## 立法會 Legislative Council

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LC Paper No. CB(2)1747/11-12 (These minutes have been seen by the Administration)

#### Panel on Administration of Justice and Legal Services

Minutes of meeting held on Monday, 23 May 2011, at 4:30 pm in Conference Room A of the Legislative Council Building

**Members** Dr Hon Margaret NG (Chairman) :

Hon Albert HO Chun-yan present Hon James TO Kun-sun

Dr Hon Philip WONG Yu-hong, GBS

Hon LAU Kong-wah, JP Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP Hon Audrey EU Yuet-mee, SC, JP

Hon Paul TSE Wai-chun, JP Hon LEUNG Kwok-hung

**Members** Dr Hon Priscilla LEUNG Mei-fun (Deputy Chairman)

absent Hon Miriam LAU Kin-yee, GBS, JP

Hon Timothy FOK Tsun-ting, GBS, JP

**Public Officers:** Item III

**Attending** 

Mr Eamonn Moran Law Draftsman

Mr Gilbert MO

Deputy Law Draftsman (Bilingual Drafting and

Administration)

Item IV

Mr Peter H H WONG **Deputy Solicitor General**  Miss Michelle TSANG Senior Assistant Solicitor General

Ms Alice CHOY Senior Government Counsel

Item V

Mr Peter H H WONG Deputy Solicitor General

Miss Michelle TSANG Senior Assistant Solicitor General

Ms Peggy AU YEUNG Senior Government Counsel

Attendance by : invitation

Item III

Hong Kong Bar Association

Ms Liza Jane Cruden

Mr P Y LO

Item IV

**Hong Kong Bar Association** 

Mr Andrew MAK

The Law Society of Hong Kong

Mr Ambrose LAM

Vice Chairman of Mainland Legal Affairs Committee

Ms Heidi CHU Secretary General

Item V

**Hong Kong Bar Association** 

Mr Robin Egerton

**Clerk in** : Miss Flora TAI

attendance Chief Council Secretary (2)3

**Staff in** : Mr KAU Kin-wah

**attendance** Senior Assistant Legal Adviser 3

Miss Ivy LEONG

Senior Council Secretary (2)3

Ms Wendy LO

Council Secretary (2)3

Action

<u>Members</u> agreed that the meeting should be suspended for 15 minutes to facilitate the Panel on Environmental Affairs to complete its unfinished business. <u>Members</u> also agreed that the meeting should be extended for 15 minutes to allow sufficient time for the discussion of the items on the agenda.

(The meeting resumed at 4:45 pm)

## I. Information papers issued since last meeting

2. <u>Members</u> noted that no information paper had been issued since the last meeting.

## II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)1803/10-11(01) to (03)]

## Discussion items for the next meeting

- 3. <u>Members</u> agreed to discuss the following items at the next regular meeting to be held on 27 June 2011:
  - (a) Appointment of serving Justices of Appeal as non-permanent judges of the Court of Final Appeal and judicial manpower situation in CFA and other levels of courts; and
  - (b) Issues relating to prosecution an independent Director of Public Prosecutions ("DPP") and prosecution policy and practice.

4. Regarding the item referred to in (b) above, <u>members</u> agreed that the Panel should invite the Secretary for Justice, the newly appointed DPP, the then DPP, Mr Grenville Cross, legal profession and academics to join the discussion of the issue relating to an independent DPP. <u>Members</u> also agreed to invite the newly appointed DPP to brief the Panel on prosecution policy and practice, as well as any recent initiatives to improve the quality and efficiency of the work of the Prosecutions Division.

### Special meeting in July 2011

5. <u>Members</u> agreed that a special meeting should be held on 21 July 2011 at 4:30 pm to further discuss "Free legal advice service" with the Administration, service operators of various free legal advice schemes and non-governmental organizations which were frequent users of such services.

# III. Issues relating to drafting of legislation and proposal for a new numbering system for bills

[LC Paper Nos. CB(2)1781/10-11(01) to (02), CB(2)1803/10-11(04) and LS64/10-11]

## Briefing by the Administration

- Law Draftsman ("LD"), the Law Drafting Division ("LDD") of the 6. Department of Justice ("DoJ") briefed members on the stances of LDD on the use of "examples" and "notes" in legislation and the numbering system for bill clauses detailed in the Administration's paper [LC Paper Deputy Law Draftsman (Bilingual Drafting and CB(2)1781/10-11(01)]. Administration) ("DLD") introduced the Administration's paper [LC Paper No. CB(2)1781/10-11(02)] on issues relating to drafting of legislation in Chinese and the measures taken by LDD to improve comprehensibility of the Chinese legislation.
- 7. <u>Members</u> noted the paper on observations on use of reader aids in recently proposed legislation prepared by the Legal Service Division of the Secretariat [LC Paper No. LS64/10-11] and the background brief prepared by the LegCo Secretariat on the subject [LC Paper No. CB(2)1803/10-11(04)].

