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By email

1 September 2021

Ms Sophie LAU
Clerk to the Bills Committee on
the Sale of Goods (United Nations Convention) Bill
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms LAU,

**Bills Committee on
the Sale of Goods (United Nations Convention) Bill (“the Bill”)**

Thank you for your letter dated 25 August 2021 inviting us to consider and provide a response in writing to the letter from Hon Holden CHOW dated 23 August 2021 (“Letter”) regarding the arrangement for the implementation of the United Nations Convention on Contracts for the International Sale of Goods (“CISG”) in the Hong Kong Special Administrative Region through the enactment of the Bill. The responses of the Department of Justice (“DoJ”) are set out below.

Commencement of the implementing ordinance

2. We appreciate Hon Holden Chow’s views in the Letter that the relevant sectors should be allowed sufficient time to prepare for the implementation of the new regime. Also noting that relevant stakeholders may require time to adapt to the change and adjust their business practice and affairs as appropriate, the Government therefore plans to defer the commencement of the implementing ordinance until at least six to nine months after its passage¹. During the period, we will collaborate with the legal and business

¹ See paragraph 10 of the Legislative Council (“LegCo”) Brief for the Bill, which is available at: https://www.legco.gov.hk/yr20-21/english/brief/ilitf181_20210707-e.pdf.

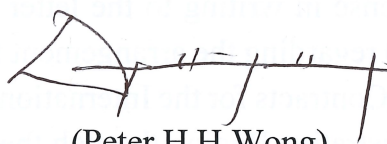
sectors to further promote the CISG and the implementing ordinance². We trust that the above arrangements would sufficiently assist the relevant sectors to get the necessary preparation.

Model contract samples

3. The Letter requests the Government to provide samples of model contracts for reference by the relevant private sectors. It would however not be appropriate for DoJ, as the Government's legal advisor, to do so. That said, we would like to draw Members' attention to the many informative reference materials on the CISG which are publicly available, for example, those on the respective webpages of the United Nations Commission on International Trade Law ("UNCITRAL")³ and the Institute of International Commercial Law ("IICL") of Pace University⁴ on the CISG. These webpages provide access to not only the texts of the CISG (in all of its authentic languages) but also relevant case law databases (and digest of case law), guides on applying the CISG, online lectures and scholarly articles on the CISG, as well as (in the case of the webpage of IICL) guides on drafting CISG contracts. In addition, DoJ currently maintains a featured webpage on the CISG⁵, with relevant useful information and resources (including links to the above two webpages) collected for easy access and reference by the public.

4. We would like to express our thanks to the Members again for their kind support to the Bill.

Yours sincerely,



(Peter H H Wong)

Deputy Law Officer (Treaties & Law)

² See paragraph 17 of the relevant discussion paper at the meeting on 22 March 2021 of the LegCo Panel on Administration of Justice and Legal Services, which is available at: <https://www.legco.gov.hk/yr20-21/english/panels/ajls/papers/ajls20210322cb4-648-3-e.pdf>.

³ The UNCITRAL's webpages on the CISG include: https://uncitral.un.org/en/texts/salegoods/conventions/sale_of_goods/cisg and <https://uncitral.un.org/cisg40>.

⁴ The IICL's "CISG Database" webpage is at: <https://iicl.law.pace.edu/cisg/cisg>.

⁵ The webpage is at: https://www.doj.gov.hk/en/featured/un_convention_on_contracts_for_the_international_sale_of_goods.html.