

# Legal 500

## Country Comparative Guides

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#### Hong Kong- Family Law

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## Hong Kong- Family Law

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### 1. What is the current legal landscape for family law in your jurisdiction?

As in many other jurisdictions, there are increasing pressures on the Hong Kong Family Court due to more family law cases and insufficient resources. This means that we must strive even harder to look for alternative dispute resolution options. There is growing use of the mediation process for settling disputes, as well as private Financial Dispute Resolution (“FDR”) hearings and Private Financial Adjudication.

The Hong Kong Family Court has implemented a unique and visionary process which is a combination of mediation and Judge-led dispute resolution representing a thoughtful evolution in how family disputes are handled. The Mediated-FDR (“M-FDR”) and Mediated Children Dispute Resolution (M-CDR”) pilot scheme seeks to harness the benefits of both mediation and judicial oversight, providing parties with the opportunity to resolve matters collaboratively while ensuring appropriate judicial guidance when needed. It demonstrates the Court’s commitment to tailoring dispute resolution mechanisms to the sensitive and personal nature of family law matters, recognizing that families benefit when solutions are reached through consensus rather than imposed by the Court.

The Hong Kong Judiciary has been actively working to improve the efficiency of family law proceedings. In 2023 a Master system was introduced with the aim of streamlining case management and ensuring that matters proceed expeditiously through the court system. Masters now play a crucial role in managing the procedural aspects of cases, allowing Judges to focus on substantive legal issues.

There have been some developments in the jurisprudence on the treatment of nuptial agreements, with the Hong Kong Family Court following the direction of the Courts in England and Wales in holding parties to their bargain unless it would be unfair to do so. In *AA v BB* [2025] HKFC 21, the Court placed significant weight on a separation agreement and adjusted the outcome only to avoid the wife being in a predicament of need.

In that case, the husband had filed a “Crossley Summons” for the wife to show cause why the Court should not make an order in the terms of the separation agreement. The husband agreed for the Crossley Summons to be rolled up to be heard together with the ancillary relief trial. This approach was endorsed in *LQ v SF* (*Ancillary relief: Crossley Application and Filing of Form E*) [2025] HKFC 123.

The Hong Kong Courts have also recently dealt with several Hague Convention applications and have sent a clear message that Hong Kong is not a safe haven for child abductors.

The Hong Kong courts have also been grappling with cases involving same-sex couples, particularly in light of recent landmark decisions recognizing the rights of LGBTQ+ individuals and families. Legal developments in other jurisdictions, including the United Kingdom, Canada, and other common law countries, are watched with great interest as Hong Kong’s family law continues to evolve to reflect contemporary family structures and international human rights standards. This comparative approach ensures that Hong Kong’s jurisprudence remains informed by global best practices while respecting local context and legal traditions.

## 2. What three essential pieces of advice would you give to clients involved in family law matters?

- **Look up and look ahead.** It's natural to focus on the immediate emotional pain that anyone going through a family law issue will be suffering. Although the transition is a relatively short period of their life, the consequences of how they approach resolving issues will have long-term ramifications. The psychological aspects are often overlooked, yet they fundamentally shape not only a client's wellbeing but also their capacity to make sound decisions during this challenging time.
- **Put in place a solid support network of friends and family and seek professional therapeutic help.** This enables a client to confine the time spent with lawyers to the legal issues. Separating the emotional processing from the legal strategy allows a client to address each aspect more effectively and prevents legal consultations from becoming emotional counselling sessions, which ultimately increases costs without advancing the legal case.
- **Be well prepared in terms of finances.** Irrespective of whether a client has previously been involved in the running of their family finances, they must get on top of the details so that they are able to make what will probably be one of the most important financial decisions of their life. Seek help from a financial advisor if necessary to ensure they fully understand their assets, liabilities, income, and future needs.

## 3. What are the greatest threats and opportunities in family law in the next 12 months?

**Client Sophistication and Service Expectations:** Clients are far savvier when it comes to costs and service. They are better informed about their options, more willing to question traditional approaches, and more demanding of value and transparency. This presents both a challenge and an opportunity—firms that can demonstrate efficiency, innovative service delivery, and genuine value will distinguish themselves in an increasingly competitive market.

**Cross-Jurisdictional Learning and Collaboration:** We are always learning from other jurisdictions, and knowledge sharing is key. Hong Kong's courts actively monitor developments in family law across common law jurisdictions, and this comparative approach enriches our practice. There is a significant amount of cross-border work with Mainland China in terms of wealth protection, succession planning, and family arrangements that span multiple legal systems. Practitioners who can navigate these complex, multi-jurisdictional matters will find considerable opportunities.

**Evolution of Family Structures:** The ongoing evolution in the legal recognition of diverse family structures, including same-sex relationships and civil unions, presents both challenges and opportunities. Firms that position themselves at the forefront of these developments, offering expertise and sensitivity in handling such matters, will serve an important and growing client base.

## 4. How do you ensure high client satisfaction levels are maintained by your practice?

Our approach has consistently been to provide tailored services for our clients. We make it a priority to understand their concerns and work with them to ensure that they not only receive the best legal advice, but we also help them start the next chapter with clarity and dignity.

Our team of lawyers have high emotional intelligence and are passionate about delivering the best

possible service to our clients. We focus on training our junior team members to think beyond the law and to ensure our clients feel understood and supported through one of the most difficult times of their lives. This emphasis on empathy, active listening, and holistic client care is embedded in our firm culture.

We designed our new offices at Six Pacific Place to offer a calm, welcoming environment for our clients. We recognize that the physical space in which difficult conversations occur matters greatly, and we wanted to create an atmosphere that reduces anxiety and promotes open, constructive dialogue.

## **5. What technological advancements are reshaping family law and how can clients benefit from them?**

Naturally, AI is impactful across all areas of law, and we prioritize keeping up to date with technology to find solutions that will assist our clients. AI products that can summarize cases, identify relevant precedents, and assist with document review can significantly reduce the time required for legal research and preparation, ultimately translating into cost savings for clients and allowing lawyers to focus on strategic advice and advocacy.

The Courts have not yet implemented e-bundles, but it is hoped that such technology will be introduced to reduce costs for clients and improve the efficiency of court proceedings. Digital court bundles, electronic filing systems, and virtual hearings have become standard in many jurisdictions and offer substantial benefits in terms of accessibility, cost reduction, and environmental impact.

Technology has also expanded access to mental health support, with online therapy platforms making it easier for clients going through family law matters to access professional counselling. We actively encourage clients to utilize these resources, recognizing that addressing the emotional dimension of family breakdown is as important as resolving the legal issues. The availability of online support means clients can access help on their own schedule, reducing barriers to seeking assistance during what is often an overwhelming period.

The integration of technology into family law practice is not about replacing the human element—which remains central to effective client service—but rather about using tools that allow us to serve clients more efficiently, cost-effectively, and comprehensively.

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