

律政司  
國際法律科

香港中環下亞厘畢道  
中區政府合署中座7樓

圖大傳真: 852-2877 2130



DEPARTMENT OF JUSTICE  
International Law Division

7/F., Main Wing  
Central Government Offices  
Lower Albert Road, Central, Hong Kong

Fax: 852-2877 2130

本司檔號 Our Ref: IL/TRE/22/1/6  
來函檔號 Your Ref: L-A4837/97/PEF/PH  
電話號碼 Tel. No.: 852 2810 2754

18 January 1999

**By Fax 2845 9282**

Dear Sirs,

**Re: Reciprocal Enforcement of Judgments : Malaysia**

I refer to your letter of 15 January to Mr David Little which has been passed to me for reply.

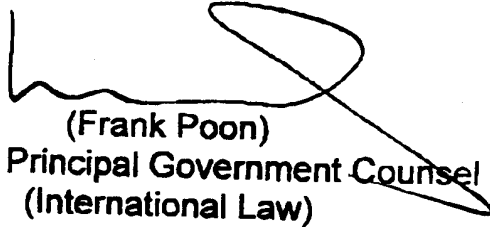
Malaysia remains designated in Part 2 of the First Schedule to the Foreign Judgments (Reciprocal Enforcement) Order (Cap 319, sub-leg.)(the "Order"). Section 3(1) of The Foreign Judgments (Reciprocal Enforcement) Ordinance (Cap 319)(the "Ordinance"), in gist, provides that the Chief Executive in Council may extend the effect of the Ordinance to a foreign country if he is satisfied that there is substantial reciprocity of treatment regarding enforcement of judgments between Hong Kong and that foreign country.

You may be aware that we have been trying to ascertain from jurisdictions designated in the Order whether judgments of the HKSAR court would continued to be recognised and enforced in these jurisdictions in the same way as Hong Kong judgments were enforced and recognised prior to 1 July 1997. So far we have not yet received a substantive reply from the Government of Malaysia.

In any event, the interpretation of the Ordinance, including the Order, is a matter for the court. As Malaysia is still a jurisdiction designated in the Order, I do not see any reason why an application to

register a Malaysian judgment cannot be made under the Ordinance in accordance with the procedure stipulated in Order 71 of the High Court Rules, Cap 4 (sub-leg.).

Yours faithfully,



(Frank Poon)  
Deputy Principal Government Counsel  
(International Law)

c.c. Director of Practitioner Affairs,  
The Law Society of Hong Kong

DocM4485