IN THE APPELLATE DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2025] SGHC(A) 2

Appellate Division / Civil Appeal No 65 of 2024

Between

WXW

… *Appellant*

And

WXX

… *Respondent*

EX TEMPORE JUDGMENT

[Family law — Matrimonial assets — Division — Dual-income or single-income marriage]

Version No 1: 05 Feb 2025 (16:35 hrs)

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WXW
v
WXX

[2025] SGHC(A) 2

Appellate Division of the High Court — Civil Appeal No 65 of 2024
Woo Bih Li JAD, Debbie Ong Siew Ling JAD, Mavis Chionh Sze Chyi J
5 February 2025

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Debbie Ong JAD (delivering the judgment of the court *ex tempore*):

Introduction and Background

1 The key issue for our consideration in this appeal is whether the marriage between the parties was a single-income marriage, applying the principles established in *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609 ("*TNL v TNK*").

2 The appellant (the "Wife") and the respondent (the "Husband") were married in January 1988. An interim judgment of divorce was granted on 22 September 2022. The parties' marriage lasted 34 years. They have three adult children who are 34, 31 and 26 years of age this calendar year. The Wife appeals against the decision of the Judge of the Family Division of the High Court (the "Judge") whose grounds of decision are in *WXW v WXX* [2024] SGHCF 24 (the "Judgment").

3 The Wife worked full-time throughout the marriage. The Husband worked full-time in a bank for the first nine years of the marriage and left that job in 1997. Since then, he has not been in full-time employment but engaged in the following work, as set out in the Judgment at [3]:

> (a) running a home-delivery laundry service in 1998 for a period of one year, where payment was made on a commission basis;
> (b) operating a fried noodles hawker stall for two months in 2000, which he claims to have made a loss;
> (c) offering services for a wedding planning company (in which he was responsible for occasionally assisting with marketing matters, but for which he claims he was ultimately not paid) for four years beginning 2004;
> (d) conducting *ad hoc* Financial Futures and Options (Financial Derivatives) Markets classes without charge at home for four years beginning 2008;
> (e) acting as a guest speaker in Malaysia on financial markets on an *ad hoc* basis for six years beginning 2012, in which he received an honorarium of MYR200 to MYR300 each time; and
> (f) acting as the managing director of a private company for one year beginning June 2020 with a basic monthly salary of S$2,200. He was paid a one-time bonus of S$5,000 in August 2021.

4 The Judge valued the total pool of matrimonial assets at S$7,795,484.21. There was an error in her assessment of the net sale proceeds of the matrimonial home which comprised part of the pool but it is not material for present purposes. In dividing the matrimonial assets, the Judge identified the main inquiry to be

> … whether the case relates to a dual-income marriage such that the structured approach in *ANJ v ANK* [2015] 4 SLR 1043 ("*ANJ v ANK*") should apply, or to a single-income marriage where the framework in *TNL v TNK and another appeal and another matter* [2017] 1 SLR 609 ("*TNL v TNK*") would be more appropriate.

5 The Judge found on the facts that this was a single-income marriage and as such, the structured approach in *ANJ v ANK* [2015] 4 SLR 1043 ("*ANJ v ANK*") did not apply. Guided by the principles in *TNL v TNK* and case precedents with similar factual matrix, she ordered that the matrimonial assets be divided in the ratio of 60:40 in the Wife's favour.

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The Wife's contentions in this appeal

6 The Wife makes four main contentions in this appeal.

(a) First, she contends that the Judge erred in classifying their marriage as a single-income marriage.

(b) Second, she argues that the Judge failed to accord her sufficient credit for her contributions towards the family.

(c) Third, she submits that the Judge erred in finding that the size of the matrimonial pool was not so large as to warrant a greater deviation from equal division.

(d) Finally, the Wife submits that the Judge erred in making the consequential order for an adjustment of the CPF refunds in relation to the sale of the matrimonial home, thereby giving rise to double counting.

