

Court rules and commencement notice related to Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance gazetted

The Government today (August 27) published in the Gazette the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Rules) and Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Commencement) Notice (Commencement Notice). The Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) (Ordinance) and the Rules will come into operation on February 15, 2022.

The Ordinance, which seeks 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" in Hong Kong, establishes mechanisms in Hong Kong in respect of the registration of specified orders in Mainland Judgments given in matrimonial or family cases, the recognition of Mainland divorce certificates and the application for certified copies of and the issue of relevant certificates for Hong Kong Judgments given in matrimonial or family cases. In the Mainland, the Arrangement will be implemented by way of judicial interpretation to be promulgated by the Supreme People's Court (SPC).

The Government and the SPC have agreed for the Arrangement to come into operation on February 15, 2022. The Secretary for Justice, under section 1(2) of the Ordinance, appointed February 15, 2022, as the day on which the Ordinance comes into operation.

To complement the operation of the mechanisms established under the Ordinance, the Chief Judge of the High Court made the Rules under section 40 of the Ordinance. The provisions of the Rules cover matters including the practice and procedure relating to applications under the Ordinance and the execution of registered orders, and the fees payable under the Ordinance.

A spokesman for the Department of Justice (DoJ) said, "The implementation of the Ordinance and the Arrangement will benefit parties to cross-boundary marriages, families and their children. By providing a more expeditious and more cost effective mechanism for reciprocal recognition and enforcement of judgments given in matrimonial and family cases between Hong Kong and the Mainland, the need for re-

litigation of the same disputes in both Hong Kong and the Mainland can be reduced, thereby saving the parties' time and costs, and their rights will also be better safeguarded. This will also help mitigate the impact of matrimonial proceedings on the parties to the marriage and on the children of the family as well as relieving their emotional distress."

The DoJ conducted a public consultation on the draft Rules, alongside the relevant draft Bill, in 2019, during which the majority of responses received were supportive of the draft Rules. The DoJ then also consulted the Legislative Council Panel on Administration of Justice and Legal Services and its Members expressed in-principle support for the draft Rules.

With a view to familiarising legal practitioners and the general public with the mechanisms established under the Ordinance, the Government is planning to launch publicity programmes, which include workshop to be co-organised with the SPC, a "one-stop shop" dedicated webpage to be set up on the DoJ's departmental website as well as distribution of promotional leaflets.

The Rules and the Commencement Notice will be tabled before the Legislative Council next Wednesday (September 1) and be subject to negative vetting.

Ends/Friday, August 27, 2021