

HONG KONG / JUDGMENT

TCTE v. SM

[2025] HKFC 204**COURT**

Family Court

DECIDED

29 December 2025

CASE / FILE NUMBER

FCMP98/2010

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bjbj qldx FCMP 98/2010

**[2025] HKFC 204 IN THE DISTRICT COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION FAMILY COURT MISCELLANEOUS PROCEEDINGS NO. 98 OF 2010**

IN THE MATTER OF a minor, a girl born in 2008 (the minor) and IN THE MATTER OF Section 10
of the Guardianship of Minors Ordinance. Cap. 13 BETWEEN TCTE Applicant and SM Respondent

Coram: Deputy District Judge K K PANG in Chambers (Not open to public) Date of Hearing : 25-27
November 2025 Date of Handing down of Judgment : 29 December 2025

D E C I S I O N (Variation of maintenance)

AUTONUMOUT I refer to the Applicant as the mother and the Respondent as the father
respectively.

Background

AUTONUMOUT This is the trial of the mother s summons dated 20 December 2023 for variation
up of maintenance payment for the daughter of the parties born out of wedlock, a girl now aged
17 (the minor) and the paragraph 2 of the mother s summons dated 11 June 2024 for the lump
sum of CA\$30,800. AUTONUMOUT The father is an Indian national, aged 51, working in the
banking industry. The mother is Canadian Chinese, aged 45, previously worked in the banking
field in Hong Kong and Canada. She is presently a PhD student, living with the minor in Canada.
AUTONUMOUT This trial is tampered with the parties emotions and bitterness against each other
throughout. It is also remarkable the mother said that the father had hired lawyers and private

detective to investigate the mother and the minor and her mother (the grandmother) had to terminate her home phone to avoid the harassments. Strikingly, not only did the father deny the mother s accusation of harassments, but he countered that the mother had made hundreds of menacing calls to his phone and sent many abusive text messages to him, during which calls the mother would urge him to get back together with her while would also verbally abuse him. He said he was severely traumatized by the harassments that persisted until late 2022 and had to seek professional therapy. AUTONUMOUT On 22 August 2011, after a 2-day trial, HHJ Melloy made the order that the father do pay maintenance in the of HK\$20,000 per month, starting from 11 September 2011, together with the sum of HK\$298,860.5 for the benefit of the minor (the 2011 Order). By the summons dated 20 December 2023, the mother seeks to vary up the periodical payment to CA\$10,614 per month, the first payment be date-backed to 11 July 2020 and such maintenance be increased by 7% per year. By the summons dated 11 June 2024, the mother seeks interim periodical payment in the sum of HK\$28,992 per month and further seeks a sum of CA\$30,800 for the purpose of payment of the minor s 2024/25 school fees. AUTONUMOUT By the Order of HHJ T Kwan dated 21 January 2025 (the 2025 Interim Order), the periodical payment was increased to HK\$26,000 per month on an interim basis, starting from 11 January 2025. It was also ordered that the father do pay the mother the sum of HK\$30,000 on a non-admission basis, and that the mother s application for sum of CA\$30,800 be dealt with together with the summons dated 20 December 2023. AUTONUMOUT Despite the father does not have a relationship whatsoever and has never met nor has had any communication with the minor, the father has been complying with the 2011 Order and the 2025 Interim Order. The law AUTONUMOUT The mother s application for maintenance is made under s.10 (2) of the Guardianship of Minors Ordinance (Cap.13) (the GMO) that provides:

- (2) The court may as regards a minor, on the application of a person with whom, whether by virtue of an order under subsection (1) or otherwise, custody of the minor lies at law, make in respect of the minor any one or more of the following orders
 - (a) an order requiring payment to the applicant by the parent or either of the parents of the minor of such lump sum (whether in one amount or by instalments) for the immediate and non-recurring needs of the minor or for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the minor before the making of the order to be met, or for both, as the court thinks reasonable having regard to the means of that parent;
 - (b) an order requiring payment to the applicant by such parent or either of such parents of such periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of that parent;
 - (c) an order requiring the securing to the applicant by such parent or either of such parents, to the satisfaction of the court, of such periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of that parent;

(d) an order requiring the transfer to the applicant for the benefit of the minor, or to the minor, by such parent or either of such parents, of such property, being property to which the parent is entitled (either in possession or reversion), as the court thinks reasonable having regard to the means of that parent;

(e) an order requiring the settlement for the benefit of the minor, to the satisfaction of the court, of such property, being property to which such parent or either of such parents is so entitled, as the court thinks reasonable having regard to the means of that parent.

AUTONUMOUT In WGL v ASB (Child Maintenance under the GMO) , Deputy High Court Judge Chu (as she then was) held that, despite the differences in the statutory framework, the courts in Hong Kong may give regard to the matters provided in the English legislation in the exercise of discretion under s.10(2). These matters include the factors set out in the paragraph 4(1) of Schedule 1 of the English Children Act 1989 that provides: In deciding whether to exercise its powers under paragraph 1 or 2, and, if so in what manner, the court shall have regard to all the circumstances including the income, earning capacity, property and other financial resources which each person mentioned in sub-paragraph 4 [either parent] has or is likely to have in the foreseeable future; the financial needs, obligations and responsibilities which each [parent] has or is likely to have in the foreseeable future; the financial needs of the child; the income, earning capacity (if any), property and other financial resources of the child; any physical or mental disability of the child; the manner in which the child was being or was expected to be educated or trained. AUTONUMOUT In Re P (Child: Financial Provision) , Thorpe LJ and Bodey J, after having reviewed the authorities, gave the following helpful guidance on how such application should be approached: -

[76] In the light of HYPERLINK "[https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.2817494310190438&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23schedule%251%25num%251989_41a%25sched%251%25\" \"_parent\" para 4 of Sch 1](https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.2817494310190438&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23schedule%251%25num%251989_41a%25sched%251%25\) HYPERLINK "

(i) The welfare of the child while a minor, although not paramount, is naturally a very relevant consideration as one of all the circumstances of the case. (ii) Considerations as to the length and nature of the parents relationship and whether or not the child was planned are generally of little if any relevance, since the child s needs and dependency are the same regardless: J v C (Child: Financial Provision) HYPERLINK "

