

# Application of Insurance Policy in Family Maintenance

**Presented by: Christine M. Koo & Ip, Solicitors & Notaries**

Address : Room 601, 6/F, Tower 1, Admiralty Centre,  
18 Harcourt Road, Hong Kong

Tel. No. : (852) 2524 8996

Fax No. : (852) 2523 6922

E-mail : [christinekoo@cmkoo.com.hk](mailto:christinekoo@cmkoo.com.hk)

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# A brief introduction of the divorce proceeding in Hong Kong

◆ 2 stages

Decree Nisi  $\boxtimes$  Decree Absolute

◆ 5 grounds for divorce

Matrimonial Causes Ordinance (Cap.179)

1. Adultery
2. Unreasonable behaviour
3. One year's separation and consent
4. Two year's separation without consent
5. Desertion (1 year)

# Maintenance for spouse and child after divorce

- ◆ Section 3 and 5 Matrimonial Proceedings and Property Ordinance (“MPPO”) ☒  
“Maintenance Pending Suit”
- ◆ Section 8 MPPO ☒ “Periodical Payments”, “Secured Periodical Payments” and “Lump Sum Payments”

# Matrimonial Property

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- ◆ Section 6 of MPPO  property adjustment order
- ◆ White v. White [2001] 1 All ER1  equality for wives in the division of matrimonial property

# Interest on Arrears of Maintenance

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- ◆ Judgment creditor is entitled to interest in respect of arrears of maintenance
- ◆ Currently 12.5% subject to change from time to time

# Warrant of Arrest

- ◆ Judgment Summons – Procedure for Judgment Creditor to enforce the maintenance order
- ◆ Failure to comply with order may amount to contempt of court and the Court may issue a warrant of arrest prohibiting Judgment Debtor from leaving HK

# How does divorce affect Insurance Policy

- ◆ Question 1: Husband (H) took out a life policy on himself and name Wife (W) as beneficiary. Divorce, what will happen?
- ◆ Question 2: H took out a life policy on himself and name Son (S) as beneficiary. Divorce, what will happen?
- ◆ Question 3: H took out a life policy on W's life and name W as beneficiary. Divorce, what will happen?

## How does divorce affect Insurance Policy (Con't)

- ◆ Question 4: H Took out a life policy on W's life and name himself as beneficiary. Divorce, what will happen?
- ◆ Question 5: H took out a life policy on W's life and name child as beneficiary. Divorce, what will happen?
- ◆ Question 6: H took out a life policy on C's life and name himself as beneficiary. Divorce, what will happen?



## Use of a life policy

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- ◆ For maintenance of wife and child
- ◆ For education of child
- ◆ To secure monthly maintenance upon death of the paying party
- ◆ To secure property order with mortgage repayments

# *Q & A Session*

## 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。

**Christine M. Koo & Ip, Solicitors & Notaries LLP**

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