The common law principles governing the terms of insurance contracts are of some antiquity and based upon form rather than substance. Conditions precedent and warranties have regularly been condemned by academics and practitioners alike as draconian in their effect. Hong Kong adheres to those principles. They have been abandoned in New Zealand (1977) and Australia (1984), and in March 2014 the English and Scottish Law Commissions produced proposals to modify the law in those jurisdictions. How effective will those proposals be, and should Hong Kong follow suit?

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