

## Report on Committee on Family Law 2018

1. During 2018, the Committee on Family Law (CFamL) continued to take an active role in matters relating to Family Law and Practice and furthered its objective of sharing knowledge and specialist experience. A Chronology is appended at the end of this Report.
2. Members of CFamL 2018 comprised Corinne Remedios (Chairman), Jeremy Chan (Vice Chairman), Bonnie Cheng (Hon Treasurer), Eric Tsoi (Hon Secretary), David Pilbrow SC, Robin Egerton, Richard Todd QC (E&W), Thelma Kwan, Theresa Chow and new member Mairead Rattigan.
3. At its meeting on 8 March 2018, CFamL planned the events, activities and issues for the year. This Report sets these out, organised under the following headings:
  - a. The Young Family Law Bar
  - b. Talks and Seminars
  - c. Family Legislation
  - d. Practice and Procedure
  - e. Private Financial Adjudication

### **A. Young Family Bar**

4. Thelma Kwan and Theresa Chow continued in their role of liaising with the junior end of the Bar, to encourage succession at the Family Law Bar. Those who had indicated an interest to join CFamL were contacted in April, to collect their ideas on topics for Seminars and to involve them in the preparation for the upcoming Talk.

### **B. Talks and Seminars**

#### **B1. Family Bar Drinks and Talk**

5. A Family Law Bar Drinks and Talk by Robin Egerton on Filling In Form Es was held on 25 April 2018. Robin gave practical tips to a turn out of 33 persons. This was followed by a lively Question and Answer session, where senior members joined in, with varied solutions to ethical issues raised by the more junior attendees.

#### **B2. Finance – “Money Talks Too”, a Mock Financial Dispute Resolution**

6. On 18 May 2018, CFamL held an interactive mock FDR at Temple Chambers, with members of CFamL contributing to the evening: Bonnie Cheng played the Wife, represented by Richard Todd QC (E&W); Eric Tsoi played the Husband, represented by Jeremy Chan; Thelma Kwan played his Mother. Robin Egerton was the Mediator. David Pilbrow SC was the Judge. Theresa Chow was the Judge’s Clerk. Corinne Remedios was the Script Writer and Co-Ordinator. We also had active participation from Paul Shieh, Kay Chan and Jonathan Chang, all of which helps bring the Family Law Bar together, young and older.

7. Jonathan Chang had this to say:

*“Your new interactive workshop on Friday was a massive hit - I wish someone did that for me when I started at the Bar. It was hugely enjoyable, educational and a lot of fun - I can see a lot of hard work has gone into organizing it. It feels like it is the first time anyone is doing anything about growing the family bar as a whole.”*

**B3. Children – “Is this Real Life. Or is it Fantasy?”, a Mock CDR**

8. On 27 September 2018, CFamL held an interactive mock Children’s Dispute Resolution at Temple Chambers, with most members of CFamL playing a part again, but this time with the most welcome participation of HH Judge Melloy, playing herself. It was uncannily realistic and all benefited from Judge Melloy’s interposed comments and explanations.

**B4. Mostyn J Seminar: April 2019 Sub-Committee**

9. At its meeting on 8 March 2018, CFamL resolved to invite Mostyn J to Hong Kong to speak on key developments in Money and Children. With a view to making this an inclusive event, CFamL involved the HK Family Law Association and the Law Society. A Sub-Committee headed by HK FLA is now planning a 3-day Seminar in April 2019, which will include Mostyn J, Elizabeth Clark and Anthony Douglas (Chief Executive of CAFCASS). The topics at the Seminar will include *TL v ML* revisited, Standard Family Orders, A Duxbury for HK or Discount Tables? An Update on Hague Cases, CAFCASS’ new approach to Alienation and many more cutting edge subjects.

**C. Family Legislation**

10. It was noted with regret that the Administration has again postponed the Children Proceedings (Parental Responsibility) Bill, pending further supportive measures being put in place.
11. CFamL continued to be involved in the development towards the Reciprocal Recognition and Enforcement of Judgments on Matrimonial and Related Matters with the Mainland. On 5 March 2018, Jeremy Chan, Robin Egerton and Bonnie Cheng attended a meeting with the DOJ to consider views and comments on the draft Bill.
12. On 26 March 2018, Jeremy Chan and Eric Tsoi attended an AJLS Panel Meeting on Reciprocal Recognition and Enforcement.
13. On 10 October 2018, Jeremy Chan prepared a paper for CFamL to submit to the Bar, commenting from a Family Law perspective on the Consultation for the Proposed Arrangement with the Mainland on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters (including Matrimonial and Family Cases).

**D. Family Practice and Procedure**

14. Corinne Remedios has reported back on developments in practice and procedure as initiated or notified by the Family Proceedings Court Users Committee, (a multi-disciplinary Group chaired by The Hon. Mr. Justice Lam VP) and has sent out the following Family Practitioners Notes:
  - a. Bar Circular No. 20/18 – Extension of Pilot Scheme for PFA (PDSL 9)
  - b. Bar Circular No. 134/18 – Appeals in Children Cases
  - c. Bar Circular No. 145/18 – New Arrangement for Leave to Appeal
  - d. Bar Circular No. 153/18 – Summons Day (in the Family Court).
15. Judicial Guidance will shortly be provided on a number of issues, including: Domestic Violence (Corinne attended a sub-group FPCUC meeting on 27 July 2018: the Judiciary will require early Fact Finding Hearings where there is prima facie evidence of domestic violence); and “*TL v ML*” Preliminary Issues.

