

內地與香港司法法律規則銜接高峰論壇

Forum on the Interface of Judicial and Legal Rules between Mainland and Hong Kong

最高人民法院及香港特別行政區政府律政司合辦

Co-organised by the Supreme People's Court and the Department of Justice of the HKSARG

认可与执行香港法院判决的司法实践



內地與香港特別行政區法院婚姻家庭案件相互認可和強制執行新機制

New mechanism for reciprocal recognition and enforcement in matrimonial and family cases between the Courts of Mainland and the Hong Kong Special Administrative Region

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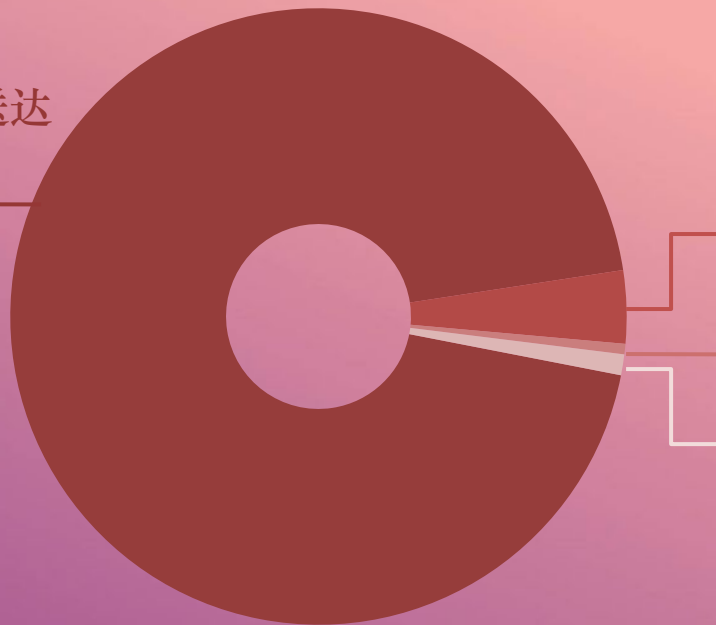
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接受香港法院委托送达
和取证案件519宗



申请认可和执行香港法院解除婚姻关系判决
21宗

申请认可和执行香港法院商事判决3宗

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涉港司法協助案件呈現出以下特點

申請認可和執行香港法院判決的數量較少

申請認可香港離婚判決的比重最高（84%）

所有司法協助案件中除因法定事由或客觀原因無法完成的，法院均依法予以支持

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內地法院認可與執行香港法院判決的程序

一般做法

管轄權

一般做法

審查程序

第一步審查程序，具體就是指由當事人申請認可和執行，經內地法院審查後作出獲得一份准許認可和執行的裁定。

第二步執行情序。當事人根據認可和執行的生效裁定向法院申請執行香港判決。

對於無執行內容的香港判決，只需要經過第一步審查程序。

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管轄權

管轄權

審查程序

2017-2021年深圳中院審結17宗認可香港法院離婚判決中，有5宗是因管轄權問題而被駁回申請。

申請人住所地/經常居所地、被申請人住所地/經常居所地/財產所在地 中级人民法院都是具有管轄權，申請人可以向上述任一家法院申請認可。

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審查程序

審查程序

內地法院對於香港法院判決的審查標準是形式審查。

審查內容包括是否違反我國專屬管轄規定、判決是否生效、對方當事人是否得到被通知及平等辯論機會、判決是否與生效判決存在衝突、是否存在欺詐、判決是否明顯違反內地法律的基本原則或者社會公共利益。

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需要注意的問題

申請
時限

認可和執行
的關係

欺詐

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