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**Practical Guide to Hong Kong
Family Law and Courts**

DUXBURY ETC, HONG KONG FAMILY COURT TABLES 2020

indispensable information for
litigants and legal practitioners
in the family courts

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FOREWORD TO 2ED

I am delighted to have been invited to write a Foreword for the second edition of this publication, which is again the result of wide collaboration and public spiritedness.

Family law is constantly changing. Family law practitioners – be they solicitors, barristers or judges - need to keep themselves up to date with changes in the law. Increasingly often, the public will need the relevant information too. Often both legal and factual information is difficult to find, expensive to obtain, and complicated to understand. So this publication remains a valuable addition to the field precisely because it is written in plain language in both English and Chinese, is concise and practical (with summaries, a glossary, and lists of relevant cases), is freely available to the public. In this edition, the cases, glossary, tables and other useful information have all been expanded and updated. There is now a guide to court forms - all hyperlinked. I anticipate that even these improvements will continue to be regularly updated. The authors, contributors, the HKFLA and sponsors who have assisted in bringing this second edition into being are deserving of praise. As with the first edition, this second edition demonstrates the real commitment of those who work in the field of family law to improving family justice in Hong Kong. Indeed, I have no doubt this edition will further improve access to justice and help to resolve family disputes.

The Honourable Mr. Justice Coleman
12 March 2020

NOTE FROM THE HONG KONG FAMILY LAW ASSOCIATION

As practitioners, we often reach out to the English Family Bar Association's 'At a Glance' for guidance on leading cases and on how to calculate a Duxbury assessment. It has been with a certain amount of envy that we had to skip through the tables as they are not relevant to us in Hong Kong. Now we can finally refer to our own version. The importance of these tables lies at the heart of settlement for clients. Very often the reason behind a lack of settlement is an insecurity about a number of important aspects: what is fair to ask for in a settlement and what is fair to pay? How will a client manage financially when the security of marriage falls away? How will clients manage financially when there are two homes instead of one to maintain? What is a reasonable amount to ask for children's education? These are fundamental questions and in reality an average person will not be able to tell you how much they need to live comfortably for the rest of their life or how much they need to save for the children's education. Divorcing couples though have to face these questions and at a time when they are on an emotional roller-coaster and can rarely think straight.

Not only does this publication give useful basic information for junior lawyers or lawyers new to family work in the concept summaries and the glossary, it also provides extremely valuable lists of relevant cases for all practitioners in family law. Importantly, it also gives the lawyer the tools to direct the client as to his or her needs in a realistic way. They demonstrate in a practical way, the reality of an individual's cost of living. The actual cost of schools in Hong Kong, Duxbury tables created with Hong Kong citizens in mind, information about legal fees and legal aid and where to get help are all invaluable resources and provided in a quick and accessible format. Armed with this clear and concise information, lawyers should be able to advise their clients to settle and resolve their disputes more effectively and efficiently.

On behalf of the Executive Committee of the Hong Kong Family Law Association, I congratulate those who have contributed to this publication – our very own and much awaited ['Duxbury Etc'](#).

Samantha Gershon
Chair, Hong Kong Family Law Association
Partner, Withers
9 January 2019

PREFACE TO 2ED

[Duxbury Etc](#) is a public interest project made possible through the support of our authors, contributors, sponsors and the Hong Kong Family Law Association ([HKFLA](#)). It remains the only reference work to be published freely by family lawyers for the public and for the legal profession published simultaneously in English and Chinese. It is not intended to be an exhaustive or in-depth examination of the law (that is left to others). Our aim is simpler: to make the resolution of family disputes easier and less destructive. We hope to do this by empowering our readers to do their own research, to quickly educate themselves on the law and facts relevant to most family law disputes. To assist the reader, wherever possible, freely available Internet-based resources are [hyperlinked](#) in the text.

In this new year's edition, we are introducing an entirely new guide to [Family Court Forms](#) with hyperlinks to the rules, procedures and forms arranged by subject. We have also radically reformed our [Duxbury Tables](#) (allowing easier calculation of lump sum payments, tailored for Hong Kong's own economic conditions) to make them more user friendly by issuing a single set of tables based on the formulas approved by the High Court in *Chan Pak Ting v Chan Chi Kuen (No 2)* [2013] 2 HKLRD 1, [\[2013\] HKCFI 179](#). While this approach may need updating (and we remain hopeful the courts will create their own Duxbury Committee, as exists in England), it is judicially approved in the context of personal injuries and should be a good starting point for calculations in family cases. The new materials are in addition to updates to our usual material: a [Family Law Glossary](#) (explaining the archaic lexicon of the family courts), summaries of the essential [Concepts](#) (introducing the fundamental structure of each of the main areas of family law: divorce, children and money – plus entirely new commentary on [Adoption](#) and [Surrogacy](#)), and a list of essential [Family Statutes](#), and our lists of indispensable and helpful [Websites](#).

This year's edition will also be the first to be published in paperback. The authors, editors and contributors pay tribute to the Family Law Association for underwriting the 'real life' edition. The paperback edition will be published in English and Chinese and distributed to places where unrepresented litigants are more likely to see it.

Special thanks must be given to our families (Sai, Zainab, Ho Tak, Amy, Wallis) and those who supported the genesis and publication of this novel project. I must also thank [MDD Forensic Accountants](#) for providing us with their Duxbury tables and sponsoring a substantial portion of the print publication, and [Vidler & Co](#) for supporting the Chinese language edition. In particular, I would like to thank my wife, Sai Pradhan, for designing and producing our [website](#). Finally, I welcome our new contributor, Emmanuel Benami, who worked diligently and quickly to produce the new guide to court forms and reformat the entire book with a more user-friendly style.

Happy New Year!

Azan Marwah
4 January 2020

CONCEPTS

Adoption

Adoption in Hong Kong is governed by the [Adoption Ordinance, Cap 290](#). Adoption vests legal parenthood in adoptive parents over an unmarried child or children under 18 years of age, and brings an end to all legal parenthood otherwise vested in natural parents ([section 13](#)). It is effected by order of the court ([section 4](#)) and it is generally permanent and irreversible.

Adoptions may only be arranged by the court, relatives, the Director of Social Welfare or bodies accredited by the Director ([section 23A](#)). It is an offence to advertise a child for adoption ([section 23](#)). A 'relative' is a child's grandparent, brother, sister, uncle or aunt, including by half-blood or affinity ([section 2](#)). Presently, International Social Services, Mother's Choice and Po Leung Kuk are accredited (see [Adoption](#) in our [Contacts](#) list).

Relatives may adopt locally from the age of 21 ([section 5\(1\)\(b\)](#)) and need not undertake a suitability assessment, whereas non-relatives and relatives who wish to complete an intercountry adoption must be 25 years of age and must apply for a suitability assessment ([section 27](#)) to be conducted by the Director or an accredited body ([section 29](#)).

In the case of a local adoption, the consent of parents and guardians, which is generally required ([section 5\(5\)](#)) will then be obtained ([section 29A](#) or [29B](#)), unless it has been dispensed with ([section 6](#)). The child and prospective adoptive parents will be placed and matched together. Intercountry adoptions proceed in much the same way ([section 29C](#)).

Ultimately the court will determine whether an adoption order should be made, and must be satisfied that requisite guardian and parent consent has been obtained, that adoption would be in the child's best interests, that the adoptive parents are fit and proper persons and that no payment or reward has been exchanged ([section 8](#)).

Foreign adoptions may be recognised in Hong Kong under [sections 17](#) and [20F](#).

Ancillary Relief

Hong Kong does not have a statutory matrimonial property regime as such. There is no system of 'community of property' and property rights are not in principle affected by marriage. Instead, the family courts have very broad discretion to make a range of financial orders upon a decree of divorce pursuant to the [Matrimonial Proceedings and Property Ordinance \(Cap 192\)](#), namely for: **periodical payments**, secured periodical payments, **lump sum payments**, transfers or sale of property, settlement of property (into a trust), and variation of settlements.

Courts also have the power to make temporary orders for **maintenance pending suit** once divorce proceedings have begun. These are interim measures that will end once the final divorce decree is granted: see [section 3 of Cap 192](#). In such applications, it is usually not appropriate to undertake a detailed financial investigation. The sole criterion applied by the courts is "**reasonableness**" or "**fairness**", and the marital living standard is but one important

factor. The applicant should provide an “MPS budget” excluding long-term/capital expenditure: see [HJFG v KCY \[2011\] HKCA 402](#); [\[2012\] 1 HKLRD 95](#). Temporary payment towards a party’s legal costs can also be ordered when they cannot reasonably be raised otherwise.

In making *final* financial orders in favour of a spouse, courts are guided by four principles: (i) the objective of fairness, (ii) rejection of discrimination, (iii) the yardstick of equal division, and (iv) rejection of minute retrospective investigation: see [LKW v DD \[2010\] HKCFA 70](#); [\[2010\] 6 HKC 528](#). They are also *required* to consider the following non-exhaustive list of factors (see [section 7\(1\) of Cap 192](#)):

the conduct of the parties and all the circumstances of the case including the following matters, that is to say —

- (a) the income, earning capacity, property and other financial resources which each of the parties to the marriage has or is likely to have in the foreseeable future;*
- (b) the financial needs, obligations and responsibilities which each of the parties to the marriage has or is likely to have in the foreseeable future;*
- (c) the standard of living enjoyed by the family before the breakdown of the marriage;*
- (d) the age of each party to the marriage and the duration of the marriage;*
- (e) any physical or mental disability of either of the parties to the marriage;*
- (f) the contributions made by each of the parties to the welfare of the family, including any contribution made by looking after the home or caring for the family;*
- (g) in the case of proceedings for divorce or nullity of marriage, the value to either of the parties to the marriage of any benefit (for example, a pension) which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring.*

In making final orders for children, the courts are required to consider another non-exhaustive list of factors (see [section 7\(2\) of Cap 192](#)):

all the circumstances of the case including the following matters, that is to say —

- (a) the financial needs of the child;*
- (b) the income, earning capacity (if any), property and other financial resources of the child;*
- (c) any physical or mental disability of the child;*
- (d) the standard of living enjoyed by the family before the breakdown of the marriage;*
- (e) the manner in which he was being and in which the parties to the marriage expected him to be educated.*

and so to exercise those powers as to place the child, so far as it is practicable and, having regard to the considerations mentioned in relation to the parties to the marriage in paragraphs (a) and (b) of subsection (1), just to do so, in the financial position in which the child would have been if the marriage had not broken down and each of those parties had properly discharged his or her financial obligations and responsibilities towards him.

There are five steps in the “**section 7 exercise**” leading to a final order. The first step is to identify the parties’ financial resources and liabilities. The second step is to assess the parties’ financial needs “generously interpreted”. If there are sufficient resources for both parties’ financial needs, courts will then decide to apply the ‘sharing principle’, and the fourth step is to consider whether there are good reasons to depart from equal division of the family assets. Finally, the courts will then determine the outcome of the financial proceedings.

The identification of the parties’ assets can involve disputes about (i) valuation, as well as (ii) whether certain assets are in fact beneficially owned by a third party or (iii) have been wrongfully transferred by one of the parties: see [section 17 of Cap 192](#). The latter two are usually dealt with before the FDR as ‘preliminary issues’: see [TL v ML \[2005\] EWHC 2860 \(Fam\)](#); [\[2006\] 1 FLR 1263](#).

The parties’ financial needs are a question of fact for the court. However, in most cases their main needs will be for housing and a regular income. Parties’ needs should be “generously interpreted” to try to ensure that they and their children can maintain, as far as possible, the standard of living enjoyed during the marriage. If the assets are insufficient, a ‘clean break’ may not be possible, and the court may order periodical payments.

Where the financial resources exceed the parties’ needs, the courts will apply the sharing principle. Reasons to depart from equality may include: the source of the assets (e.g. pre-marital assets, inheritances, unilateral/separate assets, and assets generated post-separation); “gross and obvious” conduct (the courts are not concerned with deciding why a marriage failed); parties financial needs (such as child/elderly care, a diminished capacity to find work, or a physical/mental disability); the length of the marriage; contributions to the welfare of the family (the courts have firmly rejected any discrimination on the basis of gender roles, and only in rare and exceptional circumstances will “stellar” or “special” contribution play a role); and compensation for relationship-generated disadvantages (this is generally covered by the sharing principle, but may be justified in exceptional cases).

In order to promote settlement and the speedy resolution of financial disputes upon divorce, the courts have adopted [PD 15.11](#), which requires parties to fill out and exchange a ‘**Form E**’ sworn financial statement, and provides for judge-led mediation (i.e. a **Financial Dispute Resolution** or ‘FDR’ hearing). Parties have a duty to make full and frank disclosure of their assets, and courts may make adverse inferences against parties who fail to do so.

Child Custody

The family courts have broad jurisdiction to deal with the welfare of children under the provisions of the [Guardianship of Minors Ordinance \(Cap 13\)](#), the [Separation and Maintenance Orders Ordinance \(Cap 16\)](#), the [Matrimonial Causes Ordinance \(Cap 179\)](#) and the [Matrimonial Property and Proceedings Ordinance \(Cap 192\)](#). Additionally, the High Court’s has broad powers under its **inherent jurisdiction** including wardship.

In parental disputes, generally the courts are concerned with making orders for **custody, care and control**, and **access**. These orders are distinct from questions of financial responsibility for children (i.e. ‘**maintenance**’). Access is the right to have contact with the child, it may be unsupervised or supervised (i.e. where there are concerns about the impact of contact on the

child); undefined (sometimes ‘reasonable’ or ‘generous’) or defined (i.e. at times specified in the order); staying (a.k.a. overnight) or ‘day-time’. Care and control is the right to make day-to-day decisions about the child; it should not be confused with “shared care” and the notion of the primary caregiver. Custody is the right to make all important decisions affecting the child and it is generally awarded to one parent (“sole custody”) or shared between both parents (“joint custody”): see [PD v KWW \(Joint Custody, Care and Control\) \[2010\] 4 HKLRD 191; \[2010\] HKCA 172](#).

The paramount consideration for the court is always the welfare (or ‘best interests’) of the child, this is known as the **Welfare Principle** (see [section 3 of Cap 13](#)). In determining the best interests of the child, the court will generally have regard to the **Welfare Checklist**, i.e. the ascertainable wishes and feelings of the child concerned (considered in the light of the child’s age and understanding); the physical, emotional and educational needs of the child; the likely effect on the child of any change in the child’s circumstances; the child’s age, sex, background and any characteristics of the child’s which the court considers relevant; any harm the child has suffered or is at risk of suffering; how capable each of the parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting the child’s needs; the range of powers available to the court in the proceedings in question; and the general principle that any delay is likely to prejudice the welfare of the child: see [H v N \[2012\] 5 HKLRD 498; \[2012\] HKCFI 1533](#).

To support mothers and fathers and ensure the best interests of children, the courts have adopted [Practice Direction 15.13](#), which created the **Children’s Dispute Resolution (CDR)** scheme. The scheme applies to almost all disputed children’s matters, and provides that disputes must be submitted to the CDR procedure unless the court orders otherwise. The first stage of the scheme is a preliminary directions hearing before a judge (the **Children’s Appointment**), preceded by the exchange of a series of simplified and children-specific documents including a **Form J** (i.e. ‘Children’s Form’) (attached to Practice Direction 15.13), a sworn statement relating to the arrangements for children. The court will then make directions for the further conduct of the case and in most circumstances order a **CDR hearing** before referring the matter to trial. The CDR hearing is a form of alternative dispute resolution (‘**ADR**’), where the parties will have a chance to rehearse their arguments before the judge, who may give indications about her/his approach, and who will try to conciliate between parties to achieve settlement.

Divorce

Divorce is begun by **petition** or **joint application** to the **District (Family) Court** ([rule 12\(1\) of the Matrimonial Causes Rules \(Cap 179A\)](#)). It generally does not matter that the marriage was celebrated abroad. Unless in the unusual case of exceptional hardship, divorce may not be begun until parties have been **married for one year**, although a petition can be based on facts that occurred within the first year ([section 12 of the Matrimonial Causes Ordinance \(Cap 179\)](#)).

A petition or joint application should be **filed with the Family Court Registry** together with the documents required by [rule 12 of Cap 179A](#) and copies for each party of the petition/application, [Form 2B or 2D](#) statement as to arrangements for children, and [Form 3](#) notice of proceedings.

Service of the petition and accompanying documents should be effected on the respondent and each other party through solicitors if they are on record. They may be alternatively served personally or by ordinary post ([rule 14\(1\) of Cap 179A](#)), although personal service may not be performed by the petitioner themselves (rule 14(3)). Service is generally proved by an acknowledgment of service or affidavit showing personal service (rules 14(5) and (7)). An order for **deemed service** may be granted where the petitioner can show that the respondent has nevertheless received the documents (rule 14(6)). Where genuine efforts have been made and where service is **impracticable**, an order for **substituted service** may be granted on ex parte application by affidavit (rules 14(9) to (10)). A decree is voidable and may be set aside where an order for substituted service is improperly obtained ([FHEK v NCM \[2008\] 5 HKC 355; \[2008\] HKCA 254](#)). By way of exception to the usual rule, **service out of the jurisdiction** is permitted without leave ([rule 109 of Cap 179A](#)). In rare cases service may also be **dispensed** with. At any time before service is effected, the petitioner may file a notice of discontinuance which will dismiss the cause ([rule 7 of Cap 179A](#)).

The court only has **jurisdiction** to deal with a divorce if at the date of the petition or application either party (1) is **domiciled** in Hong Kong, (2) has been **habitually resident** for the preceding three years, or (3) has a **substantial connection** to Hong Kong ([section 3 of Cap 179](#)). These concepts are helpfully explained in [ZC v CN \[2014\] 5 HKLRD 43; \[2014\] HKCA 389](#).

Domicile is governed by the [Domicile Ordinance \(Cap 596\)](#). All persons have a single domicile at any given time. Almost all persons born in Hong Kong who have not permanently relocated elsewhere will be domiciled in Hong Kong (sections 5 and 7). Expatriates acquire Hong Kong as their domicile if they are lawfully present here and intend to make their home here for an indefinite period (sections 5 and 6).

A party's **habitual residence** is her home, abode, dwelling or place of habitation where she has settled voluntarily. It is not affected by vacations or business trips. One may have more than one habitual residence and need not intend to remain permanently for this limb to be satisfied.

Substantial connection is not a technical term and is given an ordinary meaning, which is wider than both domicile and habitual residence and is highly fact sensitive. Accordingly, a broader range of factors relating to one's connection to Hong Kong will be considered, and the court will additionally be guided by the question of whether the connection merits the court assuming jurisdiction over the divorce. Hong Kong need not be the place that one has the *most* substantial connection, and comparisons with connections elsewhere are inapposite ([B v A \[2008\] 1 HKLRD 43; \[2007\] HKCFI 934](#)). The connection should generally be personal and related to the marriage, and not merely commercial ([Z v Z \[2012\] HKFLR 346; \[2012\] HKCFI 2117](#)). Having a Hong Kong Identity card, having been married in Hong Kong and having worked here will assist a substantial connection claim ([YS v TTWD \[2012\] HKFLR 129; \[2012\] HKFC 6](#)).

The court may **have jurisdiction but decline to exercise it** in favour of a **foreign court** that is **clearly or distinctly more appropriate** than Hong Kong, and in which the petitioner will not be deprived of a legitimate personal or juridical advantage ([SPH v SA \(2014\) 17 HKCFAR 364; \[2014\] HKCFA 56 \[51\]](#)).

The sole ‘ground’ of divorce is that the **marriage has broken down irretrievably** ([section 11 of Cap 179](#)), though the court may only grant a decree where one of **five facts** are proven ([section 11A of Cap 179](#)). The five facts are often also referred to as ‘grounds’ of divorce. They are that (1) the respondent has committed **adultery** and the petitioner **finds it intolerable to live with** the respondent (2) the respondent has **behaved** in such a way that the **petitioner cannot reasonably be expected to live with** the respondent (3) the parties have **lived apart for one year and the respondent consents** (4) the parties have **lived apart for two years** regardless of the respondent’s consent (5) the respondent has **deserted** the petitioner for one year. In a **joint application** the only fact (3) is available *ie* that the parties have lived apart for one year preceding the application and both parties consent ([section 11B of Cap 179](#)).

A petition and joint application should contain particulars of the facts relied upon. Although facts (1) to (3) are conduct based, it is **never the court’s role to apportion parties’ responsibilities** for a broken marriage ([BCA v IOF \[2006\] HKCA 683](#) [13]) which, like blame, are irrelevant ([Owens v Owens \[2018\] AC 899, \[2018\] UKSC 41](#) [49]).

In a petition based on **fact (2) behaviour**, it is not the behaviour itself that has to be unreasonable, but rather living with the respondent (*Owens* [37], [47]) and the two are not causally connected *ie* the behaviour does not have to have caused the breakdown (*Owens* [41], [49]). Rather the court will ask (1) what the respondent did, by reference to the allegations in the petition (2) what effect that behaviour had on the petitioner in all the circumstances and then (3) evaluate whether as a result of the behaviour and in light of its effect, it would be unreasonable to expect the petitioner to live with the respondent (*Owens* [28], [47], [55]). Whether such an expectation is reasonable changes over time, in line with social and moral values (*Owens* [30]-[33], [47]).

Today it is ‘very proper’ to draft ‘**very moderate**’ or **anodyne petitions** that invoke ‘fact (2)’ behaviour **using mild particulars** in order to satisfy the statute but nonetheless obtain the respondent’s cooperation (although, as seen in *Owens*, the facts must be sufficient to prove unreasonable behaviour).

The court cannot make a decree nisi absolute until it has made a ‘**section 18 declaration**’ **regarding children** under [section 18\(1\) of the Matrimonial Proceedings and Property Ordinance \(Cap 192\)](#). There are four declarations that permit a grant. They are that (1) there are no children of the family (2) satisfactory or ‘best in the circumstances’ arrangements have been made for the welfare of each child of the family (3) it is impracticable for either or both parties to make such arrangements, or (4) other circumstances make it desirable for a decree nisi or absolute to be made without delay, and satisfactory undertaking(s) have been obtained to bring the question of the children’s arrangements before the court within a specified time. Opposition to an application for declarations (2) or (3) should be made on the basis of matters that relate to the children only, and will not suffice where they concern conduct or health where those matters to not affect the children ([TLS nee J v RCS \[2013\] HKFC 74](#) [24]-[40]).

A **child of the family** is either (1) a biological (including illegitimate) or adopted child of both parties or (2) another child treated by both parties as a child of the family (sections [2\(1\)](#) and [18\(5\)](#) of Cap 192). Whether a child is ‘**treated as**’ a child of the family is a broad question of objective fact to be decided by looking at all the circumstances of the case, including where

the child lives, who pays for the child, who exercises discipline and whether responsibilities are claimed ([LNL v HPYA \[2016\] 3 HKLRD 261; \[2016\] HKFC 51](#) [11]-[14]).

If the divorce is **not contested** it will be assigned to the **special procedure list** and if matters are in order, and the petitioner has filed the affidavit in support of the petition swearing or affirming that the contents of the petition is true, a decree nisi will be pronounced in open court, at a hearing that the parties need not attend ([Practice Direction 15.4](#)).

Where a decree nisi is made on facts (3) or (4) *ie* that the parties are separated, the respondent may additionally delay the grant of the decree absolute by applying in Form 8A for the court to consider that the **respondent will be financially prejudiced** by the making of a decree absolute ([section 17A of Cap 179](#) and [rule 56B of Cap 179A](#)).

Six weeks after the decree nisi the petitioner may apply under [rule 65 of Cap 179A](#) for the decree to be made absolute, by lodging [Form 5](#) with the Registrar. In default the respondent may apply after three months ([section 17\(2\)\(a\)\(i\) of Cap 179](#)). On a **contested application for an order to be made absolute** the court will be guided by what is just and convenient, but will require exceptional circumstances to be alleged in opposition, and financial prejudice to be real ([J v V \[2013\] 1 HKLRD 203, \[2012\] HKCFI 1877](#) [29]).

Where a divorce is defended or a cross petition filed alleging that the marriage has broken down by reference to a different fact, the matter will ultimately proceed to trial. It is 'admirable' however that the family justice system is based on compromise and settlement and that parties are encouraged to settle at every stage of the cause up to and including contested hearings.

Domestic Violence

Domestic violence (also called family or intimate partner violence) can be broadly defined as violence or abuse in a domestic setting. It includes not only physical violence, but also a wide range of behaviours, such as: emotional abuse, verbal abuse, economic abuse, religious abuse, reproductive abuse, sexual abuse, controlling behavior, isolation, intimidation, and online abuse.

The [Domestic and Cohabitation Relationships Violence Ordinance \(Cap 189\)](#) (the **DCRVO**) provides injunctive relief (a protective order) for victims of domestic violence. The relief is 'free-standing' and need not be brought in proceedings for divorce or to enforce any other legal or equitable rights. The Ordinance offers protection from: spouses and former spouses, cohabitants and former cohabitants (including for same-sex couples), as well as a wide range of relatives (including parents, children, brothers, sisters, grandparents, uncles, aunts, nieces and nephews).

In order to obtain relief, the applicant must show the court that the applicant or a 'specified minor' (i.e. their child or a minor living with the applicant) has been 'molested' by the respondent. '**Molestation**' has been given a very broad meaning and does not require threats or use of physical violence. It has been variously defined as: 'to cause trouble', 'to vex', 'to annoy', 'to pester', or any degree of harassment that calls for the intervention of the court. Such behavior may include (for example) threats of violence, pushing and grabbing, pestering

a party at their home or place of work, verbal abuse, damage and theft of property, and following/stalking, and may be done directly or through an agent.

The DCRVO provides for six types of relief: (i) **non-molestation orders** (prohibiting the respondent from continuing the molestation), (ii) **ouster orders** (excluding the respondent from entering a residence, part of a residence, or some other specified area such as a school or place of work), (iii) **re-entry orders** (to permit return to the home by the applicant/child), (iv) orders to participate in **mandatory counselling**, (v) authorizations of arrest (attached to orders prohibiting violence or ouster orders), and (vi) the power to vary or suspend a **custody or access order** for a child.

An **authorization of arrest** will only be attached if the court is satisfied that the respondent has caused ‘actual bodily harm’ or if it reasonably believes that the respondent is likely to cause actual bodily harm. Its purpose is to permit a police officer to arrest the respondent without a warrant on reasonable suspicion of *breaching the injunction* either through violence or entry into the prohibited area (rather than reasonable suspicion of an arrestable offence).

Applications under the DCRVO can be made by way of originating summons, or by summons in existing proceedings (e.g. in divorce proceedings), with an affidavit/affirmation in support (although these steps may not be possible in urgent cases). Applications may also be made *ex parte* where just and reasonable in the circumstances: see [Practice Direction 11.1](#).

Applicants should consider applying for an urgent grant of legal aid for legal representation to bring proceedings under the DCRVO. They may also approach shelters and counselling services available through the Social Welfare Department and a number of NGOs.

Domestic violence (including child abuse) may also be relevant to child custody, care and access applications in the Family Court as it may affect the best interests of the child and the ability of parties to co-parent. Where such an allegation is raised, parties are required to follow the procedures set out in the [Practice Direction SL10.1](#). Such allegations are to be considered at the earliest opportunity and appropriate directions made, including possibly a ‘Fact Finding Hearing’, and interim orders for access and custody and any protective orders under the DCRVO. The court will also consider whether or not there should be separate representation for the child.

Surrogacy

Commercial surrogacy is a crime in Hong Kong wherever it occurs in the world, by [sections 17 and 39\(1\)](#) of the [Human Reproductive Technology Ordinance, Cap 561](#). The offences are defined broadly and catch a wide range of conduct related to the making and receiving of payments in relation to surrogacy arrangements, though reimbursements for expenses are permitted. [Section 19](#) additionally makes surrogacy arrangements themselves – *ie* agreements between commissioning parents, surrogate mothers, and (often) third party service providers – unenforceable. Commissioning parents and surrogate mothers should therefore take advice on the nature and effect of their intended arrangements, in almost all cases.

A parental order will often be required to vest parenthood in the commissioning parents. By [section 9\(1\)](#) of the Parent and Child Ordinance, Cap 429, the surrogate mother is regarded as the mother of the child. This provision applies wherever the arrangement took place and even in the case of gestational surrogacy, where the child is genetically descended from one or both of the commissioning parents. By [section 10\(2\)](#), the surrogate mother's husband is regarded as the child's father (unless he did not consent to the arrangement).

The effect of these provisions is that surrogate children's commissioning (and often genetic) parents lack parental rights and authority, which has obvious and significant administrative ramifications and which is in most instances demonstrably contrary to best interests. It can also mean that a child has two parents when outside of Hong Kong, but a different two when in Hong Kong.

Parental orders may be granted by the court under [section 12](#) of Cap 429. They reverse the effect of sections 9 and 10 and provide for the child to be regarded in law as the commissioning parents' child. Presently, the commissioning parents have to be in an opposite-sex marriage and over the age of 18 years in order to apply.

Applications have to be made within six months of the child's birth, though there is now a power to extend that period (*FH & MH v WB & HB* [2019] HKFLR 277, [\[2019\] HKCFI 1748](#)). Parties should be prepared to cogently explain any delay and show that the surrogate mother (and father) will not be prejudiced by the extension.

Additionally, both the husband and wife have to unconditionally agree to the order being made. Where a party refuses, the court cannot make a parental order and there will be a disconnect between the child's social and legal parentage. Parties can consider adoption, though absent or pending that, the court may invoke the inherent jurisdiction and make the child a ward of court "to fill the lacuna of the law until better arrangements are made as to their legal identities and status" (*S v J* [2017] 5 HKLRD, [\[2017\] HKCFI 1656](#)).

Thirdly, all payments made in relation to the surrogacy arrangement have to either be "expenses reasonably incurred" or otherwise authorised by the court. Receipts and detailed accounts should be kept by commissioning parents for this purpose. Care should be taken to ensure that surrogates are not commercially rewarded, though where this has happened, authorisation is still possible. The court will be anxious to know that the surrogate's will has not been overborn and that there has been no exploitation (*Re A* [2019] 5 HKLRD 366, [\[2019\] HKCFI 1749](#)).

Fourthly, it has recently been suggested that where a surrogacy arrangement takes place outside Hong Kong, expert evidence should be prepared showing whether or not surrogacy is permitted where it occurred, and how the parent/child relationship(s) are understood. This will assist the court with public policy question when deciding whether to grant a parental order (*Re A*).