## <u>Views of the deputation</u>

The Hong Kong Bar Association ("Bar Association")

8. While appreciating that the use of examples was not new and had all along been presented in different ways of expressions in legislation (i.e. examples were

introduced by expressions such as "including" and "in particular" in legislative provisions), Ms Liza Jane Cruden pointed out that it was not uncontroversial to use examples in legislation as different interpretations of examples could be applied in explaining the provisions. In such circumstances, the Court would have to determine the legal or legislative effect of those examples which could be considered as supplementary or contradictory to the meaning of the provision itself. She stressed that although it was common to have provision in overseas legislation to clarify that the examples were non-exhaustive and that the provision to which an example was related would prevail if the example was inconsistent with that provision, it was worthy of consideration to minimize the controversies by adding express provision on the legal or legislative effect of the examples and how the examples should be interpreted in the context of the bills to facilitate clearer understanding of legislation.

9. Ms Cruden added that the use of notes in legislation was considered less controversial as they only sought to help readers understand the context of the legislation more readily and the Court was not obliged to take account of notes which were not intended to have legal effect. Regarding the numbering system for bill clauses, Ms Cruden expressed concern that the new numbering system proposed by LDD (i.e. each clause would be numbered by the part number of the Bill, followed by a dividing decimal and then the number representing its numerical order within that part) for the Companies Bill, a particularly voluminous bill with 909 clauses and 10 schedules, could cause confusion in setting out the sections of the provisions. As readers were familiarized with the existing numbering system, she opined that for the sake of consistency, it was not worth adopting a new numbering system in legislation.

#### Discussion

Use of examples and notes in legislation

10. While appreciating that legislation should be drafted in a clear and user-friendly manner to improve readability, <u>Ms Audrey EU</u> expressed reservations about any extensive use of examples in legislation. She stressed that she was not opposed to the use of examples in principle but considered that its usage should depend on actual needs. Referring members to the five examples of vehicles necessarily idling for certain purposes proposed by the Administration in Schedule 1 to the Motor Vehicle Idling (Fixed Penalty) Bill, <u>Ms EU</u> expressed concern that the examples would create confusion as they were non-exhaustive and the provision would prevail if an example was inconsistent with that provision. Moreover, as Members would tend to propose other examples and argue over how examples should be inserted to illustrate the meaning of provisions, the time for scrutiny of a bill would possibly be

lengthened as a result. Instead of listing a number of examples in the format of a schedule to a bill, she considered it more acceptable to include just one or two examples in a legislative provision. As a better alternative, examples could also be included in relevant explanatory leaflets to facilitate the understanding of the public. Ms EU added that she did not have particular concern on the use of notes in legislation as notes were not intended to have legislative effect and were provided for information only for enhancing readers' comprehension.

- 11. <u>The Chairman</u> opined that while examples might facilitate clearer understanding of legislation, the rule of thumb was to ensure that legislation was drafted in a clear and comprehensible manner so that the public did not have to rely on the examples to understand legislative provisions. She also expressed concern about the uncertain status of examples in legislation.
- 12. Noting that there was an increase in the use of reader aids (descriptors and notes) in recently proposed legislation by the Administration, Senior Assistant Legal Adviser ("SALA3") enquired about the status of the proposed descriptors and notes in the absence of any express provision on their legal or legislative effect and whether LDD would consider removing descriptors and notes in legislation due to the uncertainty of their status. He also enquired about the mechanism and form for amending the descriptors and notes in bills and subsidiary legislation.
- 13. In response, <u>LD</u> explained that any examples in legislation should be subjected to the same level of scrutiny as other substantive provisions of legislation. He assured members that an example would be drafted with the same care as any part of an item of legislation with the same standard of language to ensure that it was within the intended scope of that provision to avoid confusion. For instance, the examples proposed by the Administration in the Motor Vehicle Idling (Fixed Penalty) Bill were considered appropriate in explaining the relevant provision. LDD would also ensure that examples were not overused as such would impede the communication of the main message by the substantive provisions of the legislation. He informed members that according to the experience of Parliaments in Australia, members were not keen on introducing their own examples during the scrutiny of bills. He believed that the Administration would be mindful of the appropriate number of examples to be included in legislation.
- 14. <u>Dr Philip WONG</u> enquired if there was any difficulty in law drafting without using examples. He expressed concern that if examples were used, controversies might arise in situations where different interpretations of the examples were applied. <u>Mr Albert HO</u> expressed a similar view, saying that the inclusion of examples in legislation would create confusion and could not help

