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Panel on Administration of Justice and Legal Services

Meeting on 31 March 2025

Background brief on the family justice system

Purpose

This paper provides background information on the development of the family justice system in Hong Kong, and summarizes the major views and concerns expressed by Members on the subject.

Background

Enactment of the Family Procedure Ordinance (Cap. 646)

2. The Administration introduced the Family Procedure Bill (“the Bill”) into the Legislative Council (“LegCo”) on 15 March 2023 for First Reading. According to the LegCo Brief (File Ref: AW-275-020-010-030-003) submitted by the Administration and the Judiciary Administration (“Jud Adm”) on the Bill in 2023, Hong Kong’s family justice system embraces a wide range of subjects, covering family and matrimonial matters, with the High Court and the Family Court (“FC”) exercising concurrent jurisdiction. **There is no dedicated rules governing family proceedings at present.** In this regard, it is not uncommon for family proceedings arising from **the same causes to be determined by procedures derived from a convoluted mixture of primary and subsidiary legislation**, with parties spending a **disproportionate amount of time and costs to address procedural issues** peripheral to the main issues in dispute.

3. The Bill sought to **introduce a new single piece of primary legislation to provide the legal basis for consolidating the various procedural rules of the family justice system** scattered over different Ordinances with a view to making the family justice system more efficient, cost-effective and user-friendly. Its main proposals included: (a) providing for the general practice and procedures relating to family proceedings; (b) establishing the **Family Procedure Rules Committee**

(“FPRC”)¹ for **making a consolidated set of family procedure rules**; and (c) setting up a new **Family Masters system**². The Bill was read the third time and passed at the LegCo meeting of 21 June 2023.

4. The enacted [Family Procedure Ordinance](#) (“FPO”) was gazetted on 30 June 2023 with **some of its sections taking effect on the gazettal date**, including those relating to **the establishment of FPRC and the setting up of the new Family Masters system**. Other sections of FPO will come into effect together with the proposed Family Procedure Rules (“FPR”)³ on a later date to be appointed by the Chief Justice of the Court of Final Appeal.

5. According to the information provided by the Administration Wing of the Chief Secretary for Administration’s Office in October 2024, FPRC had been established in August 2023 and was preparing the detailed drafting of FPR (comprising **about 60 sets of consolidated and self-contained rules**). The Judiciary would conduct a wider public consultation when the drafting of the whole set of FPR was almost completed, and would submit it to LegCo for consideration when ready. In addition, the Family Masters system implemented since October 2023 helped to alleviate the workload of Family Judges (“FJs”).

Family Court-annexed Mediation Scheme

6. As a measure to promote mediation as an alternative dispute resolution mechanism, the Judiciary launched in March 2024 a **two-year pilot scheme** named “Family Court-annexed Mediation Scheme”, under which freelance family mediators are engaged to provide support services for suitable court cases involving litigants-in-person on both sides with limited financial resources, so as to assist, on court premises, parties in settling disputes which tend to take up

¹ The purpose of establishing FPRC is to provide it with comprehensive and necessary rule-making powers for family and matrimonial proceedings by consolidating those powers vested with other authorities under various legislation. The membership of FPRC comprises six judges and judicial officers, two representatives of the Hong Kong Bar Association, two representatives of The Law Society of Hong Kong, and one representative of the Department of Justice.

² Under the Family Masters system, the Registrar and Masters of FC are empowered to take up certain case management functions of Family Judges, such as the procedural work and issues concerning family-related proceedings including amendments to the originating process, time extensions, and approval of consent summonses on procedural matters.

³ FPR would be subsidiary legislation to be tabled in LegCo for negative vetting.

disproportionate judicial time to resolve during the litigation process.⁴ According to Jud Adm's information, by the end of 2024, the scheme had **achieved a success rate of over 90% in approximately 30 cases**.

Members' views and concerns

Benefits of consolidating the procedural rules of the family justice system

7. Members supported consolidating the various procedural rules relating to the family justice system that were scattered over different Ordinances, with a view to simplifying and streamlining the existing complicated court procedures. They requested Jud Adm to elaborate on the **anticipated benefits** of consolidating the relevant procedural rules, including whether this would reduce the amount of **time and costs** spent on legal proceedings, and **ameliorate the prevailing family policy problems** such as the difficulties encountered by maintenance payees in collecting maintenance payments and enforcing maintenance orders.

8. Jud Adm advised that the policy objective of the consolidation exercise was to introduce procedural reforms for the family justice system, and there was no intention to introduce changes to substantive policies or legislation, which should be separately dealt with by the Administration. The proposed FPR would make the family justice system more efficient and cost-effective in terms of procedural certainty, and reduce the time and costs spent by parties on addressing procedural issues peripheral to the main issues.

