



律政司  
香港特別行政區政府  
Department of Justice  
The Government of the Hong Kong  
Special Administrative Region



MEDIATE FIRST  
調解為先

## Seminar on Cross-boundary Family Mediation

**Date:** 16.2.2022 (Wednesday)

**Time:** 10:00 am – 12:30 pm

**Venue:** DoJ Function Hall

(1/F, Main Wing, Justice Place, 18 Lower Albert Road)

**Mode:** Virtual

**Language:** Cantonese (except that the presentation by the Mainland speaker will be in Putonghua), with simultaneous interpretation to Putonghua and English

**CPD points:** Being applied for - the Law Society of Hong Kong; Hong Kong International Arbitration Centre; Hong Kong Mediation Accreditation Association Limited; Hong Kong Mediation Centre; Mainland-Hong Kong Joint Mediation Center



Time	Programme
09:45 – 10:00	Registration
10:00 – 10:10	Opening Remarks Ms Teresa Cheng Yeuk-wah, GBM, GBS, SC, JP Secretary for Justice, HKSAR
10:10 – 12:10	<b>The Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance and Cross-boundary Family Mediation</b>  Moderator: Mr Vod K S Chan Barrister, Chambers of Ronny Wong SC; accredited general and family mediator  Speakers: <ul style="list-style-type: none"><li>● Ms Cecilia Lau Consultant, Deacons; accredited family mediator and family mediation supervisor; Executive committee member of the Hong Kong Family Welfare Society</li><li>● Mr Eugene Yim Barrister Bernacchi Chambers; accredited general mediator</li><li>● Ms LIU Yang Senior Partner and Mediator, Unitop Law Firm (Shenzhen and Guangzhou)</li></ul>



#### Panel Discussion Topics:

- What are the usual areas of disputes in family/matrimonial matters? What are the difficulties in resolving/reaching mediated settlement agreements in family/matrimonial disputes? How may mediation come to assist?
- What is the mechanism of enforcing cross-boundary family/matrimonial mediated settlement agreements in Hong Kong and in Mainland? What are the areas to pay attention to when drafting the mediated settlement agreement?
- What is the impact of the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition & Enforcement) Ordinance on family/matrimonial cases and related mediation process? E.g. Would the Ordinance affect the mediator in setting the agenda of the mediation process?
- What are the remaining issues that might hinder the use of mediation in family/matrimonial cases and what is the way forward?

12:10 – 12:30

Q&A Session and Concluding Remarks

For enquiries, please email our Services Specialist at [admin@pixelspro.com.hk](mailto:admin@pixelspro.com.hk).





The Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) (“**Ordinance**”) comes into operation on **15 February 2022**. It implements the “Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region” (“**Arrangement**”).

Features of the Arrangement:

- ✓ Offer better safeguards to the interests of parties to cross-boundary marriages as well as their families and children



- ✓ Minimise the need for re-litigation of the same dispute in the courts of both Hong Kong and the Mainland



- ✓ Allow judicial reliefs to be obtained in a timely manner



- ✓ Save time and costs and reduce emotional distress of the parties

The Ordinance establishes the following mechanisms:

- 1** The registration in Hong Kong of specified court orders in an effective Mainland judgment given in a matrimonial or family case 
- 2** The recognition in Hong Kong of a Mainland divorce certificate issued by a civil affairs department in the Mainland 
- 3** The application for a certified copy of and certificate for a Hong Kong judgment given in a matrimonial or family case, so as to facilitate a party in seeking recognition and enforcement of the Hong Kong judgment in the Mainland 

For the practice and procedures of the relevant applications to the Hong Kong courts, please refer to the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules (Cap. 639A) (“**Rules**”) as well as the relevant Guidance Notes promulgated by the Judiciary.



DoJ's thematic webpage



Full text of the Ordinance on “Hong Kong e-Legislation”



Full text of the Rules on “Hong Kong e-Legislation”



Courtesy English translation of the Arrangement

**Disclaimer:** The information provided in this leaflet is for general information purpose only and does not, and is not intended to, constitute any legal advice. You may consider it helpful in protecting your interests by seeking legal advice or instructing a lawyer before making applications under the Ordinance or taking any action under the Arrangement.

