

**For discussion on
31 August 2021**

**Legislative Council Panel on
Administration of Justice and Legal Services
The Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”)
Legal Professional Examination and other initiatives which may
bring development opportunities in the GBA for Hong Kong legal
profession**

Introduction

In the paper (LC Paper No. CB(4)648/20-21(05)) tabled at the meeting of the Legislative Council Panel on Administration of Justice and Legal Services by the Department of Justice (“**DoJ**”) on 22 March this year (“**March 22 Paper**”), the recent developments for Hong Kong’s legal and dispute resolution services in the GBA and the proposed measures to be taken forward in the GBA, etc., were introduced. This paper seeks to provide members with an in-depth account of the GBA Legal Professional Examination and its latest developments, other initiatives and work that may bring development opportunities in the GBA for the Hong Kong legal profession and enhancement of cooperation and exchange on legal matters between the Mainland and Hong Kong. Members are invited to provide comments and suggestions.

I. Channels for application to practise as lawyers in the Mainland

**A. National Unified Legal Professional Qualification Examination
 (“National Examination”)**

2. Pursuant to Article 5 of the Law of the People's Republic of China on Lawyers, one of the conditions for application to practise as lawyers is obtaining legal professional qualifications by passing the National Examination. For Hong Kong residents to obtain legal professional qualifications in the Mainland, under the Mainland and Hong Kong Closer Economic Partnership Arrangement ("CEPA"), Hong Kong residents who are Chinese nationals have since 2004 been allowed to take the Unified National Judicial Examination, known as the National Examination since 2018. Examinations are held annually in the Mainland, and since 2005 also in Hong Kong.

3. The National Examination has two parts: objective questions examination and subjective questions examination. Candidates must pass the objective questions examination before they are allowed to sit the subjective questions examination. The objective questions examination consists of two papers each with 100 multiple choice questions which candidates are required to complete within 180 minutes. The specific syllabus of the objective questions examination in 2021 National Examination includes:

Paper 1: Xi Jinping Thought on the Rule of Law, Jurisprudence, Constitution, Legal History of China, International Law, Judicial System and Professional Legal Ethics, Criminal Law, Criminal Procedure Law, Administrative Law and Administrative Procedure Law.

Paper 2: Civil Law, Intellectual Property Law, Commercial Law, Economic Law, Environmental Law, Labour and Social Security Law, Private International Law, International Economic Law, Civil Procedure Law (including Arbitration System).

4. The subjective questions examination lasts 240 minutes and covers types of questions such as case analysis, legal instruments and essay questions. The specific syllabus includes: Xi Jinping Thought on the Rule of Law, Jurisprudence, Constitution, Criminal Law, Criminal Procedure Law, Civil Law, Commercial Law, Civil Procedure Law (including Arbitration System), Administrative Law and Administrative Procedure Law, Judicial System and Professional Legal Ethics.

5. As at 2019, a total of 541 Hong Kong candidates have passed the National Examination with an average passing rate above 8%.

B. The GBA Legal Professional Examination (“GBA Examination”)

(i) Background

6. Through the CEPA platform, DoJ has been actively seeking for a more convenient way than the National Examination for experienced legal professionals to obtain the Mainland legal professional qualifications. The Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area sets out, in the paragraph with sub-heading “To enhance cooperation in legal matters” under Section 1 “Enhancing the Functions of the Shenzhen-Hong Kong Modern Service Industry Cooperation Zone in Qianhai of Shenzhen” of Chapter Ten “Jointly Developing Guangdong-Hong Kong-Macao Cooperation Platforms”, a guiding direction to “study matters relating to practice qualification and scope of practice for Hong Kong and Macao legal practitioners in the nine Pearl River Delta municipalities”.

7. On 21 November 2019, the Agreement Concerning Amendment to the CEPA Agreement on Trade in Services (“**Amendment Agreement**”) was signed to lower the threshold for Hong Kong legal practitioners to practise in the Mainland by allowing eligible Hong Kong legal practitioners to obtain GBA practice qualifications upon passing a specific examination apart from the National Examination.

