

Report on Standing Committee on Greater China Affairs 2017

Overview

2017 was the 20th year when Hong Kong returns to the sovereignty of China. The first most important event in China in 2017 was the 19th National Congress of the Communist Party of China between 18 and 24 October 2017.

Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era (Chinese: 習近平新時代中國特色社會主義思想), or Xi Jinping Thought has attracted significant attention in the media. The Thought contains 14 point basic policies in which Point 6 is “Governing China with the rule of law.”

That Hong Kong operates the common law concept of the rule of law, it is important to foster our relationship with the Mainland by promoting the common law concept in as many ways as possible that “One Country, Two System” would mean the concept of rule of law is sometimes quite different between the two systems. For example, it may not be fully appreciated that the bedrock to the rule of law in Hong Kong is the trust and confidence of the public and international community towards our judges and the judicial system.

For this reason, this Committee has in the past:

- (a) run for 7 years the common law program in the Peking University, in both its LLM and LLB program ;
- (b) published articles in selected topics in Hong Kong law, for three years, in various legal publications including the Shanghai Lawyer.

With the One Belt One Road Initiative (“Initiative”) raised by President Xi Jinping in October 2013, the various Mainland government departments having promulgated the “Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road” for two years¹, the Bar has the further opportunity to make known services of its members in the Mainland. This included encouraging the members to be legal consultants of the Mainland law firms. In July 2017 we had seen further under the Initiative the proposal for building of the Guangdong-Hong Kong-Macau Big Bay Area. To foster further development in this regard, the Chairman had led a delegation to Guangzhou in November to introduce advocacy skills under common law. This would hopefully bring significant advances in our cooperation with Guangdong.

I would like to thank everyone in the Committee, in particular both senior and our younger members. Their support without considering how much income opportunities they have missed is comforting in my belief that barristers do have a role to play in the development of

¹ issued by the National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce of the People's Republic of China, with State Council authorization in March 2015.
http://english.mofcom.gov.cn/article/zt_beltandroad/

the Rule of Law, not only in Hong Kong. My special thanks are made to my two vice-chairmen, Mr Osmond Lam and Mr Frederick Chan. Without them the leadership of the Committee will prove to be too thin in the fast growing number of activities. I always thought that the Bar is famous in the generosity of its membership in using their time to do voluntary work for the membership, without being concerned too seriously of their business affairs. I have witnessed this good tradition in the work of this Committee in the past years and I would expect this to continue. I am very grateful to the support of the Bar Council. Under the chairmanship of Mr Paul Lam SC, the participation of Ms Winnie Tam SC, and Mr William Wong SC in the Standing Committee on China Practice Development, the Bar's presence in the Mainland has now become highly conspicuous. I believe the impact of their good efforts will be felt for many years to come.

Last but not least I would like to thank Ms Ava Wong for her unfailing professional input to make everything running so smoothly.

Membership:

Andrew Mak (Chairman)

Osmond Lam (Vice Chairman)

Frederick Chan (Vice Chairman)

William Wong SC

Hectar Pun SC

Richard Khaw SC

Kenneth Chow

Kenny Lin

Edward Chow

Cheung Yiu Leung

Barbara Wong

Julia Lau

Gary Soo

Elaine Liu

Tim Wong

Yvonne Fong

Jane Curzon Lo

Derek Chan C L

Jolie Chao

Karen Ma

Norman Nip

Ann Lui

Eunice Yung

Kay Seto

Sabrina Ho

Selina Kung

Jeffrey Sham

Deanna Law

Adrian Wong
Devin Sio
Byron Tsang
Kinsey Kang
Justin Tong
Carol Wong
Lily Yu Q
Prisca Cheung
Chantel Lin
Jeremy Yau
Brian Chok
Justin Ismail
Adela Mao

