

PRACTICE DIRECTION – SL10.5

GUIDANCE NOTE ON RECIPROCAL RECOGNITION AND ENFORCEMENT OF MAINLAND JUDGMENTS IN MATRIMONIAL AND FAMILY CASES

A. Introduction

1. This Guidance Note is intended to provide guidance on the practice and procedure after the commencement of the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) (“MJ(RRE)O” or “the Ordinance”) and its rules (“MJ(RRE)R” or “the rules”) (Cap. 639A) on or after 15 February 2022.

B. The Registry in which proceedings or applications are to be issued

2. Under section 7 of MJ(RRE)O, a party to a Mainland Judgment given in a matrimonial or family case may apply to the District Court for a registration order. Subject to the power of transfer to the Court of First Instance of the High Court under section 9 of the Ordinance, all such applications are to be issued from the Family Court Registry located on M2 Floor of Wanchai Law Courts in Wanchai Tower (“the Family Court Registry”).

3. Under section 29 of MJ(RRE)O, a party to a divorce in a Mainland divorce certificate may apply to the District Court for a recognition order. All such applications are to be issued from the Family Court Registry.

4. For the avoidance of doubt, all other references to the District Court in the Ordinance or the rules mean the Family Court which is a division of the District Court.

5. Under section 38 of the MJ(RRE)O, a party to a Hong Kong Judgment given in a matrimonial or family case may apply for a certified copy of the Judgment to facilitate its recognition and enforcement in the Mainland. All such applications are to be issued from:

- (i) if the Judgment was given by the Court of Final Appeal- the Court of Final Appeal Registry;
- (ii) if the Judgment was given by the Court of Appeal or Court of First Instance- the High Court Registry; or
- (iii) if the Judgment was given by the District Court- the Family Court Registry.

C. Registration and Recognition Applications

6. Applicants for a registration order must recognize that they have a continuous duty of full and frank disclosure. Even after the initial submission of the application, they are still required to inform the Court, by way of supplemental affidavit, of any latest development in the case, and in particular, where there is further evidence that comes to their attention which is relevant to the enforceability of the Judgment to be registered.

7. In assisting the Court to determine the time to be allowed for a setting aside application to be made in relation to a registration order or a recognition order, the applicant should provide information on the proposed mode of service of the notice of registration or notice of recognition, including the estimated time for effecting such service in the supporting affidavit.

D. Security for Costs

8. The practice and procedure under Order 23 of the Rules of the High Court, Cap.4A apply, with necessary modifications, in relation to an application for security for costs under rules 11 and 18 of the MJ(RRE)R.

E. Execution of Registered Orders

9. For the avoidance of doubt, execution on a registered order shall be issued in the proceeding in which the registered order was granted.

F. Standard Forms

10. In an application for a registration order, the supporting affidavit must contain a draft order of registration for the Court's approval. The draft order shall be in the format as in Form 1 with modifications if necessary.

11. In an application for a recognition order, the supporting affidavit must contain a draft order of recognition for the Court's approval. The draft order shall be in the format as in Form 2 with modifications if necessary.

12. Under rule 14 of MJ(RRE)R, after the granting of a registration order by the Court, the applicant must serve a notice of registration of any specified order in a Mainland Judgment on all other parties to the Judgment. Such notice under rule 14 shall contain the information as set out in Form 3 with modifications if necessary.

13. Under rule 20 of MJ(RRE)R, after the granting of a recognition order by the Court, the applicant must serve a notice of recognition of a Mainland divorce certificate on the other party to the divorce. Such notice under rule 20 shall contain the information as set out in Form 4 with modifications if necessary.

G. Commencement

14. This Guidance Note shall come into effect on 1 March 2022.

Dated this 24th day of February 2022

(Johnson Lam)
Permanent Judge of
the Court of Final Appeal
Chairman of the Family Proceedings
Court Users' Committee

[Form 1](#)

[Form 2](#)

[Form 3](#)

[Form 4](#)