

HONG KONG FAMILY COURT PRACTICE

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PREFACE

This first edition of the *Family Court Practice* is the first time a comprehensive, single-volume family practitioners' book has been published in Hong Kong. It is primarily aimed at family lawyers who practise in the Family Court and High Court, but I hope it will also prove valuable to family mediators, social welfare officers and other family specialists, whose work brings them into contact with family law in Hong Kong. Whilst LexisNexis also publishes the encyclopaedic *Rayden & Jackson on Divorce and Family Matters* in six volumes, this renowned and respected English publication is now often silent on many areas of family law in Hong Kong, particularly child law, added to which, Hong Kong is now confidently following its own path in practice and procedure, most noticeably since the implementation of the recent Civil Justice Reform. Almost thirteen years after the founding of the Hong Kong Court of Final Appeal, publication of the High Court and District Court Ordinances and a raft of practice directions in matrimonial proceedings, it is arguably time for family lawyers and the courts to have a dedicated matrimonial practice and procedure book.

In writing, re-writing and editing the core text of the *Family Court Practice*, I am very much aware that the content of the book is a product of my own editorial judgement. That said, I make that judgment, *inter alia*, as a practising barrister for almost two decades and I am confident that the coverage of current family law and procedure in Hong Kong is comprehensive and that this volume will be immediately useful to the busy practitioner. I am also aware that future editions will need to be continuously edited, corrected and developed, to ensure that each chapter is kept up to date. Owing to publication deadlines this year, for example, Chapter 8 on Appeals will be further edited and expanded and I also hope to enlarge Chapter 5 on Children for the next edition and to add a further new chapter on Family Mediation. My aim is to include every reported (and relevant unreported) Hong Kong family law authority and to continue to add to the commentary on law and procedure in later editions.

It might appear a little premature to be commenting on the 'next edition' in the preface to the first, but my reason for doing so is a practical one. As any author or editor of law books published in Hong Kong will understand, even the most successful titles only sell in relatively small numbers compared with the larger common law jurisdictions. As the *Family Court Practice* is targeted at a narrow group (and with many of its leading lights very well known to each other) I very much hope that family practitioners – judges, solicitors, barristers, social welfare officers, family mediators, other family law experts and students – will contact me with any comments or

suggestions for the next edition. It is a considerable undertaking for any one person to develop a comprehensive work on matrimonial practice and procedure and whilst I have made every effort to ensure accuracy and clarity, if readers think otherwise, I would be grateful to be told. Ultimately, if users of the *Family Court Practice* take the trouble to make their views known, then with the continued support of LexisNexis, family practitioners in Hong Kong will have an authoritative, portable and, above all, reliable book on family law and procedure updated regularly.

I would like to thank Wilson Chow, Head of the Department of Professional Legal Education at the University of Hong Kong, for his generous support, including granting me leave to qualify as a CEDR and HKIAC accredited mediator. Now having had first-hand experience, I firmly believe that mediation ought to be explored as a judge-directed, if not mandatory, first step in almost all child and ancillary relief disputes. My research assistant during the early stages of preparing the *Family Court Practice* was Hilarie Lam, a student on my *Matrimonial Practice and Procedure* course. I would like to offer my thanks to her for her unfailing courtesy and for her invaluable research support. Hilary was funded by a 'Small Project Grant' from the University's Committee on Research and Conference Grants, to whom I am also grateful for supporting my proposal for this book.

I would also like to thank my editor, Surinder Kaur of LexisNexis Singapore, for her calm professionalism and her patience in dealing with my endless requests for amendments. Also Sasha Thomas-Nuruddin of LexisNexis Hong Kong, for supporting this project and sharing my own enthusiasm for developing and publishing the *Family Court Practice* more or less as I proposed it at our initial meeting. It goes without saying that any errors or omissions are solely my responsibility but without their support publication of this book would not have been possible. Finally, I would like to thank my own two young children, for reminding me daily why I continue to dedicate myself to family law and why there is no more important area of civil litigation in which to work and practice as a lawyer. The welfare of the child is indeed paramount and without them... this book would have been with the publishers a good deal earlier.

The law is stated as at 31st October 2009.

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