

Report of the Special Committee on Greater China Affairs

Overview

A new phase of the opening up of China has emerged in 2015. This was demonstrated by a number of developments :

First, in the first eight months in 2015, a total of 1,959 foreign-funded enterprises opened in China's first pilot free trade zone (FTZ) in Shanghai, which accounted for nearly half of the total number of registered enterprises in the Shanghai Municipality.

Second, the Belt and Road Initiative is bringing together countries in Asia, Europe and even Africa, for the purpose of boosting infrastructure construction, financial cooperation and cultural exchanges amongst and across those regions.

Third, the Asian Infrastructure Investment Bank, a China-advocated multilateral development institution tasked with financing infrastructure construction across Asia, has some 57 founding members including England, France, Germany, Switzerland, Russia, Singapore and New Zealand.

Such was against the backdrop that China has intensified anti-corruption efforts since the CPC's 18th National Congress. This affects a large number of officials, including some who used to hold very high offices.

Given the proximity and enhanced cooperation between Hong Kong and China in recent years, it is not difficult to appreciate that these developments in China would not be entirely separate or disconnected from the developments of our legal profession. Given Hong Kong's unique and established position in the international legal market, it is inevitable that Hong Kong would act as a bridge for China as it begins to look outward as well as forward. This is notwithstanding the apparent growth of the Chinese legal market, which by the end of 2014 saw over 240,000 full time lawyers in private practice, 6,800 in the public service, 2,300 in the enterprises, and 5,900 in legal aid. It is believed that the multi-national expertise and experience of Hong Kong lawyers will continue to be an asset to our mainland counterparts, and in that sense, Hong Kong possesses a distinctive capacity to contribute to the strengthening of the Chinese legal market.

This belief is reinforced by the Communist Party of China (CPC) when it convened the fifth plenary session of its 18th Central Committee in October this year to outline the 13th Five-Year Plan (2016-2020) for national development. It was discussed on that occasion that Hong Kong would have a role in the development of high-end services in the country. From the perspective of the Central Government, the objective of the next Five Year Plan is clearly to make Hong Kong *the* centre for international arbitration.

With this in mind, we shall see further efforts in our work along the following direction:

- (a) the role of the Bar in continuing to promote Hong Kong's common law legal system in the Mainland, through both education and training;
- (b) the increased involvement of our members in liaising with mainland lawyers alongside international efforts stimulated by the Belt and Road Initiative in the realm of international dispute resolution;
- (c) the further development of Hong Kong as the regional centre for international arbitration and dispute resolution centre.

With this end in view, I am glad to say that the audacity of our hope seems to have prevailed, as evidenced by the following :

- (a) the running for the 5th consecutive year of the common law program in Peking University, in both its LL.M. and LL.B. program;
- (b) the publication of articles in selected legal topics in the *Shanghai Lawyer*, a monthly publication of the Shanghai Bar Association ;
- (c) the encouragement of our members to work in PRC-related arbitrations and to act as legal consultants to mainland law firms.

A chronological list of events is herewith attached.

I would like to thank everyone in the Committee, both senior members as well as some of our younger members. From my observation, it is not uncommon that they have lent their support without considering how much income opportunities they may have missed. This is respectable, and no doubt an exemplification of the good tradition of the Bar. Last but not least, it remains for me to thank the Bar Council for their support. Under the chairmanship of Ms Winnie Tam SC, the Committee had been highly active as Winnie had put in both her time and effort whenever she was called upon. I am deeply grateful.

Last but not least, I would like to thank Ms Ava Wong, without whose professional input the Committee would not have run so smoothly.

Membership:

Andrew Mak (Chairman)

William Wong SC

Hectar Pun SC

Kenneth Chow

Kenny Lin

Edward Chow

Richard Khaw

Frederick Chan
Cheung Yiu Leung
Barbara Wong
Julia Lau
Gary Soo
Elaine Liu
Tim Wong
Yvonne Fong
Jane Curzon Lo
Derek Chan
Jolie Chao
Karen Ma
Ann Lui
Eunice Yung
Kay Seto
Sabrina Ho
Selina Kung
Jeffrey Sham
Deanna Law
Adrian Wong
Devin Sio
Byron Tsang
Justin Tong
Carol Wong
Prisca Cheung

Andrew Mak
Chairman
Special Committee on Greater China Affairs

29 December 2015

Highlights of Events 2015

- 7/1 10 Mainland officers from various Justice Bureaus coming to Hong Kong for an Attachment Scheme sponsored by the Department of Justice visited the Bar
- 27/3 36 law students of various universities in Hong Kong and the Mainland attending the orientation program organized by Legal Education Trust Fund visited the Bar
- 27-30/4 Official Visit to Beijing: Ministry of Justice, the Supreme People's Court, the Basic Law Committee and Hong Kong and Macao Affairs Office of the State Council
- 28/3-16/5 A delegation of 11 Chinese judges coming to Hong Kong for a training program jointly organized by HKIAC and Tsinghua University visited the Bar.
- 28/3-16/5 Conducted common law lecture for the undergraduate and post-graduate law students of the Peking University
- 13/5 A 4-person delegation of Qingdao Arbitration Commission visited the Bar
- 2/6 Members of the Bar Council visited Mr Song Zhe, Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in HKSAR
- 8/6 15 Mainland officials sponsored by the Department of Justice to undertake the LLM programme at the HKU & CUHK visited the Bar
- 18-19/6 Organized moot court for PekingU LLM Students, and Attended the Scholarship Award Ceremony of Common Law LLM Course
- 13/7-24/7 Scholarship awardees of common law course organized by the Bar for the LLB and LLB students of the Peking University came to Hong Kong for mini-pupillage
- 15/7 13 outstanding law students of the Shantou University visited the Bar
- 21/7 50 law students of various universities in Hong Kong and the Mainland attending the orientation program organized by Legal Education Trust Fund visited the Bar
- 30/7 Co-organized a seminar titled "the Significance of National Judicial Reforms, Objectives, Progress and Achievements" with the China Legal Services Hong Kong Ltd.

- 30/10 The President of Hangzhou Lawyers Association and his 8-person delegation visited the Bar.
- 9/11 A delegation of 29 mainland officials coming to Hong Kong for an executive training program organized by the Chinese University of Hong Kong visited the Bar
- 20/11 Co-hosted a seminar on legal services under the "Belt and Road" initiative with the Shanghai Bar Association, the Shanghai International Economic and Trade Arbitration Commission, the East China University of Political Science and Law and the Shanghai Corporate Counsel Association; MOU signed for renewal in the course of the Seminar
- 8/12 Mr Jiang Jianchu, Deputy Procurator-General of the Supreme People's Procuratorate visited the Bar