

《判決（強制執行措施）規則》
(第9章，附屬法例A)

Judgments (Facilities for Enforcement) Rules
(Cap. 9 sub. leg. A)

版本日期
Version date
19.9.2019

經核證文本
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(《法例發布條例》(第614章)第5條)
(Legislation Publication Ordinance (Cap. 614), section 5)

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| 整條 Whole | 1—14 | 19.9.2019 |

尚未實施的條文 / 修訂 —

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

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制定史

本為 1924 年第 130 號政府公告 —— 1964 年編正版，1995 年第 (C)10 號法律公告 (中文真確本)，2019 年第 4 號編輯修訂紀錄

Enactment History

Originally G.N. 130 of 1924 — R. Ed. 1964, L.N. (C) 10 of 1995 (Chinese authentic version), E.R. 4 of 2019

《判決（強制執行措施）規則》

（第 9 章，附屬法例 A）

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Judgments (Facilities for Enforcement) Rules

(Cap. 9 sub. leg. A)

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《判決（強制執行措施）規則》

(第 9 章第 5 條)

[1924 年 3 月 14 日]

(格式變更——2019 年第 4 號編輯修訂紀錄)

1. 申請將聯合王國的判決等登記

凡根據《判決（強制執行措施）條例》（第 9 章）（以下稱為**本條例**）第 3 條申請許可，以便在最高法院登記一項在聯合王國高級法院取得的判決，或登記在聯合王國以外而本條例引伸適用的任何女王陛下領地的高級法院取得的判決，必須以最高法院原訟司法管轄權向法院提出申請，申請可單方面提出，或藉傳票提出，傳票會在規定日期在內庭聆訊。如申請是單方面提出的，法院可指示發出傳票。

(2019 年第 4 號編輯修訂紀錄)

2. 誓章

申請須由一份陳述實情的誓章佐證，誓章須附載判決原文，或附載一份經核實的、經核證的或以其他方式妥為認證的判決副本，並述明根據宣誓人盡其所知所信，判定債權人有權強制執行判決，而判決並不屬本條例第 3 條第 (2) 款所規定不能正當地命令登記判決的情況。宣誓人在能力所及下，亦須在誓章內分別列明判定債權人及判定債務人的全名、稱號、行業或業務以及其通常或最後所知的居住地方或營業地方。

Judgments (Facilities for Enforcement) Rules

(Cap. 9, section 5)

[14 March 1924]

(Format changes—E.R. 4 of 2019)

1. Application for registration of United Kingdom judgment, etc.

Any application under section 3 of the Judgments (Facilities for Enforcement) Ordinance (Cap. 9) (hereinafter referred to as **the Ordinance**) for leave to have a judgment obtained in a superior court in the United Kingdom, or in any part of Her Majesty's dominions outside the United Kingdom to which the Ordinance applies, registered in the Supreme Court shall be made to the court in its original jurisdiction ex parte or by summons returnable in chambers. If the application is made ex parte the court may direct a summons to be issued.

(E.R. 4 of 2019)

2. Affidavit

The application shall be supported by an affidavit of the facts exhibiting the judgment or a verified or certified or otherwise duly authenticated copy thereof and stating that to the best of the information and belief of the deponent the judgment creditor is entitled to enforce the judgment and the judgment does not fall within any of the cases in which under subsection (2) of section 3 of the Ordinance a judgment cannot properly be ordered to be registered. The affidavit must also, so far as the deponent can, give the full name, title, trade or business and usual or last-known place of abode or business of the judgment creditor and judgment debtor respectively.

3. 誓章及傳票的標題

誓章，以及申請書或傳票(視屬何情況而定)，須加上標題如下——

“香港最高法院
原訟司法管轄權

雜項法律程序 19..... 年第..... 號

有關《判決(強制執行措施)條例》(第 9 章)及有關.....
.....〔說明法院名稱〕就.....〔說明因由或
事項〕於 19..... 年..... 月..... 日取得的判決。”

4. 傳票的送達

申請登記許可的傳票(如有的話)屬原訟傳票，而除非法院另有命令，否則須以送達傳訊令狀的同樣方式，將其送達。判定債務人無須就該傳票提交應訴狀。

5. 命令的擬定及送達

給予登記許可的命令，須由判定債權人自行擬定或由他人代其擬定。凡命令是應傳票而發出的，須向判定債務人送達該命令，但若是應單方面申請而發出的，則無須將該命令送達判定債務人。

6. 命令的格式**3. Title of affidavit and summons**

The affidavit, and the application or summons, as the case may be, shall be intituled—

“IN THE SUPREME COURT OF HONG KONG
ORIGINAL JURISDICTION

Miscellaneous Proceeding No. of 19

In the matter of the Judgments (Facilities for Enforcement) Ordinance (Chapter 9), and in the matter of a judgment of the [describing the court] obtained in [describing the cause or matter] and dated the day of, 19.....”
(E.R. 4 of 2019)

4. Service of summons

The summons (if any) for leave to register shall be an originating summons and (unless otherwise ordered by the court) shall be served in the same manner as a writ of summons is required to be served. The judgment debtor shall not be required to enter any appearance thereto.

