

Elaine Chung is a Consultant of RKS specialising in family law.

Elaine is passionate in family related issues and has been working in this area since her qualification in 2012. Her practice encompasses all aspects of family law, including financial and children matters, and contentious and non-contentious matters. Elaine enjoys working with a wide variety of clients, ranging from high-net-worth individuals and their families, to professionals.

Elaine understands her clients' needs and confusion when dealing with divorce proceedings, given the procedure and legal jargon involved, and at the same time dealing with an uncooperative opposite party. Elaine's clients have often complimented her for helping them to understand complicated matters in a simple yet clear manner.

Finance-related matters

Elaine's cases often involve cross-jurisdiction issues, third party interests and complex corporate structures which require in-depth intellectual and analytical consideration:-

Setting aside of disposition of assets – Acting for a party in opposing the other party's application to set aside the allotment of shares in a company related to the family members. This case will become Elaine understands her clients' ne the first case in Hong Kong to be tried at the Trial to address the question of whether an allotment of shares is a disposition capable of being set aside under s.17 of the Matrimonial Proceedings and Property Ordinance (Cap. 192).

Financial discovery – Acted for a party in a successful application for financial discovery against the other party who was extremely uncooperative.

Third party interests – Third party interests is a growing feature in Hong Kong divorce cases, particularly given the practice of Chinese parents having their children hold assets on their behalf. Joining third parties into Divorce Proceedings in order to ascertain the beneficial interest of an asset is inevitable. Elaine is involving in cases for both husband and wife to argue and defend the party's position.

Maintenance pending suit/legal costs provision – Elaine regularly assists her clients in successfully obtaining maintenance pending suit and legal costs provision, with costs orders in their favour.

Enforcement proceedings – Elaine has successfully obtained remedies against a party who failed to comply with court orders. This includes garnishee orders in cases where one party failed to make payment pursuant to court orders, and a prohibition order against a party who failed to answer the Questionnaire despite being ordered to do so.

Elaine has also assisted many clients in reaching settlement, and often such settlement involves corporate law and foreign elements. These include a case where the main asset to be shared was the future sale proceeds of a Niseko chalet project – the chalet project was still in preliminary stages of development at the time of settlement discussions. In another case where Elaine successfully assisted a party to push the other party to transfer his interests in a Singapore property pursuant to a Power of Attorney in light of the COVID19 situation. Elaine worked with Singapore lawyers to finalize the terms of the Power of Attorney and to ensure the transfer was successfully completed.

Children matters

Schooling – ***C,LC v O,IE* [2021] HKFC 143** was a case involving high conflict parents. Elaine was a member of the legal team representing the Mother who was successful in obtaining leave of the court to change schools for one of the children of the family despite the Father's strong opposition. In the same case, Elaine also advised the Mother on suitable access arrangements for the Father, as the Father resides in Germany while the children reside in Hong Kong.

Other than contentious matters, Elaine also advises on non-contentious matters such as pre-nuptial and separation agreements.

鍾伊婷律師 (Elaine) 是 RKS 的顧問律師，專門負責家事法的法律問題。

她非常熱衷處理與家庭有關的事宜，在 2012 年取得律師資格後，她就一直從事這一方面的工作。她的工作範圍涉及家事法的各個領域，包括財務和子女問題，以及一些具爭議性和非具爭議性的案件。鍾律師喜歡為各客戶提供貼心的服務，不管是擁有高資產的客戶和其家庭成員，還是專業人士，都是她的目標客戶群。

鍾律師十分理解她的客戶在處理離婚訴訟時的需要，特別是在訴訟期間一般都會涉及各種複雜的法律程序和法律術語，還要面對不願合作的對方，所以她非常明白客戶都會感到困惑。鍾律師的客戶經常稱讚她能夠以簡單又清晰的方式幫助他們理解複雜的問題。

財務相關的案件

鍾律師所處理的案件經常涉及跨司法管轄區的問題、第三方利益和複雜的公司結構，需要擁有豐富深入的知識和進行細心的分析：-

擱置資產處置 – 代表一方反對另一方擱置與其家庭成員有關公司的配股申請。此案將成為香港首宗根據《婚姻法律程序與財產條例》（第 192 章）第 17 部分審理的案件，釐清配股是否可被擱置的問題。

財務披露 – 成功代表一方對極不合作的另一方申請進行財務披露。

第三方利益 – 在香港的離婚案件當中，涉及第三方利益的案件越來越多，特別是華人父母讓子女代表他們持有資產的做法，更令此類案件大增。因此，為了能夠確定資產的受益權，在離婚程序中便需要考慮第三方的利益。鍾律師參與了不少夫妻雙方爭議的案件，捍衛當事人的利益。

訟案期間提供的贍養費/ 負擔法律費用 – 鍾律師經常為一方成功向其配偶爭取在訟案期間提供贍養費以及負擔相關法律費用，而最後亦獲得訟費命令。

強制執行政序 – 在實務上，的確有不少不遵守法庭命令的一方，但鍾律師亦能成功爭取相關補救措施。這些措施包括在一方未能按照法院命令付款的情況下發出扣押令，以及對已被命令仍不肯回答財務問卷的一方發出禁制令。

鍾律師也有協助很多客戶達成和解，而這一類和解往往都涉及公司法和外國因素。她曾經處理過一宗特別的案件，該案需要共享的主要資產是日本二世古木屋項目的未來銷售收益 – 但在討論和解協議時，該木屋項目仍處於初步開發階段。在另一宗案件中，由於新冠肺炎的關係，鍾律師成功協助一方催促另一方根據授權書轉讓其在新加坡財產中的權益。鍾律師與新加坡的律師進行合作，確定授權書的條款，並確保有關轉讓能夠成功完成。

兒童相關的案件

學校問題 - C,LC v O,IE [2021] HKFC 143 是一宗涉及父母間發生嚴重衝突的案件。鍾律師是代表該案母親的其中一法律團隊，她成功在該案父親的強烈反對下，取得法院的許可，為該案家庭的孩子們轉換學校。在同一案件中，鍾律師還建議該案母親為該案父親安排合適的探訪安排，因為父親居住在德國，而孩子們則居住在香港。

除了解決具有爭議的問題之外，鍾律師還會就婚前協議和分居協議等非爭議事項提供法律支援。