- [1999] 1 FLR 152 at 154 B. (iii) One of the financial needs of the child (to which by para 4(1)(c) the court must pay regard) is for him or her to be cared for by a mother who is in a position, both financially and generally, to provide that caring. So it is well established that a child's need for a carer enables account to be taken of the caring parent's needs: *Haroutunian v Jennings* [https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.8738441169414383&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251980%25page%2562%25year%251980%25tpage%2566%25sel2%251%25\" \"_parent](https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.8738441169414383&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251980%25page%2562%25year%251980%25tpage%2566%25sel2%251%25\)
- (1980) 1 FLR 62 at 66 C; and *A v A (A Minor) (Financial Provision)* [https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.6174295966807337&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251994%25page%25657%25year%251994%25tpage%25665%25sel2%251%25\" \"_parent](https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.6174295966807337&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251994%25page%25657%25year%251994%25tpage%25665%25sel2%251%25\)
- [1994] 1 FLR 657 at 665 G. (iv) By paras 4(1)(a) and (b) of Sch 1, the respective incomes, earning capacities, property and other financial resources of each of the parents must be taken into account, together with their respective financial needs, obligations and responsibilities. So the child is entitled to be brought up in circumstances which bear some sort of relationship with the father's current resources and the father's present standard of living per *Hale J in J v C (Child: Financial Provision)* [https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.0203522095554175&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251999%25page%25152%25year%251999%25sel2%251%25\" \"_parent](https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.0203522095554175&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251999%25page%25152%25year%251999%25sel2%251%25\)
- [1999] 1 FLR 152 .
- (v) However, as this latter concept lends itself to demands going potentially far wider than those reasonably necessary to enable the mother properly to support the child, one has to guard against unreasonable claims made on the child's behalf but with the disguised element of providing for the mother's benefit rather than for the child *J v C (Child: Financial Provision)* [https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.6149950681661953&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251999%25page%25152%25year%251999%25sel2%251%25\" \"_parent](https://www.lexisnexis.com/in/legal/search/runRemoteLink.do?A=0.6149950681661953&bct=A&service=citation&risb=21_T28018176416&langcountry=GB&linkInfo=F%23GB%23FLR%23vol%251%25sel1%251999%25page%25152%25year%251999%25sel2%251%25\)
- [1999] 1 FLR 152 . (vi) In cases where the father's resources permit and the mother lacks significant resources of her own, she will generally need suitable accommodation for herself and the child, settled for the duration of the child's minority with reversion to the father; a capital allowance for setting up the home and for a car; and income provision (with the expense of the child's education being taken care of, generally, by the father direct with the school). (vii) Such income provision is reviewable from time to time, according to the changing circumstances of the parties and of the child. (viii) The overall result achieved by orders under Sch 1 should be fair, just and reasonable taking into

account all the circumstances.

[77] From the experience of this case, I would propose three further considerations:

- (i) In considering the mother's budget, at least in bigger money cases, the court should paint with a broad brush, not getting bogged down in detailed analyses and categorisations of specific items making up opposing budgetary presentations. Rather, the court should do its best to achieve a fair and realistic outcome by the application of broad common sense to the overall circumstances of the particular case. (ii) Comparisons with the commercial cost of providing professional care are unlikely to be of great assistance and may only serve to distract. (iii) When setting up a budget for the sort of lifestyle a child should be enabled to have, the court should not generally attach weight to the risk that the father may reduce or withdraw his support when the child comes of age (or ceases education or training) thereby obliging the child to adapt to a lower lifestyle at that time. AUTONUMOUT Under section 3 of the GMO, in dealing with matters concerning a child's custody and upbringing, the courts shall regard the best interests of the child as the first and paramount consideration. AUTONUMOUT The mother's present application for variation up is made pursuant to s.11 of the Matrimonial Proceedings and Property Ordinance Cap.192 (the MPPO), s.11(7) of which provides:
 - (7) In exercising the powers conferred by this section the court shall have regard to all the circumstances of the case, including any change in any of the matters to which the court was required to have regard when making the order to which the application relates
AUTONUMOUT The Court of Appeal's decision in AEM v VFM is the leading case in the correct approach on applications pursuant to s.11 of the MPPO. In that case, Cheung JA, setting out the law, said:
 - (1) The exercise of the power under s.11(1) of the Matrimonial Proceedings and Property Ordinance (Cap.192) to vary a periodical payment order required that all the circumstances of the case be considered, including any change in circumstance since the original order was made, such as continuing inflation, increased costs of raising a growing child, the greater adverse effect of increased costs of living on one of the parties and the husband's increased wealth. The court was not required to proceed from the starting point of the original order but could look at the matter afresh. The basis and intended effect of the original order were also relevant factors and the court should not depart radically from the parties' agreement embodied in a consent order (Lewis v Lewis [1977] 1 WLR 409, Boylan v Boylan [1988] FLR 282, Primavera v Primavera [1991] 1 FLR 16, Garner v Garner [1992] 1 FLR 573, Cornick v Cornick (No 2) [1995] 2 FLR 490, Flavell v Flavell [1997] 1 FLR 353 applied; Foster v Foster [1964] 3 All ER 541 not followed) (see para 14)
 - (2) The court had an almost unrestricted power to vary its own order retrospectively and to backdate any variation to a pre-existing order beyond the date of the application for variation. In practice, orders were not usually backdated to a date prior to the notice of application to vary, unless the justice of the case so required (see para 15) The mother's case

AUTONUMOUT The mother suggests that the needs of the minor have substantially changed since the 2011 Order that was made when the minor was only 3 years old so much so that there should be an upward variation of the periodical payments commensurate with the minor's needs. She believes that the figures now put forward by her are reasonable having regard to the means of the father and the father's present standard of living and in view of the mother being the financially much weaker party, the father should be responsible for 100% of the minor's expenses. The father's case AUTONUMOUT The father has not lived in Hong Kong since around 2021. The minor has lived in Toronto since birth and the mother has been habitually residing in Toronto since at least 2014. As neither the minor nor the parents reside in Hong Kong at the time of the mother's applications, the father challenges the Hong Kong Family Court's jurisdiction to hear the present applications. AUTONUMOUT The father for his part further suggests that there is no proper basis for the mother's application. In a gist, he says: The current maintenance is sufficient to cover minor's reasonable expenses. There is no need for any further increase. The mother should be responsible for the minor's expensive school fees if she wishes to enrol the minor into expensive 1st tier universities in the US despite there are high-quality options in Canada of which the tuition fees and overall costs are much lower. The PhD degree in Forestry at the University of Toronto () is a 4-year program. The mother should have already graduated from her further studies. The mother is currently 45 years old and still has many years until she reaches the traditional retirement age of 65. She could apply for higher-earning jobs within the same field. Alternatively, she could easily return to the investment banking industry for higher pay jobs. The mother's changes in her financial circumstance are self-inflicted. There is no reason why she, with full utilizable earning capacity, should not be responsible for contributing 50% towards the minor's expenses going forward. It is neither reasonable nor fair that he must contribute every penny of the minor's expenses. The mother has undisclosed financial resources such as ongoing support from her mother. The father is working in the banking industry in Singapore. He was recently transferred to the Dubai office from the Singapore office in April 2025. His current income is around HK\$227,166.67. He has married and has a 5 years old daughter in marriage. He is primarily responsible to look after his wife and the child financially. Being the oldest son, He has family obligation to provide for his mother who is living in India. AUTONUMOUT Notwithstanding his aversion to the present application, to save time and costs, the father has made a revised open proposal dated 19 November 2025 as follows: The father do pay periodical payment of HK\$31,000 per month for the benefit of the minor, the 1st payment be made on 11 December 2025, such maintenance be linked to Canada Consumer Price Index; The father do pay the shortfalls of the periodical payment backdated to 20 December 2023; The hearing fixed on 25 to 27 November 2025 be vacated; There be no order as to costs including all reserved costs. The issues AUTONUMOUT The issues to be determined include: Does the Hong Kong Family Court have jurisdiction to hear the present applications? Is there any change of circumstance? What are the income, earning capacity, property and other financial resources that each of the parties has or is likely to have in the foreseeable future? What are the financial needs, obligation and responsibilities that each of the parties

