

**Mainland Judgments in Civil and Commercial Matters  
(Reciprocal Enforcement) Bill**

**Debate and voting arrangements**

**Object of the Bill :** To provide for the enforcement in Hong Kong of judgments in civil and commercial matters given in the Mainland, and for facilitating the recognition and enforcement in the Mainland of such judgments given in Hong Kong, so as to give effect to the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region (“REJ Arrangement”)<sup>1</sup>; and to provide for related matters.

<b>Joint debate</b>	<b>: Clauses and the Schedule with no amendment, and clauses with amendments by the Secretary for Justice (“SJ”)</b>	<b>– Clauses 1 to 36, and the Schedule</b>
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Joint debate on the original clauses, the Schedule and the amendments.

**SJ’s amendments**

**Technical and drafting amendments**

**Clause 5**

- As the mechanism for cooperation established under the Record of Meeting of the Supreme People’s Court and the Government of the Hong Kong Special Administrative Region on Mutual Recognition of and Assistance to Bankruptcy (Insolvency) Proceedings between the Courts of the Mainland and of the Hong Kong Special Administrative Region signed in May 2021 has already covered corporate insolvency and debt restructuring matters, those matters are excluded from the scope of the Bill by virtue of clause 5(1)(e) of the Bill. To put the scope of exclusion beyond doubt and enhance the formulation of clause 5(1)(e), the amendments add a reference to “specified corporate process” in clause 5(1)(e) to replace the original phrase “the insolvency of an entity other than a natural person”, and the definition of “specified corporate process” in clause 5(2).
- To update a reference to the Civil Procedure Law of the People’s Republic of China in clause 5(2) so as to reflect the relevant article in its current version.

**Clauses 20 and 21**

- The amendments seek to state in clearer terms to the effect that unless otherwise ordered by the Court, the time limit for making an application for setting aside the registration of a registered Mainland Judgment will be 14 days by default.

<b>Voting order</b>	<b>: 1. Clauses (i.e. clauses 1 to 4, 6 to 19, and 22 to 36) and the Schedule with no amendment standing part of the Bill</b> <b>2. SJ’s amendments (to amend clauses 5, 20 and 21)</b> <b>3. Clauses 5, 20 and 21 with or without amendments standing part of the Bill</b>
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<sup>1</sup> The REJ Arrangement was signed between the Supreme People’s Court of the People’s Republic of China and the Government of the Hong Kong Special Administrative Region on 18 January 2019 to establish a more comprehensive mechanism for reciprocal recognition and enforcement of judgments between Hong Kong and the Mainland in civil and commercial matters.

**SJ's amendments**

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