

Report of the Special Committee on Mainland Affairs 2010

In 2010, the greatest global financial crisis since the WWII (some said 1929), seemed to continue with signs that it was not yet over¹. China greeted the New Year with a promising economy, improving people's livelihood and a stable society. If delivered this would conceivably be a hard earned achievement. Now near the end of the year some experts say China's economy might have been overheating even before the financial crisis erupted, and the crisis only exacerbated these concerns. On the other hand, China has been able to seek to extend its influence in Europe, with President Hu Jintao in early November pledging to help Portugal find its way out of a financial crisis that threatens to ruin its economy. David Cameron, the British Prime Minister visited China to boost UK's exports to China, with an ambitious target of almost tripling exports to China by 2015 from £7.7bn to £18.5bn.

In 1979, China had only 212 lawyers and 79 law firms, since 1994 the number of lawyers has increased by about 10,000 per year. By the end of 2009, there were 160,600 practicing lawyers handling a total of 1,967,784 litigation cases². By the end of October 2009, there were a total of 224 foreign law firms with representative office, from 21 countries. Amongst those, 65 representative offices were from Hong Kong law firms.

With such pace of development, no one can tell what is going to happen in future with certainty, except broad directions.

But what is important against this backdrop of development is that the Hong Kong Bar has also been entering a more rapidly changing phase of development in its relationship with China. Its independent role and its significance as the model in promoting the rule of law, and thus the special availability of its quality service of quality, feature an important role of the Bar in China today.

The membership of the Bar had just passed 1,100. The Civil Justice Reform is advancing to provide efficiency to the administration of justice with a new concept and approach in dispute resolution. China also has its mediation law with a different approach. There are experiences to be gained from the different approaches.

In 2010, the ever increasing exchange activities with the Mainland have turned into more in depth exchanges. We have maintained dialogue with various sectors of the Chinese legal profession including members of the Chinese judiciary, officials of various government departments, the lawyers, and not the least, the academic legal professions. A list of the events is attached. Some of those events may be highlighted below.

¹ In November 2010, the IMF still said the global financial crisis is not over yet.

² http://big5.gov.cn/gate/big5/www.gov.cn/jrzg/2010-02/15/content_1535534.htm

Foshan

In line with advancing mediation as an alternative means for dispute resolution, in April we had conducted a seminar on the Hong Kong approach to mediation in Foshan for the Foshan Lawyers Association. It had attracted some 60 Foshan lawyers who were interested to come and ask question on the subject.

Shanghai Expo

The Shanghai Expo was the event of the year for the Bar in China. In early July, the Bar joined the Department of Justice legal services seminar in Shanghai, with the assistance of the Trade Development Council. The Bar had brought its historically high number of senior counsel as speakers for this one day seminar. Thanks must be given to the Bar Council, the Mainland Affairs Committee and the Young Barristers Committee who help organizing this delegation. About 30 barristers turned up at the event as helpers or speakers. Without their support, it would be difficult to imagine so many barristers could join this event. The heat was intense in Shanghai summer. It did not deter the enthusiasm.

Hangzhou

The DOJ seminar in July served a pivotal role in promoting Hong Kong legal services. As a follow up to the Shanghai event in July, we conducted a road show in late November to promote the service of the Bar for both the Lawyers Association of Zhejiang and Hangzhou Lawyers Association. The ever more independent and thriving legal profession in this part of China, the warmth of their welcome, and the experience we gained, were encouraging. We hope to enter into regular law seminars with the two associations in the coming years.

I cannot conclude without my thanks to many people who each paid without reservation their time and energy in this year. I hope I will be forgiven to just refer to the Bar Council, the Mainland Affairs Committee and the Young Barristers Committee. Ava Wong who joined the Bar Secretariat has been a great help and I would like to extend my many thanks to her devotion to the work of the Committee.

Membership:

Andrew Mak (Chairman)

Teresa Cheng, SC

Rimsky Yuen, SC

Kenneth Chow

Kenny Lin

Richard Khaw

Frederick Chan

Cheung Yiu Leung

Barbara Wong

Julia Lau

Hectar Pun

Gary Soo

William Wong

Colana Yeung

David Chan

Benjamin Ng

F.Y. Kan

Elaine Liu

Tim Wong
Yvonne Fong
Jane Curzon Lo
Derek Chan
Jolie Chau
Karen Ma
Gloria Tse

Andrew Mak
Chairman of Special Committee on Mainland Affairs
December 2010

2010 Exchange Activities with Mainland Parties

Visits to Bar by Mainland Parties

13/1	Visit by Chinese senior judges who attended 2 nd Advanced Program organised by CityU
14/1	Visit by Social & Legal Special Committee and CPPCC National Committee
24/2	Visit by “Anti-torture” lawyers from China
3/3	Visit by Ms Xin Chunying (Deputy Director of the Legislative Affairs Commission of the Standing Committee of the National People’s Republic Congress, Mainland China)
29/3	Visit by human rights lawyers from Mainland and Taiwan
8/4	Visit by Legislative Affairs Commission of the Standing Committee of the National People’s Congress
10/5	Visit by Ms Ma Kang Mei, the Vice-Principal of China University of Political Science & Law
1/6	Dinner Meeting with Liaison Office of the Central People’s Government
7/6	Visit by participants who attended the Training Scheme in Common Law for Mainland Officials organised by DoJ
21/7	11 Shanghai lawyers who attended the WTO Training Programme organised by the Basic Law Institute, met with Mr Russell Coleman and Kumar Ramanathan.
30/7	Visit by Prof. Chen of Shantou University and 12 students
7/9	Visit by Chinese Officials under the Cooperation Agreement Scheme organized by DoJ
29/10	Visit by Prof. Qiang of Peking University
9/11	Visit by Professors from ShuYan, Remin & Tsinghua U and their students.
9/11	Lunch Meeting with China Legal Service (HK) Ltd.

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| 18/11 | Visit by Shanghai Motive Industry Corporation and Zhong Lun Law Firm |
| 22/11 | Visit by Mr Su Zelin, Vice President of the People's Supreme Court |
| 2/12 | Visit by students of various disciplines from China University of Political Science & Law |
| 14/12 | Visit by human rights lawyers from China |
| 16/12 | Lunch meeting with MrZhang Sujun, Vice Minister Ministry of Justice, the People's Republic of China and other officials of MoJ. |

Exchange Activities Outside Hong Kong

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| 24-27/4 | Shanghai Expo Legal Forum Roadshow |
| 4/6 | Seminar on Mediation conducted for Foshan Lawyers Association |
| 6/7 | Co-organised Shanghai Expo Legal Forum with DoJ, dinner meetings with Laywers Association of Zhejiang and Suzhou Bar Association. Some members conducted speeches. |
| 24-26/11 | Visited Lawyers Association of Zhejiang and Hangzhou Lawyers Association, and PDI to promote the profession and ADR. |