

Cherry Chan

'Hong Kong SAR'

Due to the Covid-19 pandemic, the Hong Kong Judiciary adjourned all court proceedings from 29 January. This was known as the General Adjournment Period (GAP) which lasted until 4 May 2020. During the GAP, exceptions were made for “urgent and essential hearings and/or matters”. Given the volume of cases in the Court system, this has caused a tremendous backlog of court business.

During the GAP, the Hong Kong Family Court was relatively active in dealing with urgent cases, especially involving children. These included the temporary removal of children from Hong Kong and their “return” due to the pandemic. The Family Court also permitted Children Dispute Resolution hearings and hearings for interim maintenance to be conducted during the GAP.

Following the judgement of the Hon. Justice Coleman in [2020] HKCFI 347, which allowed a telephone hearing in the High Court be held during the GAP, family law practitioners also requested the Family Court to consider telephone hearings.

To minimise disruptions to proceedings, the Family Court dealt with various hearings by way of “paper disposal” without a live hearing in appropriate cases. In some cases, the court was able to deal with the matter based on the written submissions of the parties alone. This was appropriate for giving directions regarding the future conduct of the matter or simple applications, such as for extensions of time for the filing of documents.

The pandemic has been an opportunity for courts and legal practitioners to reassess how to manage cases cost-effectively and expeditiously in new circumstances.