

## Report of the Standing Committee on Greater China Affairs 2019

### Overview

2019 was a year of unprecedented challenge.

We have seen the international relationship of China in the midst of the US-Sino trade war has been rapidly deteriorating with some countries on various fronts, six months of protest movement with violence causing the worst disturbances not seen for decades in Hong Kong, and the unsettling challenges to the rule of law. No doubt the coming months may see the next year to be even tougher.

Those problems may have affected adversely the relationship between the Bar and Mainland. Some might say signs were seen in the increasing conflicts of opinion of members being brought to the open in the media. I believe the Bar is always respected for its status in speaking out on rule of law issues and at the same time have due regard to the principle of One Country Two Systems. Anything less will not enhance the reputation of the profession.

My belief is first founded upon the repeated assurances from the Central Government that Hong Kong is governed under the principle of One Country, Two System.

It is encouraging to see that certain new liberalisation measures on legal services have been introduced following the signing of the Amendment to the CEPA Agreement on Trade in Services on 21 November 2019.

- (1) On engagement of legal consultants by Mainland law firms, the relaxing of the current restriction so that Hong Kong legal practitioners can be employed as legal consultants by not more than 3 Mainland law firms, simultaneously, and to replace the relevant approval requirements with filing procedures so that annual registration is not required; and
- (2) On practice in the Greater Bay Area, Hong Kong legal practitioners are allowed to obtain practice qualification in the Greater Bay Area by passing a special examination and to engage in matters on specific areas of Mainland law.

While further details on the above measures are pending from the Mainland, the above amendments will be implemented on 1 June 2020.

It must not be forgotten that Hong Kong is the only common law jurisdiction it has much to offer in terms of its common law skills. Just back in November, funded by the Central Government, the All-China Lawyers Association (ACLA) sent 50 senior lawyers to the University of Law for a 16-day programme on international arbitration, only the second of its kind. This was according to the UK Law Society Gazette, to keep up with a 'rapidly expanding' Chinese legal system. The demand is always there.

Last year China announced the China International Commercial Court, an institution for resolving cross-border commercial disputes. In December 2018 the court, which has its bases in Xi'an and Shenzhen, received its first cases. The effort is to build the credibility of its legal system in an increasingly competitive market. Hong Kong has a lot to offer to serve on those fronts.

I had said last year that I believe one day this Committee will grow from just fostering our relationship with the counterparts in the Mainland to a much wider spectrum, to include the trade and industry in terms of our dispute resolution support. Despite the local incidents in the last six months and the downturn of the economy, I have not changed my view. The demand is already there simply because of the rapid growth of outward investment and other economic activities in China – 5 to 6 % GDP is never a small rate of growth. I am only optimistic to say that the demand can only grow faster and bigger.

I would like to thank everyone in the Committee, in particular those who found time to join and help our activities. Their support is evident of the fact that our members are generous. And this is good proof that we will continue to have an important role in the promotion of the Common Law and the rule of law, not only in Hong Kong.

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

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Andrew Mak  
Chairman  
Standing Committee on Greater China Affairs

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