Issue 1: Is this a single-income or dual-income marriage?

7 The main issue in this appeal is whether the parties were in a single-income or dual-income marriage. The significance of determining this question lies in the applicable approach for dividing the parties' matrimonial assets pursuant to s 112 of the Women's Charter 1961 (2020 Rev Ed) ("Women's Charter").

The* ANJ *approach for dual-income marriages

8 The approach in *ANJ v ANK* (the "*ANJ* approach") "was aimed at according sufficient recognition to each party's contributions towards the marriage, and avoiding overvaluing or undervaluing indirect contributions" (*UYP v UYQ* [2020] 3 SLR 683 at [58], endorsed on appeal in *UYQ v UYP*

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[2020] 1 SLR 551 at [1]). It is also referred to as the "structured approach", containing a few structured "steps". The court will, in the first step, ascribe a ratio that represents each party's direct financial contributions towards the acquisition of the matrimonial assets, relative to that of the other party. In the second step, the court will ascribe a second ratio to represent each party's indirect contributions to the well-being of the family, again, relative to that of the other party. Next, the court derives each party's average percentage contribution to the marriage. Further adjustments to this average ratio may be made after taking into account other relevant circumstances to arrive at a just and equitable division of the assets (see *ANJ v ANK* at [22]).

The TNL *approach for single-income marriages*

9 The Court of Appeal in *TNL v TNK* held that the "*ANJ* approach should not be applied to Single-Income Marriages" (at [46]). It explained the rationale for this holding at [44]–[45]:

> 44 Our reconsideration of the *ANJ* approach in the context of Single-Income Marriages stems from the fact that [the] *ANJ* approach tends to unduly favour the working spouse over the non-working spouse. This is because financial contributions are given recognition under *both* Steps 1 and 2 of the *ANJ* approach. Under Step 1, the working spouse in a Single-Income Marriage would be accorded 100% (or close to 100%) of direct contributions. He or she would also be accorded a substantial percentage under Step 2 solely on the basis of his or her indirect financial contributions, and this could well be the case even if he or she made little or no non-financial contributions. On the other side of the equation, this means that the non-working spouse is, in this sense, doubly (and severely) disadvantaged.
>
> 45 We do not think that such an outcome is at all consistent with the courts' philosophy of marriage being an equal partnership. Nor do we think that this was this court's intention in *ANJ* …. Quite the contrary, we reaffirmed the rationale behind the broad-brush approach in *ANJ* (at [17]) by highlighting that "mutual respect must be accorded for spousal contributions, *whether in the economic or homemaking spheres*, as both roles are *equally fundamental* to the well-being of a marital partnership" [emphasis in original omitted; emphasis

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> added]. However, giving effect to this principle in the context of a Single-Income Marriage and within the framework of the *ANJ* approach would almost inevitably result in some degree of artificiality: the court would either have to award the nonworking spouse a very high percentage in Step 2 (which may appear to disregard the working spouse's indirect financial contributions), or accord a very high weightage to Step 2 at Step 3. In some, if not most, cases, the court would have to do both.
>
> [emphasis in original]

10 Where the *ANJ* approach is not applicable, the approach to be applied has been loosely referred to as the *TNL* approach or framework. However, the *TNL* approach or framework is not an "approach" structured in the same way that the *ANJ* approach is. Its "approach" is to use precedent cases to guide the outcome of the case at hand (*TNL v TNK* at [48]):

> In *long* Single-Income Marriages, the precedent cases show that our courts tend towards an equal division of the matrimonial assets. We are in general agreement with this approach. We pause to highlight that different considerations may attach in *short* Single-Income Marriages, although we propose to leave that issue to be dealt with in an appropriate case in the future.
>
> [emphasis in original]

11 Three cases involving long single-income marriages referred to as case precedents in *TNL v TNK* have these characteristics: the marriages were at least 26 years in length, one spouse was primarily the homemaker while the other was primarily the breadwinner and both had discharged their respective roles throughout the marriage. It should be noted that there are also precedent cases of long single-income marriages with some different features which have resulted in outcomes that do not tend towards an equal division. An example is *Yeo Chong Lin v Tay Ang Choo Nancy* [2011] 2 SLR 1157 which involved a single-income marriage of 49 years. In that case, the assets were not divided equally but in the ratio of 65:35 in favour of the breadwinner spouse. The Court of Appeal explained that it was "a unique case and it is clear that a major factor

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that featured in the analysis was the exceptionally large size of the asset pool, which amounted to around $69m" (*TNL v TNK* at [52]).

