

立法會
Legislative Council

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Tel : 3919 3300
Date : 3 May 2021
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 5 May 2021

**Debate and voting arrangements for
Mainland Judgments in Matrimonial and Family Cases
(Reciprocal Recognition and Enforcement) Bill**

Further to LC Paper No. CB(3) 490/20-21 issued on 21 April 2021 regarding the proposed amendments to the captioned Bill, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

2. Members are reminded that in accordance with Appendix IIIA to the House Rules, the speaking time limits in the debates are as follows:

	<u>Number of speech(es) allowed for each Member</u>	<u>Maximum time for a speech</u>
(a) Resumption of the second reading debate	1	10 minutes
(b) Consideration by committee of the whole Council	Multiple	5 minutes
(c) Third reading debate	1	3 minutes

(Miranda HON)
for Clerk to the Legislative Council

Encl.

**Mainland Judgments in Matrimonial and Family Cases
(Reciprocal Recognition and Enforcement) Bill
Debate and voting arrangements**

Objects of the Bill : To give effect to 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 made between the Supreme People’s Court of the People’s Republic of China and the Government of the Hong Kong Special Administrative Region by providing for:

- (a) the recognition and enforcement in Hong Kong of judgments in matrimonial and family cases given in the Mainland;
- (b) facilitating the recognition and enforcement in the Mainland of judgments in matrimonial and family cases given in Hong Kong;
- (c) the recognition of Mainland divorce certificates; and
- (d) related matters.

Joint debate : Clauses and Schedules with no amendment, and clauses and Schedules with amendments proposed by the Secretary for Justice (“SJ”) — Clauses 1 to 42, and Schedules 1 to 4

Joint debate on the original clauses and Schedules and the amendments.

Debate theme : The arrangement on reciprocal recognition and enforcement of civil judgments in matrimonial and family cases

SJ’s amendments

The extent to which a maintenance-related order given in a Mainland Judgment may be registered in Hong Kong

Clause 11

- To amend clause 11(1) to (3) and delete clause 11(4). The amendments seek to stipulate clearly that, in respect of the registration of a maintenance-related order that requires a payment or an act to be made or performed periodically (“periodic order”), the registering court may order that the registration covers those further payment/act which will become due on or after the application date and have not yet been paid/performed on the date of registration. This means that the judgment creditor may not need to apply to the court for registration of the periodic order again upon further default of such periodic payment/act in future.

Other technical and textual amendments

Clauses 2, 8, 11, 19 and 24, and Schedule 2

- To amend clauses 2, 8(1), 8(2) and 8(3), the headings of clauses 11, 19 and 24, clauses 19(1) and 24(1), and the headings of Parts 1, 2 and 3 of Schedule 2 by replacing “攸關看顧” with “看顧相關”, “攸關贍養” with “贍養相關” and “攸關狀況” with “狀況相關” in the Chinese text for easier understanding by the general public.

Clauses 16, 17 and 26, and Schedules 2 and 3

- To amend items 1, 3 and 4 in Part 1 and item 1 in Part 3 of Schedule 2, and item 12 in Schedule 3 by replacing “子女” in “未滿18歲子女” with “的人” in the Chinese text to connote a broader interpretation to cover *any person under the age of 18 years* not restricting to a party’s own “son” or “daughter” under the age of 18 years, and correspondingly replace “a child” in “a child under the age of 18 years” with “a person” in the English text; and make consequential amendments to clauses 16(2), 17(3)(b) and 26(5)(b); and
- To amend item 2 in Part 1 and item 2 in Part 3 of Schedule 2 to make the provisions clearer.

- Voting order** :
1. Clauses and Schedules with no amendment (i.e. clauses 1, 3 to 7, 9, 10, 12 to 15, 18, 20 to 23, 25, 27 to 42, and Schedules 1 and 4) standing part of the Bill
 2. SJ’s amendments
 3. Clauses 2, 8, 11, 16, 17, 19, 24 and 26, and Schedules 2 and 3 with amendments or without amendment standing part of the Bill

SJ’s amendments

(set out in LC Paper No. CB(3) 490/20-21 issued on 21 April 2021)

Council Business Division 3
Legislative Council Secretariat
3 May 2021