

Originating Application on Ground of Wilful Neglect to Maintain
In the District Court of Hong Kong held at
No. of
Matter

(Seal)

In the Matter of an Application under section 8 of the Matrimonial Proceedings and Property Ordinance

Between
and

Applicant
Respondent

1. I, _____, of _____,
the wife [husband] of _____ of _____ (hereinafter called the respondent) say that the respondent [*in the case of a wife's application* has wilfully neglected to provide reasonable maintenance for me *or in the case of a husband's application* has wilfully neglected to provide [*or make a proper contribution towards*] reasonable maintenance for me [and the child[ren] of our family]].

2. On the _____ day of _____ 19____, I [*in the case of an application by a wife* being then [state full name and status before the marriage] was lawfully married to the respondent [*in the case of an application by a husband* who was then [state respondent's full name and status before marriage]] at .

3. There is [are] [no [*or state number*] children of the family now living] [namely [*state the name of each child and his date of birth or, if it be the case, that he is over 18 and, in the case of each minor child over the age of 16, whether he is, or will be, or if an order or provision were made would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation*] who is now residing at [*state the place*] with [*state the person*]].

4. There have been no previous proceedings in any court in Hong Kong or elsewhere with reference to the marriage [or the children of the family] [except *state the nature of the proceedings, the date and effect of any decree or order and, in the case of proceedings with reference to the marriage, whether there has been any resumption of cohabitation since the making of the decree or order*].

5. [*Where appropriate in the case of a child who is under 18*] The said _____ was, on the _____ day of _____ 19____, received into the care of [or is a child with respect to whom a resolution was, on the _____ day of _____ 19____, passed by] the Director of Social Welfare.

6. The following are particulars of the wilful neglect by the respondent to provide reasonable maintenance for me [or *in the case of a husband's application* to provide reasonable maintenance [or to make a proper contribution towards reasonable maintenance] for me] [and for the said child[ren] [*state names*]] [*give particulars adding in the case of a husband's application in respect of himself the matters set out in section 8(1)(b)(i) of the Matrimonial Proceedings and Property Ordinance (Cap. 192) on which he relies*].

7. The respondent has not made any payments to me by way of maintenance for myself [or the said child[ren]] [except [*give particulars*]].

8. My means are as follows—

9. To the best of my knowledge and belief the respondent's means are as follows—

10. I apply for an order that the respondent do make provision by way of [periodical payments, secured periodical payments, a lump sum *delete as appropriate*] for me [and [*such of the said provisions as may be claimed*] for [*state name[s] of child[ren]*] in respect of whom such claim is made]].

11. I ask that I may be granted the custody of the said [*state name[s] of the child[ren]*].

12. This Court has jurisdiction to entertain these proceedings by reason of the fact that the respondent and I are resident in Hong Kong [*or as the case may be*].

My address for service is [*Where the applicant sues by a solicitor, state the solicitor's name or firm and address or, where the applicant sues in person, state her place of residence as given in paragraph 1 or, if no place of residence in Hong Kong is given, the address of a place in Hong Kong at or to which documents for her may be delivered or sent*].

Dated this _____ day of _____ 19 ____.

(L.N. 135 of 1972)