16. On 7 November 2018, Jeremy Chan attended the first meeting on a Code of Practice for Family Law Practitioners in Hong Kong, a Law Society initiative.
17. Corinne raised with CFamL the issue of Litigants in Person in the Family Court of whom there are more than 25 a day, and often more than 40 and in particular whether / what legal assistance could be offered. Corinne brought this up at the FPCUC Meeting on 15 November 2018 and in response Lam VP has set up a small multi-disciplined group to consider the way forward, comprising Judges, the Legal Aid Department, Social Welfare Department, the Family Law Association and the 2 professions: Dennis Ho of the Law Society and Corinne Remedios of the Bar.

**E. Private Financial Adjudication (PDSL 9)**

18. With the assistance of bridging finance from the HK Bar Association (which has been fully repaid), and with the help of Jeremy Chan and Bonnie Cheng, Corinne Remedios, set up and arranged a 3-day training course in Private Financial Adjudication (PFA), with a view to eventual accreditation for trained Adjudicators.
19. In anticipation, draft PFA Rules were considered by an Ad Hoc Group on PFA which included Corinne and Jeremy. The Ad Hoc Group met on 19 April, 23 May and 12 September 2018. The first draft of the PFA Rules prepared by Jeremy Chan was submitted by Corinne to the FPCUC for feedback ahead of the PFA training.
20. The PFA training course commenced with the Chief Justice's Keynote Speech on Friday 16 November 2018. This was followed by presentations by The Hon. Mr. Justice Lam VP, Richard Todd, QC (E&W) and 2 Trainers from the UK, Suzanne Kingston and Rachael Kelsey. The event was attended by over 60 Family practitioners and several Judges - the maximum number that could be accommodated and unfortunately many had to be turned away. The latter 2 days of the course on Saturday and Sunday was limited to 24 senior Family practitioners, being 12 members from the Bar, 11 members from the Law Society and 1 deputy Judge from England. Issues considered included the draft Rules, and the scope/requirements for Accreditation.
21. Since the PFA training, members of CFamL have assisted in setting up a PFA body, to which accredited practitioners and retired Judges could apply for Membership as Associate and Adjudicator Members respectively. A domain name has been acquired for a PFA website. A further training course has been tentatively scheduled for the end of February, followed by an award-writing examination for those who wish to qualify as Adjudicator Members.
22. It only remains for me as Chairman of CFamL to thank Doreen Fan, Administrative Secretary for all her help with CFamL events and each and every member of the Committee on Family Law for his or her hard work and staunch support in the past year.

Corinne Remedios  
Chairman  
Committee on Family Law

24 December 2018

<b>Date</b>	<b>Event</b>	<b>Remarks</b>
23.1.18	<i>Bar Circular No. 20/18</i> Pilot Scheme on Private Adjudication Of Financial Disputes In Matrimonial And Family Proceedings - Practice Direction SL9 extended	Corinne
5.3.18	Reciprocal Recognition and Enforcement: DOJ Meeting - comments on issues on the draft Bill.	Robin, Jeremy and Bonnie
8.3.18	CFamL Meeting and Dinner	All CFamL
26.3.18	Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill: AJLS Panel Meeting	Jeremy Chan & Eric Tsoi
19.4.18	Meeting of Ad Hoc Group on PFA	Corinne et al
April 2018	Young Family Bar Members contacted to discuss topics of interest	Thelma and Theresa
25.4.18 Wednesday	Family Bar Drinks at Club Lusitano: Robin spoke on Filling in a Form E	Robin, Theresa, YFLBs, CFamL & 33 attendees
30.4.18	Mostyn J Seminar: Meeting of April 2019 Committee	Richard, Robin, Corinne
18.5.18	"Money Talks Too": A Mock FDR	All CFamL
23.5.18	Meeting of Ad Hoc Group on PFA	Corinne & Jeremy et al
20.7.18	Meeting on Domestic Violence: Fact Finding Hearings where there is a prima facie case of Domestic Violence – Judicial Guidance will soon be issued	Corinne, Chu J, HH Judge Melloy, Dennis Ho, Ben Li
27.7.18	<i>Bar Circular No. 134/18</i> - Family Practitioners Note: Appeals in Children Cases	Corinne
14.8.18	<i>Bar Circular No. 145/18</i> - Family Practitioners Note - New Arrangement for Leave to Appeal in the Family Court	Corinne
28.8.18	<i>Bar Circular No. 153/18</i> : Summons Day	Corinne
12.9.18	Meeting of Ad Hoc Group on PFA	Corinne & Jeremy et al
17.9.18	Mostyn J: April 2019 Seminar Meeting	Richard, Robin, Corinne
27.9.18 Thursday	"Is this Real Life. Or is this Fantasy?", Mock CDR	All CFamL HH Judge Melloy
7.11.18	Code of Practice/Guides to Good Practice for Family Law Practitioners in Hong Kong	Jeremy by invitation of the Law Society
8.10.18	Mostyn J Seminar: April 2019 Seminar Meeting	Richard, Robin, Corinne
10.10.18	Comment on Consultation for the Proposed Arrangement with the Mainland on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters (including Matrimonial and Family Cases)	Paper by Jeremy
15.11.18	Family Proceedings Court Users Committee Meeting	Corinne
16.11.18 Friday – 18. 11.18 Sunday	Training Course on Private Adjudication Keynote Speaker: The Hon. Chief Justice Ma, Presenters: The Hon. Mr. Justice Lam VP Richard Todd QC (E&W) UK Trainers: Suzanne Kingston, Rachael Kelsey	Corinne, Jeremy, Bonnie
4.12.18	Meeting of Ad Hoc Group on PFA	Corinne & Jeremy et al
April 2019	3-day Seminar by Mostyn J, Elizabeth Clark, Anthony Douglas (Chief Executive, CAFCASS):	