

Press Releases

Hong Kong signs arrangement with the Mainland on mutual assistance in taking of evidence in civil and commercial matters (with photos)

The Secretary for Justice, Mr Rimsy Yuen, SC, signed an arrangement with the Executive Vice President of the Supreme People's Court (SPC), Mr Shen Deyong, in Shenzhen today (December 29) on mutual assistance in taking of evidence in civil and commercial matters between the Hong Kong Special Administrative Region (HKSAR) and the Mainland.

The Arrangement on Mutual Taking of Evidence in Civil and Commercial Matters between the Courts of the Mainland and the HKSAR (the Arrangement) aims at helping litigants of the two jurisdictions to obtain evidence in civil and commercial matters with enhanced efficiency and greater certainty.

Currently, in cases of mutual assistance between the two places in obtaining evidence in civil and commercial matters, letters of requests (LoRs) made between the two jurisdictions have to be transmitted through intermediary bodies before the requests could ultimately be transmitted to the executing authority. The method lacks certainty and efficiency.

Furthermore, litigants are not entirely clear about the types of assistance available under the respective laws of the Mainland and the HKSAR, as well as what is required to be included in a LoR. It could take considerable time before litigants may receive responses on the outcomes of their requests.

In view of this, the HKSAR commenced negotiations with the SPC in early 2016 for an arrangement according to the actual needs in trial of civil and commercial cases between the Mainland and the HKSAR.

The Arrangement will not bring any change to the law in taking of evidence in civil and commercial matters.

The full text of the Arrangement is now available at the DoJ website: www.doj.gov.hk/eng/topical/mainlandlaw.html.

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