5. Drawing and service of order

Any order giving leave to register shall be drawn up by or on behalf of the judgment creditor. Where the order is made on a summons the order shall be served on the judgment debtor, but where the order is made on an ex parte application no service of the order on the judgment debtor shall be required.

6. Form of order

給予登記許可的命令，須述明判定債務人有權申請將該項登記作廢的時限。凡判定債權人是在有關司法管轄範圍內，或通常居於有關司法管轄範圍內，該時限通常為 14 天；如判定債權人是在有關司法管轄範圍外，或通常居於有關司法管轄範圍以外的地方，則由法院作出命令決定時限。

7. 登記冊

載有根據本條例被命令須予登記的判決的登記冊，須根據最高法院司法常務官的指示，備存於最高法院登記處。有關判決須按照給予登記許可的命令而登記在登記冊內。

8. 登記冊的格式

登記冊須按判定債務人姓氏的字母次序排列，登記冊內須記錄登記命令的日期、登記的日期、判定債務人及判定債權人的姓名、稱號、行業或業務、通常或最後所知的居住地方或營業地方、簽署判決的有關款額、登記命令內有關此項登記或執行已登記判決的任何特別指示，以及為執行判決而提起的任何法律程序的詳情。

9. 登記通知書

有關已將判決登記的通知書，須在作出該項登記後的一段合理時間內，送達判定債務人。如法院沒有就送達方式發出命令，則應如送達傳訊令狀一樣，以面交送達方式將通知書送達判定債務人（法院有權命令採用替代的送達方式或在司法管轄範圍外送達的方式，或兩者兼用），但法院可在法律程序的任何階段，授權或指示採取某些其他送達方式，而該其他送達方式即須按照該項授權或指示而執行。

The order giving leave to register the judgment shall state the time within which the judgment debtor is to be entitled to apply to set aside the registration. Such time, where the judgment debtor is, or is ordinarily resident, within the jurisdiction shall ordinarily be fourteen days, and when the judgment debtor is, or is ordinarily resident, out of the jurisdiction shall be such time as the court may order.

7. Register

The register of judgments ordered to be registered under the Ordinance shall be kept in the Registry of the Supreme Court under the direction of the Registrar. The judgment shall be registered therein in accordance with the order giving leave to register it.

8. Form of register

The register shall be arranged in alphabetical order in the surname of the judgment debtor, and there shall be entered in the register the date of the order for registration and of the registration, the name, title, trade or business and usual or last-known place of abode or business of the judgment debtor and judgment creditor, and the amount for which the judgment is signed, any special directions in the order for registration as to such registration or execution thereon, and the particulars of any execution issued thereon.

9. Notice of registration

Notice in writing of the registration of the judgment shall be served on the judgment debtor within a reasonable time after such registration. Such notice shall (in the absence of an order by the court as to the mode of service thereof) be served on the judgment debtor by personal service (with power to order substituted service or service out of the jurisdiction or both) as in the case of a writ of summons, but the court may at any stage of the proceedings

10. 通知書的格式

登記通知書須列載已登記判決及該項登記命令的詳情，並須述明判定債權人或其律師或代理人的姓名及地址，以便判定債務人所發的任何傳票可送達給他們及可送達至該等地址。通知書須述明，被告人如有理由，則有權申請將有關登記作廢，並須述明給予登記許可的命令中就申請將登記作廢所規限的日數。

11. 有關送達的背書

將通知書送達的一方，須在送達後 3 天內，在通知書或通知書的副本或複本上背書，註明送達通知書的日期及星期的那天，否則判定債權人不得為執行判決而提起法律程序，而每份有關送達通知書的誓章均須提及作出背書的日期。本條適用於替代及其他的送達方式。在特殊情況下，法院可發出命令，延長本條所定的 3 天期限。

12. 申請將登記作廢

在獲送達登記判決通知書後，判定債務人可在給予登記許可的命令所規限的期限內，隨時以傳票方式向法院申請將有關登記作廢，或申請暫停執行判決。法院在接獲申請後，如信納有關案件屬本條例第 3 條第 (2) 款所規定不得命令將判決登記的情況，或信納在香港強制執行有關判決是不公正或不方便的，又或為其他充分理由，可發出命令，無條件地或在法院認

authorize or direct some other mode of service and the same shall be effected in accordance with such authority or direction.

10. Form of notice

The notice of registration shall contain full particulars of the judgment registered and of the order for such registration and shall state the name and address of the judgment creditor or of his solicitor or agent on whom and at which service of any summons issued by the judgment debtor may be effected. The notice shall state that the defendant is entitled, if he has grounds for doing so, to apply to set aside the registration and shall also state the number of days for applying to set aside the registration limited by the order giving leave to register.

11. Indorsement of service

The party serving the notice shall within three days after such service indorse on the notice or a copy or duplicate thereof the day of the month and week of the service thereof; otherwise the judgment creditor shall not be at liberty to issue execution on the judgment; and every affidavit of service of such notice shall mention the day on which such indorsement was made. This rule shall apply to substituted as well as other service. The three days limited by this rule may in special circumstances be extended by order of the court.