explaining the underlying principle of the provisions. Instead of including examples in legislation, he considered it more appropriate to use examples in relevant practical guidelines for easy reading of users.

- 15. <u>LD</u> assured members that it was the duty of law draftsmen to ensure that legislative provisions were clearly drafted. He stressed that examples were only used to explain the operation of some complex provisions and the underlying concept of some abstract or technical terms in legislation to assist readers to grasp the meanings more readily. It should be noted that examples had all along been used and presented in different forms in legislation to enhance comprehensibility and no particular problem was observed in that aspect so far.
- 16. The Chairman concluded that while members were not opposed to the use of examples as a matter of principle, they had reservations about any regular and extensive use of examples in legislation. She cautioned that the use of examples in legislation should be exercised with great restraint. On the other hand, members in general did not have particular concern on the use of notes in legislation. LDD was requested to take into account the views of members when considering the way forward.

### Numbering system for bill clauses

- 17. <u>Ms Audrey EU</u> opined that the new numbering system for bill clauses proposed by LDD would set a precedent if adopted. If there was no distinct advantage of using the new system, she considered that the status quo should be maintained.
- 18. At the invitation of the Chairman, <u>SALA3</u> advised that according to Rule 50(6) of the Rules of Procedure ("RoP"), a bill shall be divided into clauses numbered consecutively and having a descriptive section heading above each clause. The new numbering system proposed by LDD did not have the clauses of a bill numbered consecutively and therefore was considered not in conformity with Rule 50(6). <u>The Chairman</u> informed members that an amendment to RoP might be necessary if the new numbering system was to be put into effect. In view of members' concerns, the Administration had advised that it would not pursue the proposal for the Companies Bill.
- 19. <u>LD</u> noted the concerns of members that the adoption of two numbering systems in legislation might create confusion. While he did not see the need to adopt the new numbering system in other bills except for the Companies Bill, he believed that readers would not have difficulty in using the new numbering system when they were familiarized with it. <u>The Chairman</u> concluded that members in general had reservations about adopting a new numbering system

for bill clauses. She opined that although the proposed numbering system was commonly used in non-legislative documents, it was not worth adopting a new system for legislation at the present stage for one particular voluminous bill.

#### Drafting of legislation in Chinese

20. Mr P Y LO said that the Bar Association was in general supportive of the measures taken by LDD to improve the readability of the Chinese legislation. He suggested that the original English texts of legislation could be drafted in plain legal language and simple sentence structures to facilitate the preparation of the Chinese texts. The Chairman said that as LegCo members were increasingly aware of the need to improve the comprehensibility of Chinese legislation, she expected that a more stringent approach would be adopted in scrutinizing the Chinese texts of bills. She invited the Bar Association to write to the Panel with any further views on the drafting of legislation in Chinese.

# IV. Framework Agreement on Hong Kong/Guangdong Co-operation relating to co-operation on legal matters

[LC Paper Nos. CB(2)1781/10-11(03), CB(2)1803/10-11(05) and CB(2)1580/09-10(01)]

### Briefing by the Administration

- 21. <u>Deputy Solicitor General</u> ("DSG") briefed members on the Administration's paper which provided an update on the implementation of measures concerning co-operation on legal mattes under the Framework Agreement on Hong Kong/Guangdong Co-operation ("Framework Agreement") [LC Paper No. CB(2)1781/10-11(03)].
- 22. <u>Members</u> noted the background brief prepared by the LegCo Secretariat on the subject [LC Paper No. CB(2)1803/10-11(05)].

