

**For information**

**Legislative Council Panel on  
Administration of Justice and Legal Services**

**The Sale of Goods (United Nations Convention) Ordinance (Cap. 641) –  
timeline for the coming into operation of the Ordinance  
and related promotion**

**Purpose**

This paper seeks to brief Members on the timeline for the coming into operation of the Sale of Goods (United Nations Convention) Ordinance (Cap. 641) (“**Ordinance**”) and related promotion by the Department of Justice (“**DoJ**”) since the enactment of the Ordinance last September.

**Background**

2. The Government conducted a public consultation exercise in 2020 on the proposal to apply the United Nations Convention on Contracts for the International Sale of Goods (“**CISG**”) to the Hong Kong Special Administrative Region (“**HKSAR**”) (“**Consultation**”) <sup>1</sup>. Noting that there was general support for the application proposal among the respondents to the Consultation, and after consulting this Panel on 22 March 2021 on the outcome of the Consultation and the Government’s plan of extending the application of the CISG to the HKSAR, the Government introduced the Sale of Goods (United Nations Convention) Bill into the Legislative Council (“**LegCo**”) in July 2021 with the object of implementing the CISG in full in the HKSAR. The Bill was passed by the LegCo on 29 September 2021. Under its section 1(2), the Ordinance will come into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.

3. During the consultation and legislative stages, the Government was encouraged by respondents to the Consultation and LegCo members

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<sup>1</sup> This Panel was consulted on 27 May 2019 and 25 May 2020 regarding the launch of the Consultation.

participating in the Bills Committee on Sale of Goods (United Nations Convention) Bill (“**Bills Committee**”) to: (a) allow sufficient time between enactment of the Ordinance and its taking of effect for relevant stakeholders to adapt to the implementation of the CISG and adjust their business practice and affairs as appropriate – with a Member of the Bills Committee proposing that the commencement of the Ordinance should take place at least one year after the passage of the Bill<sup>2</sup>; and (b) step up its communication efforts with businesses and the legal profession to promote the merits and knowledge of the implications of applying the CISG to the HKSAR<sup>3</sup>.

### **Application and Implementation of the CISG in the HKSAR**

4. Pursuant to the relevant process under Article 153 of the Basic Law<sup>4</sup>, as well as the requisite declaration and notification on 4 May 2022 by the Central People’s Government to the Secretary-General of the United Nations (as depositary for the CISG) for applying the CISG (without China’s reservation in respect of Article 1(1)(b) under Article 95 of the CISG) to the HKSAR<sup>5</sup>, the application of the CISG (without China’s said reservation) to the HKSAR will take effect on 1 December 2022 according to Article 97(3) of the CISG<sup>6</sup>. The Ordinance will come into operation on the same day in order to implement the CISG in the HKSAR. For this purpose, the Secretary for Justice will appoint 1 December 2022 as the day on which the Ordinance comes into operation. It is planned that the commencement notice for the Ordinance will be

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<sup>2</sup> Report of the Bills Committee dated 20 September 2021 (LC Paper No. CB(4)1553/20-21), available at: <https://www.legco.gov.hk/yr20-21/english/bc/bc109/reports/bc10920210929cb4-1553-e.pdf>, paragraph 12. Also, the Government’s paper for this Panel titled “Proposed Application of the United Nations Convention on Contracts for the International Sale of Goods to the Hong Kong Special Administrative Region” of March 2021 (CB(4)648/20-21(03)), available at <https://www.legco.gov.hk/yr20-21/english/panels/ajls/papers/ajls20210322cb4-648-3-e.pdf>, paragraph 17.

<sup>3</sup> Report of Bills Committee dated 20 September 2021 (LC Paper No. CB(4)1553/20-21), note 2 above, paragraph 10.

<sup>4</sup> Article 153 of the Basic Law provides (inter alia) that, “[t]he application to the Hong Kong Special Administrative Region of international agreements to which the People’s Republic of China is or becomes a party shall be decided by the Central People’s Government, in accordance with the circumstances and needs of the Region, and after seeking the views of the government of the Region.”

<sup>5</sup> The said declaration and notification by the Central People’s Government are available at <https://treaties.un.org/doc/Publication/CN/2022/CN.124.2022-Eng.pdf>.

<sup>6</sup> Please refer to the webpage of the United Nations Commission on International Trade Law (“**UNCITRAL**”) at <https://uncitral.un.org/en/news/china-deposits-declaration-territorial-application-united-nations-convention-contracts>.

published in the Gazette on 30 June 2022 and tabled in the LegCo on 6 July 2022 for negative vetting in accordance with section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

### **Related Promotion by the DOJ**

5. With a view to assisting the business and legal sectors in getting ready for the implementation of the CISG, the DoJ (in collaboration with these sectors) has rolled out a series of public events and promotional materials since the beginning of this year.

