

## **Financial Provisions for the Spouses on Divorce**

### **The law after DD v. LKW**

The relevant principles when the Court considers ancillary relief applications:

- **To divide the assets of the parties so as to make provision for their housing and financial needs.**
- **Where there are assets which are available beyond satisfying the immediate housing and financial needs, equality in division of the assets should be made unless there is a good reason to the contrary.**
- **Two stage inquiry:**
  1. First, computation of the available assets of the parties.
  2. Second, distribution of the assets by reference to the three principles of need (generously interpreted), compensation and sharing.
- **The principle of need requires consideration of**
  1. the financial needs, obligations and responsibilities of the parties;
  2. the standard of living before the breakdown of the marriage;
  3. age; and
  4. any physical or mental disability.
- **The principle of compensation relates to, among others:**
  1. the prospective financial disadvantage which upon divorce some parties face as a result of decisions which they took for the benefit of family during marriage.
  2. in short marriage the financial disadvantage a party suffered, if any, on entering into the marriage.
  3. any loss of possible pension rights.
- **The relevant factors for the principle of sharing are:**
  1. the contributions of each of the party.
  2. the duration of the marriage

3. conduct of the parties which it would be inequitable to disregard.
- The principle of fairness is to apply to all properties of the parties both 'matrimonial' and 'non-matrimonial'.

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March 2008

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**PLEASE NOTE**

The law and procedure on this subject are very specialised. This article is a general explanation for your reference only and should not be relied on as legal advice for any specific case. If legal advice is needed, please contact our solicitors.

**請注意**

本題目之法律及程序十分專門。此文章只屬一般性之解釋，供你參考，而不應被依賴為關於任何特定事件之法律意見。如需法律意見，請與我所律師聯絡。

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