8. To implement the Amendment Agreement, the Standing Committee of the 13th National People’s Congress decided on 11 August 2020 to authorise the State Council to conduct a pilot scheme in Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing of Guangdong Province (“**the nine Mainland municipalities in the GBA**”) for eligible Hong Kong legal practitioners who have obtained Mainland practice qualifications after passing the GBA Examination to practise in specified areas of Mainland legal matters. Details of the pilot scheme would be formulated by the State Council and reported to the Standing Committee of the National People’s Congress. The pilot scheme shall last for three years, commencing from the date of publication of the pilot measures. Upon its expiry, if the pilot scheme is proved feasible, the GBA Examination will continue to be held after relevant laws are revised and fine-tuned¹.

9. The State Council issued on 22 October 2020 the pilot measures for Hong Kong and Macao legal practitioners to obtain Mainland practice qualifications and to practise as lawyers in the nine Mainland municipalities in the GBA (“**Pilot Measures**”). Hong Kong solicitors and barristers who meet the following requirements are allowed to practise

¹ No. 17 of the FAQs on examination-related matters on the website of the GBA Examination. See <https://gba.examos.cn/lawyertop/login.html#notice>

in specified areas of Mainland legal matters in the nine Mainland municipalities in the GBA upon passing the GBA Examination and obtaining a lawyer's practice certificate (GBA):

- (a) Hong Kong permanent residents who are Chinese nationals;
- (b) Upholding the Constitution of the People's Republic of China ("PRC") and the Basic Law of the Hong Kong Special Administrative Region ("HKSAR") of the PRC;
- (c) Solicitors and barristers enrolled on the roll of solicitors or barristers upon admission by the HKSAR High Court in accordance with the relevant HKSAR laws and not suspended from practice for the moment;
- (d) Having accumulated practice experience of five years or above;
- (e) Having good professional ethics and no record of punishment for disgrace or violation of professional ethics; and
- (f) Capable of drafting legal instruments in Chinese and conducting business activities in Putonghua.

(ii) Inaugural GBA Examination

Examination contents and format

10. On 4 November 2020, the Ministry of Justice ("MoJ") published a notice providing details on the GBA Examination 2021, including application procedures and syllabus.

11. The inaugural GBA Examination consisted of two papers, with Paper 1 being objective questions (including 100 multiple choice questions) and Paper 2 subjective questions (including case analysis, legal instruments and

essay questions). Both papers were closed book written examination and the time allowed for each was 180 minutes. The questions could be answered in either simplified or traditional Chinese. The syllabus covered Theories of Rule of Law under Socialism with Chinese Characteristics; the Constitution; the Basic Law of HKSAR, the Basic Law of Macao Special Administrative Region (“**Macao SAR**”); Legal History of China; Judicial System and Professional Ethics of Lawyers in the Mainland; Civil Law, Commercial Law, Civil Procedure Law, Arbitration Law; Criminal Law, Criminal Procedure Law; Administrative Law, Administrative Procedure Law.

12. The National Examination has a relatively extensive syllabus. For instance, the subjects of 2021 include Xi Jinping Thought on the Rule of Law, Jurisprudence, International Law, Intellectual Property Law, Environmental Law, Economic Law, Labour and Social Security Law. Meanwhile, the GBA Examination has incorporated the Basic Law of the HKSAR and the Basic Law of the Macao SAR. The National Examination is more demanding than the GBA Examination in terms of the number of question papers and the duration of the examination. In this regard, the GBA Examination provides an easier way for Hong Kong legal practitioners to obtain their Mainland practice qualifications.