Last, the Director of Immigration considers that Chinese nationality passes by blood or genetic tie, rather than delivery. Thus, children of gestational surrogacies may inherit permanent residency status under article 24(2) of the Basic Law: *S v J* (above) [31]-[39].

FAMILY LAW GLOSSARY

Access	The right of the child to see the non-custodial parent, or in the case of joint custody, the right of the child to see the parent without care and control. Sometimes called 'Contact'.
Acknowledgement of Service	The respondent to legal proceedings receives this standard court form along with the divorce petition (Form 4 in the Appendix to Cap 179A) (and some other originating process, e.g. an originating summons). The form must be completed by the respondent to acknowledge receipt of the petition. The respondent must declare on the form whether they intend to defend the petition.
Adoption	The process by which all parental rights and responsibilities for a child are transferred to adopters by the court. See the Adoption Ordinance (Cap 290) .
ADR or Alternative Dispute Resolution	Any means of settling disputes outside of the normal trial process.
Adultery	Voluntary act of sexual intercourse (penile-vaginal penetration) by a married person with a person of the opposite sex, other than his or her husband or wife. A ground for divorce: section 11A of the Matrimonial Causes Ordinance (Cap 179) . It is also a defence to an order for judicial separation and maintenance under section 6 of the Separation and Maintenance Orders Ordinance (Cap 16) .
Affidavit or Affirmation	A sworn/affirmed written statement of evidence.
Ancillary relief	Applications for financial orders in matrimonial proceedings (divorce, judicial separation, nullity), including avoidance of disposition orders, lump sum orders, orders for maintenance pending suit, periodical payments orders, secured periodical payments orders, settlement of property orders, transfer of property orders, variation of settlement orders, or variation orders: section 2, Matrimonial Causes Rules (Cap 179A) .
Annulment	The dissolution of a marriage in legal proceedings in which the marriage is declared null and void as though it never occurred. An application for an annulment can be made by petition for nullity under section 19 of Cap 179 .
Anti-suit injunction	An application to restrain matrimonial proceedings in one country favour of proceedings in another country.
Answer	A written defence to a divorce petition.
Arbitration	A form of alternative dispute resolution (ADR), whereby a dispute is referred for legally binding resolution by an independent neutral third party. Referral can be either mandatory (e.g. by prior agreement or under a statute) or voluntary (by agreement after the dispute has arisen). Arbitration is not currently available for family cases, however there is a similar, alternative procedure under the Practice Direction SL9 , called Private Adjudication of Financial Disputes in Matrimonial and Family Proceedings.

Attachment of income order	An order requiring periodical payments to be paid directly out of a person's income (e.g. by an employer).
Avoidance of disposition	An order under section 17 of Cap 192 setting aside a transfer of property made with the intention of defeating a claim for ancillary relief. Applicants may be assisted by a rebuttable presumption that there was such an intention where the property was disposed of within 3 years of the application. This is usually determined as a preliminary issue and to be dealt with at the early stage of a proceedings as it concerns the rights of third parties. See also 'TL v ML application'.
Barrister	A professional lawyer specialising in courtroom advocacy and litigation. Barristers are distinguished from solicitors (another branch of the legal profession), who have more direct access to clients, and may do transactional-type legal work. Barristers in the family court can generally only act with instructions from a solicitor. Generally, only barristers and solicitor advocates (i.e. specially qualified solicitors) may speak in 'Open Court'. Most family cases are heard in the family court in 'chambers'. Barristers of sufficient seniority may be appointed 'Senior Counsel' (previously known as Queen's Counsel) by the Chief Justice. Barristers are regulated by the Hong Kong Bar Association .
Care and control	Day to day control and responsibility for the care of a child.
Care or Protection Order (CPO)	An order granted under section 34 of the Protection of Children and Juveniles Ordinance (Cap 213) .
CDR or Children's Dispute Resolution hearing	A hearing under Practice Direction 15.13 , mandatory in most children's disputes, similar to FDR (Financial Dispute Resolution) with important differences. The objective is to allow parties a 'dry run' of their arguments before a judge, who may give an indication as to the likely approach of the court and outcomes. It serves as a less formal opportunity for the court to encourage settlement of children's disputes without the cost and destructive effects of trial. Importantly, the CDR judge will be the likely trial judge on children's matter and the hearing is not privileged.
Child abuse	Any act that endangers or impairs the physical, psychological, or emotional health or development of a child. See also the Procedural Guide For Handling Child Abuse Cases (Revised 2015) .
Child of the family	In divorce law, a child of the family includes the natural children of both parties to a marriage and any child who has been treated by the couple as a child of the family. Step children can be children of the family. See section 2(1) of Cap 192 .
Children's Appointment	An early directions hearing required in children's disputes pursuant to Practice Direction 15.13 .
Clean break	A financial order that achieves an end to the financial relationship between divorcing parties, normally by means of a lump sum order or transfer of property without any ongoing periodical payments. An order that includes nominal periodical payments is not a clean break order.
Cohabitation	Generally refers to the state of an unmarried couple living together.
Consent order	Generally an agreement between parties that has been made into a binding order by a court.

Contact	The arrangements for the absent parent to spend time with his / her child(ren). Also called 'Access'.
Contempt	Generally a failure to follow a court order that can be punished, e.g. by imprisonment under Order 52 of Cap 4A .
Counsel	Another word for barrister.
Custody	The power to make the important decisions about a child's life. The decisions to be made by a custodial parent are those of real consequence in safeguarding and promoting the child's health, development and general welfare. They include decisions as to whether or not the child should undergo a medical operation, what religion the child should adhere to, what school the child should attend, what extracurricular activities the child should pursue, be it learning a musical instrument or being coached in a sport. A parent vested with custody has the responsibility of acting as the child's legal representative. Orders can be made for joint or sole custody. Joint custody recognises the responsibility inherent in being a parent and is the usual order. Occasionally sole custody is granted to one parent where the parties cannot communicate with each other to the detriment of the children. See PD v KWW (Joint Custody, Care and Control) [2010] 4 HKLRD 191 .
Declaration of parentage	A declaration made by a court that a specified person is the parent of a child. Applications may be made under section 6(1) of Cap 429 .
Decree Absolute	The final order of divorce, as distinguished from the Decree Nisi. An application may be made under Rule 65 and Rule 65A of Cap 179A.
Decree Nisi	A order for a divorce that will come into force at a future date unless (' <i>nisi</i> ' in Latin) there is an application to rescind it under Rule 64 of Cap 179A . The order is not final until it is made absolute (Decree Absolute, see above).
Desertion	The intentional permanent forsaking and abandonment of one spouse by the other without that other's consent and without reasonable cause, that is, without the consent or fault of the person asking for relief. It is one of the five facts that, if proven, show grounds for divorce: see section 11A of Cap 179 .
Discovery	The processes for getting information and documents from another party. In ancillary relief proceedings parties have a duty to give full and frank disclosure. If a person is concerned that documents are missing, they can ask the court to order a questionnaire or apply for specific discovery. See also 'Form E'.
Divorce	The formal dissolution of a marriage, either by decree that the marriage was itself void or voidable, or by decree that the relationship has irretrievably broken down (see Parts 3 and 4 of Cap 179), the effect being that the marriage no longer has legal effect and is not legally binding on the parties.
Domestic violence	Violence that occurs within the private sphere, generally between individuals who are related through blood or intimacy. See also the Domestic & Cohabitation Relationships Violence Ordinance (Cap 189) and Practice Direction SL10.1 .
Domicile	Generally understood as the jurisdiction that a person treats as their permanent home, or lives in and has a substantial connection with. A

	person's domicile is now governed and defined by the Domicile Ordinance (Cap 596) .
Ex Parte	An application made to a court where only one party is required to attend (called 'ex parte on notice' when the other party is notified of the hearing).
Family Court	The specialist court within the District Court responsible for most matrimonial and family related disputes. See also Practice Direction 15.12 .
FDR or Financial Dispute Resolution Hearing	A hearing under Practice Direction 15.11 , mandatory in most financial matters before the Family Court. It is in effect a more formal form of court sponsored mediation. The objective is to allow parties a 'dry run' of their arguments before a judge, who may give an indication as to the likely approach of the court and outcomes. It serves to encourage settlement of disputes without the cost and destructive effects of trial. Importantly, the FDR judge will not be the trial judge and the hearing is privileged / without prejudice. Parties are free to explore a wider variety of possible settlements.
Filing	Giving documents to the court's clerk.
First Appointment	An early directions hearing required in financial dispute matters to establish and narrow the issues and ensure all information is before the court at the FDR pursuant to Practice Direction 15.11 .
Form E	A sworn statement by a party to divorce proceedings of their financial means, liabilities etc. See Practice Direction 15.11 .
Form J	A sworn statement by a party to children's proceedings of the current and proposed future arrangements for children. See Practice Direction 15.13 .
Freezing injunction	An order made pursuant to section 17(1) of Cap 192 to stop a party from disposing of money or assets pending a final decision being made by the court about distribution of that money or assets.
Gillick Competent	A term used to refer to a child being of sufficient age, understanding and maturity to give the court their own views, and to act independently of any adult.
Guardian	A person entitled to the same legal rights and duties as the parent of a child, whether permanently or for the time being. A guardian may be appointed by the court or by the parent(s) in writing (e.g. by deed or will or otherwise in accordance with section 6 of Cap 13) to act in their place. A person appointed to act as a guardian upon the death of the parent(s) is known as a 'testamentary guardian'.
Guardian Ad Litem	(distinct from a 'guardian') A person who defends a claim / intervenes and represent the rights and interests of a child in proceedings brought by a third party or the court. The obligations and functions of a guardian ad litem are set out in Practice Direction SL6 .
Hadkinson Order	A Court Order to refuse to hear submissions from a party in contempt of court until they have purged their contempt (e.g. where they have refused to provide access to another parent or failure to make maintenance payments), known from the case of Hadkinson v Hadkinson [1952] 2 All ER 567 ; see also CWG v MH & Ors [2014] HKCA 114 .

Hague Convention	May refer to the Convention on return of children abducted by a parent , or to the Convention on inter-country adoptions .
High Court	Consists of the Court of Appeal and the Court of First Instance. The Court of Appeal's jurisdiction includes appeals from the Family Court; and the jurisdiction of the Court of First Instance includes applications in wardship or family cases transferred from the Family Court.
Inherent jurisdiction	The reserve or fund of powers, a residual source of powers, which the court may draw upon as necessary whenever it is just or equitable to do so, including the theoretically (almost) limitless and discretionary power of the High Court to protect children (e.g. wardship powers).
Joint application	An application for divorce brought by both parties on the basis of one year's separation or one year's notice to the court under section 11B of Cap 179 .
Judicial separation	A decree formally recognising the legal separation of a married couple, despite remaining legally married. It is an alternative to a decree of divorce and, as with the divorce process, the parties may seek further court orders relating to children and financial support (maintenance).
Juvenile	A synonym for child or related to children, a person who has not achieved 18 years of age. The Juvenile Court handles child protection cases under the Protection of Children and Juveniles Ordinance (Cap 213) and criminal cases against children under the Juvenile Offenders Ordinance (Cap 226) .
Legal Aid	A type of funding for legal advice and representation to persons whose financial resources are below a certain threshold. See Legal Aid Financial Tables below.
Lump Sum	An order for the payment of a single (often large) amount of money payable after the pronouncement of decree absolute. It is often made as a transfer of capital in lieu of a transfer of property or as capitalised maintenance to achieve a clean break. The court can only order one lump sum but it can also order that this one sum be paid in installments over time. It is different from a periodical payment (maintenance) which can be varied. Jurisdiction to make an order for a lump sum payment in divorce proceedings arises under section 4(1)(c) and section 5(2)(c) of Cap 192 and judicial separation proceedings under section 5 of Cap 16 . Generally, lump sum orders can be made against parents and guardians under Part 4 of Cap 13 if the child has an immediate and non-recurring and need.
Mareva injunction	A court order freezing a party's assets to preserve them for the trial.
Mirror order	A mirror order is one that is issued by another court which contains substantially the same terms as those that are contained in the order that is being 'mirrored'. Inherent in the mirror order concept is the fact that the foreign court will enforce the terms contained in the order in that foreign jurisdiction. Such an order is normally achieved by consent of the parties to avoid repetitive proceedings in multiple jurisdictions: see discussion in LN v SCCM [2013] HKCA 272 .
MPS or Maintenance Pending Suit	An order from the court that a party to a divorce pay the other by periodical payments to cover the needs of the receiving party until the end of proceedings.

Mediation	A form of ADR whereby an independent and neutral third party assists the parties to settle some or all of the issues between them. This may take place before, during or after litigation. It may relate to any issue (financial, children, relationships or otherwise). It may be conducted by a professional, trained mediator or by any lay person. It is a problem-solving process designed to encourage the parties to reach a mutually acceptable agreement. The process is confidential.
Next friend	A person who brings a claim and acts on behalf of a person subject to a disability (e.g. a child or a person suffering from a mental impairment).
'Non-mol' or 'Non-Molestation Order'	A court order that prevents an individual from harassing another person. It is not limited to physical violence, but includes verbal threats and other forms of abuse. See also 'Domestic Violence'.
Non-removal Order	A court order made under section 48D of Cap 179 prohibiting a child from being removed from Hong Kong.
Nullity	A decree that a marriage is legally void: see Part 4 of Cap 179 .
Oath	To take the oath means to swear to the truth of what is written or said in evidence on either the Bible or other religious book of faith.
Official Solicitor	An independent officer of government (generally the Director of Legal Aid) appointed to represent the interests of the children in proceedings: see Cap 416 .
Originating Process	Any formal court document used to initiate a legal suit or action before the court (e.g. petition to begin divorce; originating summons to seek wardship or domestic violence injunction).
Periodical Payments	Repeated payments made over a period, at regular weekly, monthly or annual intervals: see XY v Director of Legal Aid [2017] HKCFI 2050; [2017] 5 HKLRD 787 at [35]. Jurisdiction to make an order for periodical payments in divorce proceedings arises under section 4(1) and section 5(2) of Cap 192 and in judicial separation proceedings under section 5 of Cap 16 . Generally, periodical payment orders can be made against parents and guardians under Part 4 of Cap 13 .
Post-Nuptial Agreement	A contract entered into following marriage to regulate division of money and assets in the event of a later separation or divorce.
Practice direction	Standing directions to regulate practices and procedures issued by the court under its inherent jurisdiction. These directions are irregularly updated in relation to particular issues, applications or areas of law. They are available online .
Pre-Nuptial Agreement	A contract entered into in contemplation of marriage, usually to regulate division of money and assets in the event of later separation or divorce.
Relocation	An application to remove a child from the jurisdiction (to another country or city) permanently (ie for relocation). Such an application can be made pursuant to a range of powers including section 19 of Cap 192 , section 10 of Cap 13 or the inherent jurisdiction of the High Court.
Separation	The breakdown of the marital relationship, where parties live apart. Separation may not occur if parties consider that their marital relationship continues though they live apart. 'Living part' does not

	require that parties live in separate households (e.g. separate bedrooms). It is one of the five facts that, if proven, show grounds for divorce: see section 11A of Cap 179 .
Separation Agreement	A written agreement between parties upon separation. See also 'Post-Nuptial Agreement'.
Serving	Giving documents to the other side.
Social Investigation Report (SIR)	A report prepared by a social worker (normally on behalf of the Director of Social Welfare / Social Welfare Department), acting as "the eyes and ears" of the court (see DCB v AB [2017] HKCFI 1015), normally reflecting the social circumstances of the child (or another party requiring the protection of the court), the views of the child, and the views of the Director of Social Welfare (pursuant to section 3 of Cap 13). Such reports are often prepared by foreign social workers in cases relating to relocation and abduction (International Social Welfare Reports).
Solicitor	A professional lawyer with direct access to the public. Solicitors are regulated by the Law Society of Hong Kong and are distinguished from barristers (the other branch of the legal profession, specialising in courtroom advocacy) although they can represent their clients in court in chambers (most family cases are heard 'in chambers'). The solicitor is the first port of call for clients and solicitors instruct barristers to appear in court or give opinions as required. Solicitors undertake contentious and non-contentious work.
Subpoena	A court order requiring an individual to give evidence in court (either orally or by providing documents).
SWD	The Social Welfare Department , led by the Director of Social Welfare, a constituent department of the Labour and Welfare Bureau, responsible for family and child welfare services and other social welfare matters (e.g. elderly care and social security).
TL v ML application	A procedure in ancillary relief proceedings involving disputes between a spouse and a third party as to ownership of property, whereby the dispute is resolved as a preliminary issue by trial with the joinder of the third party (claiming ownership) as intervener. Under this application, there are directions for the filing of pleadings on the preliminary issue and for witness statements and discovery relevant to that issue. The application was developed following the decision in TL v ML [2005] EWHC 2860 (Fam) , and approved by the Hong Kong Court of Final Appeal in Leung Wing Yi Asther v Kwok Yu Wah (2015) 18 HKCFAR 605 .
Trust	Where a person holds property on behalf of another.
Undertaking	A formal promise to a court (or other authority) to act in a particular manner or to refrain from acting. An undertaking has the same force as an injunction order given by the court, breach of which is actionable as contempt and may be enforced by committal. For the principles of release from undertakings in family proceedings see Birch v Birch [2017] UKSC 53 .
Unreasonable behaviour	The respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent. It is one of the

	five facts that, if proven, shows grounds for divorce: see section 11A of Cap 179 .
Ward	A child under the protection of a guardian. A ward of court is a child under the protection of the court in wardship proceedings and no custodial decision may be taken without leave of the High Court judge responsible for the case. A ward of the Director of Social Welfare is under the guardianship of the Director (in adoption cases pursuant to section 5A of the Adoption Ordinance and in other cases, generally, pursuant to section 34 of the Protection of Children and Juveniles Ordinance).
Wardship	The ancient power of the High Court to take complete and absolute control over the welfare, care and upbringing of a child within its jurisdiction.
Welfare Checklist	An aide-mémoire to the court listing important factors to consider when determining the welfare/best interests of the child.
Welfare Principle	a.k.a. Best Interests principle, the notion that the welfare/best interests of the child should be paramount consideration of the court.
Without prejudice	The rule that statements made in a genuine attempt to settle an existing dispute, whether made in writing or orally, are generally prevented from being put before the court as evidence of admissions against the interest of the party which made them.
Without prejudice save as to costs	The rule that negotiations cannot be shown to the court, except in the context of an argument in relation to legal costs. If the party had made an offer and the other side did not accept it, and eventually the receiving party does not 'beat' the offer, the costs may fall to be paid by the party who continued to litigate despite a reasonable offer having been made (also known as a 'Calderbank' offer).

FAMILY STATUTES & PRACTICE DIRECTIONS

The statutory law of Hong Kong is codified in the Laws of Hong Kong, which appears on the [e-Legislation database website](#) maintained by the Department of Justice (see also [Hong Kong Legal Information Institute](#)). Below are the main statutes for family law.

[Adoption Ordinance \(Cap 290\)](#) **[adoption]**

[Adoption Rules \(Cap 290A\)](#)

[Convention Adoption \(Exclusion\) Order \(Cap 290B\)](#)

[Intercountry Adoption \(Contracting States\) Order \(Cap 290C\)](#)

[Convention Adoption Rules \(Cap 290D\)](#)

[Child Abduction and Custody Ordinance \(Cap 512\)](#) **[international child abduction]**

[Child Abduction and Custody \(Parties to Convention\) Order \(Cap 512A\)](#)

[Domestic & Cohabitation Relationships Violence Ordinance \(Cap 189\)](#) **[domestic violence]**

[Domestic and Cohabitation Relationships Violence Rules \(Cap 189A\)](#)

[Domicile Ordinance \(Cap 596\)](#) **[domicile]**

[Guardianship of Minors Ordinance \(Cap 13\)](#) **[guardianship of children]**

[Attachment of Income Order Rules \(Cap 13A\)](#)

[Inheritance \(Provision for Family and Dependants\) Ordinance \(Cap 481\)](#) **[inheritance]**

[Legal Aid Ordinance \(Cap 91\)](#) **[legal aid]**

[Legal Aid Regulations \(Cap 91A\)](#)

[Legal Aid \(Assessment of Resources and Contributors\) Regulations \(Cap 91B\)](#)

[Legitimacy Ordinance \(Cap 184\)](#) **[legitimacy of children]**

[Maintenance Orders \(Reciprocal Enforcement\) Ordinance \(Cap 188\)](#) **[enforcement of maintenance]**

[Maintenance Orders \(Reciprocal Enforcement\) Rules \(Cap 188A\)](#)

[Maintenance Orders \(Reciprocal Enforcement\) \(Designation of Reciprocating Countries\) Order \(Cap 188B\)](#)

[Marriage Ordinance \(Cap 181\)](#) **[marriage]**

[Civil Celebrant of Marriages Appointment Appeal Board Regulation \(Cap 181A\)](#)

[Marriage Reform Ordinance \(Cap 178\)](#) **[customary marriages]**

[Marriage Reform Regulations \(Cap 178A\)](#)

[Marriage Reform \(Fees\) Regulations \(Cap 178B\)](#)

[Marriage Reform \(Forms\) Regulations \(Cap 178C\)](#)

[Designation of Public Officers Notice \(Cap 178D\)](#)

[Matrimonial Causes Ordinance \(Cap 179\)](#) **[divorce]**

[Matrimonial Causes Rules \(Cap 179A\)](#)

[Matrimonial Causes \(Fees\) Rules \(Cap 179B\)](#)

[Matrimonial Causes \(Decree Absolute\) General Order \(Cap 179C\)](#)

[Matrimonial Proceedings and Property Ordinance \(Cap 192\)](#) **[divorce, ancillary relief, custody]**

[Parent and Child Ordinance \(Cap 429\)](#) **[parentage of children]**

[Protection of Children and Juveniles Ordinance \(Cap 213\)](#) **[child protection]**

[Separation and Maintenance Orders Ordinance \(Cap 16\)](#) **[judicial separation]**

The practice directions applicable to the Family Courts (and to family proceedings before the High Court) are [published by the Judiciary](#). The main practice directions related to family practice are set out below:

[PD15.1 Divorce](#) **[divorce]**

[PD15.2 Petition - Personal Service](#) **[divorce]**

[PD15.3 Reconciliation](#) **[divorce]**

[PD15.4 Special Procedure](#) **[divorce]**

[PD15.6 Appointment of Medical Inspectors](#) **[divorce]**

[PD15.7 Decree Absolute](#) **[divorce]**

[PD15.8 Decrees and Orders: Agreed Terms](#) **[divorce]**

[PD15.9 Ancillary Relief in Matrimonial Causes - Estimate of Costs](#) **[procedure in family courts]**

[PD15.10 Family Mediation](#) **[mediation]**

[PD15.11 Financial Dispute Resolution Pilot Scheme](#) **[ancillary relief]**

[PD15.11A Application of Financial Dispute Resolution Pilot Scheme](#) **[ancillary relief]**

[PD15.12 * Matrimonial Proceedings and Family Proceedings](#) **[procedure in family courts]**

[PD15.13 Children's Dispute Resolution Pilot Scheme](#) **[children]**

[PD15.14 Transfer of Proceedings from the Family Court to the Court of First Instance](#) **[procedure in family courts]**

[PD15.15 Matrimonial and Family Proceedings – Miscellaneous](#) **[procedure in family courts]**

[PDSL5 Guidance on Meeting Children](#) **[children]**

[PDSL6 Guidance on Separate Representation for Children in Matrimonial and Family Proceedings](#) **[children]**

[PDSL7 Guidance on Direct Judicial Communications in International Family Disputes Affecting Children](#) **[children]**

[PDSL9 Pilot Scheme on Private Adjudication of Financial Disputes in Matrimonial and Family Proceedings](#) **[ancillary relief]**

[PDSL10.1 Guidance - Child Arrangements: Domestic Violence](#) **[domestic violence, children]**

[PDSL10.2 Guidance Note on Judgment Summons Procedure](#) **[contempt]**

[PDSL10.3 Guidance on Setting Aside a Consent Order on Ancillary Relief](#) **[ancillary relief]**

FAMILY CASELAW

* indicates leading authority (freely available reports hyperlinked)

Hong Kong judgments are generally freely available directly through the [Judiciary's online database](#) or through the very useful [Hong Kong Legal Information Institute](#) (HKLII)

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Abduction

Re H (minors) (abduction: acquiescence) [1998] AC 72, [1997] UKHL 12 (acquiescence depends on subjective intention of wronged parent; autonomous meaning of Convention)

N v O [1999] 1 HKLRD 68, [1998] HKCFI 1022

LM v HTS aka Re N (a child) [2001] 2 HKLRD 377, [2001] HKCFI 1196

AC v AS (Child Retention: Custody or Access Rights) [2002] 1 HKC 441, [2001] HKCFI 871

D v G [2002] 1 HKLRD 52, [2001] HCKA 348 (allegations of sexual abuse)

LM v HTS (Child Abduction: Habitual Residence) [2001] 2 HKLRD 377, [2001] HKCFI 1196

Re L aka SC v LW [2004] 1 HKLRD 655, [2002] HKCFI 1128 [61]-[63] (acquiescence; *Re H* [1997] UKHL 12 endorsed and applied)

Cannon v Cannon [2004] EWCA Civ 1330 [2]-[5], [61] (not settled in requested state where parent had hidden identity), [38] (overriding objectives of Convention)

Re P (A Child) [2004] 2 FCR 698, [2004] EWCA Civ 971 [60] (autonomous meaning of rights of custody under Convention)

Re J (A Child) (Custody Rights: Jurisdiction) [2006] 1 AC 80, [2005] UKHL 40 (return to non-convention jurisdiction; welfare paramount and Convention policies not to be applied; welfare principle can give great weight to foreign culture of upbringing)

Hunter v Murrow (Abduction: Rights of Custody) [2005] 2 FLR 1119, [2005] EWCA Civ 976 (effect of custody agreements in

foreign jurisdiction, art 15 declaration in requesting state not binding)

BLW v BWL [2007] 2 HKLRD 195, [2007] HKCA 72 (wrongful retention)

K v K (Application to Return Child to the Jurisdiction) [2007] HKFLR 67, [1996] HKCFI 683 (limits of Hague Convention jurisdiction in China)

Re D (A Child) (Abduction: Rights of Custody) [2007] 1 AC 619, [2006] UKHL 51

Re M (Abduction: Zimbabwe) [2008] 1 AC 1288, [2007] UKHL 55 [39]-[40], [43] (discretion to order that child stay when settled, discretion at large, no test of exceptionality) [41] (non-convention applications contrasted, where welfare principle governs)

OOD v IO [2011] 1 FCR 363, [2011] EWCA Civ 128 [22]-[26] (discretion to order that child stay when settled; no hierarchy of factors; generalised approach to child's adaptability to new state inappropriate) [49] (effect of conduct on decision)

M v E (Hague Convention) [2015] HKFLR 337, [2015] HKCFI 778 (return of child from Hong Kong to Brazil, rights of custody, acquiescence, grave risk, Child Abduction and Custody Ordinance Cap 512)

***JEK v LCYP (Children: Habitual Residence)** [2015] 4 HKLRD 798, [2015] HKCA 408 (habitual residence under Hague)

C v N (children: wardship) [2016] 2 HKLRD 765, [2016] HKCFI 531

L v L (Child removal – PRC) [2017] HKFLR 588, [2017] HKCA 552 (Hong Kong and the PRC, whether judge right to refuse final custody order in favour of father, arrangement on reciprocal recognition and enforcement of civil judgements in matrimonial and family cases by the Courts of the Mainland and of the HKSAR)

In the matter of C (Children) [2018] 2 WLR 683, [2018] UKSC 8 [34] (Convention

cannot be invoked where child habitually resident in requested state before the wrongful act occurs) [46]-[51] (repudiatory retention possible, requires objectively identifiable act)

BRS v LYY [2018] HKCFI 1524 (repudiatory retention)

C (Children) (Abduction: Article 13b) [2018] EWCA 2834 [41]-[43] (alcohol abuse; efficacy of protective measures; broadly conceived)

LCH v JMC (Forum and Return) [2019] 4 HKLRD 242, [2019] HKCFI 1894 [31]-[53] (surreptitious removal; insufficiently settled in Canada for habitual residence purposes)

Re NY (A Child) [2019] UKSC 49 (inherent jurisdiction to order return of child)

Access/contact

Re R (an infant) (custody to non-parent) [1974] 1 All ER 1033 (father of illegitimate child)

Re B (Minors) (Access) [1992] 1 FLR 140 (CA) (eccentric and bizarre behaviour by parent)

Sanderson v McManus [1997] UKHL 1; (also reported as *S v M (Access Order)* [1997] 1 FLR 980) (hearsay evidence of assault)

***Re L, V, M, H** [2001] Fam 260, [2000] EWCA Civ 194 (contact after domestic violence; child centred approach)

W v I [2000] HKCA 374 [5] ('right' of access belongs to child, not non-custodial parent) [11] (unusual case where access may prejudice mental health)

Re H (a child) [2006] Fam Law 439, [2005] EWCA Civ 1404 (contact after domestic violence proven; delay and case management)

Re P (Children) [2008] EWCA Civ 1431, [2009] 1 FLR 1056 (CA) (indirect access, domestic violence)

Re Z (Unsupervised Contact: Allegations of Domestic Violence) [2009] EWCA Civ 430, [2009] 2 FLR 877

Warwickshire County Council v TE & Others [2010] 1 FLR 1785, [2010] EWHC B19 (Fam) (emotional distress and estrangement from parent caused to child by loss of access)

Westwater v Secretary of State for Justice [2011] 1 FLR 1989, [2010] EWHC 2403 (Admin) (access to parents serving prison sentence)

Re T [2012] 1 FLR 472, [2010] EWHC B25 (Fam) (one parent killed by other parent, guidance)

Re H (Contact with Biological Father) [2012] EWCA Civ 281, [2012] 2 FLR 627 (CA) (extra-marital relationship)

Re F (Supervised Contact: Disputed Evidence) [2013] 1 FLR 665, [2012] EWCA Civ 828 (violence to social workers during supervised contact)

BDL v CMS [2015] HKFLR 488, [2015] HKCFI 122 (young child, parent coordinator, ordering gradual increase in access)

G, by his next friend Chan Lui Luna v BVR & Others [2018] HKCFI 816 (supervised and unsupervised access; parenting skills)

NPYJ v SMRC [2018] 1 HKLRD 573, [2018] HKCA 20 (interim interim access)

Adjournment

MT v MT (Financial Provision: Lump Sum) [1992] 1 FLR 362

Re G (financial claims: liberty to restore application for lump sum) [2004] 1 FLR 997