Determining if a marriage is single-income or dual-income

12 What is a single-income marriage as envisaged in *TNL v TNK*? The Court of Appeal referred to a single-income marriage as one involving an arrangement "along more traditional lines, *ie*, where one spouse is the sole income earner and the other plays the role of homemaker" (*TNL v TNK* at [43]).

13 We highlight that just because one spouse earns far less than the other does not render the partnership a single-income marriage. In *DBA v DBB* [2024] [2024] 1 SLR 459 ("*DBA v DBB*"), the Appellate Division of the High Court made clear that "a large disparity in income between the spouses does not in itself render the marriage a single-income marriage" (*DBA v DBB* at [13]). Also, the fact that one spouse worked intermittently over the course of the marriage does not in itself determine whether the marriage is a single-income or dual-income marriage (see *DBA v DBB* at [12]). The key enquiry focuses on the *roles undertaken and discharged* by the spouses during the marriage: what is called for is a qualitative assessment of the roles played by each spouse in the marriage relative to each other (*UBM v UBN* [2017] 4 SLR 921 at [52]). The reason why the *ANJ* approach does not apply to single-income marriages is that it "tends to unduly favour the working spouse over the non-working spouse" (*TNL v TNK* at [44]) and thus the homemaker spouse is disadvantaged by his or her role in the marriage despite the philosophy that marriage is an equal partnership of different efforts. This rationale should guide how a single-income marriage ought to be understood.

14 The determination of the primary roles carried out by each party is based on the facts and circumstances of each case. A homemaker spouse in a single-

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income marriage is the *primary homemaker*, not just a spouse who does some or even substantial homemaking. As an example, in the latter situation, a working spouse who is not the primary homemaker may also carry out substantial homemaking and will be credited with substantial indirect contributions pursuant to the *ANJ* approach.

15 Family law on the division of assets has always emphasised the important roles of both spouses, where each spouse may contribute different efforts in breadwinning and homemaking. Thus, if the spouses have decided on a certain arrangement such that one spouse cares for the children and home while the other provides financially for the family, the law gives equal recognition to both types of efforts. The joint marriage partnership is built on the spouses' joint and complementary roles where the breadwinner can focus on his or her career, assured that the children and home are well cared for by the homemaker spouse (and vice-versa). In *NK v NL* [2007] 3 SLR(R) 743, the Court of Appeal said (at [20]):

> The division of matrimonial assets under the Women's Charter is founded on the prevailing ideology of marriage as an equal co-operative partnership of efforts. The contributions of both spouses are equally recognised whether he or she concentrates on the economics or homemaking role, as both roles must be performed equally well if the marriage is to flourish.

16 Thus, whichever approach is applied, a just outcome must give sufficient recognition to the contributions of both spouses whether the spouse concentrates on the breadwinning or homemaking role. We point out that the *equal recognition* of different roles and efforts *does not necessarily equate with exactly equal division* of assets. This is because while different efforts are *equally valued*, the spouses may not *contribute equally* relative to each other.