Briefing

13. After the issue of the notice on the first GBA Examination by the MoJ, DoJ joined hands with the MoJ, the Department of Justice of Guangdong Province and the Legal Affairs Bureau of Macao to co-host a briefing in November last year to introduce the relevant examination policies as well as the current position and development opportunities of legal services in

the GBA to the legal profession. Hong Kong legal practitioners responded enthusiastically towards the GBA Examination. According to the information provided by the MoJ, a total of 655 Hong Kong legal practitioners (including 588 solicitors and 67 barristers) enrolled in the examination in November last year.

Pre-examination training

14. Pursuant to the Pilot Measures, the MoJ arranged a seven day online legal training for enrolled candidates from 21 to 27 December last year, where experts were invited to teach all examination subjects. Only candidates who have completed the pre-examination legal training might sit for the examination.

Implementation progress of the examination

15. In light of the COVID-19 pandemic, the MoJ announced on 6 January this year that the examination originally scheduled to take place on 30 January would be postponed. The MoJ subsequently announced on 24 June that the inaugural GBA Examination would be held on 31 July, with new examination venues set up in Hong Kong, in addition to those in Shenzhen and Zhuhai, to facilitate the sitting of the examination by Hong Kong legal practitioners having difficulties in travelling to the Mainland due to the pandemic.

16. To ensure the smooth running of the examination in Hong Kong, DoJ and the MoJ signed on 18 June this year a memorandum of understanding (“MoU”) on the organisation and implementation of the examination in Hong Kong, under which DoJ would coordinate with the Hong Kong

Examinations and Assessment Authority (“**HKEAA**”) and government departments concerned to handle examination-related, anti-epidemic and security work.

17. Legal practitioners having enrolled in the GBA Examination in November last year and completed the pre-examination legal training were required to select an examination location and pay the relevant examination fees through the website of the MoJ between 2 July and 11 July. Candidates who chose to sit for the examination in Hong Kong had to pay an examination administration fee of RMB 55 and an examination service fee of HK\$800.

18. The two examination venues in Hong Kong were set up in the two rotunda halls of the Kowloonbay International Trade & Exhibition Centre. To effectively safeguard the health and safety of the candidates and staff at the venues, DoJ and the HKEAA devised prior to the examination an anti-epidemic and security plan applicable to all examination venues in Hong Kong based on the recommendations of the Centre for Health Protection under the Department of Health of the HKSAR Government and the precautionary measures developed by the HKEAA. The plan was approved by the MoJ. In addition, DoJ also sought assistance from the Police to conduct a risk assessment for the examination and make corresponding arrangements to ensure that the examination could be held orderly without any disruption. DoJ staff were also deployed to inspect the examination venues on the examination day to ensure effective implementation of the above measures.

19. All candidates who have sat the examination in Hong Kong will have their answers uniformly marked by the MoJ. Examination results and the

pass mark will be announced before 30 September. Candidates may then print their own statements of examination results from the MoJ website. Those who wish to dispute their results may apply in writing to the Department of Justice of Guangdong Province for a score review within 10 days of the announcement.

20. Pursuant to the MoU signed between DoJ and the MoJ, if there is a need to set up further examination venues in Hong Kong during the pilot period for reasons like the COVID-19 pandemic, DoJ will continue to assist the MoJ in organising and implementing such examinations in Hong Kong.

(iii) Post-examination training, assessment and application for legal practice

21. Another condition for application to practise as lawyers pursuant to Article 5 of the Law of the People's Republic of China on Lawyers is to have completed one year's internship at a law firm. Given that candidates of the GBA Examination have accumulated practice experience of five years or above and with reference to the Liberalisation Measures under Cross-border Services (Positive List) of the CEPA Agreement on Trade in Services, legal practitioners who passed the examination do not have to complete the one-year internship but are only required under the Pilot Measures to undergo intensive training and assessment by the Guangdong Lawyers Association, so as to get familiarised with the requirements for handling legal matters in the Mainland, thereby enhancing their capability and professionalism in legal practice. After passing the assessment, they can apply to the Department of Justice of Guangdong Province for legal

practice in the GBA. The Department will then award them a lawyer's practice certificate (GBA).

