

律政司
法律政策科
中環下亞厘畢道18號東座5樓



DEPARTMENT OF JUSTICE
Legal Policy Division

5/F, East Wing, Justice Place,
18 Lower Albert Road, Central

Fax: 852-3918 4799

Web Site: www.doj.gov.hk

圖文傳真: 852-3918 4799
網址: www.doj.gov.hk

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By Fax (2877 5029) and
by email (wkan@legco.gov.hk)

30 October 2018

Ms Wendy KAN
Assistant Legal Adviser
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Ms Kan,

**Statute Law (Miscellaneous Provisions) Ordinance 2018
(Commencement) Notice (L.N. 197 of 2018)**

Reference is made to your letter dated 26 October 2018 regarding questions raised by a Member at the House Committee on the captioned commencement notice. Our reply is as follows:

Question (a): Whether the English equivalent of “基層人民法院” in the Mainland has recently been changed from “Basic People’s Courts” to “Primary People’s Courts” so that the above replacements have to be made.

1. The Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap 597) serves to give effect to the *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region pursuant to Choice of Court Agreements between Parties Concerned made between the Supreme People’s Court of the People’s Republic of China and the Government of the Hong Kong Special Administrative Region (the “Arrangement”)*. The courtesy English translation of the Arrangement uses the term “Basic People’s Court” for “基層人

民法院”。Such term was also adopted in the English translation of the 1979 Organic Law of People’s Courts of the PRC (《中華人民共和國法院組織法》, the “**Organic Law**”). Hence, the Mainland Judgments (Reciprocal Enforcement) Bill was prepared using the term “Basic People’s Court”.

2. It subsequently came to our notice that after the Organic Law was amended in 2006, the Legislative Affairs Commission of the National People’s Congress Standing Committee (“NPCSC”) published the English version of the amended Organic Law in the publication “*The Laws of the People’s Republic of China (2006)*”. The English version of the term “基層人民法院” was changed to “Primary People’s Court”.
3. While the laws in the Mainland are enacted in Chinese, the English version of the laws published by the Legislative Affairs Commission of the NPCSC can be regarded as the official English translation¹. The Department of Justice considers it desirable to amend the term to “Primary People’s Court” in Cap. 597 so as to align with the official English translation as published in “*The Laws of the People’s Republic of China*”.

Question(b): Whether the English equivalent of “基層人民法院” in the Mainland was not “Basic People’s Courts” at the time of enactment of Cap. 597.

1. *The Laws of the People’s Republic of China (2006)* containing the English translation of the 2006 amended Organic Law was published in October 2007, a few months before the enactment of Cap. 597 in April 2008.

We hope the above is of assistance to the House Committee. Please let us know if we could assist further.

Yours sincerely,



(Ling Ling NG)
Government Counsel
Legal Policy Division
Department of Justice

c.c. Karmen KWOK, Senior Government Counsel

¹ 《中華人民共和國著作權法釋義》第5條