

## Madeleine Booth

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### Call

2017 (Hong Kong)

### Areas of Practice

Contract  
Criminal Law  
Equity & Trusts  
Family & Matrimonial Law  
Injunction & Contempt  
Mediation  
Probate & Succession  
Public Law & Judicial Review

### Contact

Secretary: **Ms. Alice Wong**

[alice@bernacchichambers.com](mailto:alice@bernacchichambers.com)

### Practice Profile

Madeleine's practice encompasses both civil litigation and criminal law, with a particular specialisation in matrimonial work.

In the Family Court, Madeleine has experience in contested financial and child related matters, and family related company and trust cases.

Having represented clients at Financial Dispute Resolution hearings, Children's Dispute Resolution hearings, as well as at trial for preliminary issues (third party interests/property/companies), financial issues (MPS applications, ancillary relief trials) and child related matters (such as custody disputes, and applications under the Guardianship of Minors Ordinance), Madeleine's experience is broad.

Madeleine is often called upon to make applications under s.17 of the MPPO, setting aside dispositions or applying for injunctions, on an urgent basis.

Madeleine also has experience in a number of other areas of legal practice, including civil litigation and criminal law. She has assisted senior counsel, and acted as sole legal counsel, in multiple hearings and trials at each level of court in Hong Kong, from its magistracies to the Court of Final Appeal. Madeleine appears in the High Court of Hong Kong regularly with respect to civil litigation matters, including trust related cases, injunctions, summary judgment applications, garnishee orders, as well as bankruptcy proceedings.

Madeleine's experience extends beyond advocacy to include providing written opinions and legal advice, as well as participating in mediation and arbitration.

## Education

- Postgraduate Certificate in Law (PCLL), The Chinese University of Hong Kong
  - Distinguished Scholarship Placement
- Juris Doctor (JD), The Chinese University of Hong Kong
  - Sole recipient of JSM Prize in Jurisprudence
  - International Criminal Court Moot at the Hague
- Chinese (Mandarin) Language Program, Tsinghua University, Beijing
- BA (English and History) (Hons.), The University of York, United Kingdom

## Selected Cases

- *X AND ANOTHER v. Z* [2020] HKCFI 826. Represented the successful plaintiffs with respect to a claim founded on the torts of intimidation and harassment. Secured an ex-parte injunction and interlocutory injunction inclusive of a gagging order, as well as anonymisation of the parties and an order that the hearings proceed in private.
- GM-SA also known as *DG, M S v. DDPJ* [2020] HKCA 488. Represented the applicant husband in the Court of Appeal (led by Mr. David Pilbrow SC) with respect to issues arising from the setting aside of a Consent Order of the Family Court, including the ambit of the jurisdictions of the High Court and District Court in Hong Kong and the enforcement and/or stay of a Consent Order pending determination of the set aside application.
- *ACF v SJF* (formerly known as SJJ) [2020] HKFC 144. Represented the successful respondent wife in an application for maintenance pending suit.
- *Siu Nai Ying and Another v. Octagon Workshop Ltd. & Ors* [2019] HKCFI 2952. Claim concerning conspiracy to injure by unlawful means, harassment, intimidation, and negligence. Secured ex-parte injunction (and its continuation). Represented the successful plaintiffs in defending a strike out application, led by Mr. Robert Whitehead SC
- *SSLT v SMFC* [2019] HKFC 250 and [2020] HKFC 42. Ancillary relief trial and costs application. Represented the successful petitioner
- *IDC v SSA* [2019] HKFC 255. Appeared for the successful applicant seeking litigation funding under the Guardianship of Minors Ordinance (Cap.13)
- *C v F FCMC* 5954/2012. Appeared for the successful respondent in securing an ex-parte injunction (and

its continuation) and opposing a leave to appeal application

- *AK v MYNT* [2019] HKFC62. Secured an ex parte injunction (and its continuation) for approximately HK\$62 million. Represented the successful petitioner in opposing leave to appeal the same, lead by Mr. John Scott SC
- *FNG v BCJ* [2021] HKCA 16 - Represented the successful defendant in the Court of Appeal (led by Mr. Robert Whitehead SC) in a case which concerned the power of the courts under the Enduring Powers of Attorney Ordinance (Cap. 501) (“the Ordinance”) regarding the production and auditing of accounts by an Attorney upon the death of the Donor, which automatically triggers the revocation of an enduring power of attorney. The appeal was dismissed with costs to the defendant.
- *V, RHM v V, ES also known as B, ES* [2020] 264 - Represented the petitioner husband who successfully resisted the wife’s application for maintenance pending suit of HK\$363,500 per month (later reduced to HK\$86,110 per month), interim maintenance, and litigation funding of HK\$400,000 per month.
- *L, AP v P, GG* [2021] HKFC 20 - Represented that successful petitioner wife in her application for maintenance pending suit (backdated to the date of the Summons) and litigation funding, as well as securing costs against the husband on an indemnity basis payable forthwith.

## **Appointments**

- Member of the Committee on Family Law, Hong Kong Bar Association

## **Publications**

- Contributing Author, Hotten and Ho on Family and Divorce Law in Hong Kong (2020 - 2021)