

GENERAL DIRECTION 1.1
ISSUED UNDER SECTION 15 OF
THE FAMILY PROCEDURE ORDINANCE (CAP. 646)

PROCEEDINGS BEFORE MASTERS IN THE FAMILY COURT

1. In this General Direction:

(a) “Registrar” means the Registrar of the District Court if such proceedings are pending in the Family Court;

(b) “Masters” means Masters of the District Court if such proceedings are pending in the Family Court.

2. This General Direction is applicable only to proceedings in the Family Court.

3. Section 15 of the Family Procedure Ordinance (Cap. 646) provides that the Registrar may under the general or special directions of a judge hear and determine an application or matter in a family proceeding that may be heard and determined in chambers, and that all the jurisdiction, powers and duties conferred on the Registrar in relation to family proceedings may be exercised and performed by a Master.

4. Unless otherwise required by the Rules of the High Court / Rules of the District Court or any other enactment, and unless otherwise directed, the applications to be made to (and the matters which may be dealt with by) the Registrar or a Master in chambers shall include but not limited to those set out in the Annex hereto.

5. Any matter or application before the Registrar or a Master may at any time be adjourned by him to be heard before a Judge.

6. Parties and their legal representatives are reminded that they are required to insert the rule(s) pursuant to which the application(s) is / are made at the margin of the summons.

7. For the avoidance of doubt, the provisions in this General Direction are without prejudice to the Family Judges’ power to deal with the applications and conduct the hearings listed in the Annex.

8. In light of the special nature of the business in the Family Court, pursuant to paragraph 1 of Practice Direction 27, special adaptation is made for the hearings before the Registrar and Masters in the Family Court, in that paragraph 2 of Practice Direction 14.1 and paragraph 7 of Practice Direction 27 are not applicable in respect of such hearings.

9. Special adaptation is also made pursuant to paragraph 10 of Practice Direction 27 such that paragraph 5 of Practice Direction 14.2 is not applicable for hearings in the Family Court.

10. Taxation of Family Cases should be dealt with at the initial stage by District Court Masters but may in future be dealt with also by Family Court Masters.

11. This General Direction should be read together with the General Direction on Case Management and Time Tabling in Children and Ancillary Relief Proceedings.

The applications and hearings that may be heard and determined by the Registrar or a Master in chambers are as follows:

Filing of supplemental petition / joint application

- (1) Application for leave to file a supplemental petition under rule 16 of the Matrimonial Causes Rules (Cap.179A) (“MCR”);
- (2) Application for leave to file a supplemental joint application under rule 16A of the MCR;

Service

- (3) Application for substituted service under Order 65 rule 4 of the Rules of the High Court (“RHC”) / Rules of the District Court (“RDC”) and rule 14(9) of the MCR;
- (4) Application for a deemed service order under rule 14(6) of the MCR;
- (5) Application for leave to serve a process on a Sunday under Order 65 rule 10 of the RHC / RDC;
- (6) Application for an order for dispensation of service of petition and documents under rules 14(10), 110 and 111 of the MCR;
- (7) Application for dispensation of service under Order 90 rule 6(2) of the RHC and Order 90 rule 1(3) of the RDC;
- (8) Application for an order under rule 106 of the MCR regarding service on person under disability;

Main Suit

- (9) Application for Registrar’s certificate under rule 47A of the MCR;
- (10) Application for leave to proceed with Petition for nullity on ground of insanity, etc., pursuant to rule 107 of the MCR;
- (11) Application for directions for joinder upon allegation of improper association or rape under rule 13(2) of the MCR;
- (12) Application on behalf of a mentally disordered person for the appointment of a *guardian ad litem* pursuant to rule 105(4)(b) of the MCR;
- (13) Application for directions as to whether a *guardian ad litem* should be appointed pursuant to rule 105(5) of the MCR;
- (14) Application to order a party to file a schedule of allegations and counter allegations under rule 35 of the MCR;
- (15) Application for an order that particulars of pleadings be given pursuant to rule 26(1) of the MCR;

- (16) Application for determination of whether medical inspectors should be appointed under rule 30(1) or 30(6) of the MCR;
- (17) Application for directions for trial under rule 33 of the MCR;
- (18) Application for leave to file pleadings after directions for trial have been given pursuant to rule 20 of the MCR;
- (19) Application for decree absolute under rules 65 and 65A of the MCR (save that where there are circumstances which ought to be brought to the notice of the court before a decree *nisi* is made absolute, the application for decree absolute should be made to the Judge (see rules 65(3) and 65A(3) of the MCR));