Andrew Mak
Chairman of Standing Committee on Greater China Affairs

December 2017

香港大律師公會

2017 年大中華地區專業人士與公會交流一覽

Highlights of Events 2017

- 10/1 與上海市律師協會續簽合作協議
Renewal of the Memorandum of Understanding with the Shanghai Bar Association
- 12/1 上海市司法局副局長王協到訪公會
Mr Wang Xie, Deputy Director General, Shanghai Municipal Bureau of Justice visited the Bar
- 17/1 與香港中資企業協會轄下法律專業委員會簽定合作協議，並於香港合辦交流會介紹大律師能為中資企業提供之法律服務
Co-organized a seminar with the Hong Kong Chinese Enterprises Association for their members to promote the legal services provided by barristers in Hong Kong.
- 22/2 最高人民檢察院檢察委員會副部級專職委員兼反貪污賄賂總局局長、二級大檢察官盧希女士率領二人代表團到訪公會
Ms Lu Xi, Director of Anti-Corruption-and-Bribery Bureau and Vice-ministerial Level Member of Procuratorial Committee of the Supreme People's Procuratorate, PR China and her 2-person delegation visited the Bar.
- 4/3-25/3 仲裁委員會為北京大學法學院和中國人民大學法學院本科生教授國際仲裁課程
The Committee on Arbitration organized international arbitration courses for the undergraduate law students of the Peking University and the China Renmin University.
- 19/3 公會代表於上海出席以「提升法律服務、助力自由貿易」為題之研討會並於會上致辭
The Bar Attended and Spoke at the Seminar “Developing Legal Services to Support Free Trade” in Shanghai.
- 30/3 國務院港澳辦副主任黃柳權先生率領七人代表團到訪公會
Mr Huang Liqun, Deputy Director of the Hong Kong – Macao Office of the State Council of the PR China and his 7-person delegation visited the Bar.
- 28/3-16/5 為北京大學法學院研究生及本科生舉辦科程教授普通法
Organized common law courses for the undergraduate and post-graduate law students of the Peking University
- 13/6 16 位到香港大學及香港中文大學修讀普通法碩士學位的內地官員到訪公會
16 Mainland officials sponsored by the Department of Justice to undertake the LLM programme at the HKU & CUHK visited the Bar
- 4-7/6 公會主席率領新晉大律師代表團前往北京參觀亞洲基建投資銀行、國務院港澳辦、全國

- 律協和北京市律師協會
The Bar Chairman led our delegation of Young Barristers to visit Asian Infrastructure Investment Bank, the Hong Kong - Macau Office of the State Council, All China Lawyers Association and Beijing Lawyers Association
- 5-6/6 爲北京大學法學院舉辦模擬法庭，并擔任法官及出席普通法公法碩士課程獎學金頒獎典禮
Organized moot court for PekingU LLM Students, and Presented the Scholarship Awards at the Ceremony.
- 18/6-20/6 公會主席率領代表團到台灣作官式訪問，到訪機構包括高雄律師公會、橋頭地方法院、台中市律師協會、台北律師協會、台灣律師全國聯合會、台灣司法院和憲法法院，並與以上三個律師公會簽署合作協議
The Bar Chairman led a 13-person delegation to visit Kaoshiung Bar Association, Taichung Bar Association, Taipei Bar Association, Taiwan Bar Association, Ciaotou District Court, Judicial Yuan & Constitutional Court of Taiwan. MOUs have been signed with the above lawyers' association.
- 6/7 廣州中級人民法院 25 人代表團到訪公會
25-person delegation from the Guangzhou Intermediate People's Court of PRC visited the Bar
- 7/7 13 位成績優異的汕頭大學法律系學生，訪問公會
Visit by 13 outstanding law students of the Shantou University
- 7/7 法律教育基金帶領 50 多位來自國內和香港的法律系學生到公會交流
Visit by 50 university students of HK and the Mainland attending training program organized by Legal Education Trust Fund.
- 12/7 中國華東政法大學 44 名學生代表到訪公會
A 44-student delegation of the Eastern China University of Political Science and Law visited the Bar.
- 17/7-28/7 北京大學普通法公法和國際仲裁碩士及學士課程 20 名獲獎學金學生到大律師辦事處觀察大律師日常工作
20 scholarship awardees of common law course and international arbitration course organized by the Bar for the LLB and LLB students of the Peking University came to Hong Kong for mini-pupillage
- 20/7 廣東省司法廳代表及廣東省律師協會代表到訪公會
Representatives from Justice Bureau of Guangdong Province and Representatives from the Guangdong Lawyers Association visited the Bar.
- 25/8 中國人民大學法學院院長王軼教授率領五人教學代表團與公會交流
Prof. Wang Yi, Dean of the Law School at the Remin University of China and his 5-member delegation visited the Bar.

