

FORM 2

[Rule 9(2)]

General Form of Petition
In the District Court of Hong Kong held at
No. of
Matter

THE PETITION OF

SHOWS THAT—

(1) On the _____ day of _____ 19____ the petitioner _____
was lawfully married to _____ (hereinafter called the respondent) at _____
_____.

(2) The petitioner and the respondent have cohabited at [*state the last address at which they have cohabited in Hong Kong*] [or The petitioner and the respondent have not cohabited in Hong Kong].

(3) Both the petitioner and the respondent are domiciled in Hong Kong [or *as the case may be*]; the petitioner is a [*state occupation*] and resides at

, and the respondent is a [*state occupation*] and resides at .

(4) There is [are] [no [*or state number*]] children of the family now living] [namely [*state the name of each child and his date of birth or, if it be the case, that he is over 18 and, in the case of each minor child over the age of 16, whether he is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation*]].

(5) [*In the case of a husband's petition*] No other child now living has been born to the respondent during the marriage so far as is known to the petitioner [*or in the case of a wife's petition*] No other child now living has been born to the petitioner during the marriage [except [*state the name of any such child and his date of birth, or if it be the case, that he is over 18*]]].

(6) [*Where there is a dispute whether a child is a child of the family*] The petitioner alleges that _____ is [not] a child of the family because [*give full particulars of the facts relied on by the petitioner in support of his or her allegation that the child is or, as the case may be, is not, a child of the family*].

(7) [*Where appropriate in the case of a child who is under 18*] The said _____ was, on the _____ day of _____ 19____, received into the care of [or is a child with respect to whom a resolution was, on the _____ day of _____ 19____, passed by] the Social Welfare Department.

(8) [*Where an application is made in the petition for an order for the support of a child of whom the respondent is not a parent*] The respondent assumed responsibility for the maintenance of the said _____ to the following extent and for the following time namely [*give details*]. There is no other person liable to maintain the said child [except _____].

(9) There have been no previous proceedings in any court in Hong Kong or elsewhere with reference to the marriage [or to any children of the family] [except [*state the nature of the proceedings, the date and effect of any decree or order and, in the case of proceedings with reference to the marriage, whether there has been any resumption of cohabitation since the making of the decree or order*]]].

(10) The following [or No] agreement or arrangement has been made or is proposed to be made between the parties for the support of the respondent [and the said children] [namely [*state details*]].

(11) [*In the case of a petition for divorce alleging only any such fact as is mentioned in section 11A(2)(d) of the Ordinance*] The petitioner proposes, if a decree *nisi* is granted, to make the following financial provision for the respondent [*give details of any proposal not mentioned in paragraph (10)*] [or The petitioner makes no proposals for financial provision for the respondent in the event of a decree *nisi* being granted].

(12) [*In the case of a petition for divorce*] The said marriage has broken down irretrievably.

(13) The respondent has committed adultery with _____ and the petitioner finds it intolerable to live with the respondent [or The respondent has behaved in such a way that the petitioner cannot reasonably be excepted to live with the respondent] [or The respondent has deserted the petitioner for a continuous period of at least one year immediately preceding the presentation of this petition] [or The parties to the marriage have lived apart for a continuous period of at least one year immediately preceding the presentation of this petition and the respondent consents to a decree being granted] [or The parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation for the petition] [or, where the petition is not for divorce or judicial separation, set out the ground on which relief is sought, and in any case state with sufficient particularity the facts relied on but not the evidence by which they are to be proved].

(14) [In the case of a petition for nullity] This petition is not presented or prosecuted in collusion with the respondent.

The petitioner therefore prays—

(1) That the said marriage may be dissolved [or as the case may be].

(2) That he [she] may be granted the custody of [state name[s] of the child[ren] and add any application for a declaration under section 19(3) of the Matrimonial Proceedings and Property Ordinance].

(3) [Where appropriate] That _____ may be ordered to pay the costs of this suit.

(4) That he [she] may be granted the following ancillary relief, namely [state particulars of any application for ancillary relief which it is intended to claim].

The names and addresses of the persons who are to be served with this petition are [give particulars, stating if any of them is a person under disability].

The petitioner's address for service is [Where the petitioner sues by a solicitor, state the solicitor's name or firm and address, or, where the petitioner sues in person, state his place of residence as given in paragraph (3) of the petition or, if no place of residence in Hong Kong is given, the address of a place in Hong Kong at or to which documents for him may be delivered or sent].

Dated this _____ day of _____ 19 ____.

Note: Under the Matrimonial Causes Rules further information is required in certain cases.

(L.N. 135 of 1972; L.N. 172 of 1996)