

Chua Siew Siew v Liang See Hing
[2014] SGHC 216

Case Number : Divorce Transferred No 5791 of 2012
Decision Date : 28 October 2014
Tribunal/Court : High Court
Coram : Lee Seiu Kin J
Counsel Name(s) : Irving Choh and Stephanie Looi (Optimus Chambers LLC) for the plaintiff; Hui Choon Wai and Melissa Teo (Wee Swee Teow & Co) for the defendant.
Parties : Chua Siew Siew — Liang See Hing

Family law – Matrimonial assets – Division

Family law – Maintenance

28 October 2014

Lee Seiu Kin J:

1 On 10 July 2014, after hearing counsel for the parties, I made the following orders:

- (a) The defendant pays the plaintiff the sum of \$60,000 being the plaintiff's share of the matrimonial assets, out of which the defendant is to set off the sum of \$30,000 in consideration of the transfer of the defendant's share in Pinnacle Travel Services Pte Ltd to the plaintiff.
- (b) Each party is entitled to keep all other assets that are in their names.
- (c) The defendant is to pay the plaintiff the sum of \$10,000 being the plaintiff's lump sum maintenance.
- (d) The defendant is to pay costs to the plaintiff fixed at \$6,000 (inclusive of disbursements).
- (e) Liberty to apply.

2 On 6 August 2014, the plaintiff appealed against the whole of my orders and I now give my grounds of decision.

3 The plaintiff ("the Wife") and the defendant ("the Husband") were married on 25 January 2005. The Wife, who is 46 years of age, works as a travel agent. The Husband, who is 57 years old, is a businessman. The Wife filed the writ for divorce on 30 November 2012.

4 Prior to the marriage, the Wife worked as a travel agent and lived in an apartment that she owned. She continued to work as a travel agent after the marriage. She moved into the Husband's residence and rented out her apartment, receiving a monthly rent of \$3,300. In addition, the Husband gave her a sum of \$500 to \$800 each month. The Husband paid for all the expenses of the household although the Wife said that she contributed towards some minor expenses.

5 There were no children from the marriage. However, at the time of marriage, the Husband was

a widower with three children aged 22, 17 and 16 years. According to the Wife, during the marriage she looked after her three stepchildren as well as the Husband's mother who lived with the family. The Husband's mother contracted cancer in 2010 and died in 2011. However, the three children filed affidavits stating that the Wife had very little connection with them and that she did not really look after their grandmother. I considered this as the normal allegations that surface in any marriage breakup and adopted a broad brush approach, placing greater weight on the length of marriage than other factors. However, I also took into consideration the fact that the Wife continued to work a 6-day week after marriage which would leave her with limited time at home. In addition, one of her stepchildren was already an adult at the time of the marriage, and the other two became adults within five years after that. Given their ages at the time of marriage, there would be little by way of parenting that would be demanded of her. I considered that her main contribution would be in providing consortium to the Husband during the marriage and contributing to the home environment.

6 The sole issue in this case concerned the division of matrimonial asset. The main asset was the matrimonial home which was valued at \$3.3m to \$3.5m. Other assets acquired by the Husband during the marriage totalling \$952,000 comprising the following:

- (a) House in Batu Pahat, Malaysia, valued at \$233,000;
- (b) Orchard in Batu Pahat, Malaysia, valued at \$84,000;
- (c) Car in Singapore, valued at \$245,000;
- (d) Car in Malaysia, valued at \$37,000;
- (e) Shares in Noble Group, valued at \$105,000;
- (f) Cash in banks in Singapore and Malaysia totalling \$51,000;
- (g) Golf Club membership in Malaysia, purchased for \$1,200; and
- (h) CPF totalling \$195,000.

7 Therefore, the total assets of the Husband were valued at approximately \$4.3m to \$4.5m. The Wife made no direct financial contribution to these assets.

8 The Wife submitted that the Husband had failed to disclose information concerning shares he owned in companies in China, Hong Kong and Thailand. She submitted that although these may not be matrimonial assets, nevertheless they would be relevant as a component of his overall financial position and that an adverse inference ought to be drawn. I took this as part of the factors that I had to consider.

9 The Wife owned a car valued at \$45,000 and had cash in the bank totalling \$22,000. Her CPF had \$108,000. These totalled \$175,000. The Wife's main asset was her apartment. Although it was purchased prior to the marriage, it was not fully paid up and she continued to service the housing loan during the marriage. The Wife did not provide a value for it. A rough figure could be estimated based on the rent of \$3,300 and on an annual yield of a conservative 4%, and this would come to \$990,000. Assuming that this was fully paid, her total assets would be in the order of \$1.2m. The Husband made no direct financial contribution to these assets, save that the Husband submitted that he made indirect contribution by providing a home for the Wife during marriage as this enabled her to collect rent on her apartment which was used to service the housing loan.

10 The total value of the matrimonial assets was \$5.5m to \$5.7m. Taking into account all the relevant factors, in particular the fact that the marriage broke down after six years and that it was a short, childless marriage, I determined that the parties should retain all assets in their own names but the Wife should be awarded the sum of \$60,000 on top of that which represents slightly more than 10% of the total pool of assets, in recognition of her indirect contribution.

11 As for maintenance, the Husband submitted that the Wife's income of \$7,000 per month was adequate for her upkeep and in view of the fact that he was 11 years older than her, the court should award a nominal sum. The Wife submitted that there should be a lump sum award based on the \$800 per month interim maintenance that she was receiving. Based on a seven year multiplier, the lump sum award would be \$67,200.

12 I agreed that a lump sum award ought to be given in the circumstances of this case as the Husband has sufficient assets in order to achieve a clean break. However, in my view, the multiplicand of \$800 per month was excessive. The Wife claimed that her monthly expenses came to \$7,180. This included transport expenses of \$1,500 per month (amounting to \$18,000 per year) and "agents' commission" of \$160 per month. These appear excessive or unwarranted. Taking into account the fact that her income would be subjected to income tax of \$200 to \$300 per month, and that her expenses ought to be reduced, I was of the view that the sum of \$120 would be an appropriate maintenance award in the circumstances. Applying the multiplier of seven years, this works out to \$10,080 which I rounded down to \$10,000.