Department of Justice  
February 2022

Designed by the Information Services Department  
Hong Kong Special Administrative Region Government

# Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639)



Department of Justice  
The Government of the Hong Kong  
Special Administrative Region

The Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) (“**Ordinance**”) establishes mechanisms in respect of three types of applications in Hong Kong:

1

## Applications for registration of specified orders in Mainland judgments given in matrimonial or family cases

### Stage 1 : Applying for registration

- Applications may be made in relation to one or more **specified orders** in Mainland judgments given in matrimonial or family cases if the judgments are given **on or after 15 February 2022** and are **effective in the Mainland**.
- **Specified orders** are categorised into 3 types:
  - **status-related orders** (such as orders granting divorce, etc.)
  - **care-related orders** (such as orders in relation to custody, right of access, etc.)
  - **maintenance-related orders** (such as orders in relation to maintenance of a person under the age of 18 years, spousal maintenance, division of property between parties to a marriage, etc.)
- The application shall be made to the **District Court (Family Court)**, supported by an **affidavit** (exhibiting documents such as a sealed copy of the Mainland judgment, a certificate issued by the Mainland court which gave the relevant judgment, etc.).
- Registration applications in relation to **care-related orders** and **maintenance-related orders** must, generally, be made within a **time limit of two years**.

### Stage 2 : Granting of court orders for registration of specified orders

- The court may make a **registration order** for the specified order to be registered.
- If a maintenance-related order requires **periodic payments or performance of acts**, the registration may also cover payments or acts which are due on or after the application date and which have not yet been made or performed.
- The applicant must serve a **notice of registration** on all other parties to the Mainland judgment.

### Stage 3 : Setting aside application (if applicable)

- Applications for setting aside registration must be made within the **time limit** as specified by the court and set out in the notice of registration.
- Examples of the **grounds for setting aside** include:
  - a requirement for registration, such as the judgment is effective in the Mainland, has not been complied with
  - the respondent to the Mainland judgment was not summoned to appear according to the law of the Mainland

### Stage 4 : Recognition and enforcement

- After the period within which a setting aside application may be made has expired or after any setting aside application, if made, has been finally disposed of:
  - **Actions may be taken to enforce a registered care-related order or maintenance-related order in Hong Kong**
  - **A registered status-related order is recognized as valid in Hong Kong.**

2

## Applications for recognition of Mainland divorce certificates

### Stage 1 : Applying for recognition

- Applications may be made in relation to Mainland divorce certificates issued by the civil affairs departments in the Mainland if the certificates are issued **on or after 15 February 2022**.
- The application shall be made to the **District Court (Family Court)**, supported by an **affidavit** (exhibiting documents such as a notarized copy of the Mainland divorce certificate, etc.).

### Stage 2 : Granting of court orders for recognition of Mainland divorce certificates

- If the District Court (Family Court) is satisfied that the Mainland divorce certificate is **valid in the Mainland**, it may make a **recognition order** for the Mainland divorce certificate to be recognized.
- The applicant must serve a **notice of the recognition order** on the other party to the divorce specified in the Mainland divorce certificate.

### Stage 3 : Setting aside application (if applicable)

- Applications for setting aside recognition orders must be made within the **time limit** as specified by the court and set out in the notice of the recognition order.
- Examples of the **grounds for setting aside** include:
  - the Mainland divorce certificate is invalid
  - the Mainland divorce certificate was obtained by fraud

### Stage 4 : Recognized as valid in Hong Kong

- After the period within which a setting aside application may be made has expired or after any setting aside application, if made, has been finally disposed of, the **divorce** specified in the Mainland divorce certificate is **recognized as valid in Hong Kong**.

3

## Applications for certified copy of and certificate for Hong Kong judgments given in matrimonial or family cases

### Stage 1 : Applying to the relevant court in Hong Kong

- Applications may be made in relation to Hong Kong judgments given in matrimonial or family cases if the judgments are given **on or after 15 February 2022** and are **effective in Hong Kong**.
- The **Hong Kong judgment** must contain one or more orders set out in Schedule 3 to the Ordinance. Examples include:
  - a decree absolute of **divorce**
  - a **maintenance** order
  - an order in relation to **custody** (including an order relating to **access** to a child, or an order for the **return** or **delivery** of a child who has been wrongfully removed from Hong Kong to the Mainland or wrongfully retained in the Mainland (other than in the context of an international child abduction case))
- Applications shall be made to the Registrar of the Court of Final Appeal, the High Court or the District Court, as the case may be, which gave the Hong Kong judgment.

### Stage 2 : The Registrar of the relevant Hong Kong court issues certified copy of and certificate for the Hong Kong judgment

### Stage 3 : Applications may be made to the Mainland courts for recognition and enforcement of the Hong Kong judgment in the Mainland in accordance with the law of the Mainland

