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Madeleine Booth



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. Happy Chan**
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Practice Profile

Recognised as a “Rising Star” in the Family and Private Client field by the Legal 500 and as a leading junior barrister in “Family & Divorce Law” by Doyle’s Guide Madeleine’s practice is primarily civil litigation based, with a particular specialisation in family/matrimonial law.

“An exceptional barrister. Intelligent, articulate and incisive. She reads the court well and is nimble on her feet.” – The Legal 500, Asia Pacific Hong Kong Bar (2022).

“Madeleine is extremely learned and bright. She is an eloquent advocate and is very good at thinking on her feet. She is a leading junior barrister in the family field.” – The Legal 500, Asia Pacific Hong Kong Bar (2023).

"A real star to watch." - The Legal 500, Asia Pacific Hong Kong Bar (2024).

Madeleine has broad experience regarding all manner of contested financial and child related matters, including:

- Financial dispute resolution hearings / Children dispute resolution hearings;
- Maintenance pending suit and litigation funding applications;
- Ancillary relief trials and preliminary issue trials (s. 17 MPPO, trusts, properties, companies etc.);
- Joinders & third party interests;
- Custody, care and control disputes, relocation applications, and applications under the Guardianship of Minors Ordinance;
- Parental declarations;
- Jurisdiction disputes (e.g., disputes under section 3 of the MCO, forum non conveniens, stay applications);
- Variation applications;
- Specific Discovery;
- Setting aside;
- Enforcement proceedings (prohibition orders, attachment of income orders, judgment summons, examination and committal hearings, etc).

Madeleine also has experience in urgent *ex parte* applications (s 17 MPPO, DVO) obtaining various reliefs, and probate and inheritance (including applications under the Inheritance (Provision for Family and Dependents Ordinance Cap 481) cases).

In addition to family law, Madeleine has experience in general civil litigation matters, including contract, tort, trusts, fraud, and companies law. Madeleine's experience extends beyond advocacy to include providing written advice and conducting mediations.

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

- *SJH v AMS* [2022] HKFC 266; [2023] HKFC 140 – Represented the petitioner/judgment creditor in enforcement proceedings (attachment of income proceedings, prohibition orders,

examination and committal hearing) following which the respondent/judgment debtor was committed to prison for 3 months for civil contempt.

- *Y, M v S, J* [2022] HKFC 250 – Appeared for the successful applicant Mother. Following a parental declaration under the Parent and Child Ordinance (Cap. 429), secured litigation funding, interim maintenance for the benefit of the minor, and costs against the respondent.
- *Z, G v PZ, N nee P, N* [2022] HKFC 234 – Appeared for the respondent wife. Successfully opposed the petitioner's application for a downward variation of child maintenance.
- *CTW nee CW v SGW* [2022] HKFC 197 – Appeared for the petitioner wife. Successfully opposed the respondent's application for a stay of proceedings, and argument that the Courts of Queensland, Australia was the more appropriate forum.
- *GM-SA aka DG, M-S v DDPJ* [2022] HKCA 870 – Appeared for the successful respondent/plaintiff husband in the Court of Appeal , securing leave to adduce expert evidence on foreign law for the purposes of a trial to set aside a consent order, led by Mr. John Scott SC.
- *FNG v BCJ* [2022] HKCFI 654 – Represented the successful defendant in the Court of First Instance seeking dismissal of the plaintiff's summons for "further and better records" under s 11(1) of the Enduring Powers of Attorney Ordinance, and secured costs payable personally by the plaintiff on a trustee basis, led by Mr. Robert Whitehead SC.
- *PH v DL* [2021] HKFC 166 – Appeared for the respondent, who successfully challenged the jurisdiction of the Hong Kong courts to determine the parties' divorce (lack of substantial connection), led by Mr. Richard Todd QC.
- *KLT also known as KLP v CP* [2021] HKFC 102 – Ancillary relief trial. Secured clean break for the petitioner, child maintenance, and indemnity costs against the respondent who refused to participate in the Hong Kong proceedings.
- *L, AP v P, GG* [2021] HKFC 20 – Represented the successful petitioner wife in her application for maintenance pending suit (backdated to the date of the summons) and litigation funding, and obtained costs against the husband on an indemnity basis payable forthwith.
- *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 (HK$363,500 p/month, subsequently HK$86,110 p/month), interim maintenance, and litigation funding of HK$400,000 per month.
- *FNG v BCJ* [2021] HKCA 16 – Represented the successful defendant in the Court of Appeal (led by Mr. Robert Whitehead SC), which clarified the power of the courts under the Enduring Powers of Attorney Ordinance (Cap. 501).
- *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) arguing the setting aside of a Family Court Consent Order, the jurisdiction of the High Court and District Court in Hong Kong, and the enforcement and/or stay of a Consent Order pending determination of the application.
- *X and Another v Z* [2020] HKCFI 826 — Represented the successful plaintiffs; secured an ex-parte injunction and interlocutory injunction inclusive of a gagging order, anonymisation of the parties, and an order that the hearings proceed in private (torts of intimidation and

harassment).
- *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)
- *F v C* [2019] HKFC 217 — Appeared for the successful respondent in securing an ex-parte injunction (and its continuation) and opposing leave to appeal.
- *AK v MYNT* [2019] HKFC 62 — Secured ex parte injunction (and its continuation) for HK$62 million. Represented the successful petitioner in opposing leave to appeal the same, led by Mr. John Scott SC.

Appointments

- Hong Kong Advocacy Training Council, Trainer
- Member of the Hong Kong Family Law Association

Publications

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

CPD & Talks

- “Cryptoassets and their implications in the matrimonial law context” together with Dr. Boris Richard and Anna Bleazard of FTI Consulting (June 2021)
- “Mediator Assisted Financial Dispute Resolutions: A Mock MFDR” together with members of the Committee on Family Law (July 2021 & May 2023)
- “Practical Guidance for Family Law Practitioners: An Overview of Family Law Procedure Including Practice Directions SL10.4” on behalf of the Bar Committee on Family Law, together with Vivien Leung (November 2021)
- “Practical Guidance for Family Law Practitioners An Overview of Applications for Maintenance Pending Suit & Litigation Funding” on behalf of the Bar Committee on Family Law, together with Peter Barnes (November 2022)