

AsPacEd

May 2024

From the President

Time flies, and we are now just 2 weeks ahead of the Boston meeting. There are quite a number of us from the AP chapter heading there, literally taking a day's flight or more (mine is 23 hours and 25 minutes from Singapore) to attend in person, so there must be something precious about IAFL and our community which makes a whole group of busy practitioners travel such lengths to attend the meetings.

And in our neck of the woods, I want to take time to acknowledge and thank the different ones in the AP chapter who have gone to great lengths to get involved in the growth of our chapter, whether as part of the management committee, or in any of the other sub-committees: -

Area	Members of Management Committee on the Sub-committee	Other fellows on the Sub-committee
Review & Implementation of Bylaws	<u>John Spender</u> (President-Elect)	Corinne Remedios (Past President)

	<p>Geoff Wilson (Immediate Past President)</p> <p>William Sloan (Secretary)</p>	
AP Hour	<p><u>Inger Blackford</u> (Vice-President)</p> <p>Caroline McNally</p>	<p>Shu Mei Hoon</p> <p>Jacky Campbell</p>
AsPacEd	<p><u>William Sloan</u> (Secretary)</p>	<p>Sam Gershon</p> <p>Ivan Cheong</p> <p>Sally Nicholes</p> <p>Stuart Barr</p>
Corporate Communications and Sponsorship	<p><u>William Sloan</u></p> <p>Jeremy Chan (Treasurer)</p> <p>Eleanor Lau</p>	
Outreach	<p><u>Kai Yun Wong</u> (President)</p> <ul style="list-style-type: none"> • John Spender (LawAsia / Malaysia) • Inger Blackford (Commonwealth Lawyers Association / India) • Rita Ku (Guangzhou) • Jason Tian (Shanghai) 	

	<ul style="list-style-type: none"> Masami Kittaka (Japan Federation of Bar Associations) 	
Expansion/Admissions Feedback	<p><u>Kai Yun Wong</u> John Spender</p>	<p>Ayako Ikeda Kiran Dhaliwal Catherine Por Geeta Luthra</p>
AP involvement on IAFL Global Sub-Committees		<ol style="list-style-type: none"> Corinne Remedios Governors- Kay Feeney, Samantha Gershon, Shu Mei Hoon, Isaac Hikaka Nominating Committee- Rita Ku Expansion/Potential Fellows- Corinne Remedios Mentoring/Buddies - Damien Greer Communication with Fellows – Kee Lay Lian, Damien

		<p>Greer, Jason Walker</p> <p>7. Academic Liaison- Mark Henaghan, Diana Bryant</p> <p>8. Amicus- Ian Kennedy</p> <p>9. Dispute Resolution- Geoff Wilson, Winnie Chow</p> <p>10. Forced Marriage – Jacky Campbell, Stephen Page</p> <p>11. Hague Sub-Comm International Protection of Children and Adults- Poonam Mirchandani, Makiko Mizuuchi</p> <p>12. Hague Sub-Comm International Financial Relief for Children and Former Spouses- Rita Ku, Nigel Nicholls</p>
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Three points to note. Firstly, given that we have only 152 fellows, this means that 25% of us are involved in such committee work and have put our shoulders to the wheel. Secondly, I know for a fact from my management committee members, who are the ones doing the heavy lifting as you can see from the tasks they have undertaken, that there are lots of other tasks which these fellows have quietly undertaken informally (happily, organising drinks and get-togethers included). You can't help but smile at the camaraderie and sense of ownership in the AP chapter. A big thank you to each one of you!

Which brings me to the third point. For those of us in the AP chapter who have yet to get involved, please do feel free to contact any of the management committee members to find out more and dip your toe in that water. Whether it is to be part of AP leadership and management, whether it is to be part of any particular focus groups, or to be part of outreach and expansion to under-represented jurisdictions (to assist in the organisation of events, to speak at such events, or to be involved in the publications after), we welcome all.

And on that latter note, you will see from the table above that we have set our sights on various jurisdictions and events for expansion, which I will share more about in the next message.

In the meantime, for those of us in the AP going and travelling those lengths, see you in Boston!

- May AP Hour Review -
**"Safeguarding Family Wealth: Navigating the intersection of family law
and estate
planning"**

On Monday, 13 May 2024 there were nearly 60 registrants for our Asia-Pacific chapter Zoom seminar dealing with “Safeguarding Family Wealth: navigating the intersection of family law and estate planning”.

