

**Opening Speech by Mr Rimsky Yuen, SC, JP  
Secretary for Justice of the Hong Kong SAR  
at the Conference on Recovery of Child Support and  
Family Maintenance in Asia-Pacific and Worldwide :  
National and Regional Systems and  
the 2007 Hague Convention and Protocol  
on 9 November 2015 (Monday)**

Mr Sun [Ang] (Deputy Director-General of the Department of Treaty and Law, Ministry of Foreign Affairs, China), Mr [Philippe] Lortie (First Secretary, Hague Conference on Private International Law), Professor [Anselmo] Reyes (Representative, HCCH Asia Pacific Regional Office), Distinguished Guests, Ladies and Gentlemen,

It gives me great pleasure to welcome all of you to the Hong Kong Special Administrative Region (“HKSAR”) to attend this Conference, which marks the beginning of a series of international (and if I may add, meaningful) events concerning family law during the HCCH Asia Pacific Week 2015.

2. Today, we have the presence of an impressive number of distinguished judges, scholars, practitioners, government officials as well as representatives of non-governmental organisations from over 25 jurisdictions around the world to exchange views on an important subject, namely, how to facilitate cross-border recovery of child support and other forms of family maintenance in the Asia Pacific region and worldwide under different national and regional systems, as well as under the 2007 Hague Convention and Protocol.

3. This Conference is probably the second largest global event on this important subject since the Heidelberg Conference on International Recovery of Maintenance in the EU and Worldwide held in 2013. The Department of Justice of the HKSAR is very honoured to have the privilege to host this Conference jointly with the Asia Pacific Regional Office of the Hague Conference on Private International Law, with support from the Child Support Worldwide Network and other sponsors.

## ***Recovery of Child Support and Family Maintenance***

4. With the continued growth in transnational marriages, the rise in divorce rate as well as frequent movement of people around the world, cross-border recovery of child support and other forms of family maintenance is undoubtedly an important issue.

5. In my view, it is important in at least two aspects. First, children deserve protection and it is important to ensure that children's rights and interests are properly protected. Whilst other means of protection are not unimportant, legal regimes can often play the role of the ultimate protector. Accordingly, a robust international network to facilitate the effective and efficient recovery of child support and other forms of family maintenance is undoubtedly an important means to protect children.

6. Second, we always talk about the rule of law in the domestic context. Indeed, the United Nations' philosophy of 'Justice for Children' maintains that "the way children are treated by national legal, social welfare, justice systems and security institutions is integral to the achievement of the rule of law and its related aims".<sup>1</sup> However, the universally cherished notion of the rule of law also has an international dimension, and this dimension is commanding growing importance as a result of globalization and regional integration. A transnational network which can facilitate prompt recognition and enforcement of maintenance decisions definitely helps to uphold the rule of law on the international level.

7. What we, however, face is the fact that the national and regional systems on international recovery of child support and other forms of family maintenance vary significantly from jurisdiction to jurisdiction. Unlike the European Union, there is hardly any uniformity in the Asia Pacific region. Instead, the different jurisdictions in the region have very different legal systems and legal traditions. Such diversities make it even more important to have co-operation amongst different jurisdictions.

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<sup>1</sup> *Karis v Karis*, 544 A.2d 1328, 1332 (1988)

8. In this connection, the 2007 Hague Convention comes into play and seeks “*to ensure the effective international recovery of child support and other forms of family maintenance*” by establishing an efficient system of co-operation between Contracting States and also makes available a comprehensive range of applications (including establishment of a new decision, modification of an existing decision, as well as recognition and enforcement of foreign decisions). It also provides for expedited and simplified procedures for recognition and enforcement, as well as prompt and effective enforcement.

9. The 2007 Hague Convention pays particular attention to many practical matters that can improve efficiency in international situations, such as flexible language requirements, use of standard forms and provision of information on national laws. It also encourages the use of new information technologies to reduce the costs and delays in cross border cases.

10. In the coming days, we will hear more about the 2007 Hague Convention, in particular, the experience of those jurisdictions which have already implemented the Convention, as well as the use of modern technology under the Convention such as the i-Support case management and communication system (which is an electronic case management and secure communication system to facilitate cost-effective cross-border recovery of maintenance obligations). There are also various workshops in this Conference covering the economic, legal and social aspects of the current problems that we face.

11. I am confident that at the end of this Conference, all participants would gain valuable insight into how to make better use of the 2007 Hague Convention and its Protocol to tackle issues that we are facing. Needless to say, I also hope that this Conference will facilitate the building of a global network in the Asia Pacific region on international recovery of child support and family maintenance, an issue which will be discussed on the last day of the Conference.

### ***HCCH Asia Pacific Regional Office***

12. May I take this opportunity to pay tribute to the efforts and contributions made by the Asia Pacific Regional Office of the Hague Conference on Private International Law for its continuous efforts in building up a network of regional stakeholders in the area of international family law since its official opening in the HKSAR in 2012.

13. In June this year, we organized, in collaboration with the Macao SAR Government and the Asia Pacific Regional Office of the Hague Conference on Private International Law, a symposium in Macao on “*Advancing the Well-being of Children through Hague Conventions*”, which successfully brought together over 130 participants, including judges, government officials, legal practitioners, academic and experts from over 20 jurisdictions in the Asia Pacific region and beyond. I met some of you at the Macao symposium and I am very glad to see you here again.

### ***Concluding remarks***

14. Ladies and Gentlemen, the HKSAR places great importance on family law and the protection of children. We welcome opportunities to exchange views and to build up network with other jurisdictions so as to ensure that our relevant legal regime can function effectively on the cross-border level. We feel greatly privileged to be chosen the jurisdiction to house the Asia Pacific Regional Office of the Hague Conference on Private International Law, and we certainly pledge our continuous support to its works on family law and beyond.

15. Last but not least, I would like to thank the Hague Conference on Private International Law, especially the Permanent Bureau and its Asia Pacific Regional Office, whose efforts are instrumental to the success of this Conference. Further, this Conference would not have been possible without the commitment of the speakers, whose presentations and insights we very much look forward to enjoying; nor would it have been possible without the generous support of our sponsors and the unfailing assistance of our helpers.

16. On this note, it remains for me to wish this Conference and the other events of HCCH Asia Pacific Week 2015 every success, and also to wish those of you coming from other jurisdictions an enjoyable stay in the HKSAR. Thank you.