and the minor has or is likely to have in the foreseeable future? What is the appropriate level of maintenance to be paid by the father going forward? My view Does the Hong Kong Family Court have jurisdiction to hear the mother s present applications? AUTONUMOUT The father s legal representatives have attended the court hearings dated 2 April 2024, 14 June 2024, 18 June 2024 and 21 January 2025 respectively, and have filed and served the father s 3rd Affirmation dated 30 April 2024, Form E dated 5 June 2024, Answers to Questionnaire dated 23 August 2024 in accordance with the court s directions. Additionally, he has personally attended the trial from 25 to 27 November 2025. It is clear that he has unequivocally submitted to the jurisdiction of the Hong Kong Family Court in these proceedings. I have no doubt that the Hong Kong Family Court has properly exercised jurisdiction to hear the present applications. Is there any change of circumstance? AUTONUMOUT The 2011 Order was made when the minor was only 3 years old. Taking into consideration the long period having elapsed since 2011, and the increasing needs of the growing minor, it is unquestionable that there has been significant change of circumstances since the 2011 Order. The mother (and the minor) s financial resources and needs, obligations and responsibilities AUTONUMOUT The mother filed her Form E on 4 June 2024. She is the sole registered owner of an apartment (the Donway) in Toronto that was purchased in 2015. She paid down payment of CA\$170,000 and the balance of the purchase price with a mortgaged loan of CA\$174,400. She estimated that the net value of the Donway is CA\$234,681.42 (HK\$1,337,684.09). She and the minor are living in Donway. She had HK\$ and CA\$ equivalent to HK\$178,147.72 in bank accounts, stock holdings valued at CA\$58,159.49 and a 2015 Mini Copper. She had insurance policy and Canadian pension, the value of which was unknown. In respect of liabilities, she had outstanding student loan in the sum of CA\$61,353.19, loans from her mother in the sum of CA\$272,000, credit card debts of CA\$4,914.94 and CA\$1,948.09. At trial, she updated that the current outstanding of her student loan was around CA\$82,000. She received the last student loan payment in the sum of CA\$11,388 in September 2025. Now she has CA\$9,000 in her checking account, CA\$8,700 in her saving account. The value of her stock holdings has dropped to CA\$35,390. AUTONUMOUT The mother suggests that she is heavily indebted to the grandmother. She said she had sought the grandmother s financial assistance to defray the minor and her expenses since 2020. She said that she made repayments in the range of CA\$300 to CA\$500 when she was financially capable to do so and the last repayment was made in 2022. The father accepts that the grandmother has provided financial assistance to the mother throughout the years, but he suggests that such financial assistance is soft loan between family members and he seriously doubts whether the mother actually needs to repay the loans from her mother at all. The mother accepts that there is no fixed time, schedule of time or ascertainable time for the repayment of the loans from the grandmother. There is no evidence that the grandmother has made any demand for repayment. It is the mother s evidence that she will make repayments when she is financial capable. In the circumstance, her loans from her mother are soft loans. I do not believe that such loans have any present and clear impact on the mother s ability to pay the minor s maintenance. AUTONUMOUT The mother has outstanding student loan of around CA\$82,000. She is required to make

repayment by instalments in the sum of around CA\$700 to 800 per month when she finishes her PhD study. There will be an interest free grace period 6 months. I expect that the mother will work after she graduates from the PhD study. It is hopeful that she will be able to pay the student loan instalments by that time. AUTONUMOUT The mother purchased the Donway in 2015. She and her mother jointly held a property in Discovery Bay (the Discovery Bay property). At the trial before Judge Melloy in 2011, she told the court that she was a bare trustee holding her half share on behalf of her mother . When the father cross-examined her about her source of fund for the down payment of the Donway, she then divulged that it was from her half share of the proceeds of the sale of the Discovery Bay property. The fact that now she accepts that she was 50% beneficial owner of the Discovery Bay property seems to fly in the face of her testimony in the trial in 2011. AUTONUMOUT The mother approached the trial in 2011 on the premises that she was a full time non-working mother and was unable to work full time. In the alternative, she said that it was very difficult to find part time work given the economic climate in Canada and that she did not expect to be in a position to return to work until the minor is 12 years old . For record, the learned Judge did not accept that. The mother was studying a course on early childhood education and had no income at the time of the 2011 Order. She resumed full-time employment in the banking industry in Canada as soon as she finished her study in 2011. She joined an investment bank () in 2014 working in cash and risk management earning around CA\$160,000 per year. She opted for a career change and started PhD study with the University of Toronto () studying forestry in 2018. Since then, she has worked part-time as teaching assistant, research assistant, librarian, examination invigilator, part-time clerk. In addition, she received annual stipend. The take-home annual stipend was CA\$19,500 in 2022, CA\$35,000 in 2023 and CA\$27,300 in 2024. The mother s annual income was CA\$47,691, i.e. CA\$3,974.25 per month in 2022 . Her monthly income shown in the Table of assets and liabilities prepared by her and dated 17 January 2025 was CA\$3,715.9 . Her current average monthly income shown in her Opening submissions dated 9 November 2025 was around CA\$2,800 (HK\$16,800). The mother s professed income has been dropping. She explained that she had cut down on part-time work because her professor asked her to focus her time and energy on the PhD study. She expects to graduates from the PhD study by the end of 2026. It makes sense that the mother prioritizes and dedicates her attention to the PhD study that is apparently more important than her part-time work. AUTONUMOUT The father laments that the mother s changes in her financial circumstance are self-inflicted. He believes that the mother could easily return to the investment banking industry or within the financial sector for higher pay jobs. The mother said that CS closed their desk in Toronto in 2018 and they asked her to transfer to the New York office. She turned down CS s offer to remain in Toronto. She became concerned about the future prospect of her career in investment bank industry. She considered transitioning to research in carbon sequestration might provide stability in the long term. She then made the decision to opt for a career change and started the PhD study in 2018. It is obviously her own choice to pick the PhD study over continuing working in the banking industry. I however accept that it makes no sense for the mother to quit her PhD study now, she having started the study since 2018 and is expecting to graduates from UT by

2026. I accept the mother's present income is limited, but she does have good earning potential and a strong earning power that she should avail herself once she finishes the PhD study. AUTONUMOUT The mother's part-time work income together with the father's maintenance have been inadequate to meet the minor's needs. The mother said she had considered applying for variation of maintenance but she was concerned about legal costs that she could otherwise spend on the minor's needs. From time to time, she took loans from the grandmother, who owned a publishing and printing business in Canada, for financial assistance. Unfortunately, the grandmother recently diagnosed with cancer and retired. The mother said she had made it clear that she would not offer any additional financial assistance for the minor. The father however believes that the mother still relies on financial assistance from her well off family and the grandmother's ongoing financial support. AUTONUMOUT For the purposes of assessing financial need and capacity, the court may consider whether a party can look to relatives who historically have provided financial support. In *KEWS v NCHC*, then Chief Justice Ma set out the relevant test in cases involving third party support:

