

Report of the Committee on Family Law 2016

1. The HK Bar Association's Committee on Family Law (CFamL) was given the following brief:

... "The Bar Council has resolved to have the committees on the respective practice areas each to function not only as a core group of specialist practitioners representative of the skills and knowledge of the Hong Kong Bar in the specialised area, but also to share knowledge and help build specialisation amongst aspiring junior members of the Bar. To that end, the CFamL will be asked to undertake a knowledge building or sharing program (in the form of talks, seminar, or workshop as may be appropriate) to be conducted by your Committee under the leadership of the Chair and with the administrative support of the Bar Secretariat."

2. The challenge "to share knowledge and help build specialisation" at the Family Bar has been taken up by all 7 members of CFamL, comprising: Corinne Remedios (Chairman), Jeremy Chan (Vice Chairman), David Pilbrow SC, Richard Todd QC (England and Wales), Robin Egerton, Bonnie Cheng and Eric Tsoi.
3. In the course of the 8½ months that have elapsed since the Committee was set up in March 2016, we have run 3 interactive Seminars, given Talks, written 2 Position Papers, attended an AJLS Panel meeting on reciprocal recognition and enforcement of Mainland Judgments in matrimonial matters, taken the first steps in an Invitation to Intervene in a Child Appeal, met with the Director of Legal Aid on the issue of his clawback on periodical payments, liaised with and attended many meetings with the Law Society, multi-disciplinary groups and NGOs and sent out Bar Circulars to keep Members of the Bar up-to-date on developments in Family practice and procedure.
4. The Committee's busy calendar is set out below and some of the highlights are summarised as follows.

The Seminars and Talks

5. In May, we held our First Seminar, entitled "*Money Talks, at the Family Bar*". Jeremy Chan and Richard Todd QC (England and Wales) gave Talks on Financial Issues ("*Needs Must*" and "*Sharing is Caring*" respectively); followed by a demonstration of a Financial Dispute Resolution. Every CFamL Member took part: from writing the "script", drafting the "papers", to enacting conferences and court hearings in a high conflict FDR. Additionally, senior Family practitioners, Russell Coleman SC, Mairead Rattigan and Peter Barnes participated as a "Greek Chorus", interactive observers giving a running commentary to junior members of the Bar as the FDR progressed. There were 80 persons in attendance.
6. In September, we held our Second Seminar, entitled "*Child's Play, at the Family Bar: a Prequel to Money Talks*". This was a demonstration of a high conflict Child Dispute Resolution, again with role-play by CFamL members and interactive commentary from senior Family Practitioners, Frances Irving, Giles Surman and Mairead Rattigan. There were more than 60 attendees.
7. In November, we held a Talk, entitled "*Bundles of Joy or a Bitter Tablet: Going Paperless at the Family Bar*". Jeremy Chan gave a practical guide on using a Tablet and e-Bundles instead of voluminous paper files, an enduring, if not endearing feature of Family practice.

8. The feedback on all the Seminars and Talks was very good to excellent. Going forward, we have taken a sounding of Junior Members who would like to be matched with and observe Senior Members at work.

The Children Proceedings (Parental Responsibility) Bill

9. One of the first undertakings of CFamL was to send out a Circular in March to convene a meeting with and/or seek views from Members of the Bar on the newly published Children Proceedings (Parental Responsibility) Bill. We held two meetings in March/April and produced a Paper on the Bill in April, which the Bar Council endorsed. The Paper can be found on the Bar's Website.
10. In April, Jeremy Chan and I met with the Law Society and NGOs to discuss the prospective change in legislation and the need for supportive programmes. In May, Bonnie Cheng and Eric Choi followed up at another meeting, which resolved to set up Working Groups to consider related issues, including Parental Co-ordination, Child Focused Centres and a Maintenance Board.

A Working Group on Parental Co-ordination

11. I attended numerous meetings of a multi-disciplinary Working Group of lawyers and mental health practitioners, to set up terms of reference for appointing Parental Co-ordinators in Hong Kong to adjudicate between parents on disputes in agreed or court-ordered care arrangements.

A Working Group on Child Focused Centres

12. A Pilot Scheme for a Child Contact Centre based in Lai Chi Kok was set up in 2016 by the LWB, to deal with handovers and supervised access. I attended a meeting of the Working Group on Child Focused Centres, whose objective is to look into best practice, with a view to making recommendations for Hong Kong's Child Contact Centre.

A Working Group on a Maintenance Board

13. I attended the first meeting of the Working Group on a Maintenance Board. This Group is exploring the need and if so the scope, of a body in Hong Kong for the payment and/or enforcement of maintenance.

Cross-Border Issues

14. On 27 June 2016, Jeremy Chan attended an AJLS Panel Meeting on the challenging issue of cross-border disputes in matrimonial and related matters, including child abduction, entitled: Proposed Arrangement with the Mainland on Reciprocal Recognition and Enforcement of Judgments on matrimonial and related matters.
15. In September, with input from other members of CFamL, Jeremy wrote a Paper on this issue, which was endorsed by the Bar Council and is now available on the Bar's Website.