#### **(A) Promotional events**

6. The promotional events conducted this year include:

- (a) Two public online seminars titled “CISG in Hong Kong – What it Means for Businesses”, which were co-organised by the DoJ and the Hong Kong General Chamber of Commerce on 19 January 2022 (Cantonese) and 26 January 2022 (English) respectively. Speakers at these seminars, including representatives from the DoJ and legal practitioners, gave an overview of the Ordinance and the CISG and shared with participants practical tips concerning dealings in the international sale of goods under the CISG.
- (b) In collaboration with the Asian Academy of International Law (“AAIL”), the DoJ co-organised:
  - a webinar on 24 January 2022 titled “New Ordinance on CISG – Updates on Hong Kong’s Law on International Sale of Goods”, in which a renowned CISG expert shared with participants the “must knows” about the CISG and the DoJ’s representative discussed the Ordinance and its interplay with existing Hong Kong law<sup>7</sup>;
  - an intensive CISG legal training workshop titled “CISG Legal Training Workshop – Essential Know-How for

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<sup>7</sup> This event was supported by the Hong Kong Bar Association and the Law Society of Hong Kong.

Lawyers” on 21 February 2022, with renowned CISG experts covering in-depth analysis of the main provisions of the CISG and sharing practical tips for lawyers on contract drafting, dispute prevention, etc. in light of the CISG<sup>8</sup>; and

- the 2022 CISG Conference<sup>9</sup> on 27 March 2022, featuring presentations by expert speakers and a debate session by world-renowned legal practitioner and academics, deliberating on an array of topical issues relating to the development and significance of the CISG in various commercial arenas.

7. Each of the above promotional events attracted about 200 or more participants, mostly from Hong Kong with the remaining coming from various other jurisdictions. For easy access by the public, the video recordings and presentation slides for all the above-mentioned events have been made available on the DoJ’s featured webpage on the CISG<sup>10</sup> (“**DoJ’s Featured Webpage**”).

## **(B) Promotional materials and other resources**

8. To facilitate the relevant stakeholders’ understanding of the implications of implementing the CISG in the HKSAR, the DoJ has also prepared:

- (a) a set of FAQs and a pamphlet titled “Why CISG? How does it apply?”, which are available on the DoJ’s Featured Webpage<sup>11</sup>; and
- (b) featured articles for publicly available professional and trade

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<sup>8</sup> This event was also supported by the Hong Kong Bar Association and the Law Society of Hong Kong.

<sup>9</sup> The Willem C. Vis Moot Alumni Association was also a co-organiser of this Conference. The Conference was supported by the Regional Centre for Asia and the Pacific of the UNCITRAL.

<sup>10</sup> DoJ’s Featured Webpage is at: [https://www.doj.gov.hk/en/featured/un\\_convention\\_on\\_contracts\\_for\\_the\\_international\\_sale\\_of\\_goods.html](https://www.doj.gov.hk/en/featured/un_convention_on_contracts_for_the_international_sale_of_goods.html). The webpage on “Videos for lectures and webinars (with PowerPoint slides)” is at: <https://www.doj.gov.hk/en/featured/videos.html>.

<sup>11</sup> See [https://www.doj.gov.hk/en/featured/pdf/FAQ\\_en.pdf](https://www.doj.gov.hk/en/featured/pdf/FAQ_en.pdf) and [https://www.doj.gov.hk/en/featured/pdf/cisg\\_leaflet\\_en.pdf](https://www.doj.gov.hk/en/featured/pdf/cisg_leaflet_en.pdf).

publications, including *Hong Kong Lawyer* (January 2022 issue), *The Bulletin* (March 2022 issue) – publication of the Hong Kong General Chamber of Commerce, *Hong Kong Means Business* (April 2022 issue) – publication of the Hong Kong Trade Development Council<sup>12</sup>.

9. In addition to the above, the following resources have been made available via the DoJ’s Featured Webpage: (a) the Government’s consultation documents discussing the CISG and the comparison and interplay between the CISG and relevant Hong Kong law; and (b) many other informative and publicly available reference materials on the CISG, e.g. links to the respective webpages on the CISG of the United Nations Commission on International Trade Law (“UNCITRAL”) and the Institute of International Commercial Law of Pace University.

10. Members may also wish to note that DoJ’s Featured Webpage is listed on UNCITRAL’s “CISG@40” webpage<sup>13</sup>, and hence publicized for reference by the businesses and legal sectors of other CISG jurisdictions. Hong Kong businesses and their legal advisors are therefore encouraged to make good use of the many informative resources on DoJ’s Featured Webpage in preparing for the implementation of the CISG in the HKSAR and, in particular, cross-boundary transactions.

**Department of Justice**  
**June 2022**

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<sup>12</sup> These articles are available on the DoJ’s Featured Webpage.

<sup>13</sup> The webpage is available at: <https://uncitral.un.org/en/cisg40>.