

**Bills Committee on Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill**

**List of follow-up actions arising from the discussion at the meeting on 26 February 2021**

The Administration was requested by members at the meeting on 26 February 2021 to provide the following information:

- (a) background and rationale for requiring that registration application in respect of both care-related orders and maintenance-related orders shall generally be made within a two-year time limit under clause 8 of the Bill, in particular whether and which parts of 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* ("the Arrangement") and the relevant laws (including identifying the relevant articles/provisions) of the People's Republic of China ("PRC") have been reflected in this construction;
- (b) background and rationale for the Administration's proposed replacement of "child" by "person" in various provisions of the Bill, in particular whether and which parts of the Arrangement and the relevant laws of PRC (including identifying the relevant articles/provisions) have been reflected in this construction;
- (c) the Administration's response to members' suggestion of keeping the term "child" in the Bill with its scope of different meanings clearly defined under clause 2 of the Bill, and to the Chairman's request for the Administration to study whether the proposed amendments thereto would affect other provisions in the Bill or would have implications for other relevant legislation in Hong Kong;
- (d) the Administration's further response to the Chairman's suggestions that the Bill should, instead of giving a wide discretion to the courts, specify the time limits for setting aside a registration application under clause 14(1) and a recognition order under clause 31; and/or consider providing a direction to the courts and legal practitioners on the setting of time limit;

- (e) the relevant laws of PRC (including identifying the relevant articles or provisions thereof) stipulating that a Mainland divorce certificate (i.e. a divorce certificate issued by a civil affairs department in the Mainland) as referred to in clause 30 and a status-related order (which includes an order granting a divorce by a court in PRC) as referred to in clause 24 and Part 2 of Schedule 2 will be considered as valid in the Mainland; and
- (f) the Administration's response to the suggestion of refining the proposed amendments to clause 11 to make it clear that those payments or acts (that is required to be made or performed periodically) falling due on or after the date of registration of a maintenance-related order are also covered by the said registration order.

Council Business Division 4  
Legislative Council Secretariat  
5 March 2021