- 11/9 為杭州市律師協會於杭州舉辦以國際仲裁中交叉盤問技巧為題的講座
Organized a Seminar on “Cross Examination in International Arbitration for Lawyers in Hangzhou.
- 18/9 中國法學會副會長張蘇軍先生率領 20 人代表團到訪公會
A 20-person delegation of the China Law Society, led by Mr Zhang Sujun, their Vice President, visited the Bar
- 21/9 公會參與由香港特區政府及香港貿易發展局在香港主辦之「『一帶一路』高峰論壇: 香港作為解決基建爭議的平台」
The Bar participated in “the Belt & Road Summit – Using Hong Kong as a Platform for Infrastructure Dispute Resolution” jointly organized by the Hong Kong SAR Government and the Hong Kong Trade Development Council in Hong Kong.
- 27/9 南京市司法局副局長陳宣東先生及南京市律師協會代表團到訪公會
Mr Chen Xuandong, Deputy Director-General of the Nanjing Municipal Bureau of Justice and Representatives of the Nanjing Lawyers Association Visited the Bar.
- 29/9 無錫律師協會代表團到訪公會
Wuxi Lawyers Association Delegation visited the Bar.
- 12/10 公會主席及委員會會員出席香港特區與深圳市人民政府續簽法律合作安排儀式
The Bar Chairman and members of the Hong Kong Bar Association attended the Signing Ceremony of the Renewed "Co-operative Arrangement on Legal Matters" between the Shenzhen Municipal Government and the Department of Justice of the HKSAR Government
- 16/10 28 位來自內地和省市(前往香港參加香港城市大學舉辦的第 11 屆中國高級法官研修班) 的高級法官到訪公會
32 Chinese Senior Judges attending the 11th Advanced Program for Chinese Senior Judges organized by the City University of Hong Kong visited the Bar
- 4/11 為廣東省律師協會於廣州舉辦「訟辯技巧專題講座」
Organized a Seminar on “Cross Examination and Advocacy Skills” for Lawyers in Guangzhou
- 14-16/11 公會主席率領 30 人代表團到北京作官式訪問，到訪司法部、國務院國有資產監督管理委員會、最高人民法院、全國人大基本法委員會、國務院港澳辦，就雙方關注的議題交流意見
The Bar Chairman led a 30-person delegation to pay visits to the Ministry of Justice, State-owned Assets Supervision and Administration Commission of the State Council, the Supreme People’s Court, the Basic Law Committee and Hong Kong and Macao Affairs Office of the State Council to exchange views on matters of mutual interest.

- 17/11 公會主席率領 10 人代表團到上海與上海市司法局及上海市律師協會會面
The Bar Chairman led a 10-person delegation to pay visits to the Ministry of Justice, State-owned Assets Supervision and Administration Commission of the State Council, the Supreme People's Court, the Basic Law Committee and Hong Kong and Macao Affairs Office of the State Council
- 18/11 公會與上海市司法局、上海市律師協會、上海市公證協會、上海國際經濟貿易仲裁委員會和香港律師會合辦第九屆陸家嘴法治論壇，以「『一帶一路』和法律服務國際化」為主題，並派出代表作專題演講。
Co-hosted and spoke at the 9th Lujiazui Law Forum in Shanghai with the theme of "Belt and Road and internationalization of legal services", with the Shanghai Municipal Bureau of Justice, the Shanghai Bar Association, the Shanghai Notary Association, the Shanghai International Economic and Trade Arbitration Commission and the Law Society of Hong Kong.
- 21/11 公會代表以講者身份出席由香港投資推廣署於北京舉辦之「『一帶一路』香港法律及解決爭議服務研討會」
The Bar's Representative spoke at "Belt and Road – Seminar on Hong Kong Legal and Dispute Resolution Services" jointly organized by InvestHK and the China Overseas Development Association at the 9th China Overseas Investment Fair in Beijing.
- 2/12 三名公會代表以講者身份出席由中華全國協師協會、廣東省律師協會及中國涉外律師領軍人才於深圳福田舉辦之「『一帶一路』法律服務論壇」
Three Bar's Representatives spoke at "the Belt and Road Legal Services Forum" jointly organized by ACLA, Lawyers Association of Guangdong, and CILPA in Futian, Shenzhen.
- 20/12 公會代表以主禮嘉賓身份出席由香港城市大學、中國法學會及澳門大學於香港舉辦以「粵港澳大灣區法律服務合作」為題之「第三屆粵港澳法學研討會」
The Bar's Representative officiated "The 3rd Guangdong-HK-Macao Legal Seminar", jointly organized by the City University of Hong Kong, China Law Society and Universidade De Macau in Hong Kong, with the theme of "Co-operation on Legal Services in Dawan Area"