

(Courtesy English Translation)

Arrangement on Mutual Service of Judicial Documents in Civil and Commercial Proceedings between the Mainland and the Hong Kong Special Administrative Region

In accordance with the provisions of Article 95 of the *Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, the Supreme People's Court and the Government of the Hong Kong Special Administrative Region (HKSAR), after consultation, hereby make the following arrangement for the mutual service of judicial documents in civil and commercial proceedings between the Mainland and the HKSAR:

I. General Provisions

Article 1 This Arrangement applies where in a civil and commercial proceeding heard by a people's court of the Mainland (Mainland people's court) judicial documents have to be served on a person to be served in the HKSAR, or where in a civil and commercial proceeding heard by a court of the HKSAR (HKSAR court) judicial documents have to be served on a person to be served in the Mainland.

Article 2 "Civil and commercial proceeding" referred to in this Arrangement means a proceeding that is civil or commercial in nature in the Mainland or the HKSAR, but does not include judicial review cases and any other cases arising directly out of the exercise of administrative powers by the Government of the HKSAR that are heard by the HKSAR courts.

"Judicial documents" referred to in this Arrangement include, in the case of the Mainland, litigation-related documents such as copies of statement of claim, copies of appeal petition, copies of statement of counterclaim, copies of statement of defence, powers of attorney, summons, judgments, mediation documents, rulings, orders of payment, decisions, notices, certificates, proofs of service; in the case of the HKSAR, litigation-related documents such as copies of originating process, copies of motion of appeal, summons, pleadings, affidavits, judgments, decisions, rulings, notices, court orders, certificates of

service. The form of the judicial documents shall conform to the samples of judicial documents exchanged.

Article 3 Mutual service of judicial documents between the Mainland and the HKSAR may be effected by mutual entrustment by the courts, as well as in the modes of service agreed by both sides such as postal service, electronic service, service by authorized persons. If service is effected in more than one mode in parallel, the date of service shall be determined based on the mode in which service is first successfully effected.

If service cannot be effected in the modes described in the preceding paragraph, service by public announcement is permissible.

Where the law of the HKSAR requires that a party in civil and commercial proceedings in Hong Kong (hereafter abbreviated as “Hong Kong party”) shall obtain permission from the HKSAR court for serving judicial documents in the Mainland or serving the documents in a certain mode, the Hong Kong party shall first obtain such permission and provide it when serving the documents.

II. Mutual Entrustment by the Courts

Article 4 The high people’s courts of the Mainland and the High Court of the HKSAR may entrust the service of judicial documents to each other.

The Supreme People’s Court may directly entrust the service of judicial documents to the High Court of the HKSAR.

After consultation with the Judiciary of the HKSAR, the Supreme People’s Court may authorize the mutual entrustment of service between some intermediate people’s courts and primary people’s courts and the High Court of the HKSAR.

Article 5 For mutual entrustment of service by the courts, the judicial documents may be transmitted electronically, or by post if electronic transmission is not possible.

The judicial documents transmitted electronically have the same effect as the originals.

Article 6 The entrusting court, when requesting for service of judicial documents, shall produce a letter of entrustment sealed with its seal and state in the letter the full name of the entrusting court, the name and detailed address of the person to be served and the nature of the proceedings involved. If the person to be served is a company registered in the HKSAR, the letter of entrustment shall also include a printed copy of the latest address of registered office of such person to be served obtained from the website of the Companies Registry of the Government of the HKSAR.

The letter of entrustment shall be in the Chinese language. If the judicial documents attached to it are not in the Chinese language, they shall be accompanied by a Chinese translation. If the judicial documents are transmitted by post, the aforesaid documents shall be in duplicate. If there are two or more persons to be served, additional sets in duplicate shall be lodged for every person.

Where the entrusted court considers that the letter of entrustment does not comply with the provisions of this Arrangement, it shall inform the entrusting court and, where necessary, request the entrusting court to supplement materials.

Article 7 Regardless of whether the time limit, or the date for appearance before the court, specified in the judicial document has expired, the entrusted court shall serve the document. The entrusting court shall make requests for entrustment within a reasonable time as far as practicable.

The entrusted court shall, after receiving the letter of entrustment, effect service promptly and not later than two months from the date of receiving the letter of entrustment.

Article 8 Service of judicial documents shall be effected in accordance with the procedures provided in the law of the place of the entrusted court.

The Mainland people's court, in assisting the HKSAR court to serve judicial documents, may effect service in modes such as direct service, postal service, electronic service, service by leaving the documents at the addressee's place, and may also assist service by public announcement provided in Article 17 of this Arrangement, in accordance with the provisions of the *Civil Procedure Law of the People's Republic of China* and the relevant judicial interpretations.

The HKSAR court, in assisting the Mainland people's court to serve judicial documents, may effect service in modes such as personal service, service by leaving, service by insertion through the letter box and postal service in accordance with the *Rules of the High Court* or other laws of the HKSAR.

