

Report of the Committee on Family Law 2023 (CFamL)

Membership:

Mairéad Rattigan, SC (Chairman)
Eugene W.T. Yim (Vice Chairman)
Jeremy S.K. Chan
Corinne D'A Remedios
Robin Nelson Egerton
Bonnie Y.K. Cheng
Peter H.C. Barnes
Richard Frazer Todd (K.C. E & W)
Lareina Joan Chan
Theresa L. Chow
Madeleine Nicolle Booth
Valerie Wai Yee Tang
Vivien Yuen Man Leung
Terri Yick Tung Ha.

During 2023 CFamL has undertaken the following activities:-

On 17th May 2023 CFamL ran a mock mediator assisted Financial Dispute Resolution hearing at Des Voeux Chambers. This had a full capacity attendance which included lawyers and judges from the PRC who were in Des Voeux Chambers as part of the Bar Council's invitation.

On 24th May 2023 Mairéad Rattigan SC, Robin Egerton and Terri Ha attended a meeting at LegCo at the invitation of the Panel on Welfare Services chaired by Tang Ka-piu and Rev. Cannon Peter Douglas Koon Ho Ming. On the Children's Parental Responsibility Bill. This was a joint meeting with representatives from the Law Society that was organised with the help of the Honourable Ambrose Lam. The CFamL made representations as to the importance of enacting this bill as legislation.

At the invitation of the Panel the CFamL produced a paper putting forward the views of the Hong Kong Bar Association on the Children's (Parental Responsibility) Bill.

This paper was submitted to the Panel on Welfare Services on 29th June 2023 and published thereafter on the website of the Legislative Council and made available to the media and the public. It is hoped that this important Bill will be accorded the importance that it should.

At the invitation of CFamL Her Honour Judge Thelma Kwan conducted a talk to members of the Bar on 23rd June 2023 on the "Do's and Don'ts" of the Family Court. The talk was held in the Jurors' Assembly Room of the High Court and was attended by over 100 members of the Bar and pupils. Following the talk members of the CFamL took Judge Kwan to dinner to thank her for her time.

In 2020 a number of Family Law practitioners completed a course and sat an examination with the aim of becoming accredited Private Family Adjudicators in keeping with the Pilot Scheme under PDSL9. Marking of the examination papers, was to have been completed by 4 examiners but had been delayed since 2020. The task of marking was assumed by a member of CFamL, Richard Todd KC, who completed the task on 16th August 2023. All 26 participants who sat the exam passed and have now been entered on a panel as adjudicators to hopefully hold more PFA hearings under the PFA Pilot scheme.

On 26th October 2023 the Chair and Vice Chair of CFamL attended the inaugural meeting of the Family Procedure Rules Committee (“**FPRC**”) as representatives of the Hong Kong Bar Association. The FPRC is chaired by the Hon. Mr. Justice Jeremy Poon with other members being representatives from the Judiciary, Law Society and Department of Justice. The FPRC will be involved in overseeing the implementation of a unified set of Family Procedure Rules, it is envisaged that the Bar Association will be asked to provide further input on this over the coming year through CFamL.

On 5th December 2023 the CFamL organised a talk on A Guide to First Appointment Hearings. This was conducted by Robin Egerton and Madeleine Booth and was held at Des Voeux Chambers.

On 11th December 2023 a meeting was held at Des Voeux Chambers between the Chair of the Law Society Family Law Committee, Mairéad Rattigan as Chair of CFamL and other members of the Bar in respect of the approach to be taken over difficulties being encountered with adoption proceedings. It is expected that further follow up meetings may be required.

Mairéad Rattigan, SC
Chairman
Committee on Family Law

12 December 2023