Chan Choy Kheng *v* Wong Kin Wah
[2010] SGHC 137

Case Number : Divorce (T) No 494 of 2008

Decision Date : 04 May 2010

Tribunal/Court : High Court

Coram : Choo Han Teck J

Counsel Name(s) : Loh Wai Mooi (Bih Li & Lee) for the plaintiff; Geralyn Danker (Veritas Law Corporation) for the defendant.

Parties : Chan Choy Kheng — Wong Kin Wah

Family Law

4 May 2010 Judgment reserved.

Choo Han Teck J:

1 The plaintiff (wife) married the defendant (husband) on 28 March 1987. The marriage was ended by an interim judgment in the plaintiff's favour on 14 November 2008. The defendant is 54 years old and the plaintiff is 52 years old. They consented to the orders made on 31 March 2009 in respect of the ancillary issues except the question of the division of matrimonial assets and maintenance for the plaintiff and three of the four children. These are the issues now before me.

2 The plaintiff is a human resource manager by occupation and the defendant is a finance manager. They owned an executive Housing and Development Board ("HDB") flat ("the flat") which they purchased in 1990 for $144,300. They obtained a loan of $116,200 from the HDB, of which a sum of $36,851 was still owing as at 22 February 2009. The estimated current value of the flat is $495,000.

3 Ms Loh, counsel for the plaintiff submitted that the plaintiff contributed $173,336 towards the cost of the purchase and renovation of the flat, and of which sum, $18,836 was from her Central Provident Fund ("CPF") account. Her total contribution was thus 40%. Whereas, the defendant contributed $256,205 (60%) of which $210,594 was from his CPF.

4 The plaintiff's disclosed assets included insurance policies and shares, which together with money in cash, savings in banks and the CPF, and jewellery, amounted to $506,777. The defendant's disclosed assets amounted to $963,020. The plaintiff claimed that the defendant had wilfully concealed some of his assets and despite requests to disclose, he had not produced various documents. These included bank statements and documents of title in respect of real property in the Philippines which were purchased for the parties' former maid, "Mary Jane". The defendant denied that the property was for the maid and that it was his but held by the maid on trust for him since he was a foreigner. However, the defendant claimed that the maid has since sold the property and he is now unable to contact her to recover the sale proceeds. In this regard, I find the defendant has concealed some facts. The defendant is a member of Western Union (a remittance agency) and earns five points for each remittance mode. The evidence that he had earned 60 Western Union points as at 3 February 2009 showed that the defendant had probably made 12 remittances. As at 10 December 2009, he had earned 125 Western Union points suggesting that he made 13 more remittances. This contradicted his affidavit in which he declared that he had not sent any more

money to the maid after 3 February 2009. The remittances disclosed concerned money sent to another maid "Elena Denila". Ms Danker, counsel for the defendant submitted that the defendant's assets other than the flat amounted to only $885,071.86.

5 I am of the view that the defendant had probably failed to disclose some of his assets. Having regard to the facts and circumstances, a fair division would be to order the flat to be sold and the net proceeds after payment of CPF and loans, divided equally. I also find that the total of the other assets to be $1,469,797.43. I accept that this is not an accurate figure although it is a precise sum. That is because I find that the defendant had concealed some of his assets. Consequently, I will order that the plaintiff be given a larger share of the assets (other than the flat) and in the apportionment of 70% to the plaintiff and 30% to the defendant.

6 In respect of maintenance, the defendant has care and control of the first child, a son born on 16 May 1989. He is claiming $800 in maintenance from the plaintiff for this child. The plaintiff has care and control of the two daughters born on 3 November 1992 and 6 October 1995 respectively. The fourth child was not born from the marriage and is being maintained solely by the plaintiff.

7 I am of the view that the plaintiff has to share in the maintenance of the first child through his tertiary education, but I am of the view that the amount should be $300 a month with liberty to either party to apply. As to the maintenance of the daughters I am of the view that the defendant should be ordered to contribute $1,600 a month to them jointly.

8 The plaintiff claims a lump sum payment, alternatively, a monthly sum of $1,500 for herself as maintenance. I am of the view that a sum of $1,000 would be more reasonable.

9 I thus order that —

a. The matrimonial flat be sold and the net proceeds after payment of expenses, loans and CPF contributions, be divided equally.

b. The remainder of the matrimonial assets determined at $1,469,797.43 be divided in the proportion of 70:30 in favour of the plaintiff.

c. The plaintiff contributes $300 to the maintenance of the first child.

d. The defendant contributes a sum of $1,600 to the maintenance of the second and third child jointly.

e. The defendant contributes a sum of $1,000 towards the maintenance of the plaintiff.

f. There be liberty to apply.