

BOOK REVIEW

Elements of Family Law in Singapore BY LEONG WAI KUM [Singapore, Malaysia and Hong Kong: LexisNexis, 2007. xli + 937 pp. Softcover: S\$299.00/USD 193.47]

There are few subjects in which one writer has become synonymous with the subject. Leong Wai Kum has achieved that distinction with her more than 30 years of teaching and research into Family Law.

This book clearly surpasses her previous works on the subject, but those who possess her 1997 version of *Principles of Family Law in Singapore* will still want to keep their copy because the historical antecedents of our present laws which were described in that earlier volume (including the chapter on marriage laws before the Women's Charter that had taken up 85 pages) have been omitted from this 2007 work.

Most family law practitioners will particularly welcome Prof Leong's chapters on Division of Matrimonial Assets and Maintenance of Former Wife, the two most important aspects of Family Law in real life. They are long (287 pages and 81 pages respectively) and could make a textbook just by themselves. As expected, they are thorough in their coverage, with the assistance of helpful sub-headings. The Table of Contents already provides considerable assistance by way of a road map to the sub-topics that practitioners typically look for and normally have to hunt down in the Index. Prof Leong also uses a technique of making each sub-section self-contained, so that readers can read each section with all the relevant cases discussed there, without having to cross-refer to another section, even if the same case is also discussed elsewhere. There is also a useful section dealing with the interpretation of specific words and phrases in s 112(10) of the Women's Charter (arguably the single most controversial sub-section in the whole statute) which practitioners will find immensely useful.

Prof Leong is also not shy in expressing her views on the merits of judgments and, given her standing in the profession, her criticisms may be useful fodder to practitioners eager to challenge the existing state of the law.

Minor criticisms which may be made are:

- (a) the table of cases seems to be prepared in an eccentric way, with the same case report cited several times as if there had been separate hearings (e.g. *Re Estate of Liu Sinn Min, deceased*, *White v White* and *Wang Shi Huah Karen v Wong King Cheung Kevin*).

- (b) the discussion of *Fan Po Kie v Tan Boon Son* [1982] 2 MLJ 137 and [1986] 2 MLJ cxxix at page 500 is inadequate. The author only discusses *Fan Po Kie* to illustrate that, even though a husband and wife may be joint legal owners of a HDB flat, their respective beneficial interests mirror their respective financial contributions to the purchase of the flat. However, the greater importance of the case is that it shows that the Court has no jurisdiction under s. 59 to vary existing titles or to transfer or create interests in property. In contrast, under s. 112 of the Women's Charter, the Court is given the power to create proprietary rights in favour of one spouse where none previously existed.
- (c) Prof Leong clearly supports the reasoning in *White v White* [2001] AC 596 (which advocates an equal division of matrimonial assets on divorce) as evidenced by her extensive discussion of the case from pages 677 to 683. However, this reviewer would respectfully suggest that *White v White* is of marginal relevance in the Singapore context, having regard to:
 - (i) the Court of Appeal decision in *Lock Yeng Fun v Chua Hock Chye* [2007] SGCA 33 ('*Lock Yeng Fun*') (discussed by Prof Leong at pages 693 to 696) and;
 - (ii) the recent case of *VD v VE* [2007] SGDC 318 which, following on *Lock Yeng Fun*, elaborates upon why the English system of division is different from the Singaporean system, making any starting point of equal division unsuitable for Singapore's current bifurcated system of maintenance and division of matrimonial assets.

But there can be no denying that this book is, now more than ever, an indispensable tool in every Family Law practitioner's library, and indeed the starting point for every inquiry on any point of Family Law requiring research.

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