Quan v Bray & Ors [2018] EWHC 3558 (Fam) (application to adjourn capital claims)

Alternative Dispute Resolution

Re H (Conciliation: Welfare Reports) [1986] 1 FLR 476

Re D (Minors) (Conciliation: Privilege) [1993] 1 FLR 932 (CA) (when conciliation communications may be disclosed in children's matters)

Al-Khatib v Masry [2005] 1 FLR 381, [2004] EWCA Civ 1353 (court appointment of mediator)

L v L [2007] 3 HKLRD 819, [2007] HKCA 210 (Edgar agreements)

L v L [2008] 1 FLR 26, [2006] EWHC 956 (Fam) (challenging consent orders)

S v P (Settlement by Collaborative Law Process) [2008] 2 FLR 2040

S v T (Mediation: Privilege) (CA) [2011] 1 HKLRD 534, [2010] HKCA 120

S v S [2014] 1 WLR 2299, [2014] EWHC 7 (Fam) (approval of arbitral award)

Adoption

Re LYC (an infant) [1961] HKLR 491 (visitors for purpose of adoption not resident)

Re B (An Infant) [1971] 1 QB 437 (dispensing with consent in best interests)

Re W (an infant) [1971] AC 682 (objective test: unreasonably withholding consent)

Re D (Minors) [1996] AC 593, [1995] UKHL 17 (sight of adoption papers, procedural fairness; non-disclosure the exception not the rule)

Re NTH [1996] 1 HKC 93 (meaning of residence in adoption proceedings)

Re G (a minor) (Adoption: Freeing Order) [1997] AC 613, [\[1997\] UKHL 16](#) (revocation of adoption order where re-assumption of parental rights inappropriate)

Re C (Adoption: Freeing Order) [1999] Fam 240

Director of Social Welfare v L [2006] 3 HKLRD 789, [\[2006\] HKCFI 1001](#) (adoption preferable to remaining in care)

Down and Lisburn Trust v H and R [\[2006\] UKHL 36](#) (open adoptions)

Re C (Adoption: Consent) [2012] 1 HKLRD 308, [\[2011\] HKCFI 1669](#) (abandonment and neglect, tracing of parent)

Director of Social Welfare v DTTH [2012] 5 HKLRD 203, [\[2012\] HKCFI 1423](#) (consent unreasonably withheld)

Director of Social Welfare v HSP [\[2013\] HKCFI 1537](#) (tracing biological mother's legal husband)

BT & GT (Children: twins – adoption) [\[2018\] EWFC 76](#) (intervention of older siblings, failure to conduct sibling assessment)

Appeals

G v G (minors: custody appeal) [1985] 1 WLR 647, [\[1985\] UKHL 13](#) (threshold in discretionary context of care and contact)

Re G (a minor) (care: evidence) [1995] 2 FCR 120, [1994] 2 FLR 785 (CA) (fresh evidence on appeal)

Piglowska v Piglowski [1999] Fam Law 617, [\[1999\] UKHL 27](#) (court slow to accede to narrow textual analysis in discretion cases)

W Healthcare NHS Trust v KH and Others [\[2004\] EWCA Civ 1324](#) [28] (threshold where first instance court has taken best interests decision)

KNM v HTF [\[2011\] HKCA 541](#) [1], [23] (thresholds to appeal findings of fact)

TAC v VDC [\[2012\] HKCA 643](#) [7] (thresholds in discretionary contexts)

Re B [2013] 1 WLR 1911, [\[2013\] UKSC 33](#) [47], [91]-[92], [139] (threshold in fundamental rights contexts)

YN v NA (Leave to Appeal Out of Time) [2014] HKFLR 190, [\[2014\] HKCA 166](#) (whether to allow leave out of time, consideration of extension of time, whether a refusal to leave to appeal was capable of being appealed, whether the judge was right to allow the husband to cross appeal)

ZJ v XWN [2018] 3 HKLRD 644, [\[2018\] HKCA 436](#) [64] (leave applications a filtering process, to be conducted summarily and proportionately)

JHK v YK [2018] HKFLR 552, [\[2018\] HKCA 542](#) [21] (Director of Legal Aid invited to streamline application process in light of *ZJ v XWN* judgment)

CCMJ v SSM [2019] HKFLR 51, [\[2019\] HKCA 267](#) (costs of leave to appeal in children's matter where application persisted despite refusal below)

LACHY v YC [\[2019\] HKCA 319](#) [13] (being out of Hong Kong on holiday no good reason for delay in seeking leave to appeal)

WW v LLN [2019] HKFLR 539, [\[2019\] HKCA 1278](#) [3] (possibility of rolled up leave and appeal hearings, given limited scope of issues and need for proportionality) [17] (no interference with weight given by judge to evidence save where plainly wrong)

G (Children: Fair Hearing) [\[2019\] EWCA Civ 126](#) (judicial pressure to settle, hearing unfair, appeal allowed)

C v S [\[2020\] HKCA 35](#) (costs of leave to appeal in wardship matter awarded, where no substance to contentions)

Attachment of income

K v K [2005] 1 HKC 303, [\[2005\] HKCFI 104](#) (arrears, pension capable of attachment)

KGK v WHL [\[2006\] HKFC 5](#) [112] (single instance of non-payment, effect on work and school)

L v L [2007] 1 HKLRD 236, [\[2006\] HKCA 469](#) [4] (second maintenance order anticipated) [8]-[9] (attachment of government / Crown salaries)

HWK v TCWP [\[2008\] HKFC 82](#) [25]-[27] (attachment to government salary)

SMC v JAC [\[2011\] HKFC 43](#) [74]-[75] (repeated unilateral deductions justifying attachment)

YY v CHOA [\[2012\] HKFC 36](#) [9]-[14] (shared responsibility for missed payments)

Bankruptcy orders

Curtis v Curtis [1969] 1 WLR 422

F v F [1994] 1 FLR 359 (annulment of bankruptcy order)

Re Mordant, Mordant v Halls [1997] 2 FCR 378

Re Lam Cham Ho [1999] 3 HKC 688, [\[1999\] HKCFI 1880](#) (who is a bankrupt's 'family')

Levy v Legal Services Commission [2001] 1 All ER 895, [\[2000\] EWCA Civ 285](#) [33] (whether costs order in family proceedings is provable as debt)

Re Li Kam Kwan, HTF v LKK [2006] HKCLR 433, [\[2006\] HKCFI 1935](#) (application to set aside bankruptcy order)

Re Lam Yik Kai [\[2011\] HKCFI 375](#) [11] (standard of proof) [50] (petition a ploy to avoid financial obligations)

Re Lo Man Hong [2013] 4 HKLRD 126, [\[2013\] HKCFI 1367](#) (whether maintenance arrears are provable)

Best interests / welfare principle / checklist

J v C [1970] AC 668, [\[1969\] UKHL 4](#) (paramountcy of welfare)

Lee Cheuk Wah [\[1984\] HKCFI 166](#) (children's wishes liable to change)

C v C [2006] HKFLR 1, [\[1988\] HKCA 299](#) (wishes of a 15-year-old)

Re W (Minors) (Residence Order) [1992] 2 FLR 461 (wishes, sufficient understanding at 12 to 13 years)

Liu Lau Oi Yuk Sheldy v Liu Chian Hsiong [\[1997\] HKCA 494](#) (status quo, reduced importance where child familiar with parents' separate lives)

Y v L [\[1998\] HKFC 1](#) (wishes, whether child of 9 sufficiently mature, needs, Chinese culture)

Mabon v Mabon [2005] Fam 366, [\[2005\] EWCA Civ 634](#) (wishes, 13, 15 and 17, free expression aspect)

M v H [\[2006\] HKFC 8](#) (needs, hostility to parent, status quo, neutral environments)

W v W [2005] HKFLR 312 (DC) (sexual orientation of parents and best interests)

Re G (Children) (Residence: Same Sex Partner) [2006] 2 FLR 629, [\[2006\] UKHL 43](#) (difficult and finely balanced cases)

L v F [\[2006\] HKFC 24](#) [54]-[54] (checklist is useful in custody cases but not exhaustive)

YLS v TL [\[2008\] HKFC 29](#) [14] (custody, checklist referred to so far as relevant, domestic violence context)

Naziya Aslam v Rafaqat Ali [2009] HKFLR 294, [\[2004\] HKCA 91](#) [36] (change to status quo, adaptable children) [37] (role of mother caring for young children)

PCY v CYW [\[2009\] HKFC 19](#) [18] (custody and care and control, referred to so far as relevant)

***SMM v TWM** [2010] HKFLR 308, [\[2010\] HKCA 173](#) (best interests re relocation)

H v N [2012] 5 HKLRD 498, [\[2012\] HKCFI 1533](#) [28]-[32] (practice of using checklist approved, no duty to do so, laborious 'one by one' recital unnecessary, a mere aide-memoire)

***ZJ v XWN** [2018] 3 HKLRD 644, [\[2018\] HKCA 436](#) [25] (*H v N* and three caveats endorsed) [28] (not mandatory for judge to set out checklist item by item to show that it has been considered)

Comilang and Another v Director of Immigration [\[2019\] HKCFA 10](#) (best interests no application in immigration context concerning the entry, stay or departure of family members)

Calderbank offers

***Calderbank v Calderbank** [1975] 3 All ER 333 (CA)

Cutts v Hay [1984] 1 Ch 290, [1984] 1 All ER 597 (CA)

Gojkovic v Gojkovic (No 2) [1992] Fam 40 (degree to which offers have teeth, broad discretion)

A v A [1996] 1 FLR 14

F v F (Duxbury calculation) [1996] 1 FLR 833

Young v Young [1999] 3 FCR 36, [1998] 2 FLR 1131 (CA)

Butcher v Wolfe [1999] 2 FCR 165 (CA)

GW v RW [2003] Fam Law 386, [\[2003\] EWHC 611 \(Fam\)](#) [82]-[107] (Calderbank offers and litigation conduct) [87] (Calderbank offers in post-White era)

Norris v Norris, Haskins v Haskins [\[2003\] EWCA Civ 1084](#)

C v C (Costs: Ancillary Relief) [2004] 1 FLR 291

W v K & Anor (Costs) [2008] HKFLR 378 [13] (Calderbank informative but not determinative, litigation conduct and neglect also relevant)

L v C [\[2008\] HKCA 92](#) [23] (pointers as to how the discretion should be exercised)

KWC v LYY [\[2009\] HKFC 28](#) [3]-[7] (general principles restated) [25]-[26] (no teeth were disclosure incomplete)

T, L v S, N [\[2010\] HKCA 296](#) [113]-[126] (Calderbank offers outside of big money contexts)

EJC v CJB [2011] 5 HKLRD 508, [\[2011\] HKCA 225](#) [127]-[139] (rejection of offer at court door, trial time used on bad points material)

KEWS v NCHC [\[2012\] HKCA 118](#) (increasing offers failed to beat award; 85% costs award) (appeal to CFA dismissed)

W v C [\[2014\] HKFC 102](#) (in MPS context)

KJ v KMLM [\[2014\] HKCFI 1043](#) [13]-[19] (general principles) [21]-[24] (principles re indemnity costs)

SANK v PGN [\[2011\] HKFC 30](#) [49] (no order, both parties partly to blame)

MGB aka MAG v GCB [\[2018\] HKFC 8](#) (offer not beaten, reasonable to insist on nominal maintenance in the circumstances)

Case management

Kelly (a minor) v BBC [2001] 1 All ER 323, [\[2000\] EWHC Fam 2](#) (no 'secret communications' with the court)

Wong Kar Gee Mimi v Severn Villa Ltd [2012] 1 HKLRD 887, [\[2012\] HKCA 591](#) (appeal of case management decisions)

Chan Cheung Ming Jacky and Siu Sin Man [2014] 5 HKLRD 89, [\[2014\] HKCA 404](#)

Chai v Peng [\[2014\] EWHC 1519 \(Fam\)](#) (application to withdraw and reissue petition in big money case; criticism of

costs and use of court resources; maintenance pending suit)

DJ v LRM [2015] HKFC 81 (use of documents in aid of criminal defence, permitted)

CCMJ v SSM [2016] HKFLR 22, [2015] HKCA 765 (notices of appeal, bundles, case management)

TYT v TLH [2019] HKFLR 325, [2019] HKFC 186 (use of documents in PRC proceedings, *DJ v LRM* distinguished)

CEPK v LKKH [2019] 1 HKLRD 681, [2018] HKFC 232 [63]-[64] (no place for running bundles in modern family litigation)

SSLT v SMFC (AR; Non-Matrimonial Assets) [2019] HKFLR 458, [2019] HKFC 250 [20]-[25] (rule in *Browne v Dunn* inapplicable in quasi-inquisitorial family proceedings)

W (A Child) [2019] EWCA Civ 1966 [21]-[22] (generally unhelpful to include comments *re* merits in recitals of orders)

Charging orders

Roberts Petroleum Ltd v Bernard Kenny Ltd [1982] 1 All ER 685 (CA)

Harman v Glencross [1986] 1 All ER 545 (CA)

Malahon Credit Co Ltd v Siu Chun Wah Alice [1987] 2 HKC 79, [1987] HKCA 341

SJ v Chau Mei Ha (t/a Ramco International Co) [1999] HKCFI 11

Ng Yat Chi & Anor v China Resources (Holdings) Co Ltd [2006] HKCFI 1081

Bank of China (Hong Kong) Ltd v Kanishi (Far East) Ltd [2002] 2 HKLRD 52, [2001] HKCFI 1285

Field v Field [2003] 1 FLR 376

Y v A [2005] HKFC 9 (whether transfer should be subject to charging order)

Wan v Lai [2007] HKFC 44 (set aside for irregularity)

Child abuse

Re M (A Minor) (Child Abuse: Evidence) [1987] 1 FLR 293

Re W (A Minor) (Child Abuse: Evidence) [1987] 1 FLR 297

Re H (A Minor) (Child Abuse: Evidence) [1987] 1 FLR 332

Re G (A Minor) (Child Abuse: Standard of Proof) [1987] 1 WLR 1461

Re H (A Minor) [1989] 3 WLR 933 (CA)

Re Z (Minors) (Child Abuse: Evidence) [1989] 2 FLR 3, [1989] FCR 440

Re AM (Minors) (Wardship: Child Abuse: Guidelines to Social Workers) [1991] 1 WLR 1026,

Re W (Minors) (Sexual Abuse: Standard of Proof) [1994] 1 FLR 419

Re M (A Minor) (Care Proceedings: Appeal) [1994] 1 FLR 59 (CA)

Re H and R (Child Sexual Abuse: Standard of Proof) [1996] AC 563, [1995] UKHL 16

Re D (A Child) (Wardship: Evidence of Abuse) [2001] 1 FLR 148 (facilitated communication methods viewed with caution)

CLL v SW [2012] HKFC 57 [24]-[49] (principles where sexual abuse alleged)

B (Children) [2019] EWCA Civ 575 [49] (staged approach where identity of perpetrator uncertain)

Re S (A Child: Adequacy of Reasoning) [2019] EWCA Civ 1845 [31]-[34] (fact finding decision set aside for insufficient reasoning)

A (No 2) (Children: Findings of Fact) [2019] EWCA Civ 1947 (second retrial ordered after court went 'off piste' in fact finding hearing)

Child maintenance

Re P (Child: Financial Provision) [2003] 2 FLR 865

Morgan v Hill [2006] EWCA Civ 1602 (unmarried couple, effect of an agreement)

H v S [2012] HKFLR 236, [2009] HKFC 14 (history of legislation in England and Hong Kong) [47] (test is reasonableness against respondent's means)

WGL v ASB [2013] HKFLR 391, [2013] HKCFI 1196

IDC v SSA [2014] 4 HKLRD 220, [2014] HKCA 277 [21]-[36] (jurisdiction to order settlement of sum on trust for purchase of property to meet accommodation need of a child, with a reversion to the paying parent)

LTM v RJT [2019] HKFLR 449, [2019] HKCA 1004 (carer's allowance for unmarried former partner, upheld)

'Child of the family'

A v A [1974] Fam 6 (unborn child)

M v M (child of the family) [1980] 2 FLR 39 (behaviour after separation)

W v W (Child of the Family) [1984] FLR 796 (contributions to pram cost, and birthday gifts of clothes)

Re A (Child of the Family) [1998] 1 FLR 347 (grandchild 'treated' for purpose of 1975 Act)

LNL v HPYA [2016] 3 HKLRD 261, [2016] HKFC 51 [11]-[14] (when treated as a child of the family; broad question of objective fact, including where the child lives, who pays for the child, who exercises discipline and whether responsibilities are claimed)

Chinese customary adoptions

Re Chan Tse Shi (1954) 38 HKLR 9 (example of variation of customs)

Tai Lee Construction Co v Tsang Ching Hing [1966] HKLR 868 (expert evidence not always essential)

Wong Kam Ying v Man Chi Tai [1967] HKLR 201 (intention to adopt necessary)

Yau Ting Sung v Yau Wan Loi [1984] HKLR 1, [1983] HKCFI 171 (documentary evidence not necessary)

Yeung Chi Ding v Yeung Tse Chun [1986] HKLR 131, [1985] HKCFI 276

Ng Chi-fong v Hui Ho Pui-fun [1987] HKLR 462, [1987] HKCFI 42

Re Estate of Lau Wai Chau [1998] 1 HKLRD 579, [1998] HKCFI 1006

Liu Ying Lan v Liu Tung Yiu [2003] 3 HKLRD 249, [2003] HKCA 310 (rights of adoptive child)

Re Estate of Lucien Wong aka De Wong Au Edith v Kho Sin Tek Henry [2004] HKCFI 83 (background of the family and expert reports)

Chow Shun Yung v Ethel Lew [2006] HKCLRT 389 (English), [2006] HKCLRT 372 (Chinese), [2006] HKCFI 1927 (no expert evidence that man could adopt his own illegitimate child under customary law)

Committal for contempt

Ansah v Ansah [1977] Fam 138 (last resort)

Fabrique Ebel SA v MBO Far East [1985] HKCFI 393 (procedure)

Malcolm Ernest Gray v Diane Cary Barber Servino (2001) 4 HKCFAR 419, [2001] HKCFA 15 (warrant for committal should not automatically issue on affidavit of default)

Olk v Olk [2001] EWCA Civ 1075 (manipulation to thwart care arrangements order)

V (Children) [2008] EWCA Civ 635 (committal order excessive given welfare of children)

Slade v Slade [2009] EWCA Civ 748 (grave contempt, using son to interfere with counterparty's property)

JRB v KLWW [2011] HKCA 139 [31] (principles of contempt jurisdiction)

Zuk v Zuk [2012] EWCA Civ 1871 (imprisonment for non-payment of lump sum, unjust)

CKF v LHL [2016] HKFLR 492, [2016] HKFC 128 (restoration of injunction summons, committal proceedings)

Computation / non-marital assets

Watchel v Watchel [1973] Fam 72, [1973] EWCA Civ 10 (definition of family assets)

**Charman v Charman* [2007] 1 FLR 1246, [2007] EWCA Civ 503 [66] (sharing applies to all property, but better reason to depart from equality re non-matrimonial property) [67] (computation precedes distribution)

**Miller, McFarlane* [2006] 2 AC 618, [2006] UKHL 24 [21]-[25] (matrimonial and non-matrimonial property), [147]-[153] (source of asset and length of marriage)

FS v JS [2007] 1 FLR 1496, [2006] EWHC 2793 (Fam) [30]-[32] (pre and post marital assets post Miller)

Rossi v Rossi [2007] 1 FLR 790, [2006] EWHC 1482 (Fam) [8]-[24] (post separation accrual)

**LKW v DD* (2010) 13 HKCFAR 537, [2010] HKCFA 70 [71]-[73]

MKGWH v RKSH [2011] HKFLR 220, [2011] HKCA 5 (family shares in a public company)

Kerman v Akhmedova [2018] 2 FLR 354, [2018] EWCA Civ 307 (examination of party's solicitor in enormous wealth case where financial conduct obfuscatory) [22] (principles of common law and equity apply equally in family law)

Versteegh v Versteegh [2018] EWCA Civ 1050 (impressionistic and probably valuation in case of enormous wealth and complex business structure)

CSY v CPK [2019] HKFLR 172, [2019] HKFC 129 [42]-[48] (small business relevant to earnings not computation) [42]-[59] (clawback of unexplained payment) [68]-[83] (adverse inferences, lifestyle exceeding disclosed means)

SSLT v SMFC (AR; Non-Matrimonial Assets) [2019] HKFLR 458, [2019] HKFC 250 [28]-[36] (nine months insufficient to exclude post-separation bonus payment) [41]-[48] (pensions, relevant whether realisable) [96]-[110] (intermingling of pre-marital assets)

LCYP v JEK & Anor [2019] HKFLR 238, [2019] HKCFI 1588 [107]-[115] (add back of \$22M for disproportionate legal costs)

Costs in children's matters

Re G (Minors) (Wardship: Costs) [1982] 1 WLR 438

London Borough of Sutton v Davis (Costs) (No 2) [1994] 2 FLR 569

Re M (Local Authority's Costs) [1995] 1 FLR 533 (unusual where conduct not reprehensible nor stance beyond band of what is reasonable)

N v O [1998] HKCFI 1022 (Hague cases)

R v R (Costs: Child Case) [1997] 2 FLR 95 (CA) (litigation conduct relevant)

AC v AS [2005] HKCFI 1059

N v I [2006] HKFLR 115, [2006] HKFC 2 (interlocutories)

FHY v S (Costs: Children's Case) [2006] HKFLR 453

M v M (Removal) [2008] HKFLR 100, [\[2006\] HKFC 2](#) (unsuccessful Hague appeal)

EM v SW [\[2009\] EWCA Civ 311](#) (discretion on appeal)

Re S (Leave To Remove: Costs) [2010] 1 FLR 834 (discretion on appeal)

R and R v A [2011] 2 FLR 672 (highly unpleasant and irrelevant accusations against father)

**TC fka TSWC v KCTC aka Re LB* [2012] 1 HKLRD 266, [\[2011\] HKCFI 1603](#) (wardship costs)

Re T [2012] 1 WLR 2281, [\[2012\] UKSC 36](#) (costs of unproven harm allegations)

**TPL v WYY (Cost: children)* [2015] HKFLR 75, [\[2014\] HKCA 625](#) (failure to disclose new partner)

**QMY v GSS (No 2)* [2016] 1 HKLRD 433, [\[2015\] HKCA 555](#) (costs on appeal, point of law)

RM v SRM (Security for Costs: Child Relocation) [2019] 2 HKLRD 1094, [\[2019\] HKFC 93](#)

LACHY v YC [\[2019\] HKCA 319](#) [10] (threshold to set aside finding *re* litigation conduct that grounded costs award 'very high')

Costs in matrimonial matters

Livesey (formerly Jenkins) v Jenkins [1985] AC 424, [\[1984\] UKHL 3](#)

Gojkovic v Gojkovic (No 2) [1992] Fam 40 (general principles)

Re Elgindata Ltd. (No.2) [1992] 1 WLR 1207 (frequently cited starting point)

P v P (Financial Relief Non-Disclosure) [1994] 2 FLR 381

F v F [1994] 1 FLR 359

Baker v Baker [1995] 2 FLR 829

M v M (Financial Provision: Party Incurring Excessive Costs) [1995] 3 FCR 321

Tavoulareas v Tavoulareas [1998] 2 FLR 418 (CA)

Young v Young [1998] 2 FLR 1131 (CA)

Al-Khatib v Masry [2002] 1 FLR 1053

KGL v CKY [2005] 1 HKFLR 215, [\[2003\] HKCA 371](#) (costs within MPS)

L v C [\[2008\] HKCA 92](#) [23] (principles)

NG v SG [\[2011\] EWHC 3270 \(Fam\)](#) (non-disclosure)

EJC v CJB [2011] 5 HKLRD 508, [\[2011\] HKCA 225](#) [130] (obligation to explore settlement constructively) [133] (broad discretion) [135] (late and low offer)

HJFG v KCY [2012] 1 HKLRD 95, [\[2011\] HKCA 402](#) [79]-[85] (contribution to ongoing legal costs; principles)

LSY v HTF [2013] 2 HKLRD 1223, [\[2012\] HKCA 536](#) [17]-[21] (marital and litigation misconduct distinction)

Z v X & C [\[2013\] HKCA 123](#) (various costs appeals)

LGA nee P v LKGD [\[2013\] HKFC 43](#) (short marriage, costs exceeded lump sum awarded)

JJBGMK v JPLY [\[2014\] HKFC 45](#) (offers and exaggerated needs claims)

D v L [\[2014\] HKFC 57](#) (legal costs contribution)

AVT v VNT [2015] HKFLR 553, [\[2015\] HKCA 611](#) (sanctioned costs)

AB aka ABW v MAW [2016] HKFLR 525, [\[2016\] HKCA 580](#) (costs following FDR)

CEPK v LKKH [2019] 1 HKLRD 681, [\[2018\] HKFC 232](#) [48]-[52] (costs following in-trial settlement; payment method different to

open offer) [67] (costs of running bundles disallowed)

Leung For Wing v Liu Shaouan [2018] 4 HKLRD 352, [2018] HKCFI 1941 (whether third party joined in s.17 application could recover costs from Director of Legal Aid)

***LLC v LMWA & Anor** [2019] HKCA 347 [30]-[37] (proportionate approach to costs in family litigation)

CWHW v KSHD & Anor [2019] HKFLR 62, [2019] HKFC 70 (indemnity costs of application to set aside, where delay, failure to give evidence and unscrupulous motive)

LCC v LTLA [2019] HKCA 762 [2]-[5] (costs of FDR appropriate where party reneged on property valuation agreed days earlier) [10] (costs of FDR 'forthwith' permissible in principle)

WW v LLN [2019] HKFLR 539, [2019] HKCA 1278 [32]-[33] (further reminder to practitioners to resolve dispute (*re* litigation funding) by negotiation rather than application/appeal)

NLT v LYKJ [2020] HKCA 77 (plainly wrong for related matrimonial matters to be litigated in both the High Court and Family Court)

Custody, care and control

J v C [1970] AC 668 (custody to foster parents)

***Dipper v Dipper** [1980] 3 WLR 626 (sole custody not absolute)

W v W [1981] HKC 466 (split custody inherently undesirable, but possible)

H v H [2002] HKCA 419 (upholding 'shared care' order)

G (Children) (Residence: Same Sex Partner) [2006] 1 WLR 2305, [2006] UKHL 43

***S v Z, reported as SEB v ZX (Custody)** [2007] HKFLR 165, [2007] HKFC 34 (split order)

ML v YJ [2008] HKFLR 88 (whether joint custody workable, or aspirational)

BWBP v T-KP nee DP [2012] HKFC 5 (discussion of 'primary carer')

Y v P [2009] HKFLR 308 (compelling co-operation by joint custody order undesirable)

Naziya Aslam v Rifaqat Ali (Custody and Removal) [2009] HKFLR 294, [2004] HKCA 91 (custody on permanent relocation)

***PD v KWW (Joint Custody, Care and Control)** [2010] 4 HKLRD 191, [2010] HKFLR 184, [2010] HKCA 172 (definitions of custody and care and control)

SKP v YITT [2012] HKFC 62 [19] (helpful collection of various orders available), [21] (joint care and control usually though not necessarily, by consent), [22] (discussion of shared care)

RWS v KCC [2012] HKFAMC 1 (medical issues requiring single ultimate decision maker)

CCMJ v SSM [2013] 3 HKLRD 497, [2013] HKCA 721 (joint custody unworkable, overbearing attitude made cooperation wishful thinking)

ULS v ERJ [2013] HKFC 64 (small child, serious allegations against father)

LMM v LKKV (custody, care and control and shared care) [2013] HKFLR 580, [2013] HKFC 95

黎 v 凌 [2017] 5 HKLRD 629, [2017] HKCA 552 (custody where child taken to the Mainland)

JHK v YK [2018] HKFLR 552, [2018] HKCA 542 [24] (neither instructions, strategic nor forensic considerations should cloud practitioners' judgment *re* best interests)

Decree absolute application

Lau Chu alias Lau Kwok Chu v Lau Tang Su Ping [1989] 2 HKLR 470, [\[1989\] HKCA 294](#)

Wickler v Wickler [1998] 2 FLR 326

Re G (Decree Absolute: Prejudice) [2003] 1 FLR 870

J v V [2013] 1 HKLRD 203, [\[2012\] HKCFI 1877](#) [29] (guiding principle is whether just and convenient, exceptional circumstances required to oppose, financial prejudice must be real, court may balance prejudice to each party)

TLS nee J v RCS [\[2013\] HKFC 74](#) [29] (principles re grant of decree absolute)

JAH v VH (Decree Absolute) [2013] HKFLR 66, [\[2013\] HKCA 640](#) [7.2]-[7.6] (approach where financial prejudice claimed under section 17A)

Delay / extensions of time

YSP v HFF [\[2003\] HKCA 295](#) [13] (principles; extension to file an answer to a petition)

KNM v HTF [\[2011\] HKCA 541](#) [15]-[19] (practice and procedure; principles; extension to apply for leave to appeal)

YN also known as YN (A) v NA [\[2014\] HKCA 166](#) (whether jurisdictional bar to appeal against grant of leave out of time)

TPL v WYY formerly known as WYY [\[2014\] HKCA 677](#) (extension to appeal against costs order)

Wyatt v Vince [2015] 2 All ER 755, [\[2015\] UKSC 14](#) [32] (no time limit)

Departure from equality

GW v RW [2003] EWHC 611 (Fam)

Forster v Forster [2003] 2 FLR 299, [\[2003\] EWCA Civ 565](#) (short childless marriage; both parties working)

Lambert v Lambert [2003] 1 FLR 139, [\[2002\] EWCA Civ 1685](#) (big money; all generated in marriage; special contribution argument discriminatory; arguments about contributions often futile)

Parra v Parra [2003] 1 FLR 942, [\[2002\] EWCA Civ 1886](#) (weight given to equality community of property regime arranged by parties during marriage through family company)

**Miller, McFarlane* [2006] 2 AC 618, [\[2006\] UKHL 24](#) [65], [67], [145] (neither conduct nor special contributions informative of fair distribution, unless inequitable)

Rossi v Rossi [2007] 1 FLR 790, [\[2006\] EWHC 1482 \(Fam\)](#) [25]-[32] (effect of delay)

FS v JS [2007] 1 FLR 1496, [\[2006\] EWHC 2793 \(Fam\)](#) [38]-[42] (summary of conduct cases [38]-[42])