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17 Having said that, we emphasise that parties should not apply the *ANJ* and *TNL* approaches as if they are "technical" rules, overlooking the very rationale behind them. In *USB v USA and another appeal* [2020] 2 SLR 588, the Court of Appeal remarked (at [43]):

> … the broad-brush approach should be applied with particular vigour in assessing the parties' *indirect* contributions. This would serve the purpose of discouraging needless acrimony during the ancillary proceedings. Practically, this means that, in ascertaining the ratio of indirect contributions, the court should not focus unduly on the minutiae of family life. Instead, the court should direct its attention to broad factual indicators when determining the ratio of parties' indirect contributions. These would include factors such as the length of the marriage, the number of children, and which party was the children's primary caregiver.
>
> [emphasis in original]

18 Whether the task is in assessing the parties' indirect contributions under the *ANJ* approach or determining whether a spouse is a primary homemaker in a single-income marriage, the same principles are relevant – a broad-brush approach must be applied in assessing indirect and homemaking contributions, which should discourage needless acrimony during the divorce proceedings.

The marriage in the present case is a dual-income one

19 On the facts of the present case, was the Husband the primary homemaker in their marriage?

20 The parties' three children filed affidavits which were relied on by the parties in the proceedings. Their evidence in affidavits filed in support of the Husband broadly conveys that he cared for them, and they had a close relationship with him. He gave them emotional support in addition to tending to them when they were injured or ill. However, they do not touch on the Husband's other homemaking contributions, such as whether he was as

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involved as he claimed in respect of supervising the helpers, being supportive of the Wife, and in managing and maintaining the household. The children's affidavits also attest to the Wife showing them care and support. The evidence of the youngest child was that the Wife "was essentially the glue that held the family together". It is evident that the Wife worked full time but still made very considerable efforts in caring and spending time with the children and in managing the household. Indeed, the Husband admitted that he stopped joining the Wife in buying groceries and in fixing household appliances (giving the reason that it was because the Wife was never satisfied with his efforts). What this suggests is that the Husband was not as involved in household matters as he claims (whether personally or in supervising the helpers), such as in maintaining household items, planning meals, buying groceries, and cooking meals.

21 In considering whether the Husband was the primary homemaker, it is also relevant for us to consider the issue of domestic helpers being present in the household. In cases where there are no domestic helpers involved, it may be clearer who the primary caregiver of young children is, if one of the spouses would have to be physically home caring for the children. Where the assistance of domestic helpers is available, both working spouses could rely on such assistance in caregiving and household chores while supervising the helpers and also personally caring for the children during off-work hours and weekends. Such an arrangement is common in dual-income marriages. It is also possible for a homemaker spouse to have the assistance of domestic helpers and still be carrying out the role of the primary homemaker (giving rise to a single-income marriage). The point here is that while the assistance of helpers does not in itself diminish the value of the homemaker's role, it can offer insights into how the household and caregiving responsibilities are carried out, which are in turn relevant in determining the roles of the parties in the marriage.

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22 In the present case, in considering the Husband's claims to being the primary homemaker, it is relevant for us to take into account the fact that there were helpers throughout their marriage: it is undisputed that the parties had at least one helper throughout the marriage, and two helpers at some period during the marriage as well. We acknowledge that the children's affidavits show that the Husband was a present father; that he gave them emotional support and tended to their injuries; and that various incidents in the past demonstrate that he was caring and supportive. In this connection, though, we would add an observation that any father who is available at home at the material time would be expected to tend to an injured or sick child whether or not he is a primary homemaker. We also observe that on the evidence before us, both the Husband and the Wife were involved in caring for the children. The main difference in their efforts is that the Husband had more time at home to spend time with the children, while the Wife had to find the time outside working hours to do so.

23 To be clear, the observation above should not be taken to create any principle regarding the presence of domestic helpers when the court divides assets. Instead, it highlights the need to take a fair and commonsensical approach towards considering all the facts and circumstances of each particular case. Parents have their own personal views on how best to raise their children and what arrangements work best for their family. In a matter where family relationships, parenting, family values and personal aspirations are involved, a sensible, practical and sensitive approach needs to be taken in assessing the facts. The court will consider all the relevant evidence to reach an assessment of what the spouses' arrangements were in raising their family and the roles they played, to determine a fair outcome in accordance with the principles in s 112 of the Women's Charter.