36. In every case where third party assistance is involved, there are two critical evidential questions for the court to consider: What is the extent of the financial assistance provided by the third party to the husband or wife? What is the likelihood of such financial assistance continuing in the foreseeable future?
37. It goes without saying that in the fact finding exercise, the court must look at the reality of the situation and have regard to matters of substance and not just form. In looking at reality, the court can take into account not only what a party actually has, but also what might reasonably be made available to him or her if a request for assistance were to be made. In *O D v O D* [1976] Fam 83, which involved the court taking into account the financial support given to the husband by his father, Ormrod LJ said at p.90D E: In making this assessment the Court is concerned with the reality of the husband's resources, using that word in a broad sense to include not only what he is shown to have, but also what could reasonably be made available to him if he so wished.
38. In addition, in looking at what may occur in the foreseeable future, past conduct is often a useful guide
39. Having ascertained the extent of the financial assistance provided by the third party and then finding on the evidence on a balance of probabilities that there is a likelihood of the continuation of such financial assistance in the foreseeable future, the court is then in a position in law first to take this into account in the identification of the financial resources of the parties and secondly, in determining the appropriate ancillary relief to be granted. This is an approach that is entirely consistent with the court's duty under s. 7(1) of the MPPO. Needless to say, the outcome in any given case is inevitably fact-sensitive. AUTONUMOUT It is undisputed that the mother has historically sought financial assistance from the grandmother. The question is what is the likelihood of such financial assistance continuing in the foreseeable future. AUTONUMOUT The mother does not challenge that she comes

from a well off family. While the mother said that the grandmother had made it clear that she would not offer any additional financial assistance for the minor, the mother does not call the grandmother to give evidence. There is no evidence, or any reason to believe that since her retirement or the sale of the publishing and printing business, the grandmother's financial conditions have been tightening or worsening. It should be obvious that throughout the years, the grandmother has provided additional financial means of support out of love for the mother and the minor. There is no evidence or any reason to believe that the grandmother would love the mother or the minor any less. With everything taken into account, I do not accept the mother's bare allegation that the grandmother would cease or withdraw all such financial assistance that she has been providing for the mother all these years. I believe that there will still be reasonable financial means of support available to her from the grandmother, if she makes a request.

AUTONUMOUT In her Form E dated 4 June 2024, the mother initially set out her monthly expenses, living with the minor in Toronto, as follows: - General Mortgage repayment 10,965 Utilities Management fees 3,420 Food 8,550 Household expenses 2,280 Car expenses 4,588.5 Insurance premia Part-time cleaner 2,280 Building repair, veterinary visit, dog-walker 1,662.5 34,591 Personal Meals out of home 2,468 Transport Clothing/ shoes 1,710 Personal grooming 2,129.5 Entertainment/ presents 2,280 Holidays 3,990 Medical/ dental 199.5 Income tax & property tax 3,512.3 Insurance premia 1,225.5 Tax filing services & phone 18,180 Children School fees 17,005 Extra tuition fees 7,433 Books and stationery 1,140 Transport to school 1,140 Medical/ dental Extracurricular activities 4,047 Entertainment/ presents Holidays 3,990 Grooming 655.5 Clothing/ shoes 3,220.5 Travel, health and life insurance premia Lunches and pocket money 3,420 Other transport Uniform Phone CA\$150/year Apple subscription CA\$130/year iCloud storage CA\$5/month Summer camp CA\$1,500/year (2-3 camps) Overnight camp CA\$1,842/year (1 camp) First aid and lifeguard certification CA\$1,000/year Driver's licence fee and exam fees CA\$175.75 2,308.5 47,572 Total: 100,343

AUTONUMOUT The mother has updated the minor's monthly expenses pursuant to the order of Judge T Kwan made on 5 September 2025 and filed a Table of the Minor's updated monthly expenses on 19 September 2025. The father gave his comments on the Table of the minor's updated expenses dated 19 September 2025 as follows: - General Updated expenses CA\$ The father's comments HK\$ Rent 1,750 5,500 Utilities & management fees Food & household expenses 1,900 4,000 part-time helper and dog walkers car leasing, insurance & maintenance insurance Sub-total 4,631 Children School fees 3,300 8,500 Extra tuition fees 1,340 1,000 Books and stationery Lunches and pocket money 1,800 Transport Toys, books, music, videos Clothing 1,000 Medical/dental Extracurricular activities 2,000 Uniform Grooming Travel, dental, accidental and critical illness insurance 89.5 1,000 Entertainment and present Holidays Miscellaneous Summer camp CA\$1,025/year (2-3 camps) Overnight camp CA\$1,842/year (1 camp) First aid certification renewal CA\$365/2 years Sub-total 8,190.5 Total 12,821.5 31,138

AUTONUMOUT The father suggests that the mother bloated the minor's monthly expenses. The mother, on the contrary, says that most figures are actual expenses that are evidenced by receipts and invoices in the trial bundles, which are not only commensurate with the needs of the minor but also reasonable having regard to the comfortable living standard enjoyed by the father.

The father retorts that there should be no comparison between the needs and expenses between the minor and his daughter in marriage. The father bitterly opposes that the minor should have a standard of living comparable to the father's daughter in marriage.

AUTONUMOUT The living standard of the father is clearly one of the factors relevant to the exercise of the court's broad discretion. The father and his family are living a comfortable lifestyle, being able to pay all bills on time, afford necessary medical care, buy household goods and a reliable car, having enough income for necessities. I would take into account the father's comfortable living standard when I assess the mother and the minor's needs.

AUTONUMOUT The exchange rate between Canadian dollar and HK dollar fluctuates. Doing the best I can, I adopt the current exchange rate 1 CA\$ to 5.65 HK\$. General Expenses

Accommodation AUTONUMOUT The father lives in a 1,800 sq. ft. two-storey house, with 3 bedrooms and a maid room, in Dubai. The minor is living with the mother in her 500 sq. ft. apartment purchased in 2015. The mother now claims of the mortgage repayment. The current mortgage will be due for renewal by February 2026. The mother has done a research on the internet about how much the new repayment will be after the renewal. It appears that the bi-weekly payment will be increased to CA\$570, together with the annual payment of CA\$10,000 the mortgage repayment will be averagely CA\$2,068 per month. The father suggests the mortgage repayments are of a capital nature and should not be attributed to the minor's needs that he should be responsible for. I accept that it would only be fair if the minor's share only covers interest payment. There is no clear evidence on how much the bi-weekly payment and the annual payment are attributed to interest payment. It appears from the result of the mother's research on the internet that around 2/3 of the mortgage repayment belongs to capital payment. Doing the best I can, I accept that the minor's share of the mortgage repayments is around 1/3 of the renewed monthly mortgage repayment, i.e. CA\$700 per month. Utilities & management fees AUTONUMOUT I accept that CA\$411 per month is reasonable. Food (Including meals out of home) & household expenses

AUTONUMOUT The mother claims CA\$1,500 for food and CA\$400 for household expenses. Taking into account that the mother also claims CA\$600 for the minor's lunches and pocket money, I regard that CA\$1,500 per month for food for the minor's half share is excessive. I also take the view that CA\$400 for household expenses for a small apartment is excessive.