22. Apart from the compulsory intensive training, to better prepare Hong Kong legal practitioners who have passed the GBA Examination to practise in the nine Mainland municipalities in the GBA, DoJ plans to co-operate with Mainland organs to provide practical training courses on Mainland laws for those who have passed the examination. It aims to enhance their practical knowledge on Mainland courts' handling of different areas of civil and commercial matters. On 28 July 2021, DoJ and the Supreme People's Court signed the Record of Meeting on Further Enhancement of Exchanges and Cooperation ("**Record of Meeting**"), the content of which includes the arrangement of Mainland practical legal training for Hong Kong legal practitioners who have passed the GBA Examination.

(iv) Practice management

23. Hong Kong legal practitioners who have obtained the relevant practice certificate in the GBA shall, in accordance with the Law of the People's Republic of China on Lawyers, subject themselves to the supervision and management of the Department of Justice of Guangdong Province and the local judicial administrative organ, join the local lawyers association and take part in the annual assessment. They shall simultaneously become a member of the All China Lawyers Association² and shall be subject to the management of lawyers association. DoJ is awaiting the Department of Justice of Guangdong Province and the Guangdong Lawyers Association to announce further details on the

² Article 45 of the Law of the People's Republic of China on Lawyers

intensive training, assessment, procedures for applying to practise in the GBA and practice management.

24. DoJ plans to co-host with relevant Mainland authorities a briefing to assist Hong Kong legal practitioners who have participated in the inaugural GBA examination or are interested in taking the GBA Examination to know about the intensive training and assessment conducted by the Guangdong Lawyers Association, and the procedures for applying to practise in the GBA.

25. Hong Kong legal practitioners who have obtained the relevant practice certificate in the GBA will be subject to management by both Hong Kong's legal professional bodies (the Law Society of Hong Kong or the Hong Kong Bar Association) and the lawyers' associations of the Mainland (local lawyers' association and the All China Lawyers Association). In the light of this, at the second Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference held in December 2020, DoJ, the Department of Justice of Guangdong Province and the Secretariat for Administration and Justice of the Government of the Macao SAR agreed that it was necessary to strengthen cooperation and exchanges among lawyers associations of the three places with a view to jointly promoting legal development and industry management in the GBA.

(v) Scope of business

26. In terms of business scope, a person who has obtained a lawyer's practice certificate (GBA) can provide legal services in the nine Mainland municipalities in the GBA on specified civil and commercial matters (including litigation and non-litigation matters) to which the Mainland

laws apply, and enjoy the same privileges and subject to the same obligations as Mainland lawyers.

27. Persons holding lawyer's practice certificates (GBA) are allowed to handle litigation matters including civil and commercial cases that are accepted by the High People's Courts, Intermediate People's Courts, Primary People's Courts and the relevant specialised courts of the nine Mainland municipalities in the GBA. Their scope of business can be referenced to the specific scope of business within which Hong Kong residents who have acquired Mainland legal professional qualification and hold a Mainland lawyer's practice certificate are allowed to act as agents in civil cases in people's courts of the Mainland. Currently, the scope has been expanded to cover 237 types of civil cases under five major categories, including matrimonial and family issues, succession disputes, disputes on contracts and intellectual property rights, civil disputes such as those relating to companies, securities, insurance and notes. For non-litigation work, persons holding lawyer's practice certificates (GBA) may handle cases where relevant elements relating to the nine Mainland municipalities in the GBA are present. These elements mainly include the party concerned, the subject matter, the place of performance of a contract, the relevant legal facts, etc.. For arbitration cases, they should be commercial arbitration cases which are accepted by arbitration commissions in the nine Mainland municipalities in the GBA.

28. The above scope of business is essentially the same as that for Hong Kong residents who have acquired Mainland legal professional

qualification and practise as lawyers in the Mainland, except that it is territorially restricted to the nine Mainland municipalities in the GBA³.