**Charman v Charman (No 4)* [2007] Fam Law 682, [\[2007\] EWCA Civ 503](#) [66] (sharing applies to all property, but better reason to depart from equality re non-matrimonial property)

North v North [2009] 1 FLR 158, [\[2007\] EWCA Civ 760](#) [69] (re-housing, fairness to both parties)

**LKW v DD* (2010) 13 HKCFAR 537, [\[2010\] HKCFA 70](#)

Jones v Jones [2011] 3 WLR 582, [\[2011\] EWCA Civ 41](#) [69] (sharing and needs may be different in medium asset / non-big money cases)

**ARAV v VP, LJ* [2011] 3 HKLRD 759, [\[2011\] HKCA 131](#) (departure for financial misconduct)

Lawrence v Gallagher [2012] 2 FLR 643, [\[2012\] EWCA Civ 394](#)

TCWF v LKKS [2014] 1 HKLRD 896, [2014] HKCA 414 (conduct during marriage and sharing)

TCWF v LKKS & Ors [2014] HKFLR 1, [2014] HKCA 419 (effect of a framework agreement)

Mimi Kar Kee Wong Hung v Raymond Kin Sang Hung (2015) 18 HKCFAR 21, [2015] HKCEA 38 (add-backs, clawbacks)

PW v PPTW [2015] HKCA 176 [46]-[58] (guidance re sources of assets) [59]-[70] (two methods of departure)

MAP v MFP [2015] Fam Law 522, [2015] EWHC 627 (Fam) (successful family business, no add-back)

A v B [2016] HKFLR 332, [2016] HKFC 127 (sharing of income)

Versteegh v Versteegh [2018] EWCA Civ 1050 (effect of agreement on sharing)

CSY v CPK [2019] HKFLR 172, [2019] HKFC 129 [117] (child care did not justify departure from equality)

SSLT v SMFC (AR; Non-Matrimonial Assets) [2019] HKFLR 458, [2019] HKFC 250 [111]-[130] (distillation of compensation principles) [147]-[149] (abandoned career genuine disadvantage, 5% departure)

Disclosure / discovery: ancillary relief

Wiseman v Wiseman [1953] (failure to make full disclosure in a divorce petition does not render it void, merely voidable and liable to be set aside)

B v B (Matrimonial Proceedings: Discovery) [1978] Fam 181

Hotung v Hotung [1980] HKC 327

Thyssen-Bornemisza v Thyssen-Bornemisza (No 2) [1985] FLR 1069

B v B (Discovery: Financial Provision) [1990] 2 FLR 180

Tao Chen Pi O v Tai Hsiuo Ming [1994] 1 HKLR 144, [1993] 1 HKC 279 (CA)

Lo Shiu Chun v Law Ying Chee Fogg [1994] 1 HKC 227 (CA)

Van G v Van G (financial provision: millionaire's defence) [1995] 1 FLR 328

Charman v Charman [2006] 1 WLR 1053, [2005] EWCA Civ 1606

IDC v SSA [2013] 5 HKC 482, [2013] HKFC 4 (on appeal as [2014] 4 HKLRD 220, [2014] HKCA 277)

CWG v MH [2016] HKCA 276 (inferences re offshore assets)

YBL v LWC [2017] 1 HKLRD 823, [2016] HKCA 629 [94] (difference between disclosure in ancillary relief and post-judgment examination)

A v B (Discovery) [2017] HKFLR 66, [2017] HKFC 15 [11]-[13] (principles)

CLS v LPKP [2018] 1 HKLRD 786; [2018] HKFC 6 (non-party discovery against bank)

LCYP v JEK & Anor [2019] HKFLR 238, [2019] HKCFI 1588 [32]-[74] (adverse inferences drawn due to non-disclosure of assets)

TYT v TLH (Discovery) [2019] HKFLR 230, [2019] HKFC 177 (scope of discovery not enlarged by three year presumption in s.17 MPPO)

Disclosure / discovery: children

Essex CC v R [1994] Fam 167 (full and frank)

Re DH (a minor) (child abuse) [1994] 1 FLR 679 (full and frank)

Re L (A Minor) (Police Investigation: Privilege) [1997] AC 16 (HL)

A (A Child) [2014] WLR (D) 529, [\[2014\] EWCA Civ 1577](#) (millionaire's defence in context of children's needs)

Divorce – grounds

Cleary v Cleary [1974] 1 All ER 498 (adultery)

Yeung Leung Yau Lin v Yeung Kam Wah [1977–1979] HKC 328, [\[1977\] HKCFI 69](#) (behaviour, arranged marriage)

Lee Yuen Sam v Lee Tang Hop Wo [1977–1979] HKC 444, [\[1979\] HKCFI 139](#) (cumulative behaviour)

Li Kao Feng Ning, Judy v Li Hung Lit [1983] 1 HKC 111, [\[1983\] HKCA 300](#) (adultery no bar to behaviour petition)

LCM v LYY [2003] 2 HKLRD 690, [\[2003\] HKCA 396](#) (separation)

Wong Chan Oi Ying Sarita v Wong Yiu Cho [\[2007\] HKFC 5](#) (behaviour, whether reasonable to expect cohabitation an objective question)

FHFK v NCM [\[2008\] HKCA 254](#) (setting aside decree absolute)

BL v SJY [\[2009\] HKFC 23](#) (behaviour: affairs, abuse, neglect)

KJA v KYSH fka YSH [\[2014\] HKFC 71](#) (contested behaviour petition, costs)

WCP v TPW [2015] HKFLR 118, [\[2015\] HKFC 22](#) (behaviour, defended petition)

***Owens v Owens** [2018] 4 All ER 721, [\[2018\] UKSC 41](#) (unreasonable behaviour)

Divorce – procedure

Quincey Kun Yuan v Wong E Yuan (alias Wang Bei Lee) [1964] HKLR 895 (foreign decree of divorce)

Ives v Ives [1967] HKLR 423

Cheng Bong Nang v Cheng Ho Fai [1973–1976] HKC 137

Wong Tat-lun Eddie v Wong Chan Siu-ping [\[1987\] HKCA 336](#) (financial hardship and decree absolute)

Lau Chu v Lau Tang Su-ping [1989] 2 HKLR 470, [\[1989\] HKCA 294](#)

Chiu v Chiu [\[1992\] HKCA 214](#) (retial)

Li Wai Tat v Li Man York [1998] 1 HKLRD 121, [\[1997\] HKCA 542](#) (witness subpoenas)

Zinkin v Wong, Jennie [2000] 1 HKC 642, [\[1999\] HKCA 460](#) (decree absolute made prior to resolve of ancillary relief application)

Chan Cheung Ming Jacky v Siu Sin Man [2014] 5 HKLRD 89, [\[2014\] HKCA 404](#) (subpoenas, guardianship context)

Domestic violence

Vaughan v Vaughan [1973] 3 All ER 449

Davis v Johnson [1979] AC 264

Horner v Horner [1982] Fam 90

Spencer v Camacho (1983) 4 FLR 662

George v George [1986] 2 FLR 347

Re N (Minors) (Wardship: Evidence) [1987] 1 FLR 65

Smith v Smith [1988] 1 FLR 179

Chan Chun Hon v Chan Lam Lai Bing Shirley [1994] 3 HKC 196; [\[1994\] HKCA 392](#)

L v T [\[1995\] HKFC 2](#) [19]-[23] (ouster, threshold of physical danger or violence, other factors)

Re H (Minors) (Sexual Abuse: Standard of Proof) [1996] AC 563

S v M (Access Order) [1997] 1 FLR 980, [\[1997\] UKHL 1](#) (hearsay evidence of assault)

L v N [\[2001\] HKFC 2](#)

P v L [2007] 1 HKLRD 2, [2006] HKFC 20 [80] (costs where ouster application unsuccessful and delayed)

P v C [2006] HKFC 27 [22]-[24] (collection of definitions of ‘molestation’)

YLS v TL [2008] HKFC 29 (non-molestation, new threat)

Re B (Care Proceedings: Standard of Proof) [2008] UKHL 35 (HL)

S v L [2009] HKFC 10

D v L [2014] HKFC 26 [3] American Cyanamid governs [48]-[53] (non-disclosure in non-molestation order application)

L v K [2014] HKFC 105

NAV v JTMW [2017] HKFC 24 [127]-[129] (costs where non-molestation order compromised)

Duxbury calculations

**Duxbury v Duxbury* [1987] 1 FLR 7 (CA)

Gojkovic v Gojkovic (No 2) [1992] 1 All ER 267, [1991] 3 WLR 621 (CA)

F v F (Financial Provision: Reasonable Needs) [1995] 2 FLR 45

F v F [2003] 1 HKLRD 836, [2003] HKCFI 111

Pearce v Pearce [2004] 1 WLR 68, [2003] 2 FLR 1144

HCTT v TYYC [2008] HKFLR 286, [2008] HKCA 261 (whether short periodic payments achieve clean break)

WLK v TMC [2011] HKFLR 119, [2010] HKCFA 69 (application of *LKW v DD*, lump sum percentage provided for contribution and compensation)

Simon v Helmut [2012] UK PC 5 [60]-[72] (Duxbury is ‘fair’, modifications of Duxbury)

Chan Pak Ting v Chan Chi Kuen (No 2) [2013] 2 HKLRD 1, [2013] HKCFI 179 (setting discount rates)

YN aka YN (A) v NA [2014] HKCA 166 [37] (weight given to rate of return for first instance judge, not lightly interfered with on appeal)

H v H [2015] 2 FLR 447, [2014] EWCA Civ 1523 (whether rate of return should have been net or gross)

JL v SL (no 3) [2015] 2 FLR 1220, [2015] EWHC 555 (Fam) (whether 3.75% rate reasonable)

**WYSL v FHCBA* [2019] HKFLR 345, [2019] HKCA 814 [62]-[66] (whether Duxbury award should replace ten-year lump sum granted after trial)

Equality and sharing

White v White [2001] 1 AC 596, [2000] UKHL 54 (reasonable needs no longer good law, equality should be departed from only and to the extent that there is good reason to)

Cowan v Cowan [2002] Fam 97, [2001] EWCA Civ 679 (no rule of equality from *White*, gender assumptions should be voided, fair distribution flexible)

**Miller, McFarlane* [2006] 2 AC 618, [2006] UKHL 24 [16] (equality an aid, not a rule)

B v B [2008] EWCA Civ 284 [54], [60] (fairness a matter of judgment, two overriding questions of fairness and non-discrimination)

**LKW v DD* (2010) 13 HKCFAR 537, [2010] HKCFA 70 [57]-[61] (equality adopted)

CSY v CPK [2019] HKFLR 172, [2019] HKFC 129 [133] (nominal maintenance to protect against change in earning capacity)

Evidence, experts and SIRs in children's matters

Re N (Minors) (Wardship: Evidence) [1987] 1 FLR 65

Wong Chiu Ngar Chi v Wong Hon Wai, Linus [1987] HKCA 257 [17] (little weight to young children's (10 and 6½) views expressed through child psychologist)

W v W (A minor: custody appeal) [1988] 2 FLR 505

Re H (Minors) [1996] AC 563, [1995] UKHL 16 [73]-[74] (balance of probabilities informed by likelihood of event)

S v M (Access Order) [1997] 1 FLR 980, [1997] UKHL 1 (hearsay evidence of assault)

Zhen Ziao Ting v Yu San Chuen [2001] 1 HKLRD 261, [2000] HKCA 470

WSM v FSJ (A Minor: Custody Appeal) [2005] 3 HKC 319, [2005] HKCA 302 [22]-[24] (desirable though not mandatory to note why report not followed)

H v M [2007] HKFC 18 (stay application, delayed reliance on psychological reports)

Re B (Care Proceedings: Standard of Proof) [2008] 2 FLR 141, [2008] UKHL 35

W (Children) [2010] WLR 701, [2010] UKSC 12 (whether children should give evidence)

PL v WYY [2012] HKFLR 327, [2012] HKFC 40 (difficulty of dealing with coaching and alienation)

H v N [2012] 5 HKLRD 498, [2012] HKCFI 1533 (variation of interim order)

LYAG v YSG (YX) [2016] HKCA 771 (psychologist's evidence beyond scope of directions, leave to appeal, case management)

NAV v JTMW [2017] HKFC 24 (MDCC findings of abuse, costs)

黎 v 凌 [2017] 5 HKLRD 629, [2017] HKCA 552 [61] (usual though not mandatory to call for a SIR prior to making an order for custody) [74] (absence of child from jurisdiction not necessarily reason of itself to not order a report)

GDML v EJR [2019] HKFLR 94, [2019] HKFC 65 [5]-[8] (principles *re* exclusion of expert report at interlocutory stage)

Financial dispute resolution

H v S [2009] HKFC 14 [173]-[174] (desirability of mediation or FDR in children's matters)

AB v MAW [2017] 1 HKLRD 385, [2016] HKCA 580

BKSH nee KSH v JAB [2017] HKCA 50 [5.6] (FDR judge hearing variation application)

LCC v LTLA [2019] HKCA 762 [2]-[5] (costs of FDR appropriate where party reneged on property valuation agreed days earlier) [10] (costs of FDR 'forthwith' permissible in principle)

Foreign divorce, financial relief

ML v YJ (2010) 13 HKCFAR 794, [2010] HKCEA 85 (pre-Part IIA MPPO, financial relief unavailable after foreign decree pronounced)

C (formerly known as C) v H [2012] HKCFI 702 [26]-[35] (review of Part IIA MPPO, summary of guidance from English authority)

CMU v WPM [2012] HKFC 31 (substantial connection threshold)

CWG v MH and Others [2016] HKCA 276 (appeal of a Part IIA order after trial)

De Gafforj (Appeal - Hadkinson Order)
[2018] EWCA Civ 2070

CM v XDY [2019] HKFLR 136, [2019] HKC 90 (substantial connection for section 29AG financial relief)

Forum (non) conveniens

****Spiliada Maritime Corp v Consulex Ltd*** [1987] AC 460 (starting point of contemporary law on forum non conveniens)

W v W (financial relief: appropriate forum) [1997] 1 FLR H 257

D v P (forum conveniens) [1998] 2 FLR 25

Kreng v Kreng [1999] 1 FLR 969 (bifurcation)

DGC v SLC (nee C) [2005] 3 HKC 293, [2005] HKCA 308 (Spiliada applied to Hong Kong)

W v C [2013] HKFLR 213, [2013] HKCA 142 (domicile and forum involving custody of child in PRC)

LN v SCCM (relocation of daughter for schooling) [2013] HKFLR 358, [2013] HKCA 272

****SPH v SA*** (2014) 17 HKCFAR 364, [2014] HKCFA 56, [51] (four paragraph formulation from *DGC v SLC* adopted and endorsed)

CL v ZRC [2015] HKFLR 125, [2015] HKFC 82 (forum dispute involving PRC, discovery)

LCH v JMC (Forum and Return) [2019] 4 HKLRD 242, [2019] HKCFI 1894 [126]-[140] (Hong Kong natural forum where child habitually residence here and where no intended applicatio to remove)

YJH v LKHM [2019] HKFLR 418, [2019] HKCFI 2030 (*SPH* principles applicable in children's context)

Guardianship

Re TMH (an infant) (No 2) [1962] 2 HKLR 316 (appointment of guardians through wardship)

Re M v H [2006] HKFLR 196 (DC) (s 8F, GMO)

****CLP v CSN*** [2016] 5 HKLRD 530, [2016] HKCA 515 (limits of jurisdiction under s 8D, GMO)

****QMY v GSS*** (2017) 20 HKCFAR 303, [2017] HKCFA 41 (jurisdiction over permanent resident children outside of Hong Kong at the time of application)

Hadkinson orders

Hadkinson v Hadkinson [1952] 2 All ER 567

Harwich in X Ltd v Morgan-Grampian (Publishers) Ltd [1991] 1 AC 1

MA v MI [2004] 2 FLR 932

Mubarak v Mubarik (No 2) [2007] 1 WLR 271, [2006] EWHC 1260

C v C (Appeal: Hadkinson order), [2011] 1 FLR 434 [2010] EWHC 1656 (Fam)

****CWG v MH*** [2014] 4 HKLRD 141, [2014] HKCA 314 [12] (questions to be asked in Hadkinson applications and civil standard of proof)

Immigration / fundamental rights

Hai Ho Tak v Attorney General [1994] 2 HKLR 202, [1994] HKCA 406 (effect of section 11 BORO)

Minister of State for Immigration and Ethnic Affairs v Teoh (1995) 183 CLR 273, [1995] HCA 20 (Australia, legitimate expectation that exercise of discretion incorporate consideration of unincorporated CRC)

Chan To Foon & Others v Director of Immigration [2001] 3 HKLRD 109, [\[2001\] HKCFI 295](#) (discussion of Teoh [1995] HCA 20)

Wong Kam Ping v Director of Immigration & Anor [\[2000\] HKCFI 1317](#) (discussion of Teoh [1995] HCA 20)

Chan To Foon & Others v Director of Immigration [2001] 3 HKLRD 109, [\[2001\] HKCFI 295](#) (discussion of Teoh)

Li Nim Han and Another v Director of Immigration [\[2011\] HKCFI 1642](#) (BL 37 confers no right to 'raise' a family)

S v J (Surrogacy: Wardship) [2017] 5 HKLRD 129, [\[2017\] HKCFI 1656](#) [37]-[41] (PR status under BL 24 in surrogate cases)

QT v Director of Immigration [\[2018\] HKCFA 28](#) (unlawful at common law to exclude same sex spouses from dependant visa regime)

Comilang and Another v Director of Immigration [\[2019\] HKCFA 10](#) (no family rights available foreign nationals intending to remain in Hong Kong to care for resident dependant)

Leung Chun Kwong v Secretary for Civil Service & Anor [2019] 4 HKC 281, [\[2019\] HKCFA 19](#) (unlawful on constitutional grounds to exclude same-sex spouses from civil service benefits)

Inheritance (Provision for Family and Dependants) Ordinance

Myers v Myers [\[2004\] EWHC 1944 \(Fam\)](#) (housing maintenance more likely by life interest than capital sum)

****Tam Wai Hung v Chow Sin Kim and Another*** [2010] 5 HKLRD 640, [\[2010\] HKCFI 979](#) (scope of jurisdiction, not limited by DCO limits)

LS v HSB(T)L [2013] 2 HKLRD 444, [\[2013\] HKCA 84](#) [33] (more diverse investigation required than in matrimonial maintenance)

Chiu Man Fu and Others v Chiu Chung Kwan Ying [\[2013\] HKCA 293](#) (irrational disinheritance and inferences)

Ho Sing Yin v Chan Yiu Ling [\[2013\] HKCA 419](#) [21]-[28] (whether payments 'maintenance', whether inference properly drawn) [31] (pleadings guidance)

Chan Siu Man v Lam Jenny and Others [2014] 1 HKLRD 529, [\[2013\] HKCA 650](#) (claim abated by death)

Tam Mei Kam v HSBC International Trustee Ltd and Others [\[2017\] HKCA 57](#) (lump sum or periodic payments)

MH (a minor) by AS, his mother and next friend v MT [2017] 3 HKLRD 323, [\[2017\] HKCA 225](#) [41] (effect of parentage declaration re I(PFD)O)

Pang Zhengyun and Another v Chow Chun Kit [\[2017\] HKCFI 1643](#) (contempt for disposal of estate in breach of undertaking)

KHYI and Another v Personal Representative of the Estate of KKY fka KKH [\[2017\] HKFC 45](#) (whether to transfer to High Court)

HCC v LPL [2019] HKFLR 38, [\[2019\] HKFC 46](#) (unfettered discretion to extend time, particularity required, court will weigh resources against needs)

Tang Tim Chue v Tang Ka Hung Robert and Another [2018] 4 HKLRD 277, [\[2018\] HKCA 514](#) (appeal, occupation of ancestral home)

L YYC v CHL & CSMS [2019] HKFLR 166, [\[2019\] HKCA 521](#) [23] (whether person being maintained before death per s.3(1)(ix) a question for trial)

Judgment summonses

Gray v Servino (2001) 4 HKCFAR 419, [\[2001\] HKCFA 15](#) [22] (wrong to deprive judgment debtor of liberty following non-payment without more)

C v C [2004] 1 HKLRD 242, [\[2003\] HKCA 306](#) (true nature is that of contempt proceedings)

CYM v YML aka YMLJ [2013] 1 HKLRD 701, [\[2012\] HKCA 548](#) [51] (draconian, last resort)

**YBL v LWC* [2017] 1 HKLRD 823, [\[2016\] HKCA 629](#) [6] (role of judge where creditor unrepresented) [16] (imprisonment merely for lack of means violates BOR 5) [36]-[92] (constitutionality of the regime)

Judicial communication

Re B (Care Order: Jurisdiction) [2014] 1 FLR 900, [\[2013\] EWCA Civ 1434](#)

Bunyon & Lewis (No 3) [2013] FamCA 888

State Central Authority & Spring-Ernst (No 2) [2013] FamCA 906

Judicial interviews with children

B v B (Minors) (interviews and listing arrangements) [1994] 2 FLR 489 (CA)

D v D [1980] Fam Law 53

Re W (Children) (Leave to Remove) [2008] 2 FLR 1170

G, by his next friend Chan Lui Luna v BVR & Others [\[2018\] HKCFI 816](#)

Jurisdiction

De Reneville v De Reneville [1948] 1 All ER 56 (CA) (jurisdiction not conferred by consent in nullity)

Cammell v Cammell [1964] 3 All ER 255 (jurisdiction not conferred by consent in ancillary relief)

Savournin v Lau Yat Fung [1971] HKLR 180 (substantial connection)

R v Barnet London Borough Council, Ex p Nilish Shah [1983] 2 AC 309, [\[1982\] UKHL 14](#) (meaning of ordinary residence)

Ikimi v Ikimi [2001] 3 WLR 672, [\[2001\] EWCA Civ 873](#) (habitual residence)

**Mark v Mark* [2006] 1 AC 98, [\[2005\] UKHL 42](#) (whether domiciled or habitually resident when overstaying)

S v S [2006] 3 HKLRD 751, [\[2005\] HKCFI 1304](#) (substantial connection)

B v A [2008] 1 HKLRD 43, [\[2007\] HKCFI 934](#) (substantial connection)

RI v SSH [2010] 4 HKC 588, [\[2010\] HKCA 152](#)

**ML v YJ* (2010) 13 HKCFAR 794, [\[2010\] HKCFA 85](#) (jurisdiction to grant financial relief in aid of foreign decree)

Y v W [2011] HKFLR 482, [\[2011\] HKFAMC 29](#) (domicile)

LS v AD [2012] HKFLR 376, [\[2012\] HKFC 39](#) (forum, discovery in the PRC)

YS v TTWD [\[2012\] HKFAMC 6](#) (substantial connection and forum)

W v C (Divorce: Jurisdiction) [2013] 2 HKLRD 602 (CA) (list of factors to ascertain intention to make a permanent/indefinite home)

Vallejos v Commissioner of Registration (2013) 16 HKCFAR 45, [\[2013\] HKCFA 20](#) ('ordinary residence' in migrant worker context)

**ZC v CN* [2014] 5 HKLRD 43, [\[2014\] HKCA 389](#) (distillation of law on domicile, habitual residence and substantial connection)

JEK v LCYP (Children: Habitual Residence) [2015] 4 HKLRD 798, [2015] HKCA 408 (habitual residence under Hague)

RKL v WL & Ors [2016] HKFLR 162, [2016] HKCA 169; [2015] HKFLR 474, [2015] HKFC 136 (leave to appeal, substantial connection, submission to the jurisdiction)

Re WS (Minor) (Jurisdiction: Substantial Connection) [2017] 1 HKLRD 282, [2016] HKFC 146 (substantial connection *re* Parent and Child Ordinance made out, born in Hong Kong and lived in Mainland)

ME v CYM [2017] 4 HKLRD 739, [2017] HKCFI 739 (habitual residence, young child, Hague Convention)

ZJW v SY [2017] HKFLR 612, [2017] HKCA 614 (substantial connection, intermittent stays over five years)

Re WSJ (Minor) (Parentage: jurisdiction) [2019] HKFLR 18, [2019] HKCA 89 [42] (substantial connection *re* Parent and Child Ordinance, no difference) [53] (consider service on SJ)

CM v XDY [2019] HKFLR 136, [2019] HKC 90 (substantial connection for section 29AG financial assistance) [16] (no physical presence despite residency *via* investment visa) [20] (bank accounts in Hong Kong of limited assistance) [21] (irrelevant that PRC court would not deal with property)

Z, SN v K, VKSF [2019] HKFLR 373, [2019] HKCA 840 (petitioner formerly domiciled in Hong Kong, but moved to Shanghai)

Legal Aid

DLA v Van Can On [1997] HKCA 578 (disclosure of/access to documents held by DLA on Legal Aid Appeal)

Nguyen Trong Son v DLA [1999] HKCFI 307 (form of notice of appeal to Registrar)

XY v Director of Legal Aid [2017] HKCFI 2050 (periodical payments for maintenance of a child)

Leung For Wing v Liu Shaouan [2018] 4 HKLRD 352, [2018] HKCFI 1941 (whether third party joined in s.17 application could recover costs from Director of Legal Aid)

Legal representation for children

Re S (a minor) (independent representation) [1993] Fam 263, [1993] 3 All ER 36 (CA)

L v L (minors) (separate representation) [1994] 1 FCR 890, [1994] 1 FLR 156 (CA)

Re K [1994] FLC 92-461, 80 (position in Australia, recommended for adoption by the LRC)

Re T (a minor) (child: representation) [1994] Fam 49, [1993] 4 All ER 518 (CA)

Re A (a child) (separate representation in contact proceedings) [2001] 2 FCR 55, sub nom *Re A (contact: separate representation)* [2001] 1 FLR 715 (CA)

Re H (contact order) (No 2) [2001] 3 FCR 385, [2002] 1 FLR 22

R v N [2010] HKFLR 285, [2009] HKFC 15 (separate representation of children aged 13 ½ and 7)

C v S [2018] HKFLR 159, [2018] HKCFI 294 (separate representation)

Length of marriage

NA v MOT [2004] EWHC 471 (Fam) (very short marriage of only seven weeks; religious marriage)

WLK v TMC (2010) 13 HKCFAR 618, [2010] HKCFA 69 [97]-[107] (premarital cohabitation)

EJB v CJB [2012] HKFLR 1, [2011] HKCA 225 (short marriage)

PLTO v KLK [2013] HKFLR 224, [2013] HKCA 154 (long marriage, trust, post separation accrual)

S v S [2014] EWHC 4732 (Fam) (effect of pre-marriage cohabitation, passive growth of assets, 22% award)

AB v FC [2017] 1 WLR 34, [2016] EWHC 3285 (Fam) (needs case, short marriage)

Sharp v Sharp [2018] 2 WLR 1617, [2017] EWCA Civ 408 (short marriage, separate finances)

SSLT v SMFC (AR; Non-Matrimonial Assets) [2019] HKFLR 458, [2019] HKFC 250 [170] (six years neither long nor short)

Maintenance pending suit

KGL v CKY [2003] 2 HKLRD 301, [2003] HKCA 371 (provision of legal costs)

G v G [2003] 2 FLR 71 (robust approach to determine ability to pay where full disclosure not made)

Currey v Currey [2006] EWCA Civ 1338 [13]-[22] (English principles on provision of litigation funding)

C v F [2006] HKFLR 41, [2004] HKFC 3 [12]-[14] (no thorough investigation)

W v I [2008] HKFLR 305, [27]-[28] (empirical approach, broad brush) [32] (unsatisfactory explanation for lack of income, approach)

K v K [2010] HKCA 261 [13]-[14] (simple estimation of prospective legal fees preferable to monthly sum)

YS v TTWD [2011] HKFC 28 [12]-[13] (MPS where forum is disputed, cautious approach) [29] (*Currey* applied)

**HJFG v KCY* [2012] 1 HKLRD 95, [2011] HKCA 402 [37], [56] (applicable principles) [57] (big money context)

CHWS v LNLAI [2019] HKCA 1017 (leave to appeal granted, no consideration of

rental income that would affect arrears quantum)

WW v LLN [2019] HKFLR 539, [2019] HKCA 1278 [19]-[20] (no set-off for employment of live-in employee)

YN v NM (Maintenance Pending Suit) [2020] EWFC 13 (approach where MPS sought pending application to set aside consent order in contrary terms)

ZXW v PKP [2020] HKFC 21 [50] ('stingy' breakdown designed to give total similar to original offer)

Mareva Injunctions (in the matrimonial context)

Ghoth v Ghoth [1992] 2 All ER 920 (CA) (sum that may be enjoined)

Mary Regina Will v Eduard William Rudolf Helmuth Will [1993] 2 HKLR 398, [1993] HKCA 267 [18] (comparison with s 17 MPPO order)

Tan Li Hui Cheng v Tan Kian Chee [1997] 4 HKC 94, [1997] HKCFI 787 [29] (threshold, dissipation)

Khreino v Khreino (No.2) [2000] 1 FCR 80 (offshore assets, shareholders)

C v L [2009] HKFC 5 [61]-[68] (dissipation, differences in matrimonial context)

CK v TCH [2013] HKFC 35 [24]-[31] (review of Mareva authorities in matrimonial context, Mareva continued)

CKK v CKF and Others [2018] HKFC 53 (sum to be enjoined)

AK v MYNT [2019] HKFLR 200, [2019] HKCA 562 [10] (injunction appropriate where property that may be matrimonial home is unilaterally mortgaged) [11] (no absolute requirement of undertakings in damages)

Marital agreements

L v C [2007] 3 HKLRD 819; [\[2007\] HKCA 208](#)

**Radmacher v Granatino* [2010] 2 FLR 1900, [\[2010\] UKSC 42](#) (landmark decision; presumption of decisive weight)

**SPH v SA* (2014) 17 HKCFAR 364, [\[2014\] HKCFA 56](#) (*Granatino* approved; presumption of decisive weight where voluntary, intending to be bound and subject to fairness)

CKK v WMY [\[2014\] HKFC 124](#) (homemade agreement)

FHM v KYM & Ors [\[2015\] HKFC 24](#) (validity as preliminary issue)

WKK v LMY [\[2015\] HKFC 35](#) (offer and acceptance principles applied)

BWBP v T-KP [\[2017\] HKFC 98](#) (inherently unfair and informal agreement)

Versteegh v Versteegh [\[2018\] EWCA Civ 1050](#) (understanding of foreign property regime)