### Views of the deputations

#### Bar Association

23. Mr Andrew MAK said that in connection with the provision of legal services in the Guangdong Province, he would like to focus on the issue concerning the establishment of a mechanism for the verification of the law of other jurisdictions. With the increased commercial activities among Hong Kong, Macao and Taiwan with the Mainland, the number of disputes had surged in the past few years. According to the recent work report of the National

People's Congress of the People's Republic of China issued in January 2011, there were approximately 560,000 civil and commercial activities in the Guangdong Province each year, among which, 1% of the disputes (5,738 cases) were related to Hong Kong, Macao and Taiwan businesses. Association considered it useful and indeed necessary for the courts on the Mainland to better understand the law of Hong Kong. While expert witnesses would be summoned by the court for understanding of foreign law in Hong Kong, there was yet a mechanism adopted by the Mainland courts in the understanding of the law of Hong Kong or other jurisdictions. The Bar Association was given to understand that the courts on the Mainland would like to use an effective and efficient mechanism to verify the law of Hong Kong. this regard, the Bar requested DoJ to take the lead to facilitate the courts on the Mainland in the establishment of a mechanism for verifying the law of Hong The Bar Association could provide assistance if necessary. Association also believed that this initiative would enhance legal co-operation in relation to the National 12<sup>th</sup> Five-Year Plan, the Closer Economic Partnership Arrangement between Hong Kong and the Mainland ("CEPA"), the Framework Agreement as well as the Qianhai Development Plan.

The Law Society of Hong Kong ("The Law Society")

- 24. Mr Ambrose LAM said that the co-operation on legal matters between Hong Kong and the Mainland had made little progress since the introduction of CEPA in 2003. Mr LAM informed members that in July 2010, the Sun Yat-sen University had been commissioned by the Law Society to conduct a research on the provision of Hong Kong legal services in the Pearl River Delta area. In this connection, the Law Society held a press conference in April 2011 proposing further liberalization measures under CEPA, especially in the following three aspects: (a) association of Hong Kong and Mainland law firms with a view to achieving real profit-sharing and risk-sharing; (b) lowering the threshold for the entry of Hong Kong lawyers into the Mainland market; and (c) allowing representative offices set up by Hong Kong law firms to employ Mainland practising lawyers.
- 25. As regards the Qianhai Development Plan, Mr LAM said that the Law Society considered it a very good opportunity for the Hong Kong legal profession to develop its services on the Mainland. The Law Society had held discussions with the Ministry of Justice and submitted a proposal on the establishment of a mechanism for the association of law firms of Hong Kong and the Mainland in the form of "partnership" in Qianhai. He further said that advanced legal services had evolved rapidly worldwide, offering innovative one-stop services including legal and accounting services, etc to clients. In order for Hong Kong legal services to stay competitive in the international

#### **Action**

platform, the Law Society would like to see the development of legal services in Qianhai proceeding in that direction and hoped that the Hong Kong Government would support the legal profession's development on the Mainland.

#### The Administration's response

- 26. DSG responded that the Administration noted the Bar Association's concerns in respect of the establishment of a mechanism for the verification of the law of other jurisdictions. The Administration had earlier on reflected the two legal professional bodies' views in this regard to the Shenzhen authorities. The Administration would consolidate the views expressed at today's meeting and follow up with the Mainland on the development of the mechanism. said that the Administration had conveyed to the Mainland authorities the Law Society's suggestion on the association of law firms of Hong Kong and the Mainland in the form of "partnership" in Qianhai. The Administration noted that the Law Society had submitted a proposal to the Ministry of Justice for its DSG further said that the Administration had on different occasions reflected to the Mainland authorities the legal professional bodies' suggestion of allowing representative offices set up by Hong Kong law firms in the Mainland to employ Mainland practising lawyers. While there might be difficulties in the implementation of such initiative in the entire Mainland, the Administration would actively pursue with the Mainland on the proposal of allowing Hong Kong law firms to employ Mainland practising lawyers in the Guangdong Province or in the context of the Qianhai Development Plan.
- 27. Senior Assistant Solicitor General ("SASG") supplemented that the Administration had reflected the legal profession's views to the relevant Mainland authorities. The Administration would actively follow up with the Mainland with a view to achieving better co-operation of both sides. suggestion of establishing a mechanism for the verification of the law of other jurisdictions was a concept new to the Mainland authorities, they had not provided any concrete response to the Administration's enquiry in this respect. With respect to the Law Society's views on the future liberalisation measures under CEPA, the Administration had raised the issue with the relevant Mainland authorities on different occasions. The Mainland authorities concerned had indicated that they would require more time to study the proposals in detail. SASG said that following the publication of the National 12<sup>th</sup> Five-Year Plan, the Administration would seek to pursue further with the Mainland authorities on the implementation of various initiatives in relation to the development of service industries in the Guangdong Province so as to foster mutual co-operation.