It was an engaging session exploring strategies for helping ultra-high net worth and high net worth families across multiple jurisdictions as they plan the succession of their wealth mindful of the family law impact on financial settlements.

The session was moderated by O’Sullivan Davies principal Andrew Davies (Perth) who is a highly respected senior fellow of the Academy.

Andrew was joined by three esteemed family law experts: Kares So, LLP partner Jonathan Mok (Hong Kong), Harry Elias Partnership LLP Carrie Gill (Singapore) and Y N Foo & Partners, Yet Ngo Foo (Kuala Lumpur).

The panel shared valuable insights, tips and pearls of wisdom gained from their extensive experience in this field and used the scenario below to deal with a number of specific issues. The panel delved into complex issues surrounding cross-border matrimonial disputes, the division of assets, use of trusts, nuptial agreements and the intricate interplay between family law and estate/succession planning.

The importance of proactive planning was also highlighted considering the nuances of different jurisdictions and leveraging the expertise of specialised professionals to safeguard family wealth effectively.

The emergence of the use of family offices for these high-net-worth families in Hong Kong and Singapore highlight the need for long-term planning.

There was also interesting news from Yet about the Malaysian Labuan IBFC Foundation and the opportunities that were available for tax planning and estates and how difficult it was to penetrate an entity set up in that jurisdiction.

A critical point stressed by all the speakers was the importance of actively working with clients to plan how best to structure assets in different jurisdictions in Southeast Asia especially mindful of possible challenges in a Family Court. It is often too late after there is a separation. The panel then delved into and considered the following scenario from the perspective of their respective jurisdictions:

Scenario

David Yew and his wife Sally are originally from Perth but are now successful business people living in Kuala Lumpur.

David established an engineering company in Kuala Lumpur serving the mining industry throughout Malaysia, Indonesia and Hong Kong – and is now looking to expand into other countries in South East Asia.

Sally works remotely from Kuala Lumpur as the Chief Financial Officer for UBS in Singapore.

Their two children attended private schools in Perth, Western Australia, are now independent with the eldest, Helen, married and living in Hong Kong with 2 children.

Helen holds assets for her parents in Hong Kong.

Helen's marriage of 5 years has not been smooth sailing. Helen is wanting to have a post-nuptial agreement in Hong Kong to protect her assets and that of her parents.

Matthew is presently studying at UCL and hopes to complete an economic and commerce degree shortly. It is his plan to return to run David's engineering business (with active long-term visions of major expansion).

There is now pressure on Sally Yew to move to Singapore to live and head up the South East Asian division of UBS – David will commute between KL and Singapore.

David and Sally want to ensure protection of their significant family wealth from claims by the current partner of Helen and the new partner of Matthew.

They consult you about how best to put in place longer term plans for their children, future grandchildren and maintain the dynastic wealth. They want your advice on how best to make their structures as "family law bullet proof" as possible and how might they best secure assets in Hong Kong, Singapore, Australia and Malaysia from attack.

Thanks to the moderator and speakers for hard work, research and expertise on this fascinating area of family law.

Andrew Davies, O'Sullivan Davies

Podcast: Recognition of pre-nuptial agreements in Australia and the United Kingdom

Nicholes Family Lawyer's Managing Partner Sally Nicholes and Senior Partner Keturah Sageman are joined by Dawson Cornwell Partner Simon Bruce in a podcast that examines the legal treatment of pre-nuptial agreements in the United Kingdom and Australia and determine how they shape the landscape of family law in each jurisdiction. Sally, Keturah and Simon discuss the similarities and differences in the approach to pre-nuptial agreements in Australia and the United Kingdom; recent developments in case law in each country; and potential reforms to this area of important family law practice.

Link to podcast:

<https://open.spotify.com/episode/44r4s78vNqs3IDNisHPJgw?si=2B2CmNSBQb-zgMSXt3uJlw>

In The News

[Article 1: Japan – New custody laws](#)

Japan's parliament has approved a legal change allowing divorced couples to negotiate joint custody of their children, replacing the current sole custody system.

These changes come after significant criticism of Japan's exclusive sole custody approach to custodial laws, which can mean one parent has no time with the children. Many believe this causes children psychological harm and prevents parents being "left-behind" and deprived from contributing to their children's upbringing.

