

Client Alert

Litigation and Dispute Resolution

29 January 2024

New Hong Kong-Mainland reciprocal enforcement of judgments regime comes into effect today

Joseph Kwan

Today, Hong Kong has become the only jurisdiction in the world to have such a wide reciprocal enforcement regime with Mainland China. This has placed Hong Kong in a special position in the resolution of cross-border disputes.

The Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance (Cap 645) (the "Ordinance") comes into effect on 29 January 2024 and provides a more cost-effective and straightforward mechanism for cross-border enforcement of judgments. The Ordinance applies to judgments made on or after 29 January 2024 and makes provisions for:

- enforcing a Mainland judgment in Hong Kong, by way of application to the Hong Kong court for registration of the judgment; and
- facilitating the recognition and enforcement of a Hong Kong judgment in the Mainland, by way of application to the Hong Kong court for a certified copy of the judgment and Certificate.

The Ordinance applies to a wide range of Hong Kong and Mainland judgments, given in proceedings which are civil or commercial in nature (or criminal in nature, where the judgment contains an order for the payment of money) and which do not fall within the list of "excluded judgments" in the Ordinance.

The new law will bring benefits such as:

- removing the need to re-litigate those disputes whose judgments have been made in Hong Kong or the Mainland;
- expanding the types of judgments that can be enforced/recognised. The new law covers monetary judgments and non-monetary judgments;
- removing the requirement for the parties to have agreed to the exclusive jurisdiction of a Hong Kong or Mainland court;
- expanding the levels of courts whose judgments will be enforced/recognised.

Our Litigation and Dispute Resolution team is one of the largest in Hong Kong and we have extensive experience in handling cross-border disputes. We would be happy to discuss the above developments with you in more detail and to assist you or your clients in resolving disputes. You may contact our Partner and Head of Litigation and Dispute Resolution Department, Joseph Kwan, or other partners. Please click here for our contact details and further details of our key practice areas: <https://www.deacons.com/legal-service/litigation-and-dispute-resolution/>

Want to know more?

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