

Speech by DSJ at seminar on New Mechanism for Reciprocal Recognition and Enforcement of Civil and Commercial Judgments between the Courts of Mainland and the Hong Kong Special Administrative Region (English only) (with photo)

Following are the closing remarks by the Deputy Secretary for Justice, Mr Cheung Kwok-kwan, at the seminar on "New Mechanism for Reciprocal Recognition and Enforcement of Civil and Commercial Judgments between the Courts of Mainland and the Hong Kong Special Administrative Region" co-organised by the Supreme People's Court (SPC) and the Department of Justice today (January 29):

Judge Guo (Judge Guo Zaiyu of the Fourth Civil Division of the SPC), Judge Gu (Deputy Chief Judge of the Fourth Civil Division of Guangdong High People's Court, Judge Gu Enzhen), Director General Zhou (Director General of the Research Office of the SPC, Mr Zhou Jiahai), Deputy Director General Si (Deputy Director General of the Research Office of the SPC Ms Si Yanli), Director Zhang (Director of the Hong Kong and Macao Judicial Affairs Office, Research Office of the SPC, Ms Zhang Xinmeng), distinguished guests, ladies and gentlemen,

Good afternoon. Today marks the commencement of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance, a milestone of cross-border mutual legal assistance in civil and commercial matters. To commemorate this remarkable achievement, we join our hands with the Supreme People's Court to organise the seminar today.

I would like to take this opportunity to sincerely thank all the speakers of today, who have kindly shared their valuable insights and observations on the new mechanism. The coverage of today's seminar is broad and deep. In the keynote speeches this morning, the Secretary for Justice, judges from the Supreme People's Court, and our judiciary have shared with you the significance of the Arrangement and its important features. In the two thematic sharing sessions, we have the honour to have judges from both places as well as top-notch lawyers and academics to analyse the Arrangement in detail, the legal instruments implementing the Arrangement as well as related legal concepts which may be different under Mainland and Hong Kong law. The last panel discussion gathered leading figures from the legal and business sectors as well as Mainland courts, who have unveiled the implications of the Arrangement from their respective expert angles with advice on how to make use of the implementation of the new mechanism. We are also most pleased to hear

from the Mainland judges that preparation has been duly made by the Mainland courts to take forward the new mechanism.

I would also like to thank every one of you who participated in today's seminar. The Arrangement brings lasting impact to Hong Kong and the Mainland. As we take forward the implementation of the Arrangement, we are aware of some unfortunate misconceptions on the implications of the new mechanism. The Department of Justice and the Supreme People's Court are surely alerted about these misconceptions and we have made timely clarifications. It is indeed of paramount importance to promote a correct understanding of the Arrangement. The seminar today hence is very timely.

We hope that through the seminar today, participants have gained access to the underlying policy-making rationale as well as an accurate picture of how the Arrangement will operate in both places. After having heard the helpful comments and observations generously shared by the judges and experts today, we would have a firmer grasp of what the new mechanism is, how it would work, what advantages it would bring and why it would be relevant to you.

The Arrangement not only benefit individual parties whereby parties could take the advantage of the streamlined procedures for cross-boundary enforcement of civil and commercial judgments at a lower cost, and at the same time enjoying a higher degree of certainty on the cross-boundary enforceability of the judgments they have obtained, but it also benefits Hong Kong as a whole. Hong Kong is the first and only common law jurisdiction to have an arrangement with the Mainland on reciprocal recognition and enforcement with such a comprehensive coverage. It seems most sensible that Hong Kong would be a more popular spot for dispute resolution, and would develop into a regional centre for international legal and dispute resolution services as outlined in the National 14th Five-Year Plan.

Upon the commencement of the Arrangement, we turn a new page of the regime for mutual legal assistance in civil and commercial matters between Hong Kong and the Mainland, which enhances important connections between the legal systems of the two places, and in turn exemplifies the unique advantages of the fundamental principle of "one country, two systems". Beyond today's seminar, the Department of Justice and the Supreme People's Court would continue to maintain close contact and monitor how the Arrangement is implemented. We would also continue our efforts in promoting the new mechanism among different sectors in the community. We welcome your views as we continue to strive for the betterment of the cross-boundary

regime of mutual legal assistance, which would ultimately better serve the public interest of our country.

May I thank once again the Supreme People's Court for their unfailing support and dedicated efforts in taking forward mutual legal assistance in both places over the past few decades, particularly their sharing and attendance at today's seminar in person.

The Year of the Dragon is approaching. May I take this opportunity to wish all of you a fruitful and flourishing Year of the Dragon ahead. Thank you very much.

Ends/Monday, January 29, 2024