Ancillary relief / maintenance

- (20) Application for leave to make an application for ancillary relief under rule 68(2)(a) of the MCR;
- (21) Application for case management directions in First Appointments and for directions under rule 77(6) of the MCR;
- (22) Application for an order of interim maintenance / maintenance pending suit;
- (23) Application for an interim order under rule 78 of the MCR;
- (24) Financial Dispute Resolution hearings;
- (25) Application for an order of periodical payment at the same rate as an order for maintenance pending suit under rule 82(1) of the MCR;
- (26) Application for an order to add a person as a respondent under rule 102(1) of the MCR;
- (27) Application for directions for trial under rule 45 of the MCR;
- (28) Application for transfer to the Court of First Instance of any application for ancillary relief and further directions pursuant to rule 80(3) and (7) of the MCR;

Children

- (29) Application for case management directions in Children Appointments;
- (30) Application for an order of interim custody, care and control and access;
- (31) Application for an order of custody, care and control and access;
- (32) Application for an order to remove a child permanently out of Hong Kong by consent under rule 94 of the MCR;
- (33) Application for an order by consent to refer to the Director of Social Welfare for investigation and report on any matter arising in the matrimonial proceedings (as defined in the MCR) under rule 95(2) of the MCR;
- (34) Children Dispute Resolution hearings;
- (35) Application for directions for trial under rule 45 of the MCR;

Time

- (36) Application for extension of time under Order 1B rule 1(2)(a) and Order 3 rule 5 of the RHC / RDC and rule 113 of the MCR;
- (37) Application to extend the period to amend under Order 20 rule 9 of the RHC / RDC;
- (38) Application for shortening of time under Order 1B rule 1(2)(a) of the RHC / RDC;
- (39) Application to extend or abridge the period of service of a writ of subpoena under Order 38 rule 17 of the RHC / RDC;

Discovery

- (40) Application to order discovery and / or inspection of documents under rule 28 of the MCR;

Security for costs

- (41) Application for security for costs under rule 37 of the MCR;

Amendment

- (42) Application for leave to amend under rules 16 and 16A of the MCR;
- (43) Application for leave to amend any order of the Registrar or Master under Order 20 rule 11 of the RHC / RDC;

Hearing of summons

- (44) Application to adjourn the hearing of a summons under Order 32 rule 4 of the RHC / RDC if the summons in question is heard or fixed to be heard before the Registrar or a Master;
- (45) Application to re-hear a summons under Order 32 rule 5(3) of the RHC / RDC if the summons was heard before the Registrar or Master in the first place;
- (46) Application to restore a summons to the list under Order 32 rule 5(4) of the RHC / RDC if the summons was heard before the Registrar or Master in the first place;

Affidavit

- (47) Application for leave to adduce evidence by affidavit under rule 39 of the MCR;
- (48) Application to order a respondent who is a personal representative of the deceased to file an affidavit under rule 102(4) of the MCR;

- (49) Application for directions under Order 41 rule 1(4) of the RHC / RDC if the application for which the said affidavit is filed or used is heard or fixed to be heard before the Registrar or a Master;
- (50) Application to allow the use of an affidavit in evidence under Order 41 rule 3 of the RHC / RDC if the application for which the said affidavit is filed is heard or fixed to be heard before the Registrar or a Master;
- (51) Application to allow the filing and/or use of an affidavit in evidence despite any irregularity in the form thereof under Order 41 rule 4 of the RHC / RDC if the application for which the said affidavit is filed or used is heard or fixed to be heard before the Registrar or a Master;
- (52) Application for leave for an affidavit to be filed or used despite any unsigned or uninitialled interlineation, erasure or other alteration in the jurat or body thereof under Order 41 rule 7 of the RHC / RDC if the application for which the said affidavit is filed or used is heard or fixed to be heard before the Registrar or a Master;
- (53) Application for leave for an affidavit which is not properly indorsed to be filed and used under Order 41 rule 9 of the RHC / RDC if the application for which the said affidavit is filed or used is heard or fixed to be heard before the Registrar or a Master;
- (54) Application for leave to inspect affidavits under Order 67 rule 6A of the RHC / RDC;
- (55) Application to strike out any matter in an affidavit under Order 41 rule 6 of the RHC / RDC if the application for which the said affidavit is filed or used is heard or fixed to be heard before the Registrar or a Master;