12. Application to set aside registration

The judgment debtor may, at any time within the time limited by the order giving leave to register after service on him of the notice of the registration of the judgment, apply by summons to the court to set aside the registration or to suspend execution on the judgment. The court on such application, if satisfied that the case comes within one of the cases in which under subsection (2) of section 3 of the Ordinance no judgment can be ordered to

為適當的條款下將該項登記作廢或暫停執行判決；法院可命令判決完全停止執行或暫停執行直至其指示的時間為止：

但法院可准許在以上提及的期限屆滿後，隨時提出申請。

13. 申請作廢的傳票

第 12 條所提述的傳票屬普通傳票，其標題方式與第 3 條提述的誓章所加標題的方式相同。

14. 執行判決

任何判決如根據本條例獲予登記，在有關該項登記的通知書送達判定債務人後，而在給予登記許可的命令所規限的期限屆滿前，不得提起法律程序以執行該判決：

但法院可隨時命令將暫停執行的期間延長。

15. 有關送達的誓章

任何一方如欲為執行根據本條例獲予登記的判決而提起法律程序，須向適當人員出示一份送達登記通知書的誓章。

16. 執行令狀的格式

就根據本條例獲予登記的判決所發的執行令狀，須採用最高法院司法常務官認可的格式。

17. 申請經核證的香港判決副本

任何人如根據本條例第 4 條申請在最高法院取得的判決的經

be registered or that it is not just or convenient that the judgment should be enforced in Hong Kong, or for other sufficient reason, may order that the registration be set aside or execution on the judgment be suspended either unconditionally or on such terms as the court thinks fit and either altogether or until such time as it shall direct:

Provided that the court may allow the application to be made at any time after the expiration of the time herein mentioned.

13. Summons to set aside

The summons referred to in rule 12 shall be an ordinary summons intituled in the same manner as the affidavit referred to in rule 3.

14. Execution

No execution shall issue on a judgment registered under the Ordinance until after the expiration of the time limited by the order giving leave to register after service on the judgment debtor of notice of the registration thereof:

Provided that the court may at any time order that execution shall be suspended for a longer time.

15. Affidavit of service

Any party desirous of issuing execution on a judgment registered under the Ordinance shall produce to the proper officer an affidavit of the service of the notice of registration.

16. Form of writ of execution

A writ of execution on a judgment registered under the Ordinance shall be in a form approved by the Registrar of the Supreme Court.

17. Application for certified copy of Hong Kong judgment

Any application under section 4 of the Ordinance for a certified

核證副本，須單方面向最高法院司法常務官提出，並須提供一份由判定債權人或其律師所作的誓章，列明判決的詳情，並指出判定債務人是居於聯合王國或聯合王國以外而本條例引伸適用的女皇陛下某領地(說明何地)，且就盡其所知所信，分別述明判定債權人及判定債務人的稱號、行業、業務或職業，以及兩者通常或最後所知的居住地方或營業地方。

18. 判決的經核證副本的格式

判決的經核證副本須以最高法院的印章蓋印，並須由司法常務官按以下格式加以核證——

“本人證實上述的判決副本，是在香港最高法院行使原訟司法管轄權下所取得判決的真實副本，而此副本是按照《判決(強制執行措施)條例》(第9章)第4條而發出的。

(簽署).....
香港最高法院司法常務官”

19. 費用

就根據本條例登記及強制執行判決的所有法律程序而須繳付的費用，與就在最高法院行使原訟司法管轄權下進行的相近性質法律程序而不時須付的費用一樣。

copy of a judgment obtained in the Supreme Court shall be made ex parte to the Registrar of the Supreme Court on an affidavit made by the judgment creditor or his solicitor giving the particulars of the judgment, and showing that the judgment debtor is resident in the United Kingdom or in some (stating what) part of Her Majesty's dominions outside the United Kingdom to which the Ordinance extends, and stating to the best of his information and belief the title, trade, business or occupation of the judgment creditor and judgment debtor respectively and their respective usual or last-known places of abode or business.

18. Form of certified copy of judgment

The certified copy of the judgment shall be sealed with the seal of the Supreme Court and shall be certified by the Registrar in the following form—

“I certify that the above copy judgment is a true copy of a judgment obtained in the Supreme Court of Hong Kong in its original jurisdiction and this copy is issued in accordance with section 4 of the Judgments (Facilities for Enforcement) Ordinance (Chapter 9).

(Signed).....
Registrar of the Supreme Court of Hong Kong”
(E.R. 4 of 2019)

19. Fees

The fees payable in respect of all proceedings relating to the registration and enforcement of judgments under the Ordinance shall be the same as those payable from time to time in respect of proceedings of a similar nature in the Supreme Court in its original jurisdiction.

20. 引稱

本規則可引稱為《判決（強制執行措施）規則》。

20. Citation

These rules may be cited as the Judgments (Facilities for Enforcement) Rules.