Brack v Brack [\[2018\] EWCA Civ 2862](#) (jurisdiction and applicable law clause in agreement; contracting out of sharing)

LCYP v JEK & Anor [2019] HKFLR 238, [\[2019\] HKCFI 1588](#) [137]-[139] (departure from agreement, change in financial circumstances)

Marriage

Dalrymple v Dalrymple (1811) 2 Hag Con 54 (temporary marriage)

Hyde v Hyde (1866) LR 1 P&D 130 (definition of Christian marriage at common law)

Kenward v Kenward [1951] P 124, [1950] 2 All ER 297 at 311 (CA) (no illusory marriage)

Loving v Virginia (1967) 388 US 1, 18 L Ed 2d 1010, 87 SCt 1817, 18 L Ed 1010

(miscegenation: race based restrictions on right to marry and intimate relations)

Toonen v Australia Communication No 488/1992, [UN Doc CCPR C/50/D/488/1992](#) (equality rights of homosexuals)

Wicken v Wicken [1999] Fam 224, [1999] 1 FCR 109, [1999] 2 WLR 1166, [1999] 1 FLR 293 (standard of proof re: capacity to marry)

Joslin v New Zealand Communication No 902/1999, [UNDoc A/57/40](#) (same-sex marriage and civil unions)

Minister of Home Affairs v Fourie [\[2005\] ZACC 19](#), 2006 (1) SA 524 (CC), 2006 (3) BCLR 355 (CC) (same-sex marriage)

Stack v Dowden [\[2007\] UKHL 17](#) (unmarried cohabitation relationships)

Gurung Deu Kumari v Director of Immigration [\[2010\] 5 HKLRD 219](#) (Immigration and family rights)

United States v Windsor (2013) 570 US 133, SCt 2675, 186 LEd2d 808 (same-sex marriage)

W v Registrar of Marriages [\[2013\] 3 HKLRD 90](#), (2013) 16 HKCFAR 112 (transsexual marriage)

Leung Chun Kwong v Secretary for Civil Service [\[2019\] HKCFA 19](#) (employment, tax and foreign same sex marriage)

Ma Siu Siu Vivian v Tam Wai Mun Alice & Anor [\[2019\] HKCFI 2886](#) (valid marriage under Marriage Reform Ordinance did not invalidate subsequent registry marriage; all entitled to estate per statutory intestate provisions)

Marriages under Chinese Law and Custom

Ng Ying Ho v Tam Suen Yu [1963] HKLR 923 (concubinage)

Leung Sai Lun, Robert v Leung May Ling [1999] 1 HKC 605 (CFA) (status of Chinese customary marriages under Wills Ordinance)

C v C [2000] 3 HKLRD 27, [2000] 3 HKC 344 (CA) (meaning of modern marriage)

Suen Toi Lee v Yau Yee Ping (2001) 4 HKCFAR 474, [2002] 1 HKLRD 197 (status of concubinage)

Fung Sing Wai v Chow Chiu Wan [2017] 2 HKLRD 551, [2017] HKCA 110 (PRC marriage before PRC Marriage Law of 1950, questions of essential and formal validity)

McKenzie friends

Lobo v Kripalani [1998] 2 HKLRD 325, [1998] HKCA 524 (right to have McKenzie friends address court)

R (ex p Pelling) v Bow County Court (No 1) [1999] 1 WLR 1807 (court's discretion to allow/refuse McKenzie friends)

Re O (Children) (Hearing in Private: Assistance) [2005] 3 WLR 1191, [2005] EWCA Civ 759 (McKenzie friends in children's hearings)

Re B [2016] EWHC 2365 (Fam) (timely service of documents on litigants in person)

Needs

Wells v Wells [2002] EWCA Civ 476 (using shares in private company to meet needs)

B v B [2008] EWCA Civ 284 [24] (needs where housing required) [50] (big money cases of limited assistance in medium asset circumstances)

Jones v Jones [2011] 3 WLR 582, [2011] EWCA Civ 41 [69] (sharing and needs may be different in medium asset / non-big money cases)

AVT aka MAM v VNT [2015] HKCA 310 (needs, short marriage)

Next friends

In the matter of TMH, an infant (No 2) [1962] HKLR 316, 323 (third party may petition the court as infant's next friend) 337 (court can order delivery up of child outside the jurisdiction) 344 (wardship can vest notwithstanding legal 'rights' of father nor statutory guardian)

In Re T (A Minor) (Child: Representation) [1994] Fam 49, 58 (next friend is not merely representative, but has independent function to act in best interests ... a divided loyalty ... can be performed by anyone sufficiently interested)

In Re S (A Minor) (Independent Representation) [1993] Fam 263, 272 (guardian ad litem may be forced to advocate for course of action conflicting with views of his child client)

Re M Minors (Repatriated Orphans) [2003] EWHC 852 (Fam), [1]-[20] (replacing solicitor next friend with public officer as next friend)

Yang Foo Oi (by Leung Ping Chiu Roy) v Chen Wai Wai [2019] HKCFI 1312, [2019] 3 HKLRD 162

Non-removal orders

Re A-K (Foreign Passport: Jurisdiction) [1997] 2 FLR 569 (CA)

Re A (Family Proceedings: Electronic Tagging) [2009] 2 FLR 891

No order principle

S v Z [2007] HKLR 765, [2007] HKFC 34 (discussion of no order principle on Hong Kong context)

Nullity

Wong, Michael v Wong, Joan [1946–1972] HKC 141, [\[1969\] HKCA 128](#) (non-consumation)

CCCY v CWL [1980] HKC 522, [\[1980\] HKCFI 38](#) (non-consumation)

Mok Po Shing v Lie Lie Khim [1996] 3 HKC 330, [\[1996\] HKCA 645](#) (non-consumation)

WN v XJC [2018] 2 HKLRD 627, [\[2018\] HFC 39](#) (bogus marriage still valid; divorce not nullity appropriate; lack of consumation insufficient of itself)

Official Solicitor

Harbin v Masterman [1896] 1 Ch 351 (CA) (inherent jurisdiction to order enquiries)

In re D (a minor) (Wardship: Sterilisation) [1976] Fam 185, 197E, 198D (not the duty or function of Official Solicitor to institute wardship proceedings)

Enfield London Borough Council v Mahoney [1983] 2 All ER 901, [1983] 1 WLR 749 (CA)

Re S (a minor) (independent representation) [1993] Fam 263, [1993] 3 All ER 36 (CA)

Re T (a minor) (child: representation) [1994] Fam 49, [1993] 4 All ER 518 (CA)

AC v AS [\[2005\] HKCFI 1059](#)

Parentage

Knowles v Knowles [1962] 1 All ER 659, [1962] P 161 (meaning of legitimacy)

S (An Infant) v S; W v Official Solicitor [1972] AC 24, [1970] 3 All ER 107 (HL)

The Amphill Peerage [1977] AC 547, [1976] 2 All ER 411 (HL) (motherhood biological fact)

Re JS (A Minor) (Declaration of Paternity) [1980] 3 WLR 984, [1980] 1 All ER 1061 (CA)

Yeung Chung Ping v Yeung Wan Yuet Kuen [1987] 1 HKC 206 (CA)

Re F (Minor: Paternity Tests) [1993] 1 FLR 225

Re G (A Minor) (Blood Tests) [1994] 1 FLR 495

Re GW (blood tests) sub nom Re A (A Minor) (Paternity: Refusal of Blood Test) [1994] 2 FLR 463

Re H (A Minor) (Blood Tests: Parental Rights) [1996] 3 WLR 506, [1996] 2 FLR 65 (CA)

Re T (Paternity: Ordering Blood Tests) [2001] 2 FLR 1190

Tang Chun Kit & Another v Tang Lo Ping [\[2004\] 4 HKC 492](#)

M v W (Declaration of Parentage) [2007] 2 FLR 270

Zhao Ying v Chow Lai Ching & Others aka Re P (Parentage: Blood Tests) [2010] 4 HKLRD 497, [\[2010\] HKCFI 673](#)

S v J (Surrogacy: Wardship) [2017] 5 HKLRD 129, [\[2017\] HKCFI 1656](#) [12] (single applicant) [21] (non-parent applicant) [22]-[28] (child without parent, guardian or person with parental responsibility)

Re WSJ (Minor) (Parentage: jurisdiction) [2019] HKFLR 18, [\[2019\] HKCA 89](#) [42] (substantial connection *re* Parent and Child Ordinance, no difference) [53] (consider service on SJ)

CH by CKYN v WKYP [2019] HKFLR 109, [\[2019\] HKFC 79](#) (scientific test) [30]-[57] (objection on privacy grounds rejected) [58]-[64] (proportionality considered) [67] (welfare generally requires truth *re* parentage)

Re A & Anor [2019] 5 HKLRD 366, [2019] HKCFI 1749 (declaration granted re surrogate twins born in Mainland China)

Parental rights and authority

Carmarthenshire CC v Lewis [1955] AC 549 (HL) (tortious duty for children)

Re P (infants) [1962] 3 All ER 789, [1962] 1 WLR 1296 (duty to provide at common law)

Hewer v Bryant [1970] 1 QB 357 (CA)

Re D (A Minor) (Wardship: Sterilisation) [1976] 1 All ER 326, [1976] Fam 185 (best interests trump parental rights)

Dipper v Dipper [1980] 3 WLR 626, [1980] 2 All ER 722 (CA)

Gillick v West Norfolk and Wisbech Health Authority [1986] AC 112 (HL)

Re H (Minors) (Local Authority: Parental Rights) (No 3) [1991] 2 WLR 763 (CA) (application for parental rights)

Re G (A Minor) (Parental Responsibility Order) [1994] 1 FLR 504 (CA) (maternal resistance to putative father's role)

Re T (wardship: medical treatment) [1997] 1 FLR 502 (CA) (role of loving mother in determination of best interests)

M v M (Parental Responsibility) [1999] 2 FLR 737 (physical incapacity to take on parental rights)

Re J (Child's Religious Upbringing and Circumcision) [2000] 1 FCR 307, [2000] 1 FLR 571

B v A (parental responsibility) sub nom *Re D (Contact and Parental Responsibility: Lesbian Mothers and Known Father)* [2006] EWHC 2 (Fam)

K v W (Children-Removal from Jurisdiction) [2006] HKFLR 292 (de facto application for parental rights)

Re D (A Child) [2019] UKSC 42 (whether parental responsibility includes giving consent to deprivation of liberty)

Party and party costs

Bartlett v Higgins [1901] 2 KB 230 (CA)

Yeung Shu v Alfred Lau & Co [2000] 1 HKLRD 231, [1999] HKCA 464 (assessment of counsel's costs)

Periodical payments

AEM v VFM [2008] 3 HKLRD 36, [2008] HKCA 7 (variation of index linked periodical payments)

HCTT v TYCY [2008] 5 HKC 86, [2008] HKCA 261 [15], [47] (variation of periodical payments) [51] (clean break not possible)

MRH v GMHNK [2009] HKCA 221 [20] (fixed sum more appropriate than percentage of salary)

KEWS v NCHC [2012] 1 HKC 254, [2011] HKCA 451 [34]-[43] (earning capacity and superficially low income) (appeal to CFA dismissed)

CH v MEH; [2012] 1 HKLRD 751, [2012] HKCA 12 [25] (principles on variation application) [26] (application following significant drop in asset value)

Aburn v Aburn [2017] 1 FLR 72, [2016] EWCA Civ 72 (increase in payments after child completes privately funded secondary education)

Relocation / permanent removal

Poel v Poel [1970] 1 WLR 1469

**Payne v Payne* [2001] Fam 473, [2001] EWCA Civ 166 (approach to permanent removal)

Re G (Removal from Jurisdiction) [2005] EWCA Civ 170, [2005] 2 FLR 166 (psychiatric effect on applicant parent)

Re G (Children) (Leave to Remove) [2008] 1 FLR 1587 (CA) (Payne reaffirmed)

M v B [2009] HKFLR 349, [2009] HKFC 18 (10 and 8 years old, to Australia)

**SMM v TWM* [2010] 4 HKLRD 37, [2010] HKCA 173 (Payne line of authorities adopted)

**MK v CK* [2011] EWCA Civ 793 (only authentic principle is welfare)

BWBP v T-KP née DP (Children: Removal) [2012] HKFLR 103, [2012] HKFC 5 (12 and 9 years old, South Africa, discussion of primary carer)

Re E (Relocation: Removal from Jurisdiction) [2013] 2 FLR 290, [2012] EWCA Civ 1893

K v K (Children: Permanent Removal from Jurisdiction) [2012] 2 WLR 941, [2012] Fam 134

S v Z (Leave to Remove) [2012] 2 FLR 581 (reasonable proposals by custodial parents)

Re F (Relocation) [2013] 1 FLR 645 (CA)

Re TC and JC (Children: Relocation) [2013] EWHC 292 (Fam), [2013] 2 FLR 484 (debts, risk of bankruptcy if compelled to stay, immigration problems, children adversely affected if mother left without them, lack of social welfare benefits, easier for father to bear the burden)

Re S (Relocation: Parental Responsibility) [2013] 2 FLR 1453 (parent could not meet child's needs if she remained)

Re F (A Child) (International Relocation Cases) [2015] EWCA Civ 882

VE (nee KE) v VRJ [2015] HKFC 62

ZJ v XWN [2018] 3 HKLRD 644, [2018] HKCA 436

BA v BL [2019] HKFLR 334, [2019] HKCA 822 [4.20]-[4.21] (relocation order to Miami set aside following new information on appeal re relocation to San Diego) [4.14] (no primary carer presumption)

Section 18 declarations

Lau Chu alias Lau Kwok Chu v Lau Tang Su Ping [1989] 2 HKLR 470, [1989] HKCA 294

Wickler v Wickler [1998] 2 FLR 326

Re G (Decree Absolute: Prejudice) [2003] 1 FLR 870

J v V [2013] 1 HKLRD 203, [2012] HKCFI 1877

TLS nee J v RCS [2013] HKFC 74

Security for costs

Re B (infants) [1965] 1 WLR 946 (security for costs)

Chung Kau v Hong Kong Housing Authority & Ors [2004] 2 HKLRD 650, [2004] HKCA 86 [14] (principles generally)

ZJW v SY [2017] HKFLR 409, [2017] HKCA 242 (sufficient countervailing factors shown)

Setting aside agreements

de Lasala v de Lasala [1980] AC 546, [1979] UKPC 10 (capital orders 'once and for all' save in case of mistake)

Livesey v Jenkins [1985] AC 424, [1984] UKHL 3 (continuing duties of disclosure)

Lui Sik-kuen v Lee Suk Ling [1992] 2 HKLR 371, [1992] HKCA 274 (fresh action or appeal required to impugn)

WTM v LNCA [2012] HKFLR 159, [2012] HKFC 11 [52] (guidelines on when to appeal and when to institute a fresh action)

Sharland and Gohil [2015] 3 FCR 481, [\[2015\] UKSC 60](#) (fraudulent non-disclosure, suggestion that there is jurisdiction to make an application within extant proceedings)

V, RHM v ES (Crossley Application) [2019] HKFLR 513, [\[2019\] HKFC 279](#) (understanding of finances and absence of legal advice, familial stress and pressure)

CWHW v KSHD & Anor [2019] HKFLR 62, [\[2019\] HKFC 70](#) (OS procedure inappropriate; insufficient evidence to set aside where witnesses not present to give live evidence)

Setting aside decrees

Clifford v Clifford (1985 FLR 732) (registrar should have been informed that respondent formerly instructed solicitors, set aside)

Purse v Purse [1981] 2 All ER 465 (husband failed to inquire of wife's whereabouts through daughter of the marriage and her husband, set aside)

LCM v LYY [2003] 2 HKLRD 690, [\[2003\] HKCA 396](#) (setting aside by appeal)

MSK v PSK [2006] 3 HKC 358, [\[2006\] HKCA 255](#) (petition not served, various orders void)

FHFk v NCM [\[2008\] HKCA 254](#) [22]-[30] (set aside where order for substituted service obtained improperly; subsequent remarriage not a bar in this instance)

TWY v CWC (Rescission of Decree Nisi) [2010] HKFLR 5 (Guidelines)

L v L (setting aside decree absolute) [2010] HKFLR 427, [\[2010\] HKCA 165](#) (unopposed allegations of false petition)

JAH v VH [2013] HKFLR 664, [\[2013\] HKCA 640](#) (decree absolute set aside pending the parties compliance with the terms of the consent order)

Setting aside transactions: s 17 MPPO

Kemmis v Kemmis [1988] 1 WLR 1307 (CA)

Yuen Tam Wan v Ho Chan Yuet Lan & Anor [\[1993\] 2 HKC 66](#) (CA)

C v T and Others [2010] HKFLR 38, [\[2009\] HKFC 25](#) (conspiracy with children to control assets)

AC v DC & Ors [2013] 2 FLR 1499, [2013] Fam Law 956 (Fam D)

WCY v CTL & CKH [\[2011\] HKFLR 409](#) (FC)

Hodges v Hodges (1961) Times, 8 June

Trowbridge v Trowbridge [2004] 2 FCR 79 (Ch D), [2003] 2 FLR 231

W v H [2013] All ER (D) 36 (Dec)

CLC v SKW and SY Y and SKW [\[2018\] HKCA 143](#)

WYSL v FHCBA [\[2019\] HKCA 814](#) (no basis to intervene with finding of fact *re* dispositions)

TYT v TLH (Discovery) [2019] HKFLR 230, [\[2019\] HKFC 177](#) (scope of discovery not enlarged by three year presumption in s.17 MPPO)

LCYP v JEK [2019] HKFLR 31, [\[2019\] HKCFI 237](#) (*in personam* jurisdiction of foreign respondent to s.17 summons)

Shared residence

Re T (A Child), ETS v BT [2009] 1 FLR 1157, [\[2009\] EWCA Civ 20](#) [12]-[36] (summary of case law and distillation of principles)

Re S (a Child) [\[2012\] EWCA Civ 1031](#) (shared residency not appropriate)

SKP v Y, ITT [2012] HKFLR 422, [\[2012\] HKFC 62](#) (terminology to be used in relation to children's arrangements)

Soft loans

WLK v TMC (2010) 13 HKCFAR 618, [2010] HKCFA 69 [42]-[68] (soft loan and add-back)

YSYM v LHB [2014] HKFC 10 [117] (inferring soft loan from absence of repayment)

YKL v YCF [2016] HKFC 76 [63] (soft loans treated with caution)

AC v MFHJ [2018] HKFC 127 [85] (hallmarks of a soft loan)

CLC v SKW [2018] HKCA 143 [26]-[27] (sufficient evidence of soft-loan; no legal obligation to repay)

LCYP v JEK & Anor [2019] HKFLR 238, [2019] HKCFI 1588 [79]-[83] (soft loan added back)

Surrogacy / human assisted reproduction

Re C (A Minor) (Wardship: Surrogacy) [1985] FLR 486

Re P (Minors) (Wardship: Surrogacy) [1987] 2 FLR 421

Re W (Minors) (Surrogacy) [1991] FCR 419, [1991] 1 FLR 385

Re Q (Parental Order) [1996] 1 FLR 369 (married surrogate, sperm donor)

Re B (Parentage) [1996] 2 FLR 15

Evans v Amicus Healthcare Ltd, Hadley v Midland Fertility Services Ltd [2004] 1 FLR 67

Re R (IVF: Paternity of Child) [2005] UKHL 33, [2005] 2 FLR 843

Re G (Surrogacy: Foreign Domicile) [2008] 1 FLR 1047

Re P (Surrogacy: Residence) [2008] 1 FLR 177

Re X [2009] Fam 71, [2008] EWHC 3030 (Fam) (parental order: retrospective authorisation of payments)

J v G (Parental Orders) [2014] 1 FLR 297, [2013] Fam Law 972 (disproportionate expenses for surrogacy)

M v F (Declaration of Parentage: Circumstances of Conception) [2014] 1 FLR 352, [2014] 1 FCR 456

Re D [2014] HKFLR 495, [2015] 1 HKLRD 229 (under s 12 PCO for a parental order)

Re X (A Child) (Surrogacy: Time Limit) [2015] 1 WLR 745, [2014] EWHC 3135 (Fam) (parental order time limit)

S v J (Surrogacy: Wardship) [2017] 5 HKLRD 129, [2017] HKCFI 1656 [30] (wardship to effect care and access arrangements of surrogate)

**FH & MH v WB & HB* [2019] HKFLR 277, [2019] HKCFI 1748 (now leading authority on parental orders, extensions of time, welfare and authorisation of expenses in surrogacy context)

**Re A & Anor* [2019] 5 HKLRD 366, [2019] HKCFI 1749 [34]-[53] (retrospective authorisation of expenses) [78] (declaration granted re surrogate twins born in Mainland China) [79]-[85] (guidance re disclosure, joinder of surrogate mother, breakdown of expenses, expert evidence re surrogacy law of place of arrangement)

Temporary removal from jurisdiction

Re K (Removal from jurisdiction: Practice) [1999] 1 FLR 1084

Re A (Security for return to jurisdiction) [1999] 2 FLR 1

Re L (Removal from Jurisdiction: Holiday) [2001] 1 FLR 241

Re S (Leave to remove from the jurisdiction: securing return from holiday) [2001] 2 FLR 507

Re A (Temporary Removal from Jurisdiction) [2005] 1 FLR 639

Re N (Leave to Remove: Holiday) [2006] 2 FLR 1124

CWY v EFO [2013] HKFC 36 (trip to unfamiliar jurisdiction not in best interests of young child with language barrier)

Re R (A Child) [2013] EWCA Civ 1115 (CA)

Re R (Children) (Temporary Leave to Remove from Jurisdiction) [2014] EWHC 643 (Fam)

Third parties and trusts

O'D v O'D [1976] Fam 83

**TL v ML* [2005] EWHC 2860 (Fam) (foundational authority *re* procedure to follow)

**KEWS v NCHC* (2013) 16 HKCFAR 1, [2013] HKCFA 10 [26]-[42] (third party contributions) [40]-[53] (judicious encouragement not a novel approach, but term unhelpful)

Prest v Petrodel Resources Limited [2013] 3 FCR 210, [2013] UKSC 34 (piercing the corporate veil)

**Kan Lai Kwan v Poon Lok To Otto & HSBC International Trustee Limited* [2014] HKCFA 66, (2014) 17 HKCFAR 414, [2014] 6 HKC 111, [2014] HKFLR 329 [part IIAA MPPO]

Leung Wing Yi Asther v Kwok Yu Wah (2015) 18 HKCFAR 605

Kerman v Akhmedova [2018] 2 FLR 354, [2018] EWCA Civ 307

Leung For Wing v Liu Shaouan [2018] 4 HKLRD 352, [2018] HKCFI 1941 (whether third party joined in s.17 application could recover costs from Director of Legal Aid)

**LLC v LMWA & Anor* [2019] HKFLR 74, [2019] HKCA 347 [42] (vigorous use of case management powers) [52]-[54] (third parties expected to explore settlement)

Wan Sui Ha Alice v Ng Wing Yan [2019] 3 HKLRD 429, [2019] HKDC 821 (stay of proceedings *re* beneficial ownership, in aid of matrimonial proceedings concerning the same)

KCMA v ABC (On Joinder and Service) [2019] HKFLR 548, [2019] HKCFI 2822 [49]-[67] (directions *re* service) [77]-[134] joinder of non-partes for variation of settlement / avoidance of disposition)

LCYP v JEK & Anor [2019] HKFLR 238, [2019] HKCFI 1588 [92]-[99] (trustee would not stand in way of distribution)

Read v Panzone & Anor [2019] EWCA Civ 1662 [114] (alternative orders, 'just in case' property is otherwise owned, should be avoided)

Undertakings

Mary Regina Will v Eduard William Rudolf Helmuth Will [1993] 2 HKLR 398 (CA)

Re an Application by Liu Lee Yuk Ching [1982] HKLR 399 (CFI)

JRB v KLWW [2011] HKCA 139

Z Ltd v AZ & AA-LL [1982] QB 558, [1982] 1 All ER 556 (CA)

Lau Koon Foo v Champion Concord Ltd & Anor (2011) 14 HKCFAR 837, [2012] 1 HKC 467 (CFA)

Birch v Birch [2017] 1 WLR 2959, [2017] UKSC 53 (jurisdiction to hear application to be released from undertaking; not an application to 'vary' undertaking)

Variation

Garner v Garner [1992] FLR 573 (CA)

Waiwaiku v Waiwaiku [2004] EWCA Civ 20 (threshold for appeal after variation)

Charalambous v Charalambous [2004] EWCA Civ 1030, [2004] 2 FCR 721 (jurisdiction to vary an order from proceedings initiated elsewhere)

HCTT v TYYC [2008] HKCA 261, [2008] 5 HKC 86, [2008] HKFLR 286 (CA)

AEM v VFM [2009] HKFLR 131, [2008] HKCA 7 (variation of MPS and backdating)

SMC v JAC [2011] HKFLR 545, [2011] HKFC 43 (no variation following relocation)

CH v MEH [2012] HKFLR 89, [2012] HKCA 12 (variation of lump sum in consent order as to terms, not quantum)

WNWG v PBF [2012] HKFLR 147, [2012] HKCA 150 (variation of child maintenance)

LMH v LWP (Variation of Maintenance) [2012] HKFLR 141, [2012] HKCA 69

***AEM v VFM (No 2) (Variation of Maintenance)** [2013] HKFLR 124, [2013] HKCA 45

Critchell v Critchell [2015] EWCA Civ 436 (needs case, inheritance received within one month of consent order, Barder event)

Morris v Morris [2016] EWCA Civ 812 [87]-[92] (light touch review; guidance on proportionate approach to variation applications)

Wardship

Scott (otherwise Morgan) v Scott [1913] AC 417, [1913] UKHL 2 (shorthand note of nullity suit)

Re E (an infant) [1956] Ch 23, [1955] 3 All ER 174

Re TMH (an infant) (No 2) [1962] 2 HKLR 316 (permission for child to leave jurisdiction for overseas adoption)

Re L [1968] 1 All ER 20

Re D (a minor) [1976] 1 All ER 326, [1976] Fam 185

Salford CC v C [1982] 3 FLR 153

Re E (a minor) (wardship: court's duty) [1984] 1 WLR 156 (HL)

Re Y (minors) [1984] HKLR 204

Re C (Wardship: Independent Social Worker) [1985] FLR 56

Re B [1990] 3 All ER 927, [1981] 1 WLR 1421 (CA)

X County Council v A [1985] 1 All ER 53, sub nom *Re X (a minor) (Wardship: Injunction)* [1984] 1 WLR 1422

Re SW (a minor) (Wardship: Jurisdiction) [1986] 1 FLR 24

Re N (Minors) (Wardship: Evidence) [1987] 1 FLR 65

Re M and N (minors) (wardship: publication of information) [1990] Fam 211, [1990] 1 All ER 205 (CA)

Re W (Minors) (Wardship: Evidence) [1990] 1 FCR 286, [1990] 1 FLR 203

Re A (Minors) (Wardship: Disclosure of Material) [1991] 2 FLR 473

Re S (a minor) (Wardship: Jurisdiction) [1992] 2 HKLR 39

Re W (a minor) (medical treatment: court's jurisdiction) [1992] FCR 785

Re C (a minor) (wardship: medical treatment) [1993] HKCFI 314, [1994] 1 HKLR 60

Re M Minors (Repatriated Orphans) [2003] EWHC 852 (Fam), [28] (where parenting fails wards deserve coordinated response from range of care agencies)

CF v Secretary of State for the Home Department [2004] 2 FLR 517, [2004] EWHC 111 (Fam) (baby ward living with its mother in prison)

Re B (A Child) (Forced Marriage: Wardship: Jurisdiction) [2008] EWHC 1436 (Fam), [2008] 2 FLR 1624

Re D (Unborn Baby) [2009] 2 FLR 313

Re T (Wardship: Impact of Police Intelligence) [2009] EWHC 2440 (Fam), [2010] 1 FLR 1048

M v Y [2009] HKCFI 933, [2009] 5 HKLRD 597

H v H (Jurisdiction to Grant Wardship) [2011] EWCA Civ 796, [2012] 1 FLR 23 (CA)

Re S (Wardship: Stranded Spouses) [2010] EWHC 1669 (Fam), [2011] 1 FLR 305

Re K (Children with Disabilities: Wardship) [2011] EWHC 4031 (Fam), [2012] 2 FLR 745

T v S (Wardship) [2011] EWHC 1608 (Fam), [2012] 1 FLR 230

TC formerly known as TSWC v KCTC aka Re LB (Wardship: Costs) [2012] 1 HKLRD 266, [2011] HKCFI 1603

Re A (Children) [2014] 1 FLR 111, [2013] UKSC 60 (jurisdiction to order return of child that has never lived or been to the

England, on the basis of habitual residence or nationality)

X County Council v M [2014] EWHC 2262 (Fam)

C v N (children: wardship) [2016] 2 HKLRD 765 [2016] HKFLR 125, [2016] HKCFI 531

**CLP v CSN* [2016] 5 HKLRD 530, [2016] HKCA 515 (threshold for wardship)

S v J (Surrogacy: Wardship) [2017] 5 HKLRD 129, [2017] HKCFI 1656 [30] (wardship to effect care and access arrangements of surrogate)

C v S [2020] HKCA 35 [1.14] (proposed directions *re* doctor's examination liable to cause arguments and delay)

Wasted costs

Ridehalgh v Horsefield [1994] Ch 205, [1994] EWCA Civ 40 (guidance on criteria and procedure)

Re G, S and M [1999] 4 All ER 471, [1999] EWHC Fam 828 (wasted costs where experts in applications *re* children given insufficient material)

Ma So So Josephine v Chin Yuk Lun Francis (2004) 7 HKCFAR 300; [2004] HKCFA 50

DUXBURY TABLES

Converting periodical payments into a Lump Sum (authors)

The Duxbury calculation is used where parties or the court want to avoid on-going periodical payments, in favour of a 'clean break'. Instead of periodical payments, the recipient party is given a lump sum, and is expected to invest it as capital, with the interest or investment returns being used to cover their periodical needs. The lump sum is itself exhausted over time, so that at the end of the expected needs (normally the life of the recipient) the capital is totally exhausted. This calculation is named after the parties in the seminal English case of *Duxbury v Duxbury* [1987] 1 FLR 7 (CA), which has been adopted by the Hong Kong courts since [C v C \[1990\] 2 HKLR 183](#). For further reading on the principles applied to Hong Kong conditions, see [Felix Chan & Wai-sum Chan's article in the May 2014 edition of the Hong Kong Lawyer](#).