#### **Discussion**

- 28. Mr LAU Kong-wah said that there had not been much progress in the development of Hong Kong legal services on the Mainland under CEPA. considered that the Qianhai Development Plan had opened up opportunities for the service providers in Hong Kong and an increasing demand for the legal services of Hong Kong in Guangdong Province was expected. considered that there was plenty of room for co-operation in civil and commercial matters between Hong Kong and the Mainland. He stressed that the active role of the Administration in facilitating Hong Kong legal professions to provide legal service on the Mainland was crucial. In his view, the Administration should assist the Hong Kong service providers to provide one-stop integrated legal service in Qianhai and enhance the cooperation among the different professions in Hong Kong to leverage on the opportunities arising from the Qianhai Development Plan, taking into consideration of the specific mode and need of the business operation on the Mainland.
- 29. Noting that expert witnesses from the Mainland would be summoned by the Hong Kong courts to give evidence, <u>Ms Audrey EU</u> enquired whether a similar mechanism would be adopted on the Mainland to allow Hong Kong lawyers or expert witnesses to give evidence in the Mainland courts. She pointed out that the defendant in a Mainland litigation had requested to submit a letter issued by the Hong Kong Police Force as evidence but the Mainland court denied the request as there was no way to verify the letter. <u>Ms EU</u> enquired whether there was a mechanism under which a document issued by a Hong Kong Government department could be verified for admission as evidence on the Mainland.
- 30. Mr Paul TSE said that while Hong Kong was willing to open its market to the Mainland, the latter seemed not eager to open its door to Hong Kong legal services as evidenced in the limited involvement of Hong Kong lawyers in legal work on the Mainland. He sought the views of the Administration on this issue. Mr TSE considered that there should be higher transparency for the notarial services on the Mainland. Exchanges and co-operation among professionals in notary work between Hong Kong and the Mainland should be further enhanced. He further said that there was a saying that Qianhai would be modelled on the administrative and legal framework of Hong Kong and it would become a "back-up" base for Hong Kong in future. He sought elaboration from the Administration on the development of Qianhai.
- 31. <u>DSG</u> responded that clause 3 of the Framework Agreement had set out the guiding principles on the co-operation between Hong Kong and the Mainland. Co-operation in legal matters would be pursued on such basis and also under the principles of reciprocity and mutual respect. He said that CEPA was an

arrangement in the nature of a Free Trade Agreement. While the Administration would actively facilitate the provision of Hong Kong legal services on the Mainland, it would be decided by the Mainland authorities on the extent to which its legal service market would be opened based on discussion between the two sides. It was noted that a phased approach had been adopted by the Mainland side on the opening up of its market for Hong Kong services providers under CEPA. Further initiatives relating to legal matters could also be explored under the Framework Agreement and the Qianhai Development Plan, and exchanges between the legal professional bodies of two sides would definitely enhance the co-operation on legal matters.

- 32. <u>DSG</u> further said that at present, the co-operation on legal matters between Hong Kong and the Mainland focused on three aspects, namely, the reciprocal recognition and enforcement of arbitral awards, the reciprocal recognition and enforcement of judgments in certain civil and commercial matters, and the service of judicial documents in civil and commercial proceedings. As a mechanism for the verification of the evidence originating from Hong Kong had yet to be established, issues relating to the admissibility of evidence on the Mainland courts had to be dealt with according to the law of the Mainland. Regarding the Qianhai Development Plan, <u>DSG</u> said that the proposed mechanism for the verification of the law of other jurisdictions based on the common law practice of Hong Kong could serve as a reference for the Mainland. For instance, the arrangement for the parties to litigation to arrange witnesses to challenge the evidence of expert witness produced to the court could be explored.
- 33. <u>SASG</u> supplemented that the Constitutional and Mainland Affairs Bureau ("CMAB") was responsible for coordinating the work relating to the Qianhai Development Plan and proposals to promote the provision of professional services in Qianhai could be made to CMAB. She said that the Law Society had put forward suggestions on provision of integrated services to the Mainland authorities and the Administration would continue to discuss with the Law Society and assist exploring its suggestions with the Mainland authorities. Regarding the suggestion on the verification of law, <u>SASG</u> said that to her understanding, there was no established mechanism for Mainland courts to recognize Hong Kong lawyers as expert witnesses on the law of Hong Kong in Mainland courts.
- 34. For the Panel's further discussion of the subject at a future meeting, the Chairman requested the Administration to provide a written response to the views and concerns expressed at the meeting for the consideration of the two legal professional bodies. She also invited the two legal professional bodies to submit further views on the subject for the consideration of the Panel.