Consultation on the enactment of the Family Procedure Ordinance and the making of the Family Procedure Rules

9. Some Members were of the view that the **family justice system** was not just about procedural rules, but also **touched upon social issues of wide public concern** such as divorces, children's welfare and the difficulties in collecting maintenance payments. They expressed concern as to whether Jud Adm would **conduct consultation** on the relevant work **with stakeholders other than legal professionals** who were concerned about those issues, such as non-governmental organizations ("NGOs") in the social welfare sector, family mediators and users of the family justice system.

⁴ Mainly covering cases which: (a) involve fewer issues in dispute in respect of which settlement can easily be reached in a few hours (such as cases in which children matters are not much in dispute, it is not necessary to call for a social investigation report, and the financial disputes are mainly over spousal maintenance or children maintenance); (b) involve parties that are more emotionally stable and are ready to discuss for effective and quick disposal of the matters; (c) do not involve domestic violence or high risk of domestic violence; and (d) involve parties that are not legally represented.

10. Jud Adm advised that the Family Proceedings Court Users' Committee⁵ had been relaying stakeholders' views on the operation of FC to the Judiciary for consideration. Moreover, during the public consultation on the draft Bill, NGOs in the social welfare sector had been consulted. As most of the opinions collected were related to specific family policies on, for example, child custody and maintenance payments, they had been relayed to the relevant policy bureaux to follow up. In the course of the making of FPR by FPRC, public consultation on the draft FPR would be conducted as early as possible. In response to Members' concern, the Judiciary had sought **seeking initial views from the social welfare sector on key issues of concern** to the sector under **FPR**.

Support for users of the Family Court

11. The difficulties encountered by unrepresented litigants in the conduct of family proceedings were also of concern to Members. Specifically, Members pointed out that the procedural rules in question would be difficult for the public to understand, and that **from time to time there had been errors in the forms and documents** submitted by **unrepresented litigants** in respect of family proceedings, resulting in the need to reschedule hearings. They queried **whether simplification of court-related procedures alone could help such FC users**. Some Members also suggested that Jud Adm should **introduce helpdesk services similar to those provided in the Small Claims Tribunal ("SCT") into FC**.

12. According to Jud Adm, FPR would unify and streamline practices and processes for proceedings on family and matrimonial matters, thereby catering for the needs of unrepresented litigants in family proceedings. Jud Adm assured Members that after the passage and enactment of the Bill, it would promote understanding of the overall procedures among the legal sector and the public, and would provide corresponding administrative support in this regard, including exploring the provision of helpdesk services in FC to introduce the new FPR with reference to the setup of such services in SCT.

13. Some Members also pointed out that for certain family disputes which the court considered more suitable for resolution through mediation, it would help save the court's time if **the litigants were informed of the option of mediation before proceeding to litigation**. Jud Adm advised that it welcomed the use of alternative means of dispute resolution such as mediation to reduce the workload

⁵ The Family Proceedings Court Users' Committee aims to facilitate court users' discussion of the practice and procedures, as well as the court's administration and facilities, relating to family proceedings. It is chaired by a Permanent Judge of the Court of Final Appeal, and its members include judges and representatives of the legal profession, the Social Welfare Department, the Legal Aid Department and the Official Solicitor's Office.

of FC. One of the Judiciary's new initiatives would be to arrange for mediators to station in FC to provide on-site mediation services for case parties.⁶

Family Masters system

14. Members recognized that the introduction of the Family Masters system would help alleviate the workload of FJs to enable them to focus on handling more complicated cases. However, noting as a provision in FPO that an appeal would lie as of right to an FJ in chambers from an order of a Master in a family proceeding, Members were concerned that if the FJ handling the appeal had given directions on matters relating to the order under appeal, the FJ's function of **giving such directions to the Master** might **conflict with** the FJ's function of **handling the appeal against the order made by the Master**.

15. Jud Adm advised that the distribution of functions among FJs, the Registrar and Masters would be decided by FPRC and spelt out clearly in FPR. The case applications and matters that could be handled by Masters under FJs' directions were set out in a draft Practice Direction, which had been circulated to the Hong Kong Bar Association and The Law Society of Hong Kong for their comments. It should be noted that as the Registrar and Masters would **work independently** on the functions assigned to them after being given directions, FJs' function of hearing appeals against Masters' orders, in its views, would not conflict with FJs' function of giving directions to Masters.

Latest position

16. The Administration will brief the Panel on Administration of Justice and Legal Services on the latest developments of the family justice system at the meeting on 31 March 2025.

Relevant papers

17. A list of the relevant papers on the LegCo website is in the [Appendix](#).

Council Business Divisions
Legislative Council Secretariat
26 March 2025

⁶ See paragraph 6 above for details.

Family justice system

List of relevant papers

Committee	Date of meeting	Papers
Bills Committee on Family Procedure Bill	16 June 2023*	Report of the Bills Committee
Panel on Administration of Justice and Legal Services	24 July 2023	Agenda Item IV: Issues related to court waiting time Minutes
	24 June 2024	Agenda Item IV: Waiting Times for Court Proceedings Minutes

* Issue date