Although Duxbury calculations are relatively simple in Hong Kong, they are dependent upon the appropriate **discount rate**, which must be determined by the court having regard to the current economic landscape, and the appropriate constituents of a reasonable portfolio.

The **discount rate** is the rate of return exceeding price inflation. Therefore, the appropriate discount rate will depend upon three main factors: (1) the expected time over which it will be paid out (e.g. life expectancy); (2) the constituents of the investment portfolio that a prudent recipient should invest in; and (3) the historical performance of such a portfolio. Inflation can cause the discount rate to be negative. The High Court has set out the considerations for setting discount rates in greater detail in the personal injuries case of [Chan Pak Ting v Chan Chi Kuen \(No 2\) \[2013\] 2 HKLRD 1](#). The tables produced below are created using those considerations as guidance.

Until the creation by the Judiciary of a Duxbury Committee established to set discount rates for all cases, the appropriate investment portfolio will be a point of contention in disputed cases.

Introduction to Duxbury Calculations (MDD)

Tables A and B provide a range of Duxbury Calculations based on different levels of expenditure. **Table A** carries out the calculation based on a person's life expectancy using their current age. **Table B** carries out the calculation based on a set number of years the sums would support the expenditure requirements of the person.

A Duxbury Calculation is an iterative calculation, which is typically used to estimate the monetary amount a person requires to support themselves for the remainder of their life, or a fixed time period (the "**Lump Sum**"). This is computed with the following assumptions:

- a) The person would invest this amount in an investment portfolio, and the returns from this portfolio would support the person's expenditure requirements;
- b) The investment portfolio can be readily liquidated into cash to support the required expenditure;
- c) The expenditure required is inflation adjusted;
- d) The sum is exhausted at the end of the life of the person or a fixed time period; and
- e) The investment portfolio and expenditure required is constant for the remainder of the life of the person.

There are several variables that must be estimated to compute a Duxbury Calculation, which include:

- a) life expectancy,
- b) inflation rate,
- c) investment portfolio, and
- d) expenditure required.

A person's life expectancy is estimated using the Hong Kong Life Tables [see **Table C**], which are produced by the Hong Kong Census and Statistics Bureau. The Hong Kong Life Tables are split by sex, and as a result **Table A** has calculations for male and female persons. In general, a woman of the same age will have a higher life expectancy than a man, which will result in a higher Lump Sum to account for the extra years of expenditure.

It is clear from the tables a lower Lump Sum is required for older individuals due to less years of remaining life. This illustrates the Duxbury Paradox, whereby a person who has a longer marriage and as a result, is older may receive a lower Capital Sum based upon the Duxbury Calculation compared with a person who has had a shorter marriage but is younger.

Inflation is taken into account, as living expenses increase over time. To estimate inflation, we have used historical data from the Census and Statistics Department of Hong Kong. For the purpose of these tables, a rate of 3.27% has been estimated based upon the past 10 years of information.

In respect of the investment portfolio, in the previous edition of Duxbury Etc., we used a high risk and low risk portfolio. This year we have referred to the investment portfolio established by the Honourable Mr Justice Bharwaney in the personal injury case [*Chan Pak Ting v Chan Chi Kuen \(No 2\)* \[2013\] 2 HKLRD 1](#). Bharwaney J sets out three different portfolios dependant on the time period for claims with needs of 1) less than 5 years, 2) between 5 to 10 years and

3) over 10 years. For our Duxbury tables, we have used the Bharwaney portfolio for needs of over 10 years only. We believe this is prudent given most Duxbury calculations would be for Lump Sum payments to sustain the person for a period greater than 10 years.

For needs of over 10 years the Bharwaney portfolio is an “average” portfolio of 10% in time deposits, 70% in high quality bonds of BBB+ or better, and 20% in high quality blue-chips that qualify as “widows and orphans” stock”. We have estimated the return on the Bharwaney portfolio using the investment products detailed below.

Time deposits

The Hong Kong Fixed Bank deposit rate is the rate interest that would be generated from a 12-month fixed deposit. This information has been sourced from the Hong Kong Monetary Authority and is based on the rates quoted by major licensed banks for the past ten years.

High Quality bonds

To estimate returns from bonds, we have used the Hong Kong Government Bonds, split equally between 5 years and 10 years bonds. We have used these two bonds, as it has the highest secondary turnover of HK Government bonds and could be sold and traded easily. The Government Bonds information is sourced from the Hong Kong Monetary Authority, and the rate of return is calculated based on 10 years of historical data. As of the date of this publication, The Hong Kong Government has been rated as AA3 by Moody’s, AA by Fitch and AA+ by S&P, which are all higher than the BBB+ ratings required by Justice Bharwaney.

We note Justice Bharwaney mentions the HSBC Bond index in his judgment when calculating return for high quality bonds. The current HSBC HK Bond index composition is 75% treasuries (i.e. Hong Kong Government Bonds) and the return on this index would be very similar to the return on the 5 years and 10 years bonds.

High Quality Blue-Chips

To estimate the return from high quality blue chips, we have used the Tracker Fund. The Tracker Fund is an exchange traded fund, which according to its website (www.trahk.com) is “designed to provide investment results that closely correspond to the performance of the Hang Seng Index”. The Hang Seng Index website states the index “includes the largest and most liquid stocks listed on the Main Board of the Stock Exchange of Hong Kong” (i.e. typical blue-chip stocks).

Based on the investment products above and the Bharwaney Portfolio, we calculate an investment return of 2.65%. The reader should be aware that the investment return is nominal and not real returns (i.e. it has not taken into account inflation). Duxbury calculation take into account inflation by adjusting the individual’s expenditure throughout their life expectancy or the fixed period.

Please keep in mind these Lump Sums are calculated based on historical data. While historical data is useful to estimate future projections, the future environment may not be representative of the past. As conditions change, the Lump Sums in **Tables A and B** will need to be revised to ensure that the figures are as reasonable as possible. In this regard, the Duxbury Tables are for indicative purposes only and on the basis that historical data relied upon will reflect future conditions.

More tailor-made calculations can be made online through the [MDD Duxbury Calculator](#) or by contacting of MDD Forensic Accountants at duxburyadmin@mdd.com.



Table A: Duxbury Tables - Life Expectancy

Annual expenditure requirement						
<i>Capital sums are in HKD '000</i>						
Age	100,000		250,000		500,000	
	Female	Male	Female	Male	Female	Male
25	7,678	6,816	19,196	17,040	38,392	34,079
26	7,532	6,675	18,831	16,688	37,662	33,376
27	7,387	6,675	18,469	16,688	36,937	33,376
28	7,243	6,535	18,108	16,338	36,216	32,676
29	7,100	6,396	17,750	15,990	35,500	31,981
30	6,957	6,258	17,394	15,645	34,787	31,289
31	6,816	6,120	17,040	15,301	34,079	30,602
32	6,675	5,984	16,688	14,960	33,376	29,919
33	6,535	5,848	16,338	14,620	32,676	29,240
34	6,396	5,713	15,990	14,283	31,981	28,566
35	6,258	5,579	15,645	13,947	31,289	27,895
36	6,120	5,446	15,301	13,614	30,602	27,228
37	5,984	5,313	14,960	13,283	29,919	26,565
38	5,984	5,181	14,960	12,953	29,919	25,906
39	5,848	5,050	14,620	12,626	29,240	25,251
40	5,713	4,920	14,283	12,300	28,566	24,600
41	5,579	4,791	13,947	11,977	27,895	23,953
42	5,446	4,662	13,614	11,655	27,228	23,310
43	5,313	4,534	13,283	11,335	26,565	22,671
44	5,181	4,407	12,953	11,018	25,906	22,035
45	5,050	4,281	12,626	10,702	25,251	21,403
46	4,920	4,155	12,300	10,388	24,600	20,775
47	4,791	4,030	11,977	10,076	23,953	20,151
48	4,662	3,906	11,655	9,765	23,310	19,531
49	4,534	3,783	11,335	9,457	22,671	18,914
50	4,407	3,660	11,018	9,150	22,035	18,301
51	4,281	3,660	10,702	9,150	21,403	18,301
52	4,155	3,538	10,388	8,846	20,775	17,691
53	4,030	3,417	10,076	8,543	20,151	17,086
54	3,906	3,297	9,765	8,242	19,531	16,483
55	3,783	3,177	9,457	7,942	18,914	15,885

Annual expenditure requirement**Age***Capital sums are in HKD '000*

	100,000		100,000		100,000	
	Female	Male	Female	Male	Female	Male
56	3,660	3,058	9,150	7,645	18,301	15,290
57	3,538	2,940	8,846	7,349	17,691	14,698
58	3,417	2,822	8,543	7,055	17,086	14,111
59	3,417	2,705	8,543	6,763	17,086	13,526
60	3,297	2,705	8,242	6,763	16,483	13,526
61	3,177	2,589	7,942	6,473	15,885	12,945
62	3,058	2,474	7,645	6,184	15,290	12,368
63	2,940	2,359	7,349	5,897	14,698	11,794
64	2,822	2,245	7,055	5,612	14,111	11,223
65	2,705	2,131	6,763	5,328	13,526	10,656
66	2,589	2,131	6,473	5,328	12,945	10,656
67	2,474	2,019	6,184	5,046	12,368	10,093
68	2,359	1,906	5,897	4,766	11,794	9,532
69	2,359	1,795	5,897	4,488	11,794	8,975
70	2,245	1,684	5,612	4,211	11,223	8,422
71	2,131	1,684	5,328	4,211	10,656	8,422
72	2,019	1,574	5,046	3,936	10,093	7,871
73	1,906	1,465	4,766	3,662	9,532	7,324
74	1,795	1,465	4,488	3,662	8,975	7,324
75	1,684	1,356	4,211	3,390	8,422	6,780
76	1,684	1,248	4,211	3,120	8,422	6,240
77	1,574	1,248	3,936	3,120	7,871	6,240
78	1,465	1,141	3,662	2,851	7,324	5,703
79	1,356	1,034	3,390	2,584	6,780	5,168
80	1,356	1,034	3,390	2,584	6,780	5,168

Table B: Duxbury Tables - Fixed Period

Period (years)	Annual expenditure requirement					
	<i>Capital sums are in HKD '000</i>					
	100,000	250,000	500,000	1,000,000	2,500,000	5,000,000
5	509	1,273	2,545	5,091	12,727	25,455
6	613	1,532	3,064	6,128	15,319	30,638
7	717	1,793	3,585	7,170	17,926	35,852
8	822	2,055	4,110	8,220	20,549	41,098
9	928	2,319	4,638	9,275	23,188	46,375
10	1,034	2,584	5,168	10,337	25,842	51,684
11	1,141	2,851	5,703	11,405	28,513	57,025
12	1,248	3,120	6,240	12,480	31,199	62,399
13	1,356	3,390	6,780	13,561	33,902	67,804
14	1,465	3,662	7,324	14,648	36,621	73,242
15	1,574	3,936	7,871	15,743	39,356	78,713
16	1,684	4,211	8,422	16,843	42,108	84,216
17	1,795	4,488	8,975	17,951	44,876	89,753
18	1,906	4,766	9,532	19,065	47,661	95,323
19	2,019	5,046	10,093	20,185	50,463	100,926
20	2,131	5,328	10,656	21,313	53,282	106,563
21	2,245	5,612	11,223	22,447	56,117	112,235
22	2,359	5,897	11,794	23,588	58,970	117,940
23	2,474	6,184	12,368	24,736	61,840	123,679
24	2,589	6,473	12,945	25,891	64,727	129,453
25	2,705	6,763	13,526	27,052	67,631	135,262
26	2,822	7,055	14,111	28,221	70,553	141,106
27	2,940	7,349	14,698	29,397	73,492	146,985
28	3,058	7,645	15,290	30,580	76,450	152,899
29	3,177	7,942	15,885	31,770	79,424	158,849
30	3,297	8,242	16,483	32,967	82,417	164,835
31	3,417	8,543	17,086	34,171	85,428	170,856
32	3,538	8,846	17,691	35,383	88,457	176,914
33	3,660	9,150	18,301	36,602	91,504	183,008
34	3,783	9,457	18,914	37,828	94,570	189,139
35	3,906	9,765	19,531	39,061	97,654	195,307
36	4,030	10,076	20,151	40,302	100,756	201,512

Period (years)	Annual expenditure requirement					
	<i>Capital sums are in HKD '000</i>					
	100,000	250,000	500,000	1,000,000	2,500,000	5,000,000
37	4,155	10,388	20,775	41,551	103,877	207,754
38	4,281	10,702	21,403	42,807	107,017	214,034
39	4,407	11,018	22,035	44,070	110,176	220,352
40	4,534	11,335	22,671	45,341	113,354	226,707
41	4,662	11,655	23,310	46,620	116,551	233,101
42	4,791	11,977	23,953	47,907	119,767	239,533
43	4,920	12,300	24,600	49,201	123,002	246,004
44	5,050	12,626	25,251	50,503	126,257	252,514
45	5,181	12,953	25,906	51,813	129,532	259,063
46	5,313	13,283	26,565	53,130	132,826	265,652
47	5,446	13,614	27,228	54,456	136,140	272,280
48	5,579	13,947	27,895	55,790	139,474	278,948
49	5,713	14,283	28,566	57,131	142,828	285,656
50	5,848	14,620	29,240	58,481	146,202	292,404
51	5,984	14,960	29,919	59,839	149,597	299,193
52	6,120	15,301	30,602	61,205	153,012	306,023
53	6,258	15,645	31,289	62,579	156,447	312,894
54	6,396	15,990	31,981	63,961	159,903	319,806
55	6,535	16,338	32,676	65,352	163,380	326,760
56	6,675	16,688	33,376	66,751	166,878	333,756
57	6,816	17,040	34,079	68,159	170,397	340,794
58	6,957	17,394	34,787	69,575	173,937	347,874
59	7,100	17,750	35,500	70,999	177,498	354,997
60	7,243	18,108	36,216	72,432	181,081	362,162

Table C: Life Expectancy Tables 2020 (CSD)

Age	Women	Men	Age	Women	Men	Age	Women	Men
	(yrs remaining)			(yrs remaining)			(yrs remaining)	
0	88.05	82.05	34	54.44	48.68	68	22.41	18.00
1	87.17	81.19	35	53.45	47.71	69	21.54	17.22
2	86.19	80.21	36	52.46	46.74	70	20.67	16.46
3	85.20	79.24	37	51.48	45.77	71	19.81	15.70
4	84.21	78.25	38	50.50	44.80	72	18.95	14.96
5	83.22	77.27	39	49.52	43.84	73	18.11	14.24
6	82.23	76.28	40	48.54	42.87	74	17.27	13.53
7	81.24	75.28	41	47.57	41.91	75	16.45	12.83
8	80.24	74.29	42	46.60	40.96	76	15.65	12.16
9	79.25	73.29	43	45.63	40.00	77	14.86	11.50
10	78.25	72.30	44	44.66	39.05	78	14.08	10.86
11	77.26	71.30	45	43.70	38.11	79	13.33	10.24
12	76.26	70.30	46	42.74	37.16	80	12.60	9.64
13	75.26	69.31	47	41.78	36.22	81	11.89	9.07
14	74.27	68.31	48	40.82	35.29	82	11.20	8.52
15	73.28	67.32	49	39.86	34.36	83	10.53	7.99
16	72.28	66.33	50	38.91	33.43	84	9.89	7.48
17	71.29	65.34	51	37.97	32.51	85	9.27	7.00
18	70.29	64.35	52	37.02	31.59	86	8.68	6.54
19	69.30	63.36	53	36.08	30.68	87	8.11	6.10
20	68.31	62.37	54	35.14	29.78	88	7.56	5.68
21	67.32	61.39	55	34.21	28.89	89	7.04	5.29
22	66.32	60.41	56	33.27	28.00	90	6.55	4.92
23	65.33	59.43	57	32.35	27.13	91	6.08	4.56
24	64.34	58.45	58	31.42	26.26	92	5.63	4.23
25	63.35	57.47	59	30.50	25.40	93	5.21	3.92

26	62.36	56.49	60	29.59	24.55	94	4.82	3.63
27	61.36	55.52	61	28.68	23.71	95	4.45	3.36
28	60.37	54.54	62	27.77	22.87	96	4.10	3.10
29	59.38	53.56	63	26.87	22.04	97	3.77	2.86
30	58.39	52.59	64	25.97	21.22	98	3.47	2.64
31	57.40	51.61	65	25.07	20.40	99	3.18	2.43
32	56.41	50.63	66	24.18	19.60	100+	2.92	2.24
33	55.42	49.66	67	23.30	18.79			

These figures are produced by the Census and Statistics Department (CSD) © 2019. The latest figures can be obtained from www.censtatd.gov.hk/hkstat/ General enquiries can be made to the CSD by telephone at #2582 4807 or by fax at #2802 4000 or by email at gen-enquiry@censtatd.gov.hk.

COSTS TABLES

Taxation: Judiciary Guide to Solicitors' Hourly Rates

w.e.f. 1 January 2018

High Court Rates			District Court Rates		
	No of Years of Practice	HK\$/Hour		No of Years of Practice	HK\$/Hour
a. Solicitors	More than 15 Years	5,800	a. Solicitors	More than 15 Years	3,860
	9 – 15 Years	5,200		9 – 15 Years	3,460
	7 – 8 Years	4,500		7 – 8 Years	3,000
	5 – 6 Years	3,900		5 – 6 Years	2,600
	2 – 4 Years	3,200		2 – 4 Years	2,130
	Newly admitted	2,600		Newly admitted	1,730
	Trainee solicitor	1,700		Trainee solicitor	1,130
b. Legal Clerk		1,300	b. Legal Clerk		860
c. Law Costs Draftsman		1,800	c. Law Costs Draftsman		1,800

The process by which the amount of costs is determined is known as "Taxation of costs", which is a process undertaken before a taxing master (a judicial officer) if the parties cannot reach agreement. Unless otherwise ordered, the taxing master will tax the costs claimed by the winning party on a "party and party basis". For taxation on that basis, a winning party is entitled to recover all such costs as are necessary or proper for the attainment of justice or for enforcing or defending the rights of such party whose costs are being taxed. It should be noted that one of the main components of costs to be taxed is the solicitors' costs.

The above Solicitors' Hourly Rates (SHRs) were proposed by the Law Society and were approved by the Judiciary for the purpose of assessing costs incurred by litigants during court proceedings. They reflect in general the rates which taxing masters consider appropriate and reasonable for engaging solicitors of comparable experience in such proceedings. They, however, do not necessarily reflect the actual costs being charged by the solicitors for service rendered in litigation. Further, the taxing masters are not bound by the SHRs. Each taxation is considered on its own merit and the taxing masters, in exercising their judicial discretions, may make such adjustments as they see fit. They are periodically reviewed to better reflect the current market conditions and inflation.

Legal Aid Financial Tables

w.e.f. 2 March 2020

Financial eligibility for legal aid is described on the [Legal Aid Department website](#), including a helpful online calculator to assist applicants. Updated information is available at [this link](#). The financial and merits test for the Duty Lawyer Service is available at [its website](#).

Financial Eligibility Limits (“FEL”) for Legal Aid

Ordinary Scheme	\$307,130
Supplementary Scheme	\$1,535,650
Criminal Legal Aid	\$307,130

The Director of Legal Aid may waive FELs in cases involving a possible breach of the Hong Kong Bill of Rights Ordinance / inconsistency with the ICCPR ([s 5AA of Cap 91](#)). The Director also has discretion to grant legal aid in criminal cases to an applicant whose financial resources exceed the limit if he is satisfied that it is desirable in the interests of justice to do so ([rule 15 of Cap 221D](#); and [Article 10\(2\)\(d\) of the Hong Kong Bill of Rights](#)).

Financial resources are calculated as 12 times monthly disposable income plus disposable capital. The rules for assessment of resources are set out in [Cap 91B](#). However, even if an applicant is eligible for legal aid, he or she may need to pay a contribution. Furthermore, if money is recovered through the proceedings or related proceedings, the Director of Legal Aid may have a proprietary claim over the amount recovered known as the “First Charge”.

Deductible Personal Allowances

Household Size	Amount
Applicant only	\$6,570
Applicant with 1 dependant	\$11,490
Applicant with 2 dependants	\$16,360
Applicant with 3 dependants	\$21,200
Applicant with 4 dependants	\$28,210
Applicant with 5 dependants	\$26,480
Applicant with 6 or more dependants	\$29,530

Contribution

If his financial resources exceed	But do not exceed	Then maximum contribution is	Contribution payable (Min - Max)
\$0	\$38,391.25	-	\$0
\$38,391.26	\$76,782.50	2%	\$768 - \$1,536
\$76,782.51	\$115,173.75	2.5%	\$1,920 - \$2,879
\$115,173.76	\$153,565.00	5%	\$5,759 - \$7,678
\$153,565.01	\$191,956.25	10%	\$15,357 - \$19,196
\$191,956.26	\$230,347.50	15%	\$28,793 - \$34,552
\$230,347.51	\$268,738.75	20%	\$46,070 - \$53,748
\$268,738.76	\$307,130.00	25%	\$67,185 - \$76,783
\$307,130.01	\$460,695.00	30%	\$92,139 - \$138,209
\$460,695.01	\$614,260.00	35%	\$161,243 - \$214,995
\$614,260.01	\$767,825.00	40%	\$245,704 - \$307,130
\$767,825.01	\$921,390.00	45%	\$345,521 - \$414,626
\$921,390.01	\$1,074,955.00	50%	\$460,695 - \$537,478
\$1,074,955.01	\$1,228,520.00	55%	\$591,225 - \$675,686
\$1,208,000.01	\$1,382,085.00	60%	\$737,112 - \$829,251
\$1,382,085.01	\$1,535,650.00	65%	\$898,355 - \$998,173
Exceeding \$1,535,650.00		67%	\$1,028,886 plus

First Charge

Costs of Registration

\$2,600

Prescribed interest on amount of First Charge

1.231% p.a.*

Amount of monthly spousal maintenance exempted

\$4,800

* This rate is adjusted annually on 1 June each year.

TAX

Tax in Hong Kong is administered by the [Inland Revenue Department](#). The most significant forms of personal tax in Hong Kong are (i) salaries tax (for employed persons), (ii) profits tax (for sole-proprietors/partnerships), and (iii) property tax.

For the full allowances, deductions and tax rate tables applicable for personal assessment for 2012/13 to present, see [the IRD's pamphlet PAM61e](#).

[Salaries tax](#)

Salaries tax is calculated as a percentage of 'net chargeable income', i.e. income after deductions and allowances. Allowances may include: basic allowance, married person's allowance, child allowances, dependent sibling allowances, single parent allowance, and disabled dependant allowance. Deductions may include: work outgoings/expenses, approved charitable donations, self-education expenses, mandatory contributions to MPF, depreciation, losses from previous years under 'personal assessment', home loan interest, interest payments for rental property, and elderly care expenses.

For the 2018/19 tax year onwards, it is charged at the lower of the 'standard rate' (i.e. 15%) and the 'progressive rate' (i.e. 2% on the first \$50,000, 6% on the next \$50,000, 10% on the next \$50,000, 14% on the next \$50,000, and 17% on the remainder).

[Profits tax](#)

Profits tax is calculated as a percentage of the net profits arising in or derived from Hong Kong, from a trade, profession, or business (excluding profits from the sale of capital assets).

For the 2018/19 tax year onwards, the two-tiered profits tax rate comes into effect, and tax for unincorporated entities is charged at 7.5% on assessable profits up to \$2,000,000, and 15% thereafter. Note that if the taxpayer has any 'connected entities' the 'standard rate' would apply instead (i.e. 15% for unincorporated entities) – although the Commissioner of Inland Revenue may apply the two-tiered rates to one of the entities if it elects those rates.

[Property tax](#)

Property tax is calculated as a percentage of the 'net assessable value' of a property: the annual rental income, minus irrecoverable, rent minus the rates paid by the owner minus the statutory allowance for repairs and outgoings (i.e. 20% of the sum of the foregoing). For the 2008/09 tax year onwards the rate is 15%.

MPF

The Mandatory Provident Fund (**MPF**) is Hong Kong's compulsory saving system. It was established in 2000 by the [MPF Schemes Ordinances \(Cap 485\)](#) and subsidiary legislation.

The system **applies to employees and self-employed** persons aged **18 to 64** in Hong Kong who work for **60 days** or more. Persons in Hong Kong on employment visas for 13 months or less, enrolled with a university MPF scheme or enrolled in a foreign jurisdiction, are excepted.

Contributions are required of both employers and employees, and are made to privately managed funds monitored by the [MPF Schemes Authority](#). There are two types of contribution: **mandatory contributions** must be made, and additional **voluntary contributions** may be made.

Employee mandatory contributions are presently 5% of monthly income, subject to a cap of HK\$1,500 (whichever is higher). No contribution is payable in respect of any month that an employee's income falls below HK\$7,100.

Employers may [offset long service and severance payments](#) against accrued mandatory contributions, reducing them significantly (unless prevented by the employment contract).

Accrued **benefits are 'portable'** ie transferred between schemes when employees take up new employment ([section 14 of Cap 485](#)), as well as at least once per calendar year ([Rule 148A of Cap 485A](#)).

Accrued benefits from mandatory contributions and 'tax deductible voluntary contributions' (TVCs) may generally only be **withdrawn** when the participant reaches retirement age ([section 15](#)), which is presently 65 ([section 2](#)). No part of any accrued benefits in a registered scheme shall be taken in execution of a judgment debt or be the subject of any charge, pledge, lien, mortgage, transfer, assignment or alienation ([section 16](#)). Payment of accrued benefits from voluntary contributions (other than TVCs) may be withdrawn earlier in accordance with the relevant scheme rules ([section 11](#)).

As such, benefits accrued in an MPF fund are not calculated as capital assets for the purpose of eligibility for legal aid: [Report of the Subcommittee on Legal Aid \(Assessment of Resources and Contributions\) \(Amendment\) Regulation 2015](#) (CB(4)1025/14-15) §22.

CSSA

Comprehensive Social Security Assistance (**CSSA**) is a non-statutory social security scheme, established in 1993 and administered by the Social Welfare Department (**SWD**). It is intended to [provide a safety net](#) for those who cannot support themselves financially, bringing their income to a prescribed level to meet basic needs. About [230,000 persons are enrolled](#). A summary of the **policy** can be found on the [SWD's website](#). The [Pamphlet \(English\)](#) contains more information.

Applications can be made at one of numerous [Social Security Units](#), which are [mapped here](#). There is a [sample application form](#) on the SWD website. Offices are open 8:45 am to 1 pm and 2 pm to 6 pm Monday to Friday.

Eligibility. Generally, applicants must have resided in Hong Kong for **one year** and have family **assets** and **income** below prescribed figures to qualify. Persons between 15 and 59 in 'normal health' must additionally participate in the new '[Support for Self-reliance Scheme](#)' which requires that they find paid employment of 120 hours per month. Eligible persons then receive payments of standard rates and supplements so far as they are applicable *less* their assessable income.

Asset threshold – single person (from 1 February 2020)

An '**asset**' includes land/properties, cash, bank savings, cash value of insurance policy, investments in stocks and shares, and other readily realizable assets.

	Asset Limit (HK\$)
Able-bodied adult	33,000
Child, elderly person, disabled person or person medically certified to be in ill-health	50,000

Asset thresholds – family (from 1 February 2020)

Able-bodied adults/children		Elderly persons, disabled persons or persons medically certified to be in ill-health	
No. of such members	Asset limit (HK\$)	No. of such members#	Asset limit (HK\$)
1	22,000	1	50,000
2	44,000	2	75,000
3	66,000	3	100,000
4 or above	88,000	4	125,000
		5	150,000
		6	175,000

Standard rates of assistance (from 1 February 2020):

Category	Amount of standard rates per month (HK\$)			
	Single person	Family member		
Elderly person aged 60 or above				
Able-bodied/50% disabled	3,585	3,375		
100% disabled	4,335	3,830		
Requiring constant attendance	6,095	5,590		
Ill-health/Disabled adult aged under 60 (medical certification from doctor of public hospital or clinic required)				
Ill-health/50% disabled	3,585	3,375		
100% disabled	4,335	3,830		
Requiring constant attendance	6,095	5,590		
Disabled child (below 15, or 15 to 21 receiving full-time education, excluding secondary)				
50% disabled	4,030	3,510		
100% disabled	4,780	4,270		
Requiring constant attendance	6,535	6,035		
	Single person	In a family comprising		
		not more than 2 able-bodied adults/ children	3 able-bodied adults/ children	4 or more able-bodied adults/ children
Able-bodied adult aged under 60				
Single parent/Family carer	-	2,740	2,475	2,195
Other adult	2,525	2,250	2,030	1,810
Able-bodied child	3,035	2,515	2,255	2,015

Supplements (from 1 February 2020)

Long-term supplement (payable to families involving any member who is old, disabled or medically certified to be in ill-health for the replacement of household and durable goods if they have received assistance continuously for 12 months or more).

	Rate per year (HK\$)
Single person	2,240
Family comprising 2 or more members who are old, disabled or medically certified to be in ill-health	4,480

Single Parent Supplement (payable to single parent families): HK\$355 per month

Community Living Supplement (payable to CSSA recipients who are old, disabled or medically certified to be in ill-health and who are not living in institutions to better support their stay in the community): HK\$340 per month

Transport Supplement (payable to severely disabled persons who are medically certified to be 100% disabled or in need of constant attendance and in the age group of 12 to 64): HK\$285 per month

Residential Care Supplement (payable to CSSA recipients who are old, disabled or medically certified to be in ill-health and who are living in non-subsidised residential care places): HK\$340 per month.

EDUCATION

Day Care

A limited amount of extended hours 'day care' is available at various locations throughout Hong Kong. Young children may be enrolled in a registered 'child care center' (0-3 years old) or a 'kindergarten-cum-child care centre' (0-6 years old). The hours of operation are from 8.00am to 6.00pm or 8.00pm. The fees range from \$3,288-16,668 (not including extra charges). The list of child care centres and kindergarten-cum-child care centres can be found on [the SWD website](#). A fee remission scheme is available from the government through the [Working Family and Student Financial Assistance Agency](#).

Education System

[Kindergartens](#) in Hong Kong can be categorized as non-profit making kindergartens and private independent kindergartens, both are privately run by their sponsoring organizations which could be voluntary agencies or private enterprises. Kindergartens provide education services for child from 3 to 6 years old, most of them offers half-day classes.

