

Report on Committee on Family Law 2017

1. In 2017, the Committee on Family Law (CFamL) comprised Corinne Remedios (Chairman), Jeremy Chan (Vice Chairman), Bonnie Cheng (Hon Treasurer), Eric Tsoi (Hon Secretary), David Pilbrow SC, Robin Egerton, Richard Todd QC (London and Wales) and two new members, namely Thelma Kwan and Theresa Chow.
2. During 2017, CFamL continued to take an active role in matters related to Family Law and Practice. Further, a Sub-Group of CFamL was set up, comprising David Pilbrow SC, Robin Egerton, Thelma Kwan and Theresa Chow, tasked with considering issues faced by the more junior end of the Bar and to liaise with the Young Barristers' Committee, with a view to sharing knowledge and advancing specialisation.

Young Bar

3. On 18th August 2017, Thelma Kwan and Theresa Chow held a meeting with representatives of the Young Barristers' Committee and discussed various means to facilitate the members of the young Bar in sharing knowledge and experience, and getting practical advice on how to tackle a Family law matter.
4. On 7th September 2017, Thelma Kwan and Theresa Chow arranged a talk by The Honourable Madam Justice Bebe Chu and Her Honour Judge Sharon Melloy at the Helena May, entitled "*A Road Route or a Rough Ride in Family Proceedings? – (a) Five essentials for a Family Practitioner's journey into court; and (b) Five Don'ts for the Family Practitioner who plans to arrive alive*". This was attended by a capacity crowd, mostly at the junior end of the Bar, with some having to be turned away. Both distinguished Speakers had been experienced Family practitioners themselves before joining the Bench and the attendees benefitted greatly from the practical advice the Judges gave.

Family Practice and Proceedings

5. On 6th January 2017, Corinne Remedios and Jeremy Chan met with HH Judge CK Chan and HH Judge Ivan Wong to discuss issues regarding current practice eg. the content of court Bundles, standard Directions and the introduction of an Ancillary Relief Checklist in Family Proceedings. Corinne Remedios, who also sits on the Family Court Users Committee, updated Member of the Bar on developments by arranging for Bar Circulars to be sent out.
6. On 13th March 2017, Corinne Remedios reported to the CJR Monitoring Committee on current Family Practice and Procedure and anticipated future changes. Jeremy Chan sits on the Chief Justice's Working Party on the Family Procedural Rules and CFamL continues to monitor the eventual introduction of such self-contained Rules.

Continuing Professional Development

7. CFamL met on 4th April 2017 to discuss CFamL's position on Continuing Professional Development (CPD). On 18th April 2017, CFamL notified the Bar Council that it supports the setting up on a trial basis of a scheme on CPD.

Child Focused Centre

8. On 12th April 2017, Thelma Kwan and Theresa Chow attended a meeting on the setting up of Child Focused Centres.

Maintenance Board

9. On 4th October 2017, Corinne Remedios attended a meeting arranged by Dennis Kwok on setting up a Maintenance Board, to facilitate the payment of modest maintenance.

Gender Recognition

10. CFamL noted that a Consultation Paper had been issued by the Inter-departmental Working Group on Gender Recognition and contacted the Bar's Committee on Constitutional Affairs and Human Rights to discuss Family issues arising. On 24th September 2017, Thelma Kwan attended a Forum on Gender Recognition. On 28th September 2017 Corinne Remedios, Jeremy Chan, David Pilbrow and Thelma Kwan met to discuss potential Family issues. On 29th September 2017, Corinne Remedios, Jeremy Chan and Thelma Kwan met with members of the Bar's other Committee, namely PY Lo and Kirsteen Lau, to discuss the Consultation Paper, notably marital and parental status, arising from gender recognition. A Submission of the Hong Kong Bar Association dated 16th October 2017 was compiled in response to the Consultation Paper, noting contribution from CFamL.

Funding

11. On 19th June 2017 Corinne Remedios and Bonnie Cheng attended a briefing on Professional Services Advancement Support Scheme (PASS) funding. Bonnie Cheng prepared a paper seeking PASS funding for CFamL seminars and training. In the event, CFamL were advised not to proceed with PASS funding and the Bar Council agreed to provide the necessary funding for Private Adjudication training.

Private Adjudication

12. A Pilot Scheme on Private Adjudication of Financial Disputes in Matrimonial and Family Proceedings had been introduced pursuant to PDSL9 but there has been no uptake. Corinne Remedios was in discussion with two experienced trainers from the United Kingdom, with a view to bringing them to Hong Kong over the weekend of 25/26th November 2017 and training Members of the Bar in presiding over and/or appearing in private adjudications. In the latter part of 2017, the Bar Council agreed to provide funding for the two to three day course but the training has had to be postponed pending the Judiciary deciding whether to extend the Pilot Scheme, which will expire in January 2018.

Reciprocal Recognition and Enforcement of Judgments on Matrimonial and Related Matters with the Mainland

13. CFamL continued to be involved in the setting up of Reciprocal Recognition and Enforcement of Judgments on Matrimonial and Related Matters with the Mainland. On 14th March 2017 and 4th May 2017, Jeremy Chan, Corinne Remedios and Bonnie Cheng attended meetings with the Department of Justice on the issue. On 22nd May 2017, the same members of CFamL attended an AJLS Panel Meeting of Legco, notifying support for the introduction of the Scheme. On 20th June 2017, Jeremy Chan, Robin Egerton and Thelma Kwan attended the Signing Ceremony for the Arrangement, followed by a Dinner, which was attended by Jeremy Chan.

Intervention in a Child Abduction Case

14. CFamL had been notified by the Registrar of the Court of Appeal about an appeal case involving a child who had been taken to the Mainland by one parent without the consent of the other (CACV 204/2016). The Bar was asked to consider intervention. At a meeting between representatives of CFamL, the Law Society and the Hong Kong Family Law Association, it had been resolved that HKFLA take on the intervention role, with pro bono services offered by the 2 professional bodies. Subsequently, Jeremy Chan was instructed to provide Written Submissions to the Court of Appeal and the decision in CACV 204/2016 dated 1st November 2017 has now been reported.

Retirement of the Judge in charge of the Family Court

15. In May/June 2017, CFamL assisted in arranging the Retirement Dinner of His Honour Judge Bruno Chan, held on 16th June 2017, pursuant to a “Summons” dated 6th June 2017. As a mark of our appreciation, a calligraphy brush was presented to HH Judge Bruno Chan from CFamL with the inscription

*“A Broad Brush
From the Family Bar, with fond memories of Interim Applications
July 2017”.*

16. It only remains for me as Chairman to thank each and every member of the Committee on Family Law for their hard work and staunch support in the past year.

Corinne Remedios
Chairman
Committee on Family Law

29 December 2017