With broad brush, I give a figure of the amount claimed, i.e. CA\$850 per month for food and household expenses.

part-time helper and dog walkers AUTONUMOUT The mother being working part-time and the minor a student, I do not agree that they need part-time helper or dog walkers. car leasing and car expenses AUTONUMOUT The father travelled by public transport when he lived in Singapore. He has a car in Dubai. Despite he disagrees that the mother should have the use of a car, it seems reasonable that the mother needs the convenience of a car, living with the minor in Toronto. I accept the claim for CA\$370 per month.

AUTONUMOUT The minor's share of general expenses is CA\$2,331 per month x

5.65= HK\$13,170.15 per month. Child Expenses School fees AUTONUMOUT The father's daughter in marriage is attending an international school in Dubai. It seems beyond dispute that the minor has been identified as exceptionally talented and gifted academically. She is attending a private school, affiliated with UT, tailored for high-performing students. I accept

the minor's school fees of CA\$3,300 per month. Despite the father thought that the minor should be educated in public school, he accepts that he should approach the minor's school fees afresh. He proposes to contribute 50% of her school fees. Books and stationery AUTONUMOUT I accept that CA\$200 per month for books and stationery, including textbooks, laptop, computer gadgets and stationery is reasonable. Lunches and pocket money AUTONUMOUT The father proposes CA\$300 per month for this item. I accept CA\$20 per day for lunches and pocket money is reasonable, i.e. CA\$600 per month. Transport AUTONUMOUT The claim for CA\$300 includes the minor's 2/3 share of the costs of petrol, occasional use of Uber and presto card. It seems the default position for the sharing of petrol should be half share. There is no explanation on why 2/3 share should be adopted. Taking an overview, I accept CA\$200 per month for transport. Clothing AUTONUMOUT The father takes issue with that the mother and/or the minor has/have purchased clothes from high-end brands, and that the mother has included purchases such as expensive suitcase and jewelry in the minor's costs of clothing, while he does not gainsay that the minor, a teenager girl, needs new clothes. On that note, I agree that the mother can cut down on the costs of clothing and I accept 50% of the mother's claim, i.e. CA\$282.5 per month. Medical/dental AUTONUMOUT The mother has provided some details of her calculation. I accept the claim for medical/dental of CA\$110 per month. Uniform AUTONUMOUT There is no details on how the claim is calculated. It seems CA\$100 per month is excessive. I cut down 50% of the mother's claim to CA\$50 per month. Grooming AUTONUMOUT It seems CA\$115 per month is excessive. I cut down the costs of grooming to CA\$50 per month. Insurance (Travel, dental, accident and critical illness) AUTONUMOUT The father suggests that he should not be liable to pay for the minor's insurance policies. As I see it, the school travel insurance is mandatory and the others are essential. I accept the claim for insurance of CA\$89.5 per month. Extra tuition fees, toys, books, music, videos, extracurricular activities, entertainment and present, holidays and Summer camp, overnight camp, first aid certification renewal AUTONUMOUT To the father, the mother's claim is grossly exaggerated and some expenses on ad hoc activities should not be counted into the minor's monthly expenses. The minor is very active in school, sports and music. The minor is taking Maths, Chemistry and French private tutoring. The minor is a cellist in her school orchestra and has completed level 9 piano exam at the Royal Conservatory Music. She used to dance 3 days a week at the Canada National Ballet School, doing ballet, jazz and dance conditioning classes. She is training competitive badminton at provincial level. She won the gold medal in the Junior Girls Single BATAM badminton in 2023 and 2024, and bronze in Senior Girls Single TDCAA 2024. She was qualified for OFASS championship held in Barrie, Ontario. She is a certified diver, has a boat license and is certified in CPR and First Aid. The minor is very used to travelling. She represents the school in attending various competitions, such as Maths competition in the US. She ranked top 4 in a Canadian national geography contest (age 16-19 category) and represented Canada to compete in the International Geography Olympiad in Dublin in August 2024. The mother's overwhelming desire to fully support the minor and nurture her talent to help her excel is palpable. However, the court should carefully take into consideration the means of the father, the reasonableness and fairness of

the amount claimed, the mother's means, along with the child's needs, in order to consider whether it is reasonable and fair for the father to pay such amount. Overall, I take the view that the mother has to cut down the expenses on these items. Doing the best I can, I accept CA\$670 per month for extra tuition fees, CA\$28 per month for toys, books, music, CA\$350 per month for extracurricular activities, CA\$75 per month for entertainment and present, CA\$300 per month for holidays, Summer camp and overnight camp and CA\$15 per month for first aid certification renewal. AUTONUMOUT The minor's personal expenses are CA\$6,320 per month $\times 5.65 =$ HK\$35,708 per month. AUTONUMOUT The reasonable expenses for the minor are HK\$13,170.15 + HK\$35,708 = HK\$48,878.15 per month. The father's financial resources, needs, obligations and responsibilities AUTONUMOUT The father is a joint owner of two investment properties in India. His share of ownership is 50% in one of them (the 1st India property), 33.3% in the other one (the 2nd India property). The father and his wife are the joint owners of an investment account (the BOS portfolio) valued at USD1,243,352.47 as at 30 April 2024 and USD967,000 as at 27 November 2025. He believes that since he jointly owns the investment account with his wife, he should count only half of its value as his asset. According to his Form E filed on 4 June 2024, he had assets of HK\$8,330,551.24, which included his share of the 1st and 2nd India properties together valued at HK\$3,008,000, interest in bank accounts of HK\$111,442.15, interest in all holdings (including his half share of the BOS portfolio) of HK\$5,211,109.09. On liabilities, he had unpaid credit card debt of HK\$75,209.38 and unpaid legal bills of around HK\$60,000. The father used the exchange rate of 1 INR = 0.094HK\$ in the above Form E. AUTONUMOUT The father has not filed or served his updated Form E in time in accordance with the order made by Judge T Kwan on 5 September 2025. Upon my direction made on 26 November 2025 (the 2nd day of trial), he lodged with the court the updated Form E on 27 November 2025 (Exhibit R3) (the last day of trial). According to his updated Form E, his assets include his share of the 1st India property now valued at HK\$1,126,000, interest in bank accounts of HK\$319,243.56, interest in all holdings (including his half share of the BOS portfolio) of HK\$4,128,044. The father holds some unvested OCBC stocks that his employer has awarded to him under a deferred share plan, the value of which is unknown. On liabilities, he has unpaid credit card debt, tax loan and some other loans, totally HK\$1,603,960. He accepts that he still owns 33% of the 2nd India property but the Form E dated 27 November 2025 has inadvertently missed out the 2nd India property. AUTONUMOUT The mother went to great length to argue the father's true assets and liabilities. The mother suggests that the father uses his mother and sister to conceal his true beneficial interest to evade his financial responsibilities. The mother suggests that the Father is the true 100% beneficial owner of the two India properties as well as the BOS portfolio, but she is unable to adduce any credible evidence supporting such bare allegation. The joint ownership arrangement of the two India properties as well as the BOS portfolio were arranged a long time before the present applications. I take the view that the mother's above suggestion that such arrangements are connected with the present applications is far-fetched. Over and above, the father has given the plausible explanation that his mother and sister have used their inheritance from the family to fund the purchase of the two India properties, which was a contribution that made