DoJ

## V. Reciprocal recognition/enforcement of matrimonial judgments with the Mainland

[LC Paper Nos. CB(2)1781/10-11(04) and CB(2)1803/10-11(06)]

#### Briefing by the Administration

35. <u>DSG</u> briefed members on the Administration's paper [LC Paper No. CB(2)1781/10-11(04)] which set out the Administration's initial discussion with the Mainland on the need to establish a mechanism for reciprocal recognition and enforcement of matrimonial judgements between the Mainland and Hong Kong in view of the significant number of cross-boundary marriages. <u>DSG</u> also updated members on the Administration's response to concerns about the issues relating to parental child abduction and custody of children across the borders.

#### Views of the deputations

#### Bar Association

36. Mr Robin Egerton said that the Bar Association welcomed the Administration's discussion with the Mainland in respect of the reciprocal recognition and enforcement of matrimonial judgements between the Mainland and Hong Kong and would be pleased to provide any assistance in future consultations. The Bar Association noted that Hong Kong had entered into the Hague Convention on the Civil Aspects for International Child Abduction and Custody since September 1997 but the Convention did not apply to the Mainland. The Bar Association would like to know the views of the Mainland on that aspect.

#### The Law Society

37. The Chairman informed members that the Law Society had indicated in its letter to the Panel [LC Paper No. CB(2)1803/10-11(06)] that it fully supported the Administration's proposal to engage in discussion with the Mainland on reciprocal recognition and enforcement of matrimonial judgements.

#### **Discussions**

38. <u>The Chairman</u> expressed concern that unlike the practice of Hong Kong where matrimonial matters were handled through the court under standardized procedures, there were different administrative or civil procedures to deal with

matrimonial matters on the Mainland. She considered that it would be difficult to establish a mechanism for reciprocal recognition and enforcement of matrimonial judgments without knowing the relevant practice of the Mainland. She asked whether the Administration would undertake a comprehensive study on the practice of the Mainland in handling matrimonial matters and how the Administration would take forward the consultation on the proposed arrangement on reciprocal recognition and enforcement of matrimonial judgements.

39. While appreciating that different practices were adopted in Hong Kong and the Mainland in handling matrimonial matters, <u>Ms Audrey EU</u> took the view that the Administration should expedite its discussion with the Mainland authorities with a view to reaching agreements and principles on matters of urgency. For example, issues relating to parental child abduction and custody of children across the borders and reciprocal recognition of divorce decrees should be dealt with as soon as possible, having regard to the practice in the international context. She also suggested that apart from the two legal professional bodies, the Administration should also consult the Immigration Department and the Hong Kong Family Law Association on the proposed arrangement.

(The Chairman proposed at this juncture to extend the meeting for five more minutes to complete discussion of this item.)

- 40. Mr Paul TSE and Mr LEUNG Kwok-hung shared the views of Ms EU that the Administration should expedite the discussion with the Mainland authorities on co-operation in matrimonial matters. Mr LEUNG Kwok-hung said that the Administration should set priorities and proceed with issues that were easier to be handled, such as the parental child abduction problem. Mr Paul TSE said that there was urgency for the Administration to deal with the enforcement of maintenance orders and the issue of parallel divorce proceedings in both the Mainland and Hong Kong.
- 41. The Chairman concluded that members agreed that the Administration should work out the proposed arrangement with the Mainland on reciprocal recognition and enforcement of matrimonial judgments as soon as possible. DSG responded that given the differences between the legal systems of the Mainland and Hong Kong, the Administration would first discuss with the Mainland those issues that were easier to be handled, such as the reciprocal recognition of divorce decrees and the enforcement of maintenance orders. The Administration had already initiated preliminary discussion with the Mainland authorities and hoped that some concrete consensus could be reached later.

Action

DoJ

<u>The Chairman</u> requested the Administration to provide a timetable for the implementation of the proposed arrangement with the Mainland on reciprocal recognition and enforcement of matrimonial judgments.

## VI. Any other business

42. There being no other business, the meeting ended at 6:53 pm.

Council Business Division 2 <u>Legislative Council Secretariat</u> 18 April 2012