Enforcement

- (56) Application for leave to issue a writ of *fiery facias* or warrant of execution under rule 86 of the MCR;
- (57) Application for leave to issue a writ of possession under Order 45 rule 3 of the RHC / RDC;
- (58) Application for a writ of delivery under Order 45 rule 4 of the RHC / RDC;
- (59) Application for a writ of specific delivery under Order 45 rule 4 of the RHC / RDC;
- (60) Application for a writ of sequestration under Order 45 rule 5 of the RHC / RDC;
- (61) Application for an order requiring a person to deliver goods within the time specified under Order 45 rule 5 of the RHC / RDC;
- (62) Application for fixing the time or extending the time within which an act has to be done under Order 45 rule 6 of the RHC / RDC if the original order was made by the Registrar or a Master;
- (63) Application for dispensation of service of a copy of an order under Order 45 rule 7(7) of the RHC / RDC;
- (64) Application for leave to issue execution by one of several persons entitled under Order 45 rule 17 of the RHC / RDC;
- (65) Application for an order for examination or any other order under Order 49B rule 1 of the RHC / RDC;
- (66) Application for a charging order, stop order and/or any other order under Order 50 of the RHC / RDC;
- (67) Application for a garnishee order and/or any other order under Order 49 of the RHC / RDC;
- (68) Application for a prohibition order and/or any other order under Order 44A rules 2 to 5 of the RHC / RDC;

(69) Application for attachment of property and/or any other order under Order 44A rules 7 to 12 of the RHC / RDC;

(70) Application for leave to issue any writ of execution and/or for any other order under Order 46 of the RHC / RDC;

(71) Application for an order for sale and/or any other order under Order 47 rules 6 to 8 of the RHC / RDC;

Generally

(72) Application for approval of consent summonses and for orders by consent;

(73) Application for translation of documents under rule 4(9) of the MCR;

(74) Application for setting aside an order made by the Registrar or Master for irregularity under Order 2 of the RHC / RDC;

Applications under the Parent and Child Ordinance (Cap.429, Laws of Hong Kong) (“the PCO”)

(75) Application for case management directions in a matter for declarations pursuant to section 6 of the PCO;

(76) Application for case management directions in a matter for parental orders pursuant to section 12 of the PCO;

(77) Application for a direction that all necessary papers in the matter be sent to the Secretary for Justice pursuant to section 7(1) of the PCO;

(78) Application for a direction for the use of scientific tests and for the taking of bodily samples pursuant to section 13 of the PCO;

(79) Application to transfer the proceedings to the Court of First Instance pursuant to section 16 of the PCO;

Applications under the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap.639, Laws of Hong Kong) (“RREO”)

(80) To give a direction under rule 4(2) of the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Cap.639A) (“the RRER”) that the registration application be made by originating summons;

(81) Application for security for costs under rule 11 of the RRER;

(82) To make an order to transfer a registration application to the Court of First Instance under section 9(1) of the RREO;

(83) To make a registration order under sections 10 and 11 of the RREO;

(84) Application to transfer a registered order to the Court of First Instance under section 21(2) of the RREO;

(85) Application to direct a party to execute conveyance, contract or other document, or to endorse any negotiable instrument pursuant to section 22(3) of the RREO;

- (86) Application for the court to exercise the power under section 38A(2) of the District Court Ordinance (Cap.336) pursuant to section 22(4)(b) of the RREO; ;
- (87) Application for directions under section 17 of the RREO and rule 15(2) and (3) of the RRER and other case management directions in relation thereto;
- (88) To give a direction under rule 16(2) of the RRER that the recognition application be made by originating summons;
- (89) Application for security for costs under rule 18 of the RRER;
- (90) To make a recognition order under section 30 of the RREO;
- (91) To extend the period within which an application to set aside a recognition order may be made pursuant to section 31(2) of the RREO;
- (92) Application for directions under rule 21(2) and (3) of the RRER and other case management directions in relation thereto;
- (93) Application for a certified copy of a Hong Kong Judgment under section 38(1) of the RREO and rule 25 of the RRER;

Legal representation

- (94) Application for an order declaring that a solicitor has ceased to be the solicitor acting for the other party in family proceedings pending in the Family Court and/or for direction on service under Order 67 rule 5 of the RHC / RDC;
- (95) Application for an order declaring that the applicant solicitor has ceased to act for a party in family proceedings pending in the Family Court and/or for direction on service under Order 67 rule 6 of the RHC / RDC;
- (96) Application for a direction that children be separately represented pursuant to rule 72 or 108 of the MCR.

12. This General Direction shall take effect on 3 October 2023.

Dated this 15th day of September 2023.

(Chan Chan Kok)
Principal Family Court Judge