[Primary](#) schools and [secondary](#) schools can be generally categorized as government / aided schools, schools under government's direct subsidy scheme (usually referred as Direct Subsidy Scheme schools, DSS schools), private schools (including those under private independent schools scheme), schools under English Schools Foundation (usually referred as ESF schools), and international schools. The government provide free education for primary, junior and senior secondary education to all children attending public / government funded schools. In addition, Secondary 3 leavers can also receive government full subvention for full-time courses run by the Vocational Training Council, which is an alternative of mainstream education.

School information and school lists of all types of registered kindergartens, primary school and secondary school can be found on [Education Bureau's website](#).

Student Financial Assistance

Financial assistance for students is available from the government through the [Student Finance Office](#) of the Working Family and Student Financial Assistance Agency. A range of means tested and non-means tested financial assistance is available for pre-primary, primary, secondary, and post-secondary/tertiary students, including: grant for school-related expenses for kindergarten students (Grant-KG), the kindergarten & child centre fee remission scheme, the school textbook assistance scheme, the school travel subsidy scheme, the subsidy scheme for internet access charges, and the tertiary student finance scheme.

International School Fees (2020-21)

School Name	Kinder. / Prim. / Second.	Location	Primary language	2020-21 Tuition Fees excluding other fees/charges (asterisk indicates 2019-20)
American International School* www.ais.edu.hk	K / P / S	Kowloon Tong	English	\$87,000 for Kindergarten (1/2 day). \$129,800 for Kindergarten (full day). \$135,680 for Grades 1-4. \$145,690 for Grades 5-8. \$160,200 for Grades 9-12. Annual Capital Levy: first child \$12,000, Second child \$8,000, each additional child \$6,000.
American School Hong Kong* www.ashk.edu.hk	K / P	Tai Po	English	\$146,000 for KG2. \$168,500 for Grades 1-4. \$179,500 for Grades 5-6. \$187,500 for Grades 7-8. \$198,500 for Grade 9. Capital fee: \$39,000 for newly admitted students, \$26,500 annual fee for others.
Australian International School www.aishk.edu.hk	K / P / S	Kowloon Tong	English	\$106,900 for Reception. \$153,400 for Prep-Year 6. \$177,000 for Years 7-10. \$185,800 for Years 11-12 (HSC). \$223,100 for Years 11-12 (IB). Annual capital levy (for students without debenture): \$21,840.
Beacon Hill School* www.beaconhill.edu.hk	P	Kowloon Tong	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).

Bradbury School* www.bradbury.edu.hk	P	Stubbs Road	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).
Canadian International School* www.cdnis.edu.hk	K / P / S	Aberdeen	English	\$115,900 for Pre-Reception and Reception (1/2 day). \$157,300 for Pre K-Grade 3. \$158,900 for Grades 4-5. \$160,100 for Grade 6. \$177,800 for Grades 7-8. \$195,100 for Grades 9-10. \$205,400 for Grades 11-12. Annual capital levy (for students without debenture): \$36,000.
Carmel School* www.carmel.edu.hk	K / P / S		English, Hebrew, Mandarin, French, Spanish	\$103,500 for Nursery and Pre-K. \$166,900 for Kindergarten and Elementary. \$166,900 for High School (main stream). \$195,500 for High School (international stream).
Chinese International School* www.cis.edu.hk	K / P / S	Braemar Hill	English, Mandarin	\$164,400 for Reception. \$217,900 for Years 1-6. \$257,300 for Years 7-11. \$260,800 for Years 12-13. Annual capital levy: \$28,000.
Christian Alliance International School www.caisbv.edu.hk	K / P / S	Lai Chi Kok	English	\$119,000 for Preparatory. \$132,600 for Grades 1-3. \$139,400 for Grade 4. \$149,600 for Grade 5. \$159,800 for Grade 6. \$172,800 for Grades 7-9. \$189,000 for Grades 10-12. Transferable Individual Capital Note: \$560,000 first child, \$504,000 for second child, and \$476,000 for third child.

				Annual capital levy (for students without debenture): \$28,000.
Clearwater Bay School* www.cwbs.edu.hk	P	Clearwater Bay	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).
Concordia International School www.cihs.edu.hk	S	Kowloon Tong	English	\$117,500 for Years 7-8. \$122,650 for Years 9-10. \$131,700 for Years 11-12.
Delia School of Canada* www.delia.edu.hk	K / P / S	Kwun Tong Quarry Bay	English	\$117,500 for Pre-Grade 1. \$122,480 for Grades 1-8. \$127,800 for Grades 9-10. \$133,130 for Grades 11-12.
Diocesan Boys' School (IB Section) www.ib.dbs.edu.hk	S	Mong Kok	English	\$48,650 for Grade 10. \$99,320 for Grade 11. \$99,320 for Grade 12. (All for 2018/19).
Discovery Bay International School* www.dbis.edu.hk	K / P / S	Discovery Bay	English	\$113,300 for Nursery & Reception. \$122,800 for Years 1-6. \$163,100 for Years 7-11. \$155,500 for Years 12-13. Standard school development levy: first and second child \$60,000 per student, third child and onwards \$50,000 per student.

Discovery College* www.discovery.edu.hk	P / S	Discovery Bay	English	HK\$129,700 for Years 1-6. HK\$173,500 for Years 7-11. HK\$175,400 for Years 12 & 13. Non-refundable Building Levy: HK\$7,530 per student.
French International School* https://www.fis.edu.hk/en	K / P / S	Jardine's Lookout Tseung Kwan O	French, English	International stream: \$120,956 for Reception. \$125,794 for Years 1-6. \$160,760 for Years 7-11. \$201,085 for Years 12-13. (See website for French stream fees) Compulsory debenture: \$90,000 (private), \$250,000 (corporate).
German Swiss International School* www.gsis.hk	K / P / S	Peak	German, English	\$156,110 for Kindergarten. \$161,450 for Years 1-6. \$192,420 for Years 7-11. \$203,420 for Years 12-13. Compulsory debenture: \$500,000 (standard, refundable), \$432,250 (development, non-refundable).
Glenealy School* www.glenealy.edu.hk	P	Mid-Levels	English	\$115,800 for Years 1-4. \$98,500 for Years 4-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).
Harrow International School* www.harrow.school.hk	K / P / S	Tuen Mun	English	\$149,924 for K1-K2. \$171,671 for Years 1-5. \$196,091 for Years 6-11. \$203,868 for Years 12-13. Annual capital levy (for students without capital certificates and debentures): \$60,000.

Hong Kong Academy* www.hkacademy.edu.hk	K / P / S	Sai Kung	English	<p>\$149,800 for PK1-PK2. \$194,00 for K-Grade 5. \$213,600 for Grades 6-8. \$222,600 for Grades 9-10. \$231,700 for Grades 11-12.</p> <p>Compulsory re-saleable family debenture: \$630,000. Annual capital levy (for each subsequent sibling after the first not covered by a debenture): \$28,000.</p>
Hong Kong Adventist Academy* www.hkaa.edu.hk	P / S	Sai Kung	English	<p>\$101,400 for Grades 1-5. \$120,500 for Grades 6-12.</p>
Hong Kong International School www.hkis.edu.hk	K / P / S	South Bay Tai Tam	English	<p>\$200,600 for R1 – Grade 5. \$206,450 for Grades 6-8. \$230,050 for Grades 9-11. \$232,200 for Grade 12.</p> <p>Annual capital levy: \$20,000.</p>
International Christian School www.ics.edu.hk	K / P / S	Shatin Ma On Shan	English	<p>\$74,700 for R1-R2 (1/2 day). \$130,800 for Pre-Grade 1- Grade 5. \$173,200 for Grades 6-8. \$177,600 for Grades 9-12.</p> <p>Debenture (one-time promissory note): \$250,000 for first child, \$180,000 for second, \$140,000 for third, nil thereafter.</p>
International College Hong Kong* www.ichk.edu.hk	K / P / S	Shau Tau Kok Hong Lok Yuen	English	<p>\$22,000 for Pre-Nursery. \$72,900 for Part Time Nursery. \$126,700 for Full Time Nursery-Year 6. \$163,800 for Years 7-9. \$164,700 for Years 10-11. \$182,000 for Years 12-13.</p> <p>Debenture (one time, non-refundable, installments at enrollment and Years 7 and 8): \$100,000. Annual capital levy: \$17,500 (in addition to debenture).</p>

International Montessori School* www.ims.edu.hk/	K / P	Sheung Wan, South Horizons, Aldrich Bay, Stanley	English, Mandarin	<p>\$117,000 for Casa dei Bambini (1/2 day). \$168,000 for Casa dei Bambini (full day). \$168,000 for Lower Elementary. \$169,500 for Upper Elementary.</p> <p>Personal nomination right: \$75,000 (one-off, non-refundable). Capital note: \$150,000 (one-off, Casa only, \$90,000 returned upon redemption). Annual capital levy: \$35,000 (for student without capital note or personal nomination right).</p>
ISF Academy* https://academy.isf.edu.hk/en	P / S	Pok Fu Lam	English, Mandarin	<p>\$197,920 for Foundation-Grade 5. \$229,950 for Grades 6-10. \$249,970 for Grades 11-12.</p> <p>General capital levy (one-off, half refundable): \$200,000. Capital note (non-refundable and transferrable): \$7,000,000. Annual capital levy (students without general capital levy or capital note): \$45,000 for first year and \$30,000 per year thereafter.</p>
Island Christian Academy* www.islandca.edu.hk	P	Sheung Wan	English	<p>\$122,300 for Years 1-6. \$134,700 for Year 7.</p> <p>Annual capital levy: \$12,650.</p>
Island School* www.island.edu.hk	S	Sha Tin Wai Tai Wai	English	<p>\$133,800 for Years 7-11. \$140,700 for Years 12-13.</p> <p>One time non-refundable capital levy (not required if already paid at an ESF primary school, amount depends on year of admission to ESF): \$26,000 (Y7), \$22,300 (Y8), \$18,600 (Y9), \$14,900 (Y10), \$11,200 (Y11), \$7,500 (Y12), \$3,800 (Y13).</p>

Japanese International School* www.es.jis.edu.hk	P / S	Happy Valley Braemar Hill Tai Po	Japanese English	\$111,620 for all grades. Annual capital levy: \$15,200.
Kellett School* www.kellettschool.com	K / P / S	Pok Fu Lam Kowloon Bay	English	\$172,600 for Reception to Year 6. \$214,500 for Years 7-11. \$220,800 for Years 12-13. Individual debenture (7 years): \$120,000. Sixth Form Capital Contribution (2 years): \$48,000.
Kennedy School* www.kennedy.edu.hk	P	Pok Fu Lam	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).
Kiangsu-Chekiang College www.kcis.edu.hk	K / P / S	North Point Braemar Hill	Mandarin English	\$69,530 Kindergarten (1/2 day). \$69,530 Reception (1/2 day). \$85,500 for Years 1-6. \$112,000 for Years 7-13.
King George V School* www.kgv.edu.hk	S	Ho Man Tin	English	\$133,800 for Years 7-11. \$140,700 for Years 12-13. One time non-refundable capital levy (not required if already paid at an ESF primary school, amount depends on year of admission to ESF): \$26,000 (Y7), \$22,300 (Y8), \$18,600 (Y9), \$14,900 (Y10), \$11,200 (Y11), \$7,500 (Y12), \$3,800 (Y13).
Kowloon Junior School* www.kjs.edu.hk	P	Ho Man Tin	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).

				(Y4), \$30,000 (Y5), \$28,000 (Y6).
Lantau International School* www.lis.edu.hk	P	Cheung Sha Tong Fuk Pui O	English	\$83,500 for Reception (full day). \$83,500 for Primary 1-6. Capital contribution fee (refundable): \$25,050.
Li Po Chun United World College www.lpcuwc.edu.hk	S	Shatin	English	\$102,000 for local students.
Malvern College www.malverncollege.org.hk	P / S	Providence Bay	English	\$178,928 for Prep 1-6. \$203,530 for Foundation Year 1-3. Annual capital levy (for students without Individual/Corporate Nomination Right): \$42,000.
Mount Kelly* www.mountkellyprep.edu.hk	P / S	Tsim Sha Tsui	English	\$154,900 for Years 1-2. \$165,000 for Years 3-4. \$165,990 for Years 5-6. \$184,998 for Years 7-8. \$195,000 for Year 9. Annual capital levy (for students without Nomination Certificate): \$50,000.
Nord Anglia International School* www.nordangliaeducation.com/our-schools/hong-kong	K / P / S	Lam Tin Tai Tam Sai Kung	English	\$114,000 for Nursery (AM). \$81,000 for Nursery (PM). \$75,000 for Lower Kindergarten (1/2 day). \$81,500 for Upper Kindergarten (1/2 day). \$163,000 for Primary. \$81,500 for Secondary. Capital enrollment fee (one time, non-refundable): \$100,000.

Quarry Bay School* www.qbs.edu.hk	P	Quarry Bay	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One time non-refundable capital levy (amount depends on year of admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).
Renaissance College* www.rchk.edu.hk	P / S	Ma On Shan	English	\$124,000 for Years 1-6. \$166,000 for Years 7-11. \$167,900 for Years 12-13. One time non-refundable building levy (amount depends on year of admission): \$50,000 (Y1), \$48,500 (Y2), \$41,700 (Y3), \$37,500 (Y4), \$33,300 (Y5), \$29,200 (Y6), \$25,000 (Y7), \$20,800 (Y8), \$16,700 (Y9), \$12,500 (Y10), \$8,300 (Y11), \$4,200 (Y12), nil (Y13).
Sear Rogers International School* www.sris.edu.hk	P / S	Kowloon	English	\$79,200 for Years 1-6. \$100,650 for Years 7-9. \$94,500 for Years 10-11. \$107,000 for Year 12. \$96,300 for Year 13. Registration fees of between \$7,200 and \$10,700.
Sha Tin College* shatincollege.edu.hk	S	Sha Tin	English	\$133,800 for Years 7-11. \$140,700 for Years 12-13. One-time non-refundable capital levy (not required if already paid at an ESF primary school, amount depends on year of admission to ESF): \$26,000 (Y7), \$22,300 (Y8), \$18,600 (Y9), \$14,900 (Y10), \$11,200 (Y11), \$7,500 (Y12), \$3,800 (Y13).
Sha Tin Junior School* sjs.edu.hk	P	Sha Tin	English	\$115,800 for Years 1-4. \$98,500 for Years 5-6. One-time non-refundable capital levy (amount depends on year of

				admission to ESF): \$38,000 (Y1), \$36,000 (Y2), \$34,000 (Y3), \$32,000 (Y4), \$30,000 (Y5), \$28,000 (Y6).
Shrewsbury International School www.shrewsbury.hk	K / S	Tseung Kwan O	English	\$143,000 for Nursery. \$154,000 for Reception. \$177,000 for Primary 1-6. Annual capital levy (for students without capital certificate): \$50,000. Capital certificate (depreciating, required for Years 1 and 2): \$200,000 (standard), \$300,000 (premium).
Singapore International School* www.singapore.edu.hk	K / P / S	Aberdeen Wong Chuk Hang	English Mandarin	\$83,048 for Preparatory. \$131,200 for Primary 1-6. \$164,500 for Secondary 1-4. \$198,800 for Diploma Years 1-2. Compulsory debenture: \$200,000 (personal), \$120,000 (personal, Singapore passport), \$500,000 (corp.). Capital levy: \$20,000 (personal debentures, annual), \$160,000 (corp. debentures, one-time). Entrance fee: \$13,000 (one-off, non-refundable, for students on personal debentures).
South Island School* www.sis.edu.hk	S	Aberdeen	English	\$133,800 for Years 7-11. \$140,700 for Years 12-13. One-time non-refundable capital levy (not required if already paid at an ESF primary school, amount depends on year of admission to ESF): \$26,000 (Y7), \$22,300 (Y8), \$18,600 (Y9), \$14,900 (Y10), \$11,200 (Y11), \$7,500 (Y12), \$3,800 (Y13).

Spanish Primary School www.spis.com.hk	K / P	Tai Po	English Mandarin Spanish	\$115,000 for Years 1-3. \$125,000 for Years 4-6.
Stamford American School* www.sais.edu.hk	K / P / S	Ho Man Tin	English	\$178,800 for Kindergarten-Grade 5. \$196,200 for Grades 6-9. Individual debenture: \$500,000. Capital levy (for students without debenture): \$150,000 (one time) or \$30,000 (annually).
The Harbour School* www.ths.edu.hk	K / P / S	Kennedy Town Ap Lei Chau	English	\$164,000 for Pre-K/Kindergarten. \$196,000 for Grades 1-6. \$203,000 for Grades 7-8. \$210,000 for Grades 9-12. Annual capital levy (for students without debenture): \$33,000. Mandatory family debenture: \$450,000 (exempting one student from capital levy).
Victoria Shanghai Academy* www.vsa.edu.hk	P / S	Aberdeen	English Mandarin	\$139,500 for Years 1-5. \$158,900 for Year 6. \$161,200 for Years 7-8. \$162,600 for Years 9-10. \$201,420 for Years 11-12. Refundable capital levy (for students without debenture): \$60,000.
West Island School* www.wis.edu.hk	S	Pok Fu Lam	English	\$133,800 for Years 7-11. \$140,700 for Years 12-13. One-time non-refundable capital levy (not required if already paid at an ESF primary school, amount depends on year of admission to ESF): \$26,000 (Y7), \$22,300 (Y8), \$18,600 (Y9), \$14,900 (Y10), \$11,200 (Y11), \$7,500 (Y12), \$3,800 (Y13).

Yew Chung International School* www.ycis-hk.com	K / P / S	Kowloon Tong	English Mandarin	<p>\$225,710 for Years 1-6. \$220,820 for Years 7-11. \$225,870 for Years 12-13.</p> <p>Primary school refundable debenture: \$350,000 (first child), \$175,000 (second), \$87,500 (third and further). Secondary school refundable debenture: \$470,000 (first child), \$235,000 (second), \$117,500 (third and further).</p>
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CHILDHOOD TIMELINE

Age	Rights and responsibilities	Source
"Sufficient age and understanding"	Guardian or parent must take into account the views of the minor when appointing new guardian	s 6(5) of Cap 13
	Consent to medical operations	Gillick v West Norfolk and Wisbech Health Authority [1986] AC 112 (HL)
	Consent to adoption	Re S (Parent As Child Adoption Consent) [2018] 2 FLR 111
6	Attend primary school	ss 3(1) and 74(1) of Cap 279
10	Age of criminal responsibility	s 3 of Cap 226
11	Use or hire a bicycle unaccompanied by an adult	s 54 of Cap 374
12	Attend secondary school	ss 3(1) and 74(1) of Cap 279
14	Give sworn evidence in court	s 4 of Cap 8
15	Age of criminal responsibility for possession of an imitation firearm	s 20 of Cap 238
	Work on licensed premises (liquor) with permission of the Liquor Licensing Board	reg 29 of Cap 109B
16	Engage in heterosexual intercourse	s 124 of Cap 200; So Wai Lun v HKSAR (2006) 9 HKCFAR 530
	Engage in homosexual buggery	s 118C of Cap 200
	Marry with parental consent	s 13 of Cap 181
	Become a voting member of a registered trade union	s 17 of Cap 332

	Voluntarily admission or discharge from a mental hospital	s 30 of Cap 136
17	Pilot a private aeroplane or helicopter	art 20 of Cap 448C
	Gain admission to a post-secondary college	reg 6 of Cap 320A
18 (or majority)	Enter into contracts as an adult (save for necessities)	s 4 of Cap 26 ; Nash v Inman [1908] 2 KB 1 ; Roberts v Gray [1913] 1 KB 520
	Donate an organ	s 5D of Cap 465
	Required to join an employee MPF scheme	s 2(1) of Cap 485
	Drink liquor on a licensed premises	reg 28 of Cap 109B
	Work on licensed premises (liquor)	reg 29 of Cap 109B
	Purchase liquor	reg 37 of Cap 109B
	Obtain a hawker's license	reg 6 of Cap 132AI
	Obtain a library card without a guarantor	s 10 of Cap 132AL
	Pilot a commercial aeroplane or helicopter	art 20 of Cap 448C
	Vote as an elector for the Legislative Council	s 29 of Cap 542
	Work on a construction site	reg 4A of Cap 59I
	Make a valid will	s 4 of Cap 30
	Obtain a standard driving license	reg 7(1) of Cap 374B
	Get tattooed	s 3 of Cap 323
	Become a member of the executive of a registered trade union	s 17 of Cap 332
	Buy tobacco products	s 15A(1) of Cap 371
21	Become an air traffic controller	s 65 of Cap 448C

	Serve as a juror	s 4 of Cap 3
	Serve as a sole executor of a will	s 39 of Cap 10
	Stand for election to the Legislative Council or District Councils	s 37 of Cap 542 ; s 20 of Cap 547
	To marry without parental consent	s 14 of Cap 181
	Adopt a relative	s 5(1) of Cap 290
	To register as a nurse or midwife	s 8 of Cap 164 ; s 7 of Cap 162
	Obtain a non-standard driving license	reg 7(1) of Cap 374B
	To engage in heterosexual buggery	s 118D of Cap 200
25	Adopt a non-relative	s 5(1) of Cap 290

WEBSITES

ADR

Bar Association, List of Accredited Mediators

<https://www.hkba.org/Bar-List/mediators>

Bar Association, List of Accredited Arbitrators

<https://www.hkba.org/Bar-List/arbitrators>

CEDR (the Centre for Effective Dispute Resolution)

<http://www.cedr-asia-pacific.com/cedr/index.php>

Department of Justice, 'Mediation' website

<http://www.doj.gov.hk/eng/public/mediation.html>

Hong Kong Collaborative Practice Group

<https://www.collaborativepractice.com/collaborative-practice-groups/353>

Hong Kong Family Welfare Society's Mediation Centre

http://www.mediationcentrehk.org/Eng_index.html

Hong Kong Institute of Arbitrators

<http://www.hkiarb.org.hk/>

Hong Kong International Arbitration Centre (HKIAC), 'Mediation' website

<http://www.hkiac.org/mediation>

Hong Kong Mediation Accreditation Association Ltd (HKMAAL)

<http://www.hkmaal.org.hk/en/index.php>

Hong Kong Mediation Centre

<http://www.mediationcentre.org.hk/en/home/home.php>

Hong Kong Mediation Code, issued by the Working Group on Mediation of the HKSARG

<http://www.hkmaal.org.hk/en/HongKongMediationCode.php>

HKU's Community Legal Information Centre (CLIC), Guide to Arbitration

<http://www.clic.org.hk/en/topics/hkLegalSystem/arbitration/index.shtml>

HKU's CLIC, Guide to Mediation

<http://www.clic.org.hk/en/topics/hkLegalSystem/mediation/>

HKU's CLIC, list of family mediation organisations

<http://www.hkclic.org/en/topics/familyMatrimonialAndCohabitation/resolutionMethodsOtherThanDivorce/q3.shtml>

Institute of Family Law Arbitrators (IFLA)

<http://ifla.org.uk/>

International Academy of Collaborative Practice Professionals (IACP)

<https://www.collaborativepractice.com/>

Joint Mediation Helpline Office

<http://www.jointmediationhelpline.org.hk/>

Judiciary, 'Mediation' website

<http://mediation.judiciary.gov.hk/en/>

Law Society, 'Mediation' website

http://www.hklawsoc.org.hk/pub_e/mas/mediator/mediator_family_ms.asp

Children

Abduction

Hague Conference on Private International Law

<http://www.hcch.net/>

International Child Abduction Database

<https://www.incadat.com/>

Adoption

Hague Conference Intercountry Adoption Website

<http://www.hcch.net/>

Social Welfare Department (Adoption Service)

http://www.swd.gov.hk/en/index/site_pubs/vc/page_family/sub_listofserv/id_adoptionse/

US State Department Intercountry Adoption Website
<https://travel.state.gov/content/travel/en/Intercountry-Adoption.html>

Child protection

Against Child Abuse
<http://www.aca.org.hk/>
 Social Welfare Department (Family and Child Protective Services)
http://www.swd.gov.hk/en/index/site_pubs/vc/page_family/sub_listofserv/id_familyandc/

Children's rights

Children's Rights Information Network
<http://www.ibcr.org/en/>
 Hong Kong Committee on Children's Rights
<http://www.childrenrights.org.hk/v2/web/>
 International Bureau for Children's Rights
<http://www.ibcr.org/en>
 United Nations Committee on the Rights of the Child
<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

Education & Child Care

SWD List of Child Care Services (day care, kindergarten, occasional care, fee remission, special care, residential care)
http://www.swd.gov.hk/en/index/site_pubs/vc/page_family/sub_listofserv/id_childcare/s/
 Canadian International School
<http://www.cdnis.edu.hk>
 Carmel School
<http://www.carmel.edu.hk>
 The Child Development Centre
<http://cdchk.org>
 Chinese International School
<http://www.cis.edu.hk>
 Delia School of Canada
<http://www.delia.edu.hk>
 Education Bureau
<http://www.edb.gov.hk/en/>

English Schools Foundation
<http://www.esf.edu.hk>
 French International School
<http://www.fis.edu.hk>
 German Swiss International School
<http://mygsis.gsis.edu.hk>
 Harrow International School
<http://www.harrowschool.hk>
 Hong Kong International School
<http://www.hkis.edu.hk>
 International Montessori School
<http://www.ims.edu.hk>
 Kellett School
<http://www.kellettschool.com>
 Li Po Chun United World College
<http://www.lpcuwc.edu.hk>

Health services

Child Assessment Service (Dept of Health)
<https://www.dhcas.gov.hk/en/index.html>
 Family Health Service (Dept of Health)
<http://www.fhs.gov.hk/english/>

Social welfare groups

International Social Services (HK)
<http://www.isshk.org/>
 Kely Support Group
<http://www.kely.org/>
 Mother's Choice
<http://www.motherschoice.org/en/>
 PathFinders
<http://www.pathfinders.org.hk/>
 Po Leung Kuk
<http://www.poleungkuk.org.hk/en/>
 Justice Centre
<http://www.justicecentre.org.hk>

Other

American Bar Association, Center on Children and the Law
http://www.americanbar.org/groups/child_law.html
 Council on Human Reproductive Technology
<http://www.chrt.org.hk>

Family Council
<http://www.familycouncil.gov.hk/>
 Official Solicitor
<http://www.oso.gov.hk/>

Domestic Violence

Government services

SWD (IFSCs and FCPSU)
<http://www.swd.gov.hk> or
<http://victimsupport.swd.gov.hk>
 Hospital Authority
<http://www.ha.org.hk>
 Hong Kong Police Force
<http://www.police.gov.hk>
 Legal Aid Department
<http://www.lad.gov.hk>

NGOs

Against Child Abuse
<http://www.aca.org.hk>
 Caritas, Family Crisis Support Centre
<http://fcsc.caritas.org.hk>
 CEASE Crisis Centre
<http://ceasecrisis.tungwahcsd.org>
 Christian Family Service Centre
<http://www.cfsc.org.hk>
 Harmony House
<http://www.harmonyhousehk.org/eng>
 HELP for Domestic Workers
<https://helpfordomesticworkers.org/en/home/>
 Hong Kong Catholic Marriage Advisory Council
<http://www.cmac.org.hk>
 Hong Kong Council of Social Services
<http://hkcss.org.hk>
 Hong Kong Federation of Women
<http://www.hkfw.org>
<http://womencentre.org.hk>
 Po Leung Kuk
<http://www.poleungkuk.org.hk> or
<http://womenrefuge.poleungkuk.org.hk>
 Rainlily
<http://www.rainlily.org.hk> or

<http://www.rapecrisiscentre.org.hk>

Financial

Bloomberg
<http://www.bloomberg.com/>
 Census and Statistics Department
<http://www.censtatd.gov.hk/>
 Child care costs (SWD List of day care, kindergarten, occasional care, fee remission, special care, residential care)
http://www.swd.gov.hk/en/index/site_pubs/vc/page_family/sub_listofserv/id_childcare/s/
 Club membership prices
<http://www.mformembership.com/HongKong.aspx>
 Companies Registry
<http://www.cr.gov.hk/>
 Comprehensive Social Security Assistance (CSSA) Scheme
http://www.swd.gov.hk/en/index/site_pubs/vc/page_socsecu/sub_comprehens/
 Economist Intelligence Unit
<http://www.eiu.com/>
 HKU's Community Legal Information Centre (CLIC), Guide to Ancillary Relief
<http://www.hkcliv.org/en/topics/familyMatrimonialAndCohabitation/divorce/financialMatters/index.shtml>
 The Hong Kong Association of Banks
<http://www.hkab.org.hk>
 Hong Kong Exchanges and Clearing
<http://www.hkex.com.hk/>
 Hong Kong property prices database
<http://hk.centadata.com/>
 Hong Kong Investment Funds Association
<http://www.hkifa.org.hk/eng/index.aspx>
 Housing Arrangements for Divorced Couples in Public Rental Housing Flats
<http://www.housingauthority.gov.hk/en/common/pdf/about-us/policy-focus/policies-on-public-housing/B09/B09.pdf>
 Inland Revenue Department
<http://www.ird.gov.hk/>
 International currency exchange rates
<http://www.xe.com/>

Kindergarten and Child Care Centre Fee Remission Scheme

<https://www.wfsfaa.gov.hk/sfo/en/preprimary/kcfr/overview.htm>

The Land Registry

<http://www.landreg.gov.hk>

Land Registry Search

<https://www2.iris.gov.hk/eservices/searchlandregister/search.jsp>

Monetary Provident Fund Authority

<http://www.mpfa.org.hk/>

Civil Service Bureau – Treasury Pensions Enquiry Office

<http://www.csb.gov.hk/english/pension/tele/564.html>

Securities and Futures Commission – List of Investment Funds

<http://www.sfc.hk/web/EN/regulatory-functions/products/product-authorization/list-of-investment-products.html>

Social Welfare Department: Family and Child Welfare Services

http://www.swd.gov.hk/en/index/site_pubs/vc/page_family/sub_listofserv/

Tertiary education costs in Hong Kong (tuition fees and living expenses)

<http://studyinhongkong.edu.hk/en/hong-kong-education/tuition-fee-and-living-expenses.php>

Legal Assistance

HKU's Family Community Legal Information Centre

<http://familyclhc.hk/>

HKU's Community Legal Information Centre, Guide to Legal Aid

<http://www.hkclhc.org/en/topics/legalAid/>

Hong Kong Government Guide: 'How to Get Legal Advice & Assistance'

