

A Comprehensive Guide to Ancillary Relief Law and Procedure in Hong Kong, with a Focus on the Court's Treatment of Post-Separation Assets and Pensions



by

Mr. Sebastian Leung,
Barrister-at-Law,
Bernacchi Chambers



Sebastian Leung is a qualified barrister in Hong Kong who practices in the civil, criminal and family Courts, and has developed specialisation in matrimonial law. He has experience in a wide range of matrimonial matters from main suit, ancillary relief, children, and third party interest proceedings, to domestic violence injunctions, jurisdictional challenges, and contempt of court. He also frequently handles probate and trust cases.

In addition, Sebastian regularly gives CPD seminars and talks to solicitors on matrimonial, probate and civil matters both in-house and via CPD Course Providers.

The majority of cases that come before the family courts will involve the division of matrimonial property. Each case presents their own difficulties for the Courts whose overriding aim is to ensure that each party to the marriage has enough resources to meet their needs upon the dissolution of the marriage.

Ancillary relief is the remedy that the Courts can provide in respect of the financial provision upon the division of matrimonial property. The Court is bound by the factors set out in s.7 MPPO when exercising their discretion as to matrimonial property division, although the Courts have interpreted these factors differently over the years. Understanding these factors and the Court's interpretations of these inter-relating factors will form a central part of this seminar.

This seminar will give participants a comprehensive guide to ancillary relief law in Hong Kong, in terms of both law and procedure, focusing on explaining the Court's approach and considerations when faced with different stages of ancillary relief matters as well as a consideration of the procedural steps and important documents. For those unfamiliar with family law this will give you a solid baseline understanding of ancillary relief, and for those familiar with family law, in addition to a refresher on the relevant law and procedure an emphasis of this seminar will be devoted to the Court's recent treatment of post-separation assets and pensions, two highly important but often less considered areas.

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Points to be Covered

- Relevant Legislation
- Stages in Ancillary Relief proceedings
- Available Orders under Cap. 192 Matrimonial Proceedings and Property Ordinance (MPPO)
- Factors under s.7 MPPO
 1. All the circumstances of the case
 2. Conduct of the parties
 3. Financial resources
 4. Income earning capacity
 5. Property and other financial resources
 6. Bonuses and Inheritances
 7. Needs, obligations and responsibilities
 8. Standard of living
 9. Age
 10. Duration of marriage
 11. Cohabitation
 12. Physical and mental disability
 13. Non-financial contribution
 14. Contribution
 15. Compensation
- Legal Principles in maintenance pending suit and litigation cost funding
- Key UK Cases
 1. White v White
 2. Miller v Miller/McFarlane v McFarlane
- Case Law Development
- LKW v DD
 1. 4 Guidelines
 2. 5 Steps Approach
 3. Factors to consider
- Clean break principle
- Preliminary Issue - Beneficial Ownership
- Matrimonial vs Non-Matrimonial Property
- Post-Separation Assets
- Pensions

Scan to Calendar



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| Code: | EVT000000420 | Level: | Intermediate |
| Date: | 19 December 2023 (Tuesday) (Amended) | Language: | English |
| Time: | 14:30 - 17:45 (Reception starts at 14:00) | Accreditation(s): | LSHK 3.0 CPD Points |
| Venue: | <i>Option of:</i> (1) Online via Zoom; <i>or</i> (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong  | Request for Rerun: | Please Contact Us for Details |



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