

FORM 3

[Rule 12(7)]

Notice of Proceedings

In the District Court⁽¹⁾ of Hong Kong held at
 No. of
 Matter

⁽¹⁾ Amend if the
 proceedings are pending in
 Court of First Instance.

Between

and

[and

Petitioner
 Respondent
 Co-Respondent]

TAKE NOTICE that a petition [or divorce]⁽²⁾ has been presented to the Court. A copy of it [and a copy of the petitioner's proposals regarding the child[ren]] [is] [are] delivered with this notice.

⁽²⁾ Or as the case may be.

1. You must complete and detach the acknowledgement of service and send it so as to reach the Court within 8 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.

2. ⁽³⁾ If you wish to do so, you may send to the court a statement setting out your views on the proposals regarding the children. If you send a statement it will be placed before the Judge dealing with the arrangements for the child[ren] and a copy of your statement will be sent to the petitioner.

⁽³⁾ Delete if inapplicable.

3. If the reply to Question 4 [5 or 6]⁽³⁾ in the acknowledgement is Yes, you must, within 29 days after you receive this notice, inclusive of the day of receipt, file in the Court office an answer to the petition⁽²⁾, together with a copy for every other party to the proceedings.

4. ⁽³⁾ If the reply to Question 5 in the acknowledgment is Yes, the consequences to you are that—

- (a) provided the petitioner establishes the fact that the parties to the marriage have lived apart for one year immediately preceding the presentation of the petition and that you consent, a decree will be granted unless, in the case of a petition for divorce, the Court is satisfied that the marriage has not broken down irretrievably;
- (b) your right to inherit from the petitioner if he or she dies without having made a will ceases on the grant of a decree of judicial separation or on a decree *nisi* of divorce being made absolute;
- (c) in the case of divorce the making absolute of the decree will end the marriage thereby affecting any right to a pension which depends upon the marriage continuing or upon your being left a widow; will cease unless the court directs otherwise during the subsistence of the marriage;

(d) apart from the consequences listed above there may be others applicable to you depending on your particular circumstances. About these you should obtain legal advice from a solicitor.

5. ⁽³⁾ If after consenting you wish to withdraw your consent you must immediately inform the court and give notice to the petitioner.

6. ⁽³⁾ The only fact on which the petitioner relies in support of the petition is that the parties to the marriage have lived apart for at least 2 years. Section 17A of the Ordinance provides that if in such a case the respondent applies to the Court for it to consider the respondent's financial position after the divorce, the decree *nisi* cannot be made absolute unless the Court is satisfied that the petitioner has made or will make proper financial provision for the respondent, or else that the petitioner should not be required to make any financial provision for respondent. Paragraph (11) of the petition will tell you whether the petitioner proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 7 in the acknowledgment.

7. ⁽³⁾ If the reply to Question 7 in the acknowledgment is Yes, you must, before the decree is made absolute, make application to the court by filing and serving on the petitioner a notice in Form 8A, which may be obtained from the Court.

8. If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may send the acknowledgment to the Court on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgment so that any documents affecting your interests which are sent to you will in fact reach you. Change of address should be notified to the Court.

Dated this _____ day of _____ 19 ____.

To

(L.N. 325 of 1982; L.N. 78 of 1986; L.N. 246 of 1995; L.N. 235 of 1996; L.N. 295 of 1996; 25 of 1998 s. 2)