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24 We next consider the various work and business undertakings taken on by the Husband after his departure from the bank. We are of the view that the evidence suggests that the Husband would have worked full-time if he had been able to find a job that suited him or if he had succeeded in setting up a viable business. The Wife asserted that the Husband was retrenched in 1997 while the Husband claims that he had resigned from his job at the bank. On balance, we think that the Husband was more likely retrenched. The Husband's account of voluntary resignation has been inconsistent. In his first affidavit, he claimed to have unilaterally decided to quit his job in 1997 after his Wife did not respond to his suggestion in 1994 to quit her job to take care of the children. However, in his second affidavit, he claimed for the first time that they had a "discuss[ion] on what the arrangement would be after [he] resigned".

25 That the Husband was retrenched and had not resigned in order to be a homemaker is consistent with his attempts at venturing into businesses such as the laundry business and the hawker business in the period following his departure from the bank. We note that at the point when the Husband left the bank, both sons were still very young: one was six years old, the other was three (the daughter had not yet been born at that time). It is doubtful that someone would voluntarily leave full-time employment with the specific aim of becoming a full-time stay-at-home father to such young children, only to then pursue undertakings as demanding as the operation of a home-delivery laundry business and a hawker business. The pursuit of such endeavours seems incompatible with the intention of being a full-time homemaker at the same time. Eventually, the Husband did not take on full-time work after 1997 but engaged in a variety of intermittent work. He was incarcerated for six months at the end of 2001 for hiring an illegal worker at the hawker stall.

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26 With only intermittent and *ad hoc* work, the Husband was able to be physically home much more than the Wife could and was regularly present to interact with the children, support them in school matters and tend to them when they were injured or sick.

27 The Wife's substantial contributions are supported by the evidence. It is undisputed that she was the sole breadwinner for the majority of the marriage. Despite holding a full-time job, she contributed substantially towards the family's wellbeing by spending time with and supporting the children on weekends in particular, planning family holidays and family outings, buying groceries, supervising the helpers and dealing with household issues such as repairs and maintenance. The Wife managed the children and home singlehandedly (with the assistance of helper/s) when the Husband was incarcerated in 2000, which would have been an emotionally difficult time. Then, she bore the burden of being a single parent having to protect the children from the difficult circumstances and support the Husband and family at the same time. Further, the Husband let his 'godson' stay with them for at least 8 years, in a home that is financially supported by her.

28 Overall, on the evidence, it cannot be said that the Husband discharged a *primary* homemaking role. Instead, the parties shared the homemaking responsibilities. It is undisputed that he worked full-time for nine years from the start of the marriage. The historical circumstances surrounding his cessation of full-time employment, his ventures into businesses and work of an *ad hoc* nature show that he also had a breadwinning role even though he was not quite successful in that role. It appears that the Husband was able to sustain his personal expenditures and give the children some pocket money from his own income, as the Wife did not provide him with an allowance. Considering the

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facts and circumstances of this case as a whole, we are of the view that this was not a single-income marriage.

29 In a dual-income marriage, if one party was less successful in breadwinning but made substantial contributions in homemaking, the *ANJ* approach is a fair and appropriate approach that recognises both parties' contributions and guides the court to reach a just outcome.

Division ratio in the present case

30 Having found this marriage to be a dual-income marriage, we apply the *ANJ* approach to the facts. As the Judge did not apply the structured approach, there is no specific determination in the court below of each of the parties' direct and indirect contributions under that approach.