Family Practice and Procedure

16. There is an ongoing movement to subject Family Cases to tighter Case Management. Accordingly, we have issued Bar Circulars to keep the Family Bar up-to-date on practice and procedure, including prospective Checklists, Practice Directions and the relevant Law Society Circulars.

Conclusion

17. I refer to the words of our Bar Chairman, Winnie Tam SC, when outlining CFamL's path for 2016:

I do realize that this is an undertaking that requires more commitment on your part than it did, but I hope that you will feel as proud as I am to be able to contribute for the continued prosperity and recognition of the Bar as a honourable profession....

18. I am grateful to Members of the Family Bar who have helped out with our Seminars. I am in debt to Ka Wong, Amy Lee, Doreen Fan and others at the Bar Secretariat for their tireless support. But most of all I thank my colleagues in CFamL, who selflessly shared their knowledge and skill, fostering the growth of specialisation at the Bar in 2016. I am proud to say that members of the Committee have individually and collectively contributed to our honourable profession. It has been a privilege to serve with them on this Committee.

Corinne Remedios
Chairman
Committee on Family Law

6 December 2016

Hong Kong Bar Association
Committee on Family Law
2016 Calendar

18 Mar	Invitation received from the Chairman of the Bar to set up CFamL ⁱ	
29 Mar	Meeting of CFamL and Members of the Bar: to discuss The Children Proceedings (Parental Responsibility) Bill	Bar Circular CR, JC, DPSC, RE, BC, ET and Bar Members
5 April	Meeting of CFamL: to formulate a Paper for the Bar Council on The Children Proceedings (Parental Responsibility) Bill	CR, JC, DPSC, RE, BC, ET
9 April	Meeting with Law Society and NGOs: to discuss matters arising out of The Children Proceedings (Parental Responsibility) Bill	CR, JC
21 April	CFamL's Paper on the Children Proceedings (Parental Responsibility) Bill - endorsed by Bar Council	CR and ET with comments from CFamL's
17 May	First Seminar and Talks - FDR Role-play "Money Talks, at the Family Bar" FDR Script: CR; Judge: DPSC Counsel: RTQC and JC The Parties: BC and ET; ADR distinguished: RE Talks – "Needs Must" - JC "Sharing is Caring" - RTQC	Bar Circular Talks: entire CFamL, Russell Coleman SC, Mairead Rattigan and Giles Surman, - over 80 Members of the Bar
31 May	The Children Proceedings (Parental Responsibility) Bill - Meeting with Law Society and NGO's to discuss matters arising from the Bill and the setting up of Working Groups:	BC and ET
27 June	AJLS Panel Meeting on Proposed Arrangement with the Mainland on Reciprocal Recognition and Enforcement of Judgments on matrimonial and related matters	JC
13 July	Parental Co-Ordinators Working Group - 1 st meeting with Law Society and various mental health practitioners	CR
23 Aug	Parental Co-Ordinators Working Group 2 nd meeting with Law Society and various mental health practitioners	CR
8 Sept	Parental Co-Ordinators Working Group - 1 st meeting of the subcommittee	CR

12 Sept	The Director of Legal Aid's Claw Back on periodical payments (including interim payments) and the threshold therefor - meeting with DLA and the Law Society	CR
21 Sept	Second Seminar - CDR role-play "Child's Play at the Family Bar: a Prequel to Money Talks" CDR Script: CR Judge: RE Counsel: RTQC and JC Parties: BC and ET	Bar Circular CFamL Frances Irving, Giles Surman, Mairead Rattigan
Sept	CFamL's Paper on Proposed Arrangement with the Mainland on Reciprocal Recognition and Enforcement of Judgments on matrimonial and related matters - endorsed by the Bar Council	JC
6 Oct	Parental Co-Ordinators Working Group - 2 nd meeting of the subcommittee	CR
1 Nov	Parental Co-Ordinators Working Group - 3 rd meeting of the subcommittee	CR
7 Nov	Child Contact Centre - visit to the Lai Chi Kok premises of the Pilot Scheme for a Child Contact Centre	(unable to attend)
14 Nov	Potential Intervention in an Appeal re a Child removed to Mainland - Ad Hoc Committee meeting with the Law Society and the HKFLA - by consensus approving that HKFLA be the Intervener	CR, ET
16 Nov	Third Seminar "Bundles of Joy or a Bitter Tablet? Going Paperless at the Family Bar" Talk: JC	Bar Circular JC, CR, DPSC, BC, ET and members of Bar
23 Nov	Child Focused Centre - 1 st meeting with Law Society and NGOs	CR
5 Dec	Maintenance Board Working Group 1 st Meeting with Law Society and NGOs	CR
14 Dec	Child Focused Centre - 2 nd meeting with Law Society and NGOs to be held at the Lai Chi Kok premises of the Child Contact Centre	CR

i CR – Corinne Remedios, Chairman RE – Robin Egerton
 JC – Jeremy Chan, Vice-Chairman BC – Bonnie Cheng
 DPSC – David Pilbrow SC ET – Eric Tsoi
 RTQC – Richard Todd QC (England and Wales)