them joint owners, and the BOS portfolio consists of a mixture of the funds from both the father and his wife. I accept that the father owns only 50% and 33% interests in the 1st and 2nd India properties respectively and that the father and his wife are equally interested in the BOS portfolio. AUTONUMOUT The mother raised queries upon six transfer out transactions from the father's bank accounts. The mother suggests that he was diverting funds out of his pocket to minimize his responsibility to the minor. The largest transfer out dated 4 May 2023 is in the sum of SGD160,000. The father took the court to his banks statements showing that the said sum of SGD160,000 was merely transferred from the father's bank account to his another bank account. The father gave accounts on the purposes and destinations of some of the other transactions that were taken place in a period of time, i.e. from 24 May 2023 and 2 February 2024, for totally SGD39,200 that is relatively speaking not a significant amount. After having carefully considered the matter, I do not accept that the father was diverting funds to frustrate or defeat the mother's claim for maintenance. AUTONUMOUT The father is working in the banking industry in Singapore. According to the Form E dated 5 June 2024, his average income per month was SGD39,166.67. In 2024, he received an one-off retention bonus in the sum of SGD192,000. He receives interest in the amount of around USD45,000 per year i.e. around HK\$29,250 per month from the BOS portfolio. He believes that since he jointly owns the investment account with his wife, he should count only half of the interest income, i.e. HK\$14,625 per month as his income. The two India properties are renting out, the 1st India property for INR52,000 per month (around HK\$4,888 per month) and the 2nd India property for INR130,000 (around HK\$12,183 per month). The father does not pocket the rental income that is used to settle his mother's living expenses in India. The father has produced his tax invoice, tax returns in proof of his income working in Singapore. After having carefully considered the matter, I accept that the father's evidence of his income working in Singapore. AUTONUMOUT He was recently transferred to the Dubai office from the Singapore office in April 2025. The father has provided his current business card (Exhibit R1) and a confidential letter dated 26 November 2025 from his employer (Exhibit R2). According to the letter dated 26 November 2025, he receives monthly remuneration of AED105,000. The exchange between Dirhams (AED) and HK\$ is currently 1:2.12. According to the father's Form E dated 27 November 2025, his average income per month is HK\$222,600. The father said that as he had been struggling to reach his key performance indicators in work, it was unlikely that he would have bonus this year. He added that during the past years, there were 5 or 6 years that he did not have any bonus. He suggests that he is currently at the peak of his career in terms of salary and earning capacity. He does not envisage that there will be any significant increase in his income. The father has produced R2 as proof of his income working in Dubai. After having carefully considered the matter, I accept the father's evidence of his income working in Dubai. According to the Form E dated 5 June 2024, the father paid SGD8,248.4 on monthly tax instalments. It is worthy of noting that there is no income tax in Dubai. AUTONUMOUT According to his Form E dated 5 June 2024, his monthly expenses living with his family in Singapore were as follows: - General Rent 8,000 Utilities 1,000 Food & Household expenses 5,000 Domestic Helper 1,100 15,100 (HK\$87,580) Personal (Family) Meals out of home 1,500

Transport Clothing/ shoes Personal grooming 1,000 Entertainment/ presents 1,000 Holidays Medical/ dental (employer covered) 8,248.4 Insurance premia 2,299.2 Contribution to parents 2,000 Brother-in-law s university fees and expenses AED6,700 Support for his wife 3,000 Periodical payments for the minor s benefit 3,385 23,949.6 + AED6,700 (HK\$152,977.68) Children School fees 1,831 Gymnastics class Holidays Insurance premia 109.72 Extra tuition fees, books and stationery, transport to school, medical/ dental, other extracurricular activities, entertainment/ presents, clothing/ shoes, lunches and pocket money, other transport, uniform Settled by his wife with his monthly contribution to her 2,473.72 (HK\$14,347.58) Total: SGD43,949.19 (HK\$254,905.3) AUTONUMOUT The father suggests that he, looking after his wife and the daughter in marriage financially and to provide for his mother living in India and his brother-in-law, is unable to pay any amount more than HK\$31,000 per month for the maintenance of the minor. AUTONUMOUT In Vaughan v Vaughan , the English Court of Appeal held that on general principal, a spouse on marriage was presumed to take the other subject to an obligation to support the wife or child of a dissolved marriage; that the court should always have that principle in mind, giving effect to it where it reasonably could and although it should not go so far as to give priority to the claims of a first wife, it should certainly not give priority to the claims of a second wife. AUTONUMOUT The father could not rank his duty to maintain his wife and the daughter in marriage in priority to his duty to the minor, despite the minor was born out of wedlock. AUTONUMOUT The fathers provides regular financial payments to his mother of around SGD2,000 per month on average. The father s mother owns 50% share of the 1st India property, 33% of the 2nd India property. She is living in 100% self-owned house. She receives rental income from the 1st and 2nd India properties. There is no evidence, or reason to believe, that she needs the father s monthly payments for living. AUTONUMOUT The fathers provides AED6,700 per month for his brother-in-law s university fees and expenses. The father s wife, even though now unemployed, has half interest in the BOS portfolio and receives half of the interest income. There is no evidence, or reason to believe, that she does not have the means to provide for her brother s university fees and expenses. AUTONUMOUT In the Form E dated 27 November 2025, the father s monthly expenses in Dubai together with his family are roughly estimated as follows: - General Rent 53,000 Utilities and management fees 10,600 Food and household expenses 50,000 Domestic helper 6,000 119,600 Personal Meals out of home 9,000 Transport 8,000 Clothing/ shoes 2,000 Personal grooming 2,000 Entertainment/ presents 5,000 Holiday (trips to India) 5,000 Medical/ dental (covered) Insurance premia 13,335.36 Monthly support to his mother 12,000 Monthly support to his wife 20,000 Maintenance for the minor s benefit 26,000 102,335.36 Children : To be confirmed Total: 221,935.36 AUTONUMOUT According to the Form E dated 27 November 2025, the father s expenses on rent, utilities and management fees, food and household expenses have increased and consequently the sub-total of the general expenses have gone up from HK\$87,580 per month in Singapore to HK\$119,600 per month in Dubai. The father travelled by public transport in Singapore. He has the use of a car in Dubai. His expenses on transport have increased from SGD700 per month to HK\$8,000 in Dubai. However, the sub-total of the personal expenses have gone down from HK\$152,977.68 to