However, supporters of the existing arrangements fear that joint custody could endanger children in cases of child abuse and subject women who suffered from domestic violence to maintain ties with their abuser.

Currently over 200,000 children are affected by divorce in Japan annually, with one in three losing contact with their non-custodial parent. The legislative change though not yet in force, signifies the nation's willingness to place paramount focus on the child's best interests.

[Article 2: Thailand – Marriage Equality Bill](#)

Thailand is nearing legalisation of same-sex marriage with a marriage equality Bill currently under Senate review and expected to be voted on in June. The Bill passed through the House of Representatives and the Upper House with ease on its first reading. It needs to pass a second and third reading in the Upper House before it can be endorsed by the King.

The Bill aims to amend the Civil and Commercial Code, replacing gender-specific terms with gender-neutral ones. This would grant LGBT couples access to equal rights, including healthcare and pensions, and allow foreign LGBT couples to marry in Thailand.

As political winds continue to shift in favour of the marriage equality Bill, we can expect to see Thailand's legal framework transform to catch up with its international reputation as a progressive sanctuary for LGBT individuals.

[Article 3: China – Supreme People's Court & Divorce Economic Assistance](#)

China's Supreme People's Court is reviewing public feedback on Article 20 of the Civil Code, which mandates economic assistance for financially disadvantaged parties in divorce cases.

This provision aligns with traditional Chinese customs: even though the couple has separated, they should still fulfill their obligation to each other as promised when they first married.

Assistance division allows the courts to order temporary housing, rental payments, or residence rights ensuring a basic living standard.

As such, some experts fear this could be a deterrent for couples who have significant economic disparities from getting married in fear of being forced to provide financial support in the event of divorce.

[Article 4: Malaysia – Single mother sentenced to whipping for 'khalwat' offence](#)

A single mother has been sentenced to six strokes of the cane and a fine equivalent to \$1,140, in default eight months in jail for committing 'khalwat' : the act of being with a man that was not her husband or 'mahram'.

The woman had previously been convicted of a similar offence in 2018 and was fined.

Catching up at other events!

There is a long standing tradition of fellows from across Asia Pacific catching up socially on the side lines of other events: having a number of fellows in the same place at the same time is an opportunity not to be missed!

There are a number of such opportunities in upcoming months.

If catching up at one of these events might be of interest, then please express an interest using the links below:

- Expression of interest to catch up socially on the side lines of the Law Asia Conference being held in Kuala Lumpur 13 - 15 October 2024:
<https://forms.office.com/r/usxc2X6PL1>
- Expression of interest to catch up socially on the side lines of the Family Law Section of the Law Council of Australia conference being held in Perth 30 October to 1 November 2024:
<https://forms.office.com/r/3BDjmYBLrC>

At this stage we are simply seeking expressions of interest. The expressions of interest received will then guide the formulation of the more specific plans for each event.

Upcoming Events

5 to 9 June 2024: [IAFL Annual Meeting, Boston, USA | International Academy of Family Lawyers | IAFL](#)

11 September 2024 [IAFL USA & Canadian Chapters' Meeting, Seattle, USA](#)

4 December 2024 [IAFL European Chapter Meeting, Paris](#)

5 - 8 February 2025 USA & Canadian Chapters Meeting, Charleston

21 - 25 May 2025 European Chapter Meeting, Istanbul

September 2025 IAFL Annual Meeting, Nairobi

December 2025 [Asia Pacific Chapter Meeting, Hong Kong](#)

4 - 8 February 2026 European Chapter Meeting, Barcelona

Please note the dates, times, and topics may change and are not finalised. We hope to see you at as many of the events as possible!

AsPacEd would love to hear from Fellows!


What will 2024 bring to the practice of family law on an international level? The Asia-Pacific Chapter AP Hour is an excellent and exciting opportunity for us as family lawyers in the Asia-Pacific region to meet and continue to learn and grow from one another.

If you have an article or a news item for publication in AsPacEd, please contact one of our editors:

[Ivan Cheong](#), [Samantha Gershon](#), [Sally Nicholes](#) or [William Sloan](#).

If you would like to suggest topics or speakers for a future AP Hour, please contact one of our Co-ordinators:

[Inger Blackford](#), [Shu Mei Hoon](#), [Jacky Campbell](#) or [Caroline McNally](#).



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