

Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill to be introduced into LegCo

The Government will introduce the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill into the Legislative Council (LegCo) to implement the Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region (HKSAR) signed between the Government and the Supreme People's Court on June 20, 2017.

A spokesman for the Department of Justice (DoJ) said today (November 25), "There have been calls from the public, the legal sector and the Judiciary for the early implementation of the Arrangement in order to establish a mechanism between the HKSAR and the Mainland to provide for reciprocal recognition and enforcement of judgments in matrimonial and family matters.

"The implementation of the Arrangement would be in the interest of parties and families of cross-boundary marriages as it would establish a bilateral mechanism for the relevant Hong Kong judgments to be recognised and enforced in the Mainland and vice versa, and reduce the need for relitigation of the same disputes, hence saving time and cost and relieving emotional distress of the parties."

The Bill is modelled on an existing mechanism under the Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597). It establishes mechanisms in respect of the following:

- (1) the registration of specified court orders in an effective Mainland judgment given in a matrimonial or family case;
- (2) the recognition of Mainland divorce certificates; and
- (3) the application for a certified copy of and certificate for a Hong Kong judgment given in a matrimonial or family case, so as to facilitate a party in seeking recognition and enforcement of the Hong Kong judgment in the Mainland.

The above mechanisms will be complemented by relevant court rules to be made after enactment of the Bill. The Arrangement would be brought into operation after completion of the internal procedures in the HKSAR and the promulgation of a judicial interpretation by the Supreme People's Court.

A public consultation on a draft of the Bill was conducted by the DoJ in

2019, during which the majority of responses received were supportive of the proposed legislation. The LegCo Panel on Administration of Justice and Legal Services was consulted in March 2018 and February 2019, and expressed support for the legislative proposals. The DoJ has also continued to engage with the key stakeholders, including family law practitioners, in refining the legislative proposals.

The Bill will be gazetted on Friday (November 27), and will then be introduced into LegCo on December 2.