

## Mainland Judgments (Reciprocal Enforcement) Bill to be Gazetted

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A bill, which seeks to implement the provisions of an arrangement on reciprocal enforcement of judgments (REJ) in civil or commercial matters by the courts of the Mainland and the Hong Kong Special Administrative Region, will soon be introduced into the Legislative Council.

The Mainland Judgments (Reciprocal Enforcement) Bill would implement the provisions of the Arrangement by providing for the registration and enforcement by the HKSAR courts of money judgments given by designated courts of the Mainland exercising their jurisdiction pursuant to a valid exclusive choice of court clause contained in a business-to-business agreement, a spokesman for the Department of Justice said today (February 14).

The Arrangement, which was signed on July 14, 2006, can be implemented only in the HKSAR by means of legislation whereas, on the Mainland, the Supreme People's Court will promulgate a judicial interpretation to set out the details of the procedures for implementing the Arrangement.

The Bill was modelled on the Foreign Judgments (Reciprocal Enforcement) Ordinance which provided for the enforcement of foreign judgments in Hong Kong, the spokesman said.

"The Bill is in conformity with the Basic Law, including provisions concerning human rights," he said.

The spokesman said the proposed legislation would benefit members of the business community who were doing business with the Mainland, as the court judgments of one jurisdiction could be enforced in the other without the need to go through time consuming and costly litigation proceedings.

"It is conducive to Hong Kong's development as a centre for resolution of commercial disputes involving Mainland parties."

The spokesman said the Legislative Council's Panel on Administration of Justice and Legal Services, related legal professional bodies, chambers of commerce and trade associations had been consulted on the need for a REJ arrangement with the Mainland and on the broad framework of the arrangement.

The Bill will be gazetted on February 23.

Ends/Wednesday, February 14, 2007

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