HK\$102,335.36. The general expenses and personal expenses are totally HK\$221,935.36. The father does not provide any figure on the expenses of his daughter in marriage. The updated Form E missed out the father's expenses on his brother-in-law's university fees and expenses, although it is clear from his oral evidence that he is still providing for his brother-in-law's study in university financially. AUTONUMOUT When questioned about the correctness of the figures in the Form E dated 27 November 2025, the father's position was dubious. The father did not vouch the accuracy of his estimate of his monthly expenses in Dubai as listed out in the Form E dated 27 November 2025. He explained that it was because :- (a) he had prepared it in great haste; (b) in view of that he had lived in Dubai for only a few months, his current expenses might not be what he would regularly spend in the long term. AUTONUMOUT Even so, it is plain that the father, living with his family and working in Dubai, is able to pay more than HK\$31,000 per month for the maintenance of the minor. In addition to his monthly salary, he receives steady interest income from the BOS portfolio. He is a joint owner of two investment properties in India that produce sizable rental income. He could cut back on the payments of \$12,000 per month to his mother, or his brother-in-law's university fees and expenses. He has HK\$319,243.56 in bank accounts, and bonds and stocks of HK\$4,128,044 that are fungible. What is the appropriate level of maintenance to be paid by the father going forward? AUTONUMOUT The statutory guidance is that the court, taking into consideration the means of the paying parent, the other party's means and the child's needs, should make a reasonable award and to arrive what is fair in the circumstances. In doing so, the court needs to consider carefully the reasonableness and fairness of the amount claimed, i.e. to consider whether it is reasonable and fair for the father to pay such amount. AUTONUMOUT The father suggests that it is neither reasonable nor fair that he is required to contribute 100% of the minor's expenses, considering that the mother has conveniently chosen not to utilize her full earning capacity. AUTONUMOUT The father repeatedly reminds the court that it was previously found by Judge Melloy that the grandmother was responsible for settling payments for the benefit of the minor. AUTONUMOUT To the father, the 2011 Order has already covered the minor's tuition fees. To his dismay and chagrin, the mother is asking the father to be fully responsible for the minor's expensive private school education. AUTONUMOUT In considering a change of circumstances, the court may look at the case de novo. The existence of a previous order/Judgment does not necessarily fetter the court's exercise of its power and although the basis and intended effect of the original order are relevant, the court may look at the situation afresh and make an order based on the parties' existing financial circumstances. AUTONUMOUT I firmly believe that the mother has earning capacity. The mother has vast experience in the banking field, both in Hong Kong and Canada. She is presently a PhD student. She expects to graduate by 2026. By the time when her PhD study ends, I expect that the Mother will immediately take steps to look for gainful employment. It is her evidence that her transitioning to the field of carbon sequestration might provide job stability in the long term. She also positively gave evidence on the prospect of securing a post-doctoral fellowship in university for US\$57,000 to US\$62,000 per year. In the circumstances, I take sanguine view about her prospect of earning a reasonable income after graduation. In the

longer term, she probably can greatly improve her financial situation. For now, her income is limited. However, she has CA\$9,000 in her checking account, CA\$8,700 in her saving account and stock holdings of CA\$35,390, to tie her over until her return to gainful employment. I have also taken the view in the above that there will still be reasonable financial means of support available to her from the grandmother, if she makes a request. It would be pertinent to take into account that she and the minor are living in Donway, a self-owned apartment that according to her Form E dated 4 June 2024, has a net value of HK\$1,337,684.09. Selling Donway for living expenses is a last resort, but it is on the cards if the mother is out of options. There is no evidence, or any reason to believe, that the mother and the minor cannot live on rent. I take the view that the mother could contribute to some of the minor's expenses. I have taken the view in the above that the father is able to pay more than HK\$31,000 per month for the benefit of the minor. All things considered, I take the view that it is fair and just to make an order that the mother and the father shall be responsible for the minor's reasonable expenses in a ratio of 25/75 respectively. My calculation of what I believe to be the reasonable expenses for the minor gives the sum of HK\$48,878.15 per month, that is to say the father shall pay HK\$36,658.6 per month for the maintenance of the minor. With some adjustments, the father should be able to afford this sum. AUTONUMOUT The mother seeks an order that the proposed upward variation be dated back to 11 July 2020 and be increased by 7% per year. The court has a very wide power, including a power to vary up payments and to backdate the variation ordered. In practice, orders were not usually backdated to a date prior to the notice of application to vary, unless the justice of the case so required. The overall objective is to achieve a fair outcome. The mother suggests that she has gone to her savings and loans from her mother to provide for the minor so that it is only fair that the father is required to repay her some of the minor's past expenses. I take notice that the 2011 Order is on the basis that the mother will continue to be responsible for the minor's housing and some of her education costs. It is understandable that the mother has been contributing to some of the minor's expenses. I have also taken the view in the above that her loans from the grandmother are soft loans. I have doubts that the mother is required to repay the soft loans. At the same time, I, recognizing the increasing needs of the growing minor, I have taken the view in the above that there has been significant change of circumstances since the 2011 Order. All things considered, I take the view that it is fair and just to make an order that the upward variation be dated back to 20 December 2023, i.e. the date of the mother's application for variation upward. The mother did not adduce any evidence supporting the claim for an annual increase of 7%. Taking into account that the consumer price index is a key measure of inflation reflecting price changes for household goods and services, I order that the periodical payments be linked to Canada Consumer Price Index. AUTONUMOUT There is a shortfall of HK\$327,806.4, the calculation of which is: - (1) HK\$199,903.2 being the increase of HK\$16,658.6 per month for 12 months from January 2024 to December 2024; (2) HK\$127,903.2 being the increase of HK\$10,658.6 per month for 12 months from January 2025 to December 2025. AUTONUMOUT The mother seeks various lump sum payments. I take notice that lump sum payments can only be paid for the immediate and non-recurring