31 We note that in the parties' Joint Summary of their respective positions submitted in HCF/DT 3411/2022, the parties respectively submitted the following ratios on the basis that the *ANJ* approach applies:

	Husband's Position		**Wife's Position**	
	Husband	**Wife**	**Husband**	**Wife**
Direct Contributions	5.41%	94.59%	6.80%	93.20%
Indirect Contributions	70.00%	30.00%	20.00%	80.00%
Average Ratio	37.71%	62.30%	13.40%	86.60%
Final Ratio	37.71%	62.30%	13.40%	86.60%

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32 In respect of direct contributions, we take the average of the Husband's and the Wife's submitted ratios, which are not far apart at all – this results in the Husband being accorded a share of 6.105% for his direct contributions. As for indirect contributions, we assign a ratio of 60:40 in favour of the Husband (see [34] below). The average ratio will thus be 33:67 in favour of the Wife, calculated as follows:

	Husband	**Wife**
Direct contributions	6.105%	93.895%
Indirect contributions	60%	40%
Average ratio	33.0525% (rounded to 33%)	66.9475% (rounded to 67%)

33 We set aside the division ratio ordered by the Judge. Instead, the matrimonial assets shall be divided in the ratio of 67:33 in favour of the Wife.

Issue 2: Was the Wife accorded sufficient weight for her contributions towards the family?

34 As we have found that this was a dual-income marriage to which the *ANJ* approach applies, the Wife's contributions are assessed within the *ANJ* framework, as explained above. The Wife is accorded a share of 40% in indirect contributions. This share is a substantial one which recognises her contributions in providing for household and family expenses, managing the household and caring for the children despite holding a full-time job. At the hearing, counsel for the Husband clarified that the Husband's position had always been that the Wife made "considerable contributions in the homemaking sphere". The Husband is accorded a higher percentage for indirect contributions as he was a "present" father who was generally at home for more hours on working days for

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about two-thirds of the marriage and could be flexible in being physically available for the children's needs when the Wife was at work.

Issue 3: Was the size of the matrimonial pool so large as to warrant an adjustment?

35 The matrimonial pool was valued at S$7,795,484.21. This is not a pool of massive size. Numerous cases have applied the *ANJ* approach to matrimonial pools of a similar size without any adjustment or deviation from the average ratio on the basis of the size of the pool as a factor.

36 We therefore reject this contention.

Issue 4: Was there an error in the consequential order for an adjustment of the CPF refunds?

37 The Wife submits that the Judge "in dividing the pool of matrimonial assets based on the net proceeds of S$3,451,809.91 and then requiring parties to readjust the CPF refunds is in essence double-counting, dividing the CPF monies refunded twice. Unless the division is based on the net proceeds of sale after CPF refunds, the parties should not be required to readjust the CPF refunds portion."

38 We do not agree that this was what the Judge ordered in her judgment. The Judge was clear in directing that the ultimate share each was to receive ought to end up being 60:40 in favour of the Wife (Judgment at [64]):

> The parties are to retain the respective assets held in their sole names and work out the remaining sums that they are entitled to after adjusting for the CPF refunds and the advances from the sale proceeds, as well as the additional sums received and expenses incurred, such that the Wife receives 60% while the Husband receives 40% of the pool of matrimonial assets.

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39 We dismiss this contention as it arises from a misinterpretation of what the Judge ordered.

Conclusion

40 We allow the Wife's appeal in respect of her contention that this was not a single-income marriage. The Judge's division order is set aside. We order that the parties' matrimonial assets be divided in the ratio of 67:33 in favour of the Wife.

41 The parties are to work together on the appropriate consequential reliefs to effect the division of matrimonial assets. We grant liberty to apply to the Judge below should parties be unable to come to an agreement.

42 The Wife seeks costs of S$25,000, excluding disbursements which she claims amount to S$4,278. The Husband seeks costs, if successful, of S$28,800, excluding disbursements which he claims amount to S$1,299.40.

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43 As the Wife has largely succeeded in this appeal, we order costs fixed at S$15,000, inclusive of disbursements, to be paid by the Husband to the Wife. The usual consequential orders apply.

Woo Bih Li
Judge of the Appellate Division

Debbie Ong Siew Ling
Judge of the Appellate Division

Mavis Chionh Sze Chyi
Judge of the High Court

Aye Cheng Shone and Natasha Choo Sen Yew (A C Shone & Co) for the appellant;
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