

政府總部
民政事務局

香港灣仔
軒尼詩道一百三十號
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GOVERNMENT SECRETARIAT
HOME AFFAIRS BUREAU

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本局檔號 OUR REF. : HAB/CR/1/19/96 Pt. 10

來函檔號 YOUR REF :

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29 April 2005

THE LAW SOCIETY OF H.K.

Ms Joyce Wong
Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On Centre
71 Des Voeux Road Central
Hong Kong

3 MAY 05 12:25

Dear Ms Wong,

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

Please be informed that the Interest and Surcharge on Arrears of Maintenance Ordinance 2003 (18 of 2003) (the Ordinance) will come into effect on 1 May 2005. The Ordinance was enacted on 21 May 2003. It provides for two new measures – interest and surcharge on arrears of maintenance to address the difficulties encountered by some maintenance payees in collecting maintenance payments and in enforcing maintenance orders.

Interest on arrears of maintenance is to compensate maintenance payees for the loss of interest on their savings, or for the interest payable by them in respect of loans they have to obtain due to the maintenance payer's default or delay in making maintenance payment(s).

Under the Ordinance, where a maintenance payer does not pay the **full** amount or does not pay **punctually** according to a maintenance order, a maintenance payee is entitled to interest automatically in respect of the maintenance arrears accrued on or after 1 May 2005.

Surcharge on arrears of maintenance is to serve as a further deterrent against the blameworthy conduct of a maintenance payer who defaults without reasonable excuse. Where a maintenance payer, without reasonable excuse, repeatedly fails to pay the full amount or pay punctually in compliance with the maintenance order, the maintenance payee can apply to the court for an order requiring the maintenance payer to pay to him or her a surcharge in respect of the total arrears of maintenance accrued on or after 1 May 2005.

Maintenance arrears accrued before 1 May 2005 are not subject to the provisions of the Ordinance.

Thematic Website & Computer Programme for Calculation of Interest and Surcharge on Arrears of Maintenance

The Home Affairs Bureau (HAB) has launched a thematic website on Interest and Surcharge on Arrears of Maintenance: <http://www.hab.gov.hk/maintenance>. Members of the public can access the on-line version of the computer programme for calculation of interest and surcharge on arrears of maintenance via the website. They can also download the off-line version of the computer programme from the website. The off-line programme is executable on stand-alone personal computers without Internet connection. It would generate identical results as those of the on-line version. Users may make use of the off-line programme to calculate the latest amount of interest and surcharge for a particular case in areas where Internet access is unavailable, e.g. the courtroom.

Facilities at the Family Court Registry

In order to facilitate access to the on-line computer programme at the Family Court in case such a need arises, an Internet dataport is available inside the Family Court Registry at M2, Wanchai Law Courts, Wanchai Tower. Legal representatives and unrepresented litigants may approach the Family Court Registry for assistance.

I should be grateful if you would circulate the above information to your members. Enclosed are copies of the posters and information booklets on the Ordinance for reference. We shall send you copies of the promotional leaflets, CD-ROMs containing the off-line programme and printed copies of the user manual for the computer programmes in due course.

If further information or clarification on the subject is required, you may contact my colleague Mr Alex Chan at –

Tel : 2835 1384
Fax : 2573 8461
E-mail: as_21@hab.gov.hk

Thank you.

Yours sincerely,



(Mrs Nancy Hui)
for Secretary for Home Affairs

c.c. Judiciary Administrator (Attn: Mr Kenneth Liu)

Encls.