needs of the minor or for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the minor before the making of the order to be met AUTONUMOUT The mother seeks a sum of CA\$30,800 for the minor s academic year 2024/25 school fees. Since the summons dated 11 June 2024, she has already paid the minor s 2024/2025 school fees. The upward varied periodical payment, backdated to 20 December 2023, covers the minor s 2024/2025 school fees. Also taking into account the sum of HK\$30,000 having paid pursuant to the 2025 Interim Order, I make no order as to the mother s application for the sum of CA\$30,800 for the minor s academic year 2024/25 school fees. AUTONUMOUT In February 2025, the minor sustained a concussion during a school sports tournament and was hospitalized with brain, neck, and vision injuries. She has incurred CA\$745 in her accidental medical expenses. In the Table of the minor s updated expenses dated 19 September 2025, the mother seeks CA\$887.5 for reimbursement of the minor s expenses on concussion rehabilitation from February to May 2025. I accept such expenses as necessary and reasonable. At the same time, there are provisions in the sum of CA\$110 per month for the minor s medical and dental expenses and in the sum of CA\$89.5 for insurance for dental, accident and critical illness. Those sums could be treated as contribution to the mother s medical expenses. Therefore, the upward varied periodical payment, backdated to 20 December 2023, covers the father s contribution to the minor s medical expenses incurred in 2025. I make no order as to the mother s application for the sum of CA\$887.5. AUTONUMOUT The mother estimates the minor s future costs of vision therapy at CA\$2,114. The mother also seeks a lump sum of CA\$8,467.5 for the minor s future expenses on prescription of eyeglasses, orthotics every few years, physiotherapy, iron and magnesium supplements and miscellaneous over the counter drugs, and she seeks a lump sum of CA\$7,580 for the minor s future expenses on dental brace. My difficulty in the approach to the mother s claims above is not only that I am struggling in following the calculation of the above said sums due to a complete lack of detail, but also: There is no acceptable medical evidence substantiating the minor immediate needs for orthotics, future physiotherapy, iron and magnesium supplements, over the counter drugs or dental brace; It appears that some items, such as iron and magnesium supplements and miscellaneous over the counter drugs, are not immediate and non-recurring needs; There is no evidence whether the claim for future costs above overlaps the provisions of CA\$110 per month for the minor s medical and dental expenses and the sum of CA\$89.5 per month for insurance for dental, accident and critical illness. I do not accept the claim for CA\$8,467.5 for the minor s future medical expenses or CA\$7,580 for the minor s future expenses on dental brace. AUTONUMOUT In April 2025, the family car required urgent repairs costing CA\$4,415. The mother seeks reimbursement of the sum of CA\$4,415. The car belongs to the mother. It seems harsh to extend the father s obligation for the minor to include payment for the repair costs of the mother s car. Moreover, the mother has included the costs of maintenance in the sum of CA\$3000 per year in the calculation of her car expenses, which said sum could be treated as contribution to the costs of repair of the mother s car. I do not accept the claim for the sum of CA\$4,415. AUTONUMOUT The mother seeks CA\$5,000 for the minor s future expenses on driving lesson. A parent can teach his child to drive in Canada. The mother is working part-

time. She can teach the minor driving. I do not accept the claim for the minor's future expenses on driving lesson. AUTONUMOUT I do not accept the mother's submission that the minor will need her own car in the near future. I believe that the minor can continue taking rides from the family car, using public transport and occasionally using Uber service. AUTONUMOUT The minor will continue her studies in university in the next year. The minor is actively preparing her university applications for tier 1 universities in the US. The mother fully supports her endeavours. In the updated table of the minor's monthly expenses dated 19 September 2025, the mother estimates the minor's university tuition including residence at US\$110,000 for 2026/27. The minor has been offered a place in UNC, the tuition and residence of which is USD64,846 for 2026/27. The mother sensibly accepts that tier 1 universities in the US are very expensive for international students. I agree with the father that the more realistic choice would be university in Canada where the minor will pay tuition for local students. The mother worries that the minor's expenses may increase as she studies in university, no matter in Canada or the US. As noted above, I expect that the mother's financial situation will improve. It is not impossible that there is so much improvement that it is just and reasonable for her to absorb the increase in the minor's expenses, if any. Furthermore, the expenses of the minor, studying in university, may or may not increase at all. There is no concrete evidence on where or what the minor is going to pursue further studies. As a corollary, there is no clue on what the future expenses will be. These lingering uncertainties make it impossible to deal with the mother's worry in the above here and now. If needed, the parties can try to put their heads together to find a reasonable solution when the time is right. In the unfortunate event that there is no consent, they may have to return to the Family Court to sort out their difference.

Conclusion

AUTONUMOUT I make the order that:- The 2011 Order be varied up that the father do pay periodical payment of HK\$36,658.6 per month for the benefit of the minor, the 1st payment be made on 11 January 2026, and thereafter on the 11th day of each succeeding month until the minor reaches the age of 18 or ceases full time education. The above periodical payment be linked to the Canada Consumer Price Index; The father do pay the shortfalls in the sum of HK\$327,806.4 by the 11 February 2026; The 2025 Interim Order be set aside. Costs AUTONUMOUT Hartmann J (as he then was) mentioned in F v F (No 2) that the long-established principle that costs are determined not by dividing litigation into quantifiable subjects and figures, like a profit and loss account, but rather by way of overall impression. Likewise, in YBL v LWS (No 2), the Court of Appeal held that, in measuring who was the successful party and the extent of his success, the court had to examine the reality and justice of the case. Despite the mother has beaten the father's open proposal, there are points taken by the mother that I do not accept. Both parties have won and lost some issues based arguments. I regard that the mother is partially successful in the present applications. With broad brush, I regard that it is just and reasonable to make an order nisi that the father shall pay 50% of the mother's costs of the summons dated 20 December 2023 and the summons dated 11 June 2024 including reserved costs. The costs order

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hN)[hN)[h3pP hN)[h3pP h3pP h3pP hz<S h3pP h3pP h3pP hN)[hN)[hN)[hN)[hN)[hN)
[hN)[gdN)[kda# gdN)[gdN)[kdo\$ kd%# gd3pP kd]% kd1& h3pP h3pP hN)[h3pP gd3pP
kd?' yuquyiyid ``y hw{= hf8> kd_(kdm) kd!* kd{* kd/+ kd=, kdK- gd|or kdY. gdY6 gd < |
vpvivcpc h|or hx76 hj w h9I[h9I[gpD- gdNQ hEYl h;yh h;yh hEYl h&i{ h_>h }
sje[WRWRWRWRH hvKS gd < |snd`ZP }xtjdjtdx & # \$ yt \$ yt \$ yt \$ yt \$ yt \$ yt \$ yt \$ yt \$
yt \$ yt \$ yt \$ yt \$ yt \$ yt \$ yt \$ yt \$ yt \$ [Content_Types].xml _rels/.rels theme/theme/
themeManager.xml K Y, sQ}# theme/theme/theme1.xml \$O}) Xp90 +PHI| PP yu 9xu5 fs+W
VF7H q=. 8}d- qyI@ !j!Q_- jyV` |PZ+ T ""p < 4V O&x\$ A8>v ;EUC n 8r *~P(5 .}x E /EE} theme/
theme/_rels/themeManager.xml.rels 5 6:\$Q K(M&\$R(.1 [Content_Types].xmlPK
_rels/.relsPK theme/theme/themeManager.xmlPK theme/theme/theme1.xmlPK theme/
theme/_rels/themeManager.xml.relsPK <?xml version="1.0" encoding="UTF-8"
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accent2="accent2" accent3="accent3" accent4="accent4" accent5="accent5"

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HdPX;NB .7/` 2kIa(B --1c(; (E\_1(&n .7/` 2kIa (E_1 --1c & \$Dx +Q7K & 6" CACV Judiciary
English.dot Windows User Microsoft Office Word Judiciary CACV CACV Title _PID_HLINKS
4tldx Mhldx qldx Mhldx qldx <?xml version="1.0" encoding="UTF-8" standalone="no"?
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Word 97-2003 Document MSWordDoc Word.Document.8

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