Article 9 If the entrusting court requests that service be effected in a specific mode, the entrusted court may effect service in that specific mode if it considers that such service does not contravene the law of its jurisdiction.

Article 10 For service of judicial documents, the Mainland people's court shall issue a proof of service, and the HKSAR court shall issue a certificate of service. The proof of service or certificate of service shall be sealed with the seal of the relevant court and the entrusted court shall revert to the entrusting court within 14 working days after the completion of the service.

If the entrusted court confirms that service cannot be effected, it shall state on the proof of service or certificate of service the matters obstructing service and the reasons for and date of refusal to accept service, and revert to the entrusting court within 14 working days after confirming that service cannot be effected. If the judicial documents are transmitted by post, the letter of entrustment and all documents attached to it shall be returned.

Article 11 The entrusted court shall have no legal responsibility over the contents of and any consequences arising from the judicial documents which it is entrusted to serve by the entrusting court.

Article 12 The expenses for entrustment of service of judicial documents are mutually waived, but if the entrusting court requests that service be effected in a specific mode in the letter of entrustment, it shall be responsible for the expenses arising from such service.

III. Modes of Service other than Mutual Entrustment by the Courts

Article 13 A Mainland people's court shall include a proof of service when serving judicial documents on a person to be served in the HKSAR by post. A Hong Kong party, when serving judicial documents on a person to be served in the Mainland by post, shall provide the originals of the judicial documents sealed with the adjudicating court's seal, and the form of acknowledgement of service or other document of proof for the signature of the person to be served.

The day on which the person to be served signs on the document of proof is the date of service. If the person to be served does not sign on the document of proof but signs on the receipt for postal delivery, service is deemed effected and the date of signing the receipt for postal delivery is the date of service.

Article 14 Under any of the following circumstances, a Mainland people's court may serve judicial documents on a person to be served in the HKSAR by electronic means where receipt by the person to be served can be ascertained:

- (1) the person to be served has expressly consented;
- (2) the person to be served has voluntarily provided an electronic address for service in the submitted statement of claim, appeal petition, application, statement of defence;
- (3) the person to be served has accepted electronic service by ways such as responding with an acknowledgement of the service, participating in the proceedings.

Under any of the circumstances described in the preceding paragraph, a Hong Kong party may also serve judicial documents on a person to be served in the Mainland by electronic means where receipt by the person to be served can be ascertained.

Electronic service may be effected through specific systems with instant receipt as media of service such as facsimile, electronic mail, mobile communications.

Article 15 If a Mainland people's court, upon examination, considers that it does not contravene the law for the party to apply for direct service of judicial documents on a person to be served in the HKSAR by Hong Kong law firms or registered foreign law firms in the HKSAR, the Mainland people's court may produce the notice of transfer and proof of service and pass the same together with the judicial documents to be served to the party for the party's own arrangement of service.

If a Hong Kong party has to serve judicial documents on a person to be served in the Mainland, the Hong Kong party may effect direct service of the documents on the person to be served through law firms or notarization institutions in the Mainland, and shall provide the originals of the judicial documents sealed with the adjudicating court's seal, and the form of acknowledgement of service or other documents of proof for the signature of the person to be served.

The day on which the person to be served signs on the document of proof is the date of service.

The expenses of such service are paid by the party making the application.

Article 16 Where service is effected in the mode described in Article 13, 14 or 15 of this Arrangement, despite the absence of documentary proof as to whether service has been effected or not, if any of the following circumstances arises, service is deemed effected on the day on which the circumstance arises:

- (1) the person to be served has mentioned the relevant contents of the served judicial documents to the adjudicating court;
- (2) the person to be served has performed in accordance with the relevant contents of the served judicial documents;
- (3) any other circumstances where it can be ascertained that service has been effected.

IV. Service by Public Announcement

Article 17 A Mainland people's court, when serving on a person to be served in the HKSAR by public announcement, shall publish the announcement on media such as information networks with disseminating power and influence in the Mainland and the HKSAR.

If a HKSAR court, on the application by the Hong Kong party, considers it necessary to entrust a Mainland people's court to effect service by public announcement, the HKSAR court may entrust the Mainland people's court to assist in serving on a person to be served in the Mainland by public announcement, and provide the text of the announcement.

Service is deemed effected on the expiry of 60 days after the date of the announcement.

The expenses of service by public announcement are paid by the party making the application.

V. Miscellaneous Provisions

Article 18 Any problem arising from the implementation of this Arrangement shall be resolved through consultation between the Supreme People's Court and the Judiciary of the HKSAR.

Article 19 Following promulgation of a judicial interpretation by the Supreme People's Court and the completion of relevant internal procedures in

the HKSAR, both sides will announce the date on which this Arrangement shall commence.

From the date of commencement of this Arrangement, the *Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Proceedings between the Mainland and Hong Kong Courts* shall be terminated.

This Arrangement is signed in duplicate in Beijing on 20 April 2026. The Supreme People's Court and the Government of the HKSAR each retains one duplicate.