

Report of the Committee on Family Law (CFamL) 2024

Chairperson – Mairéad M. Rattigan, SC
Vice-Chairperson – Eugene W.T. Yim

Membership:

Corinne D'A Remedios
Jeremy S.K. Chan
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
Cristian Tsang

During 2024 CFamL has undertaken the following activities:-

On 18th December 2023 the Judiciary Administrator sought the views of the Bar Association on the draft Practice Direction on Alternative Dispute Resolution in Family Proceedings. CFamL worked on this draft paper through January with a report being submitted to the Bar Committee at the end of January 2024. The Bar's Comments on the draft Practice Direction were sent to the Judiciary Administrator on 2nd February 2024.

In July 2023, at the invitation of the Chief Judge of the High Court the Chair and Vice Chair of CFamL, Mairéad Rattigan SC and Eugene Yim were nominated by the Bar Association to be appointed as members of the Family Procedure Rules Committee ("FPRC"). 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 inaugural meeting of the FPRC was held on 26th October 2023. On 2nd February 2024 CFamL was tasked with providing comments from the Bar on the first batch of the draft family procedure rules currently being drafted by the DOJ and Judiciary. This was a substantial document, CFamL provided a report to the FPRC at the end of March 2024. The second batch was provided to the Committee on 11 September with replies to be submitted by 18 October 2024, there were no further comments from the Committee on this batch. Batch 3 containing information as to Early Engagement with the Welfare Sector was sent to the Chair and Vice Chair on 6th December 2024 following a meeting with the Welfare Sector attended by Eugene Yim.

On 19th March 2024 members of CFamL presented a talk together with the Law Society and the newly formed Institute of Private Family Adjudicators (HK) Ltd on Private Financial Adjudication in Hong Kong. The talk was to members of the Bar, the Law Society and Judiciary. Corinne Remedios, former Chair and member of CFamL was responsible for organising the event along with others, she also spoke at the event as did Mairéad Rattigan.

On 30 May 2024 Mairéad Rattigan attended a meeting at LegCo to discuss the Children Proceedings (Parental Responsibility) Bill with legislators. Mairéad attended a further follow up meeting at the request of legislators on 12 June 2024.

Following the meetings, the Bar was asked to present a paper for the LegCo Panel on Welfare Services. This was undertaken by Mairéad Rattigan and Terri Ha. After approval from the Bar Committee the Position Paper was sent to The Panel on Welfare Services at LegCo on 14 June 2024. The Paper was subsequently published on the Bar website.

On 26th June 2024 the CFamL organised a talk entitled “Mediation: An introduction (How to advise and act as Counsel in Mediation)” The event was held at Des Voeux Chambers and was attended by Pupils and Barristers. It was presented by Robin Egerton, a member of the Committee.

On 23rd October 2024 the CFamL held a mock mediator assisted children’s dispute resolution hearing (M-CDR) at which former Judge of the Family Court Sharon Melloy was invited to act as judge. Attendees included Pupils, Barristers and representatives from the Hong Kong University (HKU) who attended as observers for the purposes of teaching the HKU PCLL course. The M-CDR was held at Denis Chang’s Chambers and was presented by members of the Committee including Madeleine Booth, Corinne Remedios, Theresa Chow, Vivien Leung, Valerie Tang, Cristian Tsang and Mairéad Rattigan.

Mairéad Rattigan, SC
Chairperson
Committee on Family Law

17 December 2024