

Jocelyn Tsao

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Jocelyn is the managing director of our Hong Kong office and a partner who leads the Hong Kong divorce and family team.

Jocelyn started her family law practice 15 years ago in 2007, and advises on all aspects of matrimonial law including divorce, prenuptial agreements, child care and custody and financial disputes. She advises husbands, wives, and unmarried partners. She is an experienced advocate in court as well as a seasoned negotiator in mediations.

Jocelyn has been involved with some of the most high profile cases to come before the courts in Hong Kong as part of a team involving high net worth individuals with diverse and complex issues. She has considerable experience in divorce cases involving trusts, corporate structures and injunctions, as well as complex cross-jurisdictional divorces which requires co-ordinating with other solicitors overseas and experts, as well as leading counsel in Hong Kong and London. Jocelyn is familiar with issues surrounding digital assets in divorce proceedings - from valuation, legal ownership, proof, division and preservation of digital assets to protecting, managing and transferring of digital assets.

Her cases have recently been concerned with international child abduction, issues of jurisdiction, financial discovery and dealing with the preliminary issue of beneficial ownership, with one notable case involving two famous banking families in Hong Kong.

Jocelyn is passionate about cases involving children's interests, custody, care and control, and has successfully dealt with a number of child relocation cases, with expertise on Hague Convention cases involving child abduction before the High Court.

From 2020-2023, Jocelyn is recognised as a Recommended Lawyer in Doyle's Hong Kong Family & Divorce Lawyers Ranking. She is rated as a Future Star in Benchmark Litigation in the practice areas of Family and

Matrimonial for 3 consecutive years (2020-2022) and as a Litigation Star in 2023. She is also recognised as an Up and Coming practitioner in Chambers and Partners in 2021-2023, Next generation partner in Legal 500 2023, the Young Lawyer of the Year (Law Firm) at the ALB Hong Kong Law Awards 2022, and was listed as Asia's top 40 lawyers under the age of 40 by ALB in 2022.

Track record

HK\$1.4bn award

Advised a very high profile client when she achieved the largest ever award from a court in Hong Kong, namely HK\$1.4 billion. This case involved issues relating to s17 applications as well as consideration as to whether or not shares in a business of considerable value should form part of the marital assets. It also considered the impact of corporate documents in the context of divorce following the landmark Supreme Court decision in England of *Prest v Petrodel*. This matter subsequently went to the Court of Appeal and was reported as *TCWF v LKKS* (No. 1) [2014] HKFLR 1; [2014] 1 HKLRD 896.

Complex case involving wealthy family

Responsible for a complex case involving a wealthy family in Hong Kong in particular successfully applying for detailed specific discovery and running a preliminary case to determine beneficial ownership: *LCJWY v LCKS* [2015] HKEC 1403 and [2016] HKEC 789.

Family case

Acted for the applicant in a highly acrimonious case involving custody, care and control and access on the issue of custody, care and control, and access. She successfully secured sole custody, care and control and restricted access to the father, with costs. Represented and advised client against the father's false criminal allegations of child abuse: *CCAIH and CGCL FCMP122/2013*.

Family dispute

Acted for the wife to the Court of Appeal on the main suit. The husband filed a stay summons on the wife's petition on the ground of forum non-conveniens, claiming that the South Korean Family Court was the more appropriate forum. The husband also filed an application to seek leave to file an amended answer and cross-petition. The Court of Appeal dismissed the husband's stay summons. Jocelyn worked with senior counsel from the UK and lawyers from Korea: *SJH and RJH CACV 280/2011* [2012] 3 HKC.

Family case

Jocelyn acted in one of the first cases under Section 29AC of the MPPO. Wife sought financial relief from the Hong Kong Court on a divorce already finalised in Macau. The key question in the case was whether the applicant could prove her substantial connection with Hong Kong so that the Hong Kong courts would have jurisdiction to hear the matter: *CMC and WPM FCMP59/2012* [2012] HKEC 1257.

Talks

- *'Protecting ones' wealth in the event of a divorce'*, Dec 2021
- *'Pro Bono Hong Kong Seminar on Family Law '- Pro Bono*, Nov 2021
- *'Divorce across multiple jurisdictions'* and *'The Protection of Assets in Trusts'*, Transcontinental Trusts Asia Conference - March 2015
- *'香港律師會法律周：知法守法'*, TVB legal programme, Hong Kong Law Week Special - 2011

External publications

- 'Dealing with business interests in divorce settlements - How does it work in Hong Kong?'* - June 2022, co-author
- 'Enforcement and recognition of matrimonial orders between Hong Kong and the Mainland'*, Feb 2022, co-author
- 'Parental choices over vaccinations and how it relates to custody in Hong Kong'*- Jan 2022, co-author
- 'Parental rights for same-sex partners in Hong Kong and Singapore'*, Dec 2021, co-author
- 'Parental rights of unmarried fathers in Hong Kong'* - July 2021, author
- 'Hong Kong: Parental rights for same-sex partners'* - June 2021, co-author
- 'Why Mediation Should be Used to Resolve Child Custody Disputes in Hong Kong'*, Hong Kong Lawyer - January 2020, co-author
- 'Why splitting assets down the middle may not be fair in some divorce cases'*, SCMP - October 2013
- 'International Aspects of Child Abduction in Asia Pacific'*, IAML - 2013

Admissions

Hong Kong, 2009

Education

University of Hong Kong, LLB, PCLL

Languages

Cantonese
English

Memberships

Hong Kong Family Law Association
Law Society of Hong Kong

Key dates

Year joined: 2012

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