

**Arrangement for Mutual Service of Judicial Documents
in Civil and Commercial Proceedings between
the Mainland and Hong Kong Courts**

Pursuant to Article 95 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and after consultation between the Supreme People's Court and the High Court of the Hong Kong Special Administrative Region (HKSAR), the following arrangement for mutual service of judicial documents in civil and commercial proceedings between the Mainland and Hong Kong Courts has been agreed :-

1. The Mainland and Hong Kong Courts may entrust to each other the service of judicial documents in civil and commercial proceedings.
2. Requests for service of judicial documents shall be made through the various Higher People's Courts in the Mainland and the High Court of the HKSAR. The Supreme People's Court may make direct requests to the High Court of HKSAR for service of judicial documents.
3. When requesting for service of judicial documents, the entrusting party shall produce a letter of entrustment duly sealed with its official seal. The letter of entrustment shall also set out the name of the entrusting party, the full name and description of the person to be served, his or its detailed address and the nature of the proceedings involved.

The letter of entrustment shall be in the Chinese language. If the judicial documents attached to it are not in the Chinese language, they must be accompanied by a Chinese translation. The aforesaid documents shall be in duplicate. Where more than one persons are to be served, additional set(s) in duplicate must be lodged for every additional person to be served.

In the event the entrusted party considers that the letter of entrustment does not comply with the arrangement herein, it shall notify the entrusting party of the same and state the reasons therefor. Where necessary, the entrusted party may request the entrusting party to provide supplementary information.

4. The entrusted party shall serve the document attached to the letter of entrustment, regardless of whether or not the date for appearance in court or the time limit specified in the document has expired. Requests for service made by the entrusting party shall as far as practicable be made within a

reasonable time.

Upon receipt of the letter of entrustment, the entrusted party shall effect service promptly, and, in any event, not later than two months from the date the letter of entrustment is received.

5. After effecting service, the relevant Mainland People's Court shall issue a return form on the service, and the HKSAR Court shall issue a certificate of service. The return form and the certificate of service so issued shall be duly sealed with the official seals of the relevant courts.

In the event service cannot be effected, the entrusted party shall state on the return form or the certificate of non-service the reason for non-service, or, where acceptance of service is refused, the reason and the date of refusal. The letter of entrustment and all the documents attached to it shall be returned to the entrusting party promptly.

6. Service of judicial documents shall be effected in accordance with the law of the place in which the entrusted party is situated.
7. The entrusted party shall have no legal responsibility over the contents of and any consequences arising from the judicial documents entrusted by the entrusting party for service.
8. Service of judicial documents shall be effected free of charge. If the entrusting party in the letter of entrustment requires a special method of service, it shall be responsible for the charge and expenses arising from the request.
9. "Judicial documents" in this Arrangement includes: in case of the Mainland, copy of originating process, copy of motion of appeal, letter of authorization or entrustment, summons, judgment, mediation decision, ruling, decision, notice, certificate, return form on service; in the case of the HKSAR, copy of originating process, copy of notice of appeal, summons, pleading, affidavit, judgment, decision or ruling, notice, court order, certificate of service or non-service.

The aforesaid judicial documents when entrusted for service shall conform with the samples exchanged by both parties.

10. Any problem arising from the implementation of this Arrangement and any amendment to be made to this Arrangement shall be resolved through

consultation between the Supreme People's Court and the High Court of the HKSAR.