

## **Legislative Council Panel on Home Affairs**

### **Computer Programme for Calculation of Interest and Surcharge on Arrears of Maintenance**

#### **Purpose**

This paper sets out the follow-up actions taken by the Administration on the matters arising from the discussions on the computer programme for calculation of interest and surcharge on arrears of maintenance at the meeting of the Legislative Council Panel on Home Affairs held on 22 March 2004.

#### **Background**

2. The Interest and Surcharge on Arrears of Maintenance Ordinance 2003 (“the Ordinance”) was enacted on 21 May 2003. The Ordinance provides for two new legislative measures – interest on arrears of maintenance to compensate the payee for monetary loss due to default by the payer in paying maintenance, and the payment of a surcharge to deter repeated default without reasonable excuse.

3. Under the Ordinance, a maintenance payee is entitled to automatic interest at the judgment rate on the amount of maintenance in arrears, or at a rate to be determined by the court. He or she can also apply to the court for surcharge on the arrears of maintenance where he or she considers that the maintenance payer has repeatedly defaulted payment without reasonable excuse. The court may impose a surcharge up to 100% of the arrears of maintenance.

4. During the passage of the Bill, the Administration had undertaken to develop a computer programme to facilitate the parties concerned, including maintenance payees and payers, social workers and lawyers, in working out the calculations. We presented an online computer programme, which was to be hosted on the Internet, to the Panel on Home Affairs at its meeting on 22 March 2004. At the meeting,

Panel Members requested the Administration –

- (a) to provide details of the implementation plan in cases where use of the online computer programme is required at the Family Court; and
- (b) to consider copying the online computer programme on CD-ROMs for use in the Court.

### **Implementation Plan in the Family Court**

5. The Judiciary Administrator (“JA”) advised that in order to facilitate access to the online computer programme at the Family Court in case such a need occurs, one Internet dataport would be installed in a file search room inside the Family Court Registry at M2, Wanchai Law Courts, Wanchai Tower. Legal representatives and unrepresented litigants may conduct the search of their own court records and access the online programme through the Internet dataport in the search room. Installation of the dataport is expected to complete in early April 2005.

### **Copying the computer programme on CD-ROMs**

6. We had explored the feasibility of copying the online computer programme on CD-ROMs. Our IT experts did not recommend using the online computer programme in an offline environment for technical and security considerations. The **Annex** of this paper sets out the reasons of their recommendation. We agreed with their suggestion that we should consider developing a new, independent, self-executable offline computer programme.

7. Subsequently, we invited tenders to develop an offline computer programme in May 2004 and awarded the contract to an IT contractor in September 2004. The offline computer programme is executable on stand-alone personal computers without Internet connection. The offline computer programme would generate identical results as those of the online version. Lawyers and unrepresented litigants may use the

offline computer programme to calculate the latest amount of interest and surcharge for their cases at the courtroom, where Internet access is unavailable.

### **Commencement of the Interest and Surcharge on Arrears of Maintenance Ordinance 2003**

8. We expect the offline computer programme to be ready for application by the second quarter of 2005. The Secretary for Home Affairs will appoint a commencement date for the Ordinance when the programme is ready.

9. We will launch a thematic website on the Ordinance nearer its commencement. Members of the public may access the online computer programme for calculation of interest and surcharge on arrears of maintenance via the website. They may also download the offline computer programme in case they want to use it to do the calculations in an offline environment. The Users' Manual of the respective computer programmes will also be available at the website.

10. Members of the public can access the above website and the computer programmes through the Internet vide computers at home, at work and at the 5,300 public computers throughout the territory (e.g. in public libraries, community centres / halls and District Offices).

11. The offline computer programme will also be stored in CD-ROMs and distributed to social workers through the Social Welfare Department ("SWD") and non-governmental organizations ("NGOs"), as well as family lawyers through the two legal professional bodies (the Law Society of Hong Kong and the Hong Kong Bar Association). The CD-ROMs will also be available to the general public through the 20 Public Enquiry Service Centres located all over Hong Kong.

12. Citizens who are not conversant with information technology may seek assistance from social workers and in case where matrimonial proceedings are being pursued, their legal representatives or the Family Court Registry.

## **Publicity**

13. We invited SWD, some NGOs which provide services for single-parent families, and the two legal professional bodies to send their representatives to briefing sessions where we presented the prototype of the online computer programme. Many of the attendees found the prototype user-friendly. We would organize additional briefing sessions for the above-mentioned parties nearer the commencement of the Ordinance, so as to introduce to them the new legislation and present to them both the online and offline computer programmes.

14. We aim to have publicity materials on the Ordinance, including a booklet and a pamphlet to explain the new Ordinance and the computer programmes, ready when it comes into operation. We aim to bring to the attention of both maintenance payers and payees that arrears accrued on and after the commencement date will generate interest automatically and that maintenance payers who have defaulted payments repeatedly without reasonable excuses are liable to surcharge.

15. An announcement in the public interest (“API”) will be broadcast on TV and radio nearer the commencement of the Ordinance to reinforce the message that maintenance payers should continue to be caring parents even after divorce and to announce the launch of the thematic website on the Ordinance.

*Home Affairs Bureau  
January 2005*

**Reasons Against Copying the Online Computer Programme for Calculation of Interest and Surcharge on Arrears of Maintenance onto CD-ROMs**

**Programming language used in the Online Computer Programme**

The online computer programme for calculation of interest and surcharge on arrears of maintenance is written in Practical Extraction and Report Language (Perl). To access the programme on a personal computer without Internet connection, Perl requires the source code, the interpreter programme and the web server software to be available on the computer. Except for computers of professional users like programme developers or computers used as web servers, Perl is rarely pre-installed in personal computers available in the market.

2. If the online computer programme is used directly on CD-ROMs, users would have to install a Perl interpreter and a web server software. The installation of a Perl interpreter and the web server software usually require a certain level of computer knowledge and is usually not carried out by general users. In addition, unless the user has the exact platform installed, there is no guarantee of producing the exact outcome from running the online programme on other platforms.

**Risk of Fraud**

3. Since Perl requires the programme source code to be available locally on the personal computer involved, those with software programming knowledge can comprehend the programme structure and logical flow. There is a risk of fraud by unscrupulous parties.

## **Conclusion**

4. Taking into consideration the above-mentioned reasons, we decided to develop an offline computer programme that would provide an executable module capable of running independently on users' personal computers without the need of installing complex software.

*Home Affairs Bureau  
January 2005*