<https://www.gov.hk/en/residents/government/legal/advice/advice.htm>

Hong Kong Judiciary's Family Mediation Page

<https://mediation.judiciary.hk/tc/doc/FamilyMediation.pdf>

Hong Kong Judiciary: How to Apply for a Divorce

https://www.judiciary.hk/doc/en/court_services_facilities/divorce_201601.pdf

Hong Kong Judiciary's Resource Centre for Unrepresented Litigants (not open to matrimonial litigants)

<http://rcul.judiciary.gov.hk/rc/cover.htm>

Law Society 'Free Legal Consultation' Website

http://www.choosehklawyer.org/en/search_fl_practice_areas.asp

Legal Aid Department (24-hour Line: (852) 2537 7677)

<http://www.lad.gov.hk/>

Legal Aid Department's 'Manual for Legal Aid Practitioners'

<http://www.lad.gov.hk/eng/lap/pf.html>

Legal Aid Services Council

<http://www.lasc.hk/>

Legal Aid Services Council's 'Legal Aid in Hong Kong'

<http://www.lasc.hk/eng/publications/legal-aid-content.html>

Legal Reference

Community Legal Information Centre (HKU)

<http://www.clhc.org.hk/en/topics/familyMatrimonialAndCohabitation/>

Hong Kong Bar Association

<http://www.hkba.org/>

Hong Kong Court of Final Appeal

<http://www.hkcfca.hk/>

Hong Kong e-Legislation, run by the Department of Justice

<https://www.elegislation.gov.hk/>

Hong Kong Family Law Association (HKFLA)

<http://hkfla.hk/>

Hong Kong Legal Information Institute (HKLII)

<http://www.hklhi.hk/eng/>

Human Rights Reports (Constitutional and Mainland Affairs Bureau)

http://www.cmab.gov.hk/en/press/reports_human.htm

International Academy of Matrimonial Lawyers

<http://www.iaml.org>

Judiciary of Hong Kong

<http://www.judiciary.gov.hk/en/index/index.htm>

Jurisprudence of the United Nations
Treaties Bodies

<http://juris.ohchr.org/>

LawCite

<http://www.austlii.edu.au/lawcite/>

Law Society of Hong Kong

<http://www.hklawsoc.org.hk/>

Law Reform Commission of Hong Kong

<http://www.hkreform.gov.hk/>

Legal Reference System, run by the
Judiciary

<http://legalref.judiciary.gov.hk/>

LegCo Electronic Records Search

http://www.legco.gov.hk/general/english/library/search_records_collection.html

Telephone Directory of the Government of
the HKSAR and Related Organizations

<http://www.directory.gov.hk/>

Treaty Database (HKU, Centre for
Comparative and Public Law)

<http://www.law.hku.hk/hrportal/international-obligations/hong-kong-treaty-project/database>

Bailiff section of the Judiciary

https://www.judiciary.hk/doc/en/court_services_facilities/bailiff_201701.pdf

Correctional Services Department

<http://www.csd.gov.hk/>

Hong Kong Police Force

<http://www.police.gov.hk/>

Bar Free Legal Service Scheme

<https://www.hkba.org/content/bar-free-legal-services-scheme>

Duty Lawyer Service (Main Line: (852)
2526 5969)

<http://www.dutylawyer.org.hk/>

Equal Opportunities Commission (Hotline:
(852) 2511 8211)

<http://www.eoc.org.hk/>

Marriage

Application for Licensing a Place of
Worship for Celebration of Marriages

<https://www.immd.gov.hk/eng/forms/forms/sf-mr-9.html>

The Immigration Department's Marriage
Registration Services

<http://www.immd.gov.hk/eng/services/marriage.html>

Marriage Forms

<http://www.immd.gov.hk/eng/forms/marriage.html>

Marriage Registries Contact Details

<http://www.immd.gov.hk/eng/contactus/marriage.html>

CONTACTS

Adoption

The International Social Service Hong Kong Branch:

6/F Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong
Tel: (852) 2834 6863
Fax (852) 2834 7627
Email: isshk@isshk.org
Website: www.isshk.org

Mother's Choice:

Unit H, 21/F, Legend Tower 7 Shing Yip Street, Kwun Tong, Kowloon
Tel: (852) 2537 2285
Fax: (852) 2537 7681
Email: adoption@motherschoice.org
Website: www.motherschoice.org

Po Leung Kuk:

66, Leighton Road, Causeway Bay, Hong Kong
Tel: (852) 2277 8157/2277 8154
Fax: (852) 2890 2097
Email: plkinfo@poleungkuk.org.hk
Website: www.poleungkuk.org.hk

Alternative Dispute Resolution

[CEDR Asia Pacific](#)

Suite 18B Cartwright Gardens I Bonham Road Hong Kong
Tel: (852) 2869 1816
Fax: (852) 2869 1307
E-mail: info@cedr.com.hk

[Hong Kong International Arbitration Centre](#)

38th Floor Two Exchange Square 8 Connaught Place Central Hong Kong
Tel: (852) 2525 2381
Fax: (852) 2524 2171
Email: adr@hkiac.org

[Hong Kong Mediation Centre](#)

General Enquiries: (852) 2866 1800 Course Enquiry: (852) 3974 5481
Mediation Service: (852) 2866 1800
Fax: (852) 2866 1299
Email: admin@mediationcentre.org.hk
Webpage: www.mediationcentre.org.hk
Address: 21/F, Success Commercial Building, 245 -251 Hennessy Road, Wan Chai, Hong Kong

Judiciary Family Mediation Office

Room 113 - 116, 1/F, Wanchai Tower, 12 Harbour Road, Wanchai, Hong Kong

Tel: (852) 2180 8063

Fax: (852) 2180 8052

Email: mediation@judiciary.hk**Counselling and Emotional Support**

Family and Child Protective Services Units (of the SWD)	(852) 2343 2255
Integrated Family Service Centres (of the SWD)	(852) 2343 2255
Rainlily	(852) 2375 5322
Po Leung Kuk Victim Support Programme	(852) 2894 8896
Hong Kong Catholic Marriage Advisory Council	(852) 2336 0296
Against Child Abuse	(852) 2755 1122, (852) 2450 2244
Caritas	(852) 2537 7247
Hong Kong Council of Social Services	(852) 1878 668
Po Leung Kuk Victim Support Programme for Victims of Domestic Violence	(852) 2894 8896
St John's Counselling Service	(852) 2525 7207, (852) 2525 7208

Domestic ViolenceTemporary accommodation

Christian Family Service Centre, Serene Court	for women and children	(852) 2381 3311
Po Leung Kuk Hotline (Sunrise Court, Wai On Home and Dawn Court)	for women and children	(852) 8100 1155
Harmony House	for women and children	(852) 2522 0434
Caritas, Family Crisis Support Centre	for both men and women	18 288
CEASE Crisis Centre	for both men and women	18 281
Wai On Home for Women	for women and children	(852) 2793 0223
Sunrise Court	for women and children	(852) 2890 8330
Dawn Court	for women and children	(852) 2243 3210

Telephone hotlines for women

SWD	24 hours	(852) 2343 2255
Harmony House	24 hours	(852) 2522 0434

HK Association for the Survivors of Women Abuse, Kwan Fook	Monday–Thursday, 10am–1pm and 2pm–5pm	(852) 3145 0600
Po Leung Kuk	24 hours	(852) 8100 1155
Christian Family Service Centre	24 hours	(852) 2381 3311
CEASE Crisis Centre, Tung Wah	24 hours	18 281
Caritas, Family Crisis Support Centre	24 hours	18 288
Rainlily	Monday–Friday, 9am–10pm, Saturday, 9am–1pm	(852) 2375 5322
Les Corner (for Lesbian Women)	Whatsapp, Email	(852) 5281 5201, lescorner2015@gmail.com

Telephone hotlines for men

SWD	24 hours	(852) 2343 2255
Harmony House	Monday, Wednesday, Friday, 2pm–10pm	(852) 2295 1386
Po Leung Kuk	24 hours	(852) 2890 1830
Caritas, Family Crisis Support Centre	Wednesday 2pm–5pm	(852) 2649 1100
Caritas, Family Crisis Support Centre	24 hours	18 288
CEASE Crisis Centre, Tung Wah	24 hours	18 281
Rainbow of Hong Kong (for Gay Men)	-	(852) 2769 1069

Judiciary, Government and Legal Assistance

Department of Justice:

Child Abduction: https://www.doj.gov.hk/childabduct/english/abduct_contactca.html

General Enquiries: <https://www.doj.gov.hk/eng/contactus/index.html>

[Organization Charts](#) with contacts details (Divisions and Secretary for Justice's office)

Duty Lawyer Service:

Suites 808-9 Harcourt House, 39 Gloucester Road, Wanchai, Hong Kong

Tel: (852) 2526 5969

Fax: (852) 2868 1754

Court Liaison Offices: <http://www.dutylawyer.org.hk/en/text/contact.asp>

Hong Kong Government Telephone Directory: <https://tel.directory.gov.hk/>

Hong Kong Judiciary: https://www.judiciary.hk/en/about_us/business_hours.html

General Enquiries: G/F, High Court Building, 38 Queensway, Hong Kong (Addressed to the Judiciary Administrator)

Hotline: (852) 2869 0869

Fax: (852) 2869 0640
E-mail: enquiry@judiciary.hk

Family Court Registry: M2, Wanchai Law Courts, Wanchai Tower, 12 Harbour Road, Hong Kong
Tel: (852) 2840 1218
Fax: (852) 2523 9170
E-mail: familycourt@judiciary.hk

Hong Kong Police Force (Hotlines, Report Rooms, Units, Divisions etc):
https://www.police.gov.hk/ppp_en/contact_us.html

Immigration:

Non-Removal of Children Contacts: Control Branch:

During office hours (except Saturdays, Sundays and public holidays) Monday to Friday: 8:45 a.m. to 4:30 pm Control Support Section Room 1402, 14/F Immigration Tower 7 Gloucester Road Wan Chai, Hong Kong
Tel: (852) 2829 3521; and

Outside office hours The Duty Senior Immigration Officer Departure Level (North) Hong Kong International Airport Chek Lap Kok
Tel: (852) 2182 1501

Legal Aid Department:

Contact list: <https://www.lad.gov.hk/eng/home/contact.html>
Tel: (852) 2537 7677 Fax: (852) 2537 5948
E-mail: ladinfo@lad.gov.hk

Headquarters: 24/F to 27/F, Queensway Government Offices, 66 Queensway, Hong Kong

Hong Kong Sub-office (Family Litigation): 30/F Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong

Social Welfare Department:

[Organization Chart and Direct Telephone numbers](#) (Director, Deputy Directors and Branch Heads)

District [Social Welfare Offices](#)

Head Office: 8/F Wu Chung House 213 Queen's Road East Wanchai, Hong Kong

Hotline: (852) 2343 2255

Fax: (852) 2838 0114

Email: swdenq@swd.gov.hk

Website: www.swd.gov.hk

Marriage

[Marriage Registration and Records Office:](#)

3/F, Low Block, Queensway Government Offices, 66 Queensway, Hong Kong (MTR Admiralty Station - Exit C1)

Tel: (852) 2867 2787; General Enquiries Hotline: (852) 2824 6111
Fax: (852) 2877 7711
Email: enquiry@immd.gov.hk

City Hall Marriage Registry:

1/F, High Block, City Hall, Central, Hong Kong (MTR Central Station - Exit K)
Tel: (852) 2523 0725; General Enquiries Hotline: (852) 2824 6111
Fax: (852) 2877 7711
Email: enquiry@immd.gov.hk

Cotton Tree Drive Marriage Registry:

G/F, Rawlinson House, 19 Cotton Tree Drive, Central, Hong Kong (MTR Admiralty-Station – Exit C1)
Tel: (852) 2869 0500; General Enquiries Hotline: (852) 2824 6111
Fax: (852) 2877 7711
Email: enquiry@immd.gov.hk

Tsim Sha Tsui Marriage Registry:

Upper Basement & Level 3, Administration Building, Hong Kong Cultural Centre, 10 Salisbury Road, Tsim Sha Tsui, Kowloon (MTR Tsim Sha Tsui Station - Exit L6)
Tel: (852) 2312 0929 General Enquiries Hotline: (852) 2824 6111
Fax: (852) 2877 7711
Email: enquiry@immd.gov.hk

Sha Tin Marriage Registry:

G/F, Sha Tin Town Hall, 1 Yuen Wo Road, Sha Tin, New Territories (MTR Sha Tin Station - Exit A)
Tel: (852) 2604 6974 General Enquiries Hotline: (852) 2824 6111
Fax: (852) 2877 7711
Email: enquiry@immd.gov.hk

Tuen Mun Marriage Registry:

1/F, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun, New Territories
Tel: (852) 2451 3005 General Enquiries Hotline: (852) 2824 6111
Fax: (852) 2877 7711
Email: enquiry@immd.gov.hk

ADDRESSING JUDICIAL OFFICERS

Modes of Addressing Judicial Officers	In Court	In Writing	Less formal term
Chief Justice of the court of Final Appeal	My Lord or Your Lordship; My Lady or Your Ladyship	The Honourable Chief Justice	CJ
終審法院首席法官	法官閣下		
Permanent Judge of the Court of Final Appeal	My Lord or Your Lordship; My Lady or Your Ladyship	The Honourable Mr. Justice - , PJ.	- PJ
終審法院常任法官	法官閣下	The Honourable Mrs. Justice - PJ * The Honourable Madam Justice - PJ #	
Non Permanent Judge of the Court of Final Appeal	My Lord or Your Lordship; My Lady or Your Ladyship	The Honourable Mr. Justice - , NPJ	- NPJ
終審法院非常任法官	法官閣下	The Honourable Mrs. Justice - NPJ * The Honourable Madam Justice - NPJ #	
Chief Judge of the High Court	My Lord or Your Lordship; My Lady or Your Ladyship	The Honourable Mr. Justice -	CJHC
高等法院首席法官	法官閣下	The Honourable Mrs. Justice - * The Honourable Madam Justice - #	
Justice of Appeal of the High Court	My Lord or Your Lordship; My Lady or Your Ladyship	The Honourable Mr. Justice -	- VP - JA
高等法院上訴法庭法官	法官閣下	The Honourable Mrs. Justice - * The Honourable Madam Justice - #	

Judge of the Court of First Instance of the High Court	My Lord or Your Lordship; My Lady or Your Ladyship	The Honourable Mr. Justice -	- J
高等法院原訟法庭法官	法官閣下	The Honourable Mrs. Justice - * The Honourable Madam Justice - #	
Recorder	My Lord or Your Lordship; My Lady or Your Ladyship	Mr/Mrs/Madam Recorder -	Recorder -
高等法院原訟法庭特委法官	法官閣下		
Deputy Judge of Court of First Instance of the High Court	My Lord or Your Lordship; My Lady or Your Ladyship	Deputy High Court Judge -	- DHCJ
高等法院原訟法庭暫委法官	法官閣下		
Registrar, Court of Final Appeal	Mr. Registrar or Sir or Madam	Mr/Mrs/Madam Registrar	
終審法院司法常務官	法官閣下		
Registrar, High Court	Mr. Registrar or Sir or Madam	Mr/Mrs/Madam Registrar	
高等法院司法常務官	法官閣下		
Deputy Registrar, High Court and Masters	Master or Sir or Madam	Deputy Registrar - , Master -	
高等法院副司法常務官, 聆案官	法官閣下		
Chief District Judge	Your Honour	His/Her Honour Judge -	CDJ
首席區域法院法官	法官閣下		
Principal Family Court Judge		His/Her Honour Judge -	Judge -
區域法院 主任家事法庭法官	法官閣下		
District Judge		His/Her Honour Judge -	Judge -
區域法院法官	法官閣下		

Deputy District Judge		Deputy District Judge -	
區域法院暫委法官	法官閣下		
Registrar, District Court		Mr/Mrs/Madam Registrar	
區域法院司法常務官	法官閣下		
Deputy Registrar, District Court and Masters	Master or Sir or Madam	Deputy Registrar - , Master -	
區域法院副司法常務官, 聆案官	法官閣下		
Principal Presiding Officers, Principal Adjudicator	Sir or Madam	Mr/Miss/Ms/Mrs -	PPO PA
主任審裁官	法官閣下		
Presiding Officers and Adjudicators of Tribunals		Mr/Miss/Ms/Mrs -	
審裁官	法官閣下		
Coroner			
死因裁判官	法官閣下		
Member, Lands Tribunal		Member -	
土地審裁處成員	審裁處成員		
Chief Magistrate		Mr/Miss/Ms/Mrs -	CM
總裁判官	法官閣下		
Principal Magistrate		Mr/Miss/Ms/Mrs -	PM
主任裁判官			
Magistrate		Mr/Miss/Ms/Mrs -	
裁判官			
Special magistrate		Mr/Miss/Ms/Mrs -	
特委裁判官			

See the list of current judicial officers [here](#).

FAMILY COURT FORMS

Introduction to Family Court Forms

Litigants in family proceedings will often be required to use specific forms to begin proceedings and to make applications to the courts. Some forms are required by statute (Ordinances and Regulations) or the rules of court (e.g. the Rules of the High Court) or by the general practice directions made by the courts (see **Family Statutes & Practice Directions**). Some forms are known as ‘pleadings’, formal statements of a party’s case or the nature of their application or opposition or position on an application to the court. Other forms allow parties to submit evidence (e.g. affidavits and affirmations) to the court in relation to a particular case or application. The process of giving forms into the courts is known as “filing”, and the process of giving forms to other parties is known as “service”. There are particular rules for how forms should be filed and served, depending upon the form. For the rules on filing and service of divorce petitions see the Matrimonial Causes Rules. All court forms may affect a party’s rights or liabilities and legal advice should be sought (if available) before filing forms with the court.

Case Type Acronyms

When filling out a form, it is important to first know which is the appropriate court and what category of proceedings are involved. Each court form is marked with the ‘cause number’ (or ‘case number’) assigned to the particular court proceeding to which it relates. The cause number is prefixed by a ‘case type acronym’. The case types that are relevant in family cases are divided according to the following categories:

Acronym	Case Type
FACV	Civil Appeals (before the Court of Final Appeal)
CACV	Civil Appeals (before the Court of Appeal)
HCMC	High Court Matrimonial Proceedings (Matrimonial Causes) (before the Court of First Instance)
FCMC	Family Court Matrimonial Proceedings (Matrimonial Causes)
FCDJ	Family Court Divorce Jurisdiction (only for older cases)
FCJA	Family Court Joint Application (for divorce)
CAMP	Miscellaneous Proceedings (before the Court of Appeal)
HCMP	Miscellaneous Proceedings (before the Court of First Instance)
FCMP	Miscellaneous Proceedings (before the Family Court)
HCAD	High Court Adoption Application
FCAD	Family Court Adoption Application

List of Court Forms

Below is a table of the most relevant forms by subject matter, sets out the relevant rule requiring the form's use, and provides the relevant hyperlink to the form. A list of acronyms is also provided.

Acronym	Ordinance / Rules
AO	Adoption Ordinance (Cap. 290)
AR	Adoption Rules (Cap. 290A)
CACO	Child Abduction and Custody Ordinance (Cap. 512)
CAR	Convention Adoption Rules (Cap. 290D)
DCO	District Court Ordinance (Cap. 336)
DCRVO	Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189)
DCRVR	Domestic and Cohabitation Relationships Violence Rules (Cap. 189A)
GMO	Guardianship of Minors Ordinance (Cap. 13)
HCO	High Court Ordinance (Cap. 4)
I(PFD)O	Inheritance (Provision for Family and Dependents) Ordinance (Cap. 481)
LO	Legitimacy Ordinance (Cap. 184)
MCO	Matrimonial Causes Ordinance (Cap. 179)
MCR	Matrimonial Causes Rules (Cap. 179A)
MO	Marriage Ordinance (Cap. 181)
MO(RE)O	Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap. 188)
MO(RE)R	Maintenance Orders (Reciprocal Enforcement) Rules (Cap. 188A)
MPPO	Matrimonial Proceedings and Property Ordinance (Cap. 192)
MPSO	Married Persons Status Ordinance (Cap. 182)
MRO	Marriage Reform Ordinance (Cap. 178)
PCO	Parent and Child Ordinance (Cap. 429)
PD / PDs	Practice Direction(s)
RDC	Rules of the District Court (Cap. 336H)
RHC	Rules of the High Court (Cap. 4A)
SMOO	Separation and Maintenance Order Ordinance (Cap. 16)

Topic	Applicable Rules in Hong Kong	Mode of Start of Proceedings	Statutory Forms
A. CHILDREN			
Abduction	CACO, section 12 – RHC Order 121, rule 2	Originating summons	RHC Appendix A – Form 10
Adoption	AO section 4 – Application for an Adoption Order, Rule 5, AR	Originating summons	AO, Schedule 1 – Form 2
	AO – Part 5 – Convention Adoption	Originating summons	AO, Schedule 1 – Form C2
Children's Dispute Resolution	PD 15.13		
	Notice of Children's Appointment – PD 15.13(6)		Form I
	Children's Form – designed to assist all interested parties and the Court to determine the best arrangements for the children – PD 15.13(3)		Form J
	Notice of Children's Dispute Resolution Appointment – PD 15.13(14)		Form K
Guardianship of Minors	GMO – Part H, PD 15.12	Originating summons	Appendix A – Form 10
Wardship Proceedings	Section 26 – Wardship Proceedings, Order 90, rule 3(1), RHC	Originating summons	Appendix A – Form 10
Custody and Financial Provision	SMOO Section 5 – Application for order regarding applicant no longer bound to cohabit, custody of child, financial provision etc., Order 89(1), RDC or Order 89(1), RHC	Originating summons	Appendix A – Form 10
B. DOMESTIC VIOLENCE			
	DCRVO – Rule 3, DCRVR applies, RHC , and PD 15.12	Originating summons	Appendix A – Form 10
C. DIVORCE AND MARRIAGE			
Petition for Divorce	(all forms in the Appendix to MCR)		MCR – Form 2
	Petition (2 years' separation)		Form 2 – 2 years' separation

	Petition (<i>Adultery</i>)		Form 2 – Adultery
	Petition (<i>Behaviour</i>)		Form 2 – Behaviour
	Petition (<i>Consent 1 year</i>)		Form 2 – Consent 1 year
	Petition (<i>Desertion</i>)		Form 2 – Desertion
	Statement as to the arrangement for children (if applicable)		Form 2B
	Notice of Proceedings		Form 3
	Acknowledgement of Service (case number and name of parties only)		Form 4
	Joint Application		Form 2C
	Joint application statement as to the arrangement for children (if applicable)		Form 2D
	Notice of Application for Decree Nisi to be Made Absolute (Petition)		Form 5
	Notice of Application for Decree Nisi to be Made Absolute (Joint Application)		Form 5A
	MCO Section 12 – Leave to petition within 1 year of marriage, Rule 5(1) , MCR	Originating application	MCR – Appendix Form 1
	MCO Section 18B(c) – Application to consider agreement in contemplation of divorce or judicial separation, Rule 6(3)(a) , MCR	Originating application	No statutory form
	MCO Section 10A – Commencement of a matrimonial cause other than a joint application, Rule 9(1)(a) , MCR	Petition	MCR – Appendix Form 2
	Commencement of a matrimonial cause which is a joint application, Rule 9(1)(b) , MCR	Originating application	MCR – Appendix Form 2C
	MCO Part IX Declaration for validity of an overseas divorce or legal	Originating summons	Appendix A – Form 10

	separation (No specific rules in MCR)		
Reconciliation	PD 15.3 – certificate of possibility for reconciliation, Rule 12(3), MCR		MCR – Appendix Form 3 (Form 2A)
Marriage of Persons over 16 and below 21	MO Section 18A – Seeking consent to marriage of persons of and over 16 but under 21 years of age	Originating summons	Appendix A – Form 10
Customary Marriage	MO Section 9 – Application that a customary/validated marriage subsists	Originating application	Appendix D – Form No.3 of the RDC
D. FINANCIAL			
Financial Dispute Resolution	All forms are attached to PD 15.11		
	Notice of intention to proceed with an Application for ancillary relief, PD 15.11(1.a)		Form A
	Financial protection for respondent in certain cases, Section 17A, MCO and Rule 56B, MCR , PD 15.11(1.b)		Form B (also known as Form 8A)
	Notice of First Appointment, PD 15.11 (1.c)		Form C
	Notice of Financial Dispute Resolution Appointment, PD 15.11(8)		Form D
	Financial Statements, PD 15.11(2)		Form E
	Notice of allegation in proceedings for ancillary relief (<i>interveners</i>), Sections 6A(5) and 17 MPPO		Form E
Inheritance	I(PFD)O – Inheritance, Part H, PD 15.12	Originating summons	Appendix A – Form 10
Maintenance	MO(RE)R Part H, PD 15.12	Originating summons	Appendix A – Form 10
	Application to make maintenance pending suit (“MPS”) a final order – notice of Request for Periodical Payments Order at Same Rate as Order for Maintenance Pending Suit, Section 15, MPPO ,	Originating application	MCR – Appendix Form 10 or 11

	(<i>N.B. for the procedure by which an application to set aside a consent order should be made see PDSL 10.3</i>)		
	Application for Alteration of Maintenance Agreement during Parties' Lifetime, Section 16, MPPO	Originating summons	MCR – Form 16
	Application for Alteration of Maintenance Agreement after the death of one of the parties		MCR – Form 17
	MPPO Section 8 – Wilful Neglect to Maintain, Rule 98(1), MCR	Originating application	MCR – Appendix Form 14 and Form 15
	MPPO Section 15 – Alteration of Maintenance Agreement <i>during lifetime of parties</i> , Rule 100, MCR	Originating application	MCR – Appendix Form 16
	MPPO Section 16 – Alteration of Maintenance Agreement <i>after the death of one of the parties</i> , Rule 101, MCR	Originating summons	MCR – Appendix Form 17
Financial Relief	MPPO Part IIA Financial Relief in Hong Kong After Divorce, etc Outside Hong Kong		
	MPPO Section 29AC – Leave to apply for financial relief, Rule 103A(1), MCR	Ex-parte (without the other party) originating summons	MCR – Appendix Form 27
	MPPO Section 29AB – Application for financial relief, Rule 103B(1), MCR	Originating summons	MCR – Appendix Form 28
	MPPO Section 29AK – Application to prevent transactions intended to defeat prospective applications for financial relief, Rule 103D, MCR	Originating summons	MCR – Appendix Form 30
Title or Possession of Property	MPSO Section 6 – Application to determine any question between husband and wife as to the title to or	Originating summons	Appendix A – Form 10

	possession of property, Order 89, RDC/RHC and PD 15.12		
E. MEDIATION			
Family Mediation	See generally PD15.10		
	Petitioner's/Applicant's Certificate as to Family Mediation (<i>requirement of</i> PD15.10(2.1.1)), PD 15.10(2.1.2)		Appendix 1 – Petitioner's/Applicant's Certificate as to Family Mediation
	Petitioner's/Applicant's Certificate as to Family Mediation, PD 15.10(2.1.3)		
	Legally represented applicants in joint applications certificate (PD 15.10 (2.3.2)), Section 11B, MCO and PD 15.10(2.3)		Appendix 2 – Respondent's Certificate as to Family Mediation
	Legally unrepresented applicants in joint applications certificate (PD 15.10 (2.4.1)), Section 11B, MCO and PD 15.10(2.4)		Appendix 3 – Joint Applicants' Certificate as to Family Mediation
	Intervening Party / Other Respondent certificate (PD 15.10(2.5.1)), PD 15.10(2.5)		Appendix 4 - Other Respondent's/Intervening Party's Certificate as to Family Mediation
	Referral to Family Mediation after litigation commenced, PD 15.10(3)		Appendix 5 – Application for Family Mediation
F. PARENTAGE AND LEGITIMACY			
Legitimacy Ordinance	LO (<i>But note</i> MCO Section 49– Declaration of Legitimacy), Part H, PD 15.12 Rule 124, MCR	Originating summons	Appendix A – Form 10
		Petition	----- Appendix Forms – Form 3 Appendix Forms – Form 4
Parentage Declarations	PCO – Section 6 – Declarations of parentage, legitimacy or legitimation	Originating summons	Appendix A – Form 10
	PCO – Section 6(1) – Application for declaration of parentage should adopt the content of the English	Application	Declaration of Parentage Form FL424

	Practice Form FL424 under section 55A of Family Law Act 1986 (UK) (<i>N.B.</i> see <i>Re A (Parent and Child: Declaration)</i> [2008] 4 HKLRD 526)		Also see Form C63 - Application for Declaration of Parentage
Parental Orders and Scientific Tests Determining Parentage	PCO – Section 12 – Application for parental orders in favour of gamete donors	Originating summons	Appendix A – Form 10
	PCO Section 13 – Application for direction for use of scientific tests in determining parentage, following English Practice (see <i>Re P (Parentage: Blood Tests)</i> [2010] 4 HKLRD 497)	Originating summons Application	Appendix A – Form 10 Form 1 of Sch.1 of the English Blood Tests (Evidence of Paternity) Regulations 1971 (N.B. Form 1 in Schedule 1 was amended by S.I. 2001/773 , 2008/972 and 2014/879)
G. TRIAL			
Special Procedure	Practice Direction 15.4(1) – Affidavit in Support for an application for directions for trial, MCR, PD 15.4		MCR – Appendix Form 21
Bundle	Notice to Dispense with Paginated Bundle, PD 15.11(4A)		Form G
Costs	Estimate of costs incurred up to and including current hearing, PD 15.11(10)		Form H
Ancillary Relief Trial	Ancillary Relief Checklist – to be lodged with the court by the parties to the proceedings (case management)		Ancillary Relief Checklist
Preliminary Issue	Preliminary Issue Checklist		Preliminary Issue Checklist
Foreign Proceedings Relief	HCO Sections 21M and 21N – Interim relief in aid of foreign proceedings, Order 29 , rule 8A , RHC	Originating summons	Appendix A – Form 10

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COURT CALENDAR 2020

JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4							1	1	2	3	4	5	6	7
5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14
12	13	14	15	16	17	18	9	10	11	12	13	14	15	15	16	17	18	19	20	21
19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28
26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31				
APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1	2		1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
							31													
JULY							AUGUST							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4							1			1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31		23	24	25	26	27	28	29	27	28	29	30			
							30	31												
OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	30							27	28	29	30	31		

Court business hours (Magistracy, Family Court, High Court): Monday to Friday 8:45 a.m. to 1:00 p.m. 2:00 p.m. to 5:30 p.m. Courts are closed on Saturdays, Sundays and public holidays (highlighted in bold) (see also [Government Public Holidays 2020](#)).

The court cause list (i.e. schedule of hearings) can be viewed at the Judiciary website.

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