CS) dated 26 March 2003, conveying to the CS the concerns expressed by Members at the House Committee meeting on 21 March 2003 on the late submission of discussion papers / draft Committee Stage Amendments (CSAs) by the Administration in the context of scrutinizing the Interest on Arrears of Maintenance Bill 2001. The Deputy Chairman also raised the matter with the CS verbally at the regular meeting on 24 March 2003. The CS has asked me to look into the matter and give the House Committee a written response.

We have consulted the Home Affairs Bureau (HAB) on the specific concerns raised by the Bills Committee on the Interest on Arrears of Maintenance Bill 2001. The Bureau would wish first to apologize to the Bills Committee for the late submission of papers / CSAs. HAB explained that certain fundamental changes have been proposed during the scrutiny of the Bill, and some of these proposals required detailed examination within the Administration, and with the Judiciary, before a consolidated response could be formulated for consideration by the Bills Committee. Also, the Bill seeks to amend four pieces of principal legislation, namely the Guardianship of Minors Ordinance, Separation and Maintenance Orders Ordinance, Matrimonial Causes Ordinance and

Matrimonial Proceedings and Property Ordinance. This increases the volume of draft CSAs required and hence the lead time for preparation and cross-checking, causing the delay in providing papers / CSAs to the Bills Committee.

For the last Bills Committee meeting on 21 March 2003, due to the need for some last-minute fine-tuning, the revised draft CSAs could only be tabled at the meeting for Members' consideration. Despite their bulkiness, as explained by the Bureau's representatives at the meeting, the draft CSAs are in substance the same as those of the previous version, except for some reformatting in style and the amendment to the short title of the Bill.

The Bureau regrets the inconvenience caused to the scrutiny process due to the longer than expected lead-time in preparing the papers and draft CSAs for the past Bills Committee meetings. They have undertaken to work closely with the relevant parties to ensure timely issue of discussion papers and draft CSAs for future meetings of the Bills Committee.

As for the Bills Committee's proposal for a computer software to be developed for calculation of interest on arrears of maintenance, you might be aware that though not in a written form as requested by the Bills Committee, representatives of HAB confirmed at the Bills Committee meeting on 21 March 2003 that the Secretary for Home Affairs would undertake in his speech at the resumption of Second Reading Debate on the Bill to develop the software. HAB is now discussing with the relevant parties on the matter and will revert to the Bills Committee as soon as they are in a position to do so.

You would appreciate that despite the few isolated cases of late submission, the Administration has endeavoured to issue discussion papers and draft CSAs to bills committees as early as practicable. We will continue to remind Bureaux of the need to give due regard to the lead time required to prepare the relevant papers when they confirm with the Bills Committee the meeting schedule.

In case of special circumstances whereby more time is required to prepare the necessary discussion papers or draft CSAs, we will remind Bureaux of the need to consult the Chairman of the relevant Bills Committee at the earliest opportunity on possible change to the agenda or the scheduled meeting date.

Thank you again for bringing the matter to our attention. I should be grateful if you could inform Members of our response as set out above.

(Andrew H Y Wong)
Director of Administration

c.c. Deputy Chairman of the House Committee
Secretary for Home Affairs