

Public views sought on proposed Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill and Rules

The Department of Justice (DoJ) today (February 8) launched a public consultation to seek views on the proposed Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill (the Bill) and the proposed Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (the Rules).

In view of the increasing number of cross-boundary marriages and related matrimonial matters between the Hong Kong Special Administrative Region (HKSAR) and the Mainland, the Government of the HKSAR and the Supreme People's Court signed the Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the HKSAR (the Arrangement) on June 20, 2017, so as to establish a mechanism for reciprocal recognition and enforcement of civil judgments in matrimonial and family cases between the two places.

A spokesman of the DoJ said, "The Arrangement, when implemented, will provide better safeguards to families, in particular, parties to cross-boundary marriages and their children."

The Arrangement will be implemented in the HKSAR by legislation. For this purpose, the DoJ has prepared the draft Bill and draft Rules for public consultation.

The draft Bill mainly seeks to establish mechanisms in the HKSAR for registration of specified orders contained in a Mainland judgment given in a matrimonial or family case, application for recognition in the HKSAR of a Mainland divorce certificate and certification by a HKSAR court of a HKSAR judgment given in a matrimonial or family case for the purpose of seeking recognition and enforcement of the judgment in the Mainland.

The draft Rules lay down the practice and procedures relating to the applications made to a HKSAR court under the Bill, for example, the requirements for affidavit in support of a registration application.

The Consultation Paper together with the draft Bill and draft Rules is now available on the DoJ's website: www.doj.gov.hk/eng/public/pdf/2019/matrimonial_bill.pdf. The consultation period will end on March 8, 2019.

All submissions may be sent to the China Law Unit, Legal Policy Division, Department of Justice: by mail to 5/F, East Wing, Justice Place, 18

Lower Albert Road, Central, Hong Kong; by fax to 3918 4799; or by email to matrimonialbill@doj.gov.hk.