29. As shown in the online information provided by the Department of Justice of Guangdong Province, as of July 2021, there is a total of 2,979 Mainland law firms in the nine Mainland municipalities in the GBA. In terms of the current development of partnership associations set up between Hong Kong and Mainland law firms, as of July this year, 12 partnership associations have been set up in the GBA. Six of these partnership associations are set up in Shenzhen, three in Guangzhou, two in Zhuhai and one in Dongguan. According to the Department of Justice of Guangdong Province, a total of 188 Hong Kong residents have obtained National Unified Legal Professional Qualification and have been allowed to practise as lawyers in Guangdong Province.

30. According to the Pilot Measures, in the nine Mainland municipalities in the GBA, Hong Kong legal practitioners who have obtained a lawyer's practice certificate (GBA) can be retained by Mainland law firms and partnership associations of Mainland law firms and Hong Kong or Macao law firms, and can become partners of Mainland law firms, as mentioned in paragraph 29 above. Hence, an extensive arena is directly provided for the development of Hong Kong legal profession in the Mainland. Furthermore, Hong Kong legal practitioners who have passed the GBA Examination can also provide a one-stop shop for cross-border and cross-jurisdictional legal services to enterprises in Hong Kong and the GBA.

³ See Footnote 1, No. 21 of the FAQs.

31. DoJ will continue to actively maintain close contact with the relevant Mainland authorities to ensure smooth implementation of the GBA Examination, to enable Hong Kong legal practitioners who have passed the examination to receive relevant information on the intensive training, assessment and application to practise as lawyers in the GBA, and to provide training courses to better prepare Hong Kong legal practitioners for their development in the GBA.

II. Other initiatives and work to bring development opportunities in the GBA for Hong Kong legal profession

A. Allowing WOKEs⁴ in the GBA “to adopt Hong Kong law and choose for arbitration to be seated in Hong Kong”

32. The March 22 Paper has introduced DoJ’s zealous efforts in striving for the wider use of Hong Kong law and of Hong Kong as a place of arbitration in the GBA. In October last year, through amending the “Regulations of the Qianhai Shenzhen–Hong Kong Modern Service Industry Cooperation Zone of the Shenzhen Special Economic Zone” (the “**Regulations**”), Article 57 of the Regulations allows Hong Kong-, Macao-, Taiwan- and foreign-invested enterprises registered in the Qianhai Cooperation Zone to agree on the choice of applicable law, including Hong Kong law, in their civil and commercial contracts. The relevant terms would not be considered invalid despite the absence of any “foreign-related elements”.

⁴ WOKEs means Wholly Owned Hong Kong Enterprises.

33. The initiative to allow “WOKEs to adopt Hong Kong law” has shown to be feasible in Qianhai. In order to enhance opportunities for Hong Kong legal profession to participate in the development of the GBA, DoJ will continue to seek the support of the Central Government in extending the relevant measure from Qianhai to Shenzhen and the entire GBA, enabling more Hong Kong-invested enterprises in the GBA to freely choose Hong Kong law as the applicable law for civil and commercial contracts in the absence of any “foreign-related elements”.

34. Furthermore, DoJ will also continue to strive for the wider use in the GBA of Hong Kong as a place of arbitration outside the Mainland. In recent years, the Supreme People’s Court has gradually relaxed the “foreign-related elements” requirement under Mainland law for arbitration outside the Mainland in its opinions on judicial services and guarantee. Amongst these opinions, the “Opinions of the Supreme People’s Court on Providing Judicial Guarantee for the Building of Pilot Free Trade Zones” (“**Opinions**”) was published in January 2017. The Opinions provide that where foreign-invested enterprises (including Hong Kong-invested enterprises) registered in the pilot free trade zones submit, as parties, their dispute for resolution by way of arbitration in a place outside the Mainland (including Hong Kong) as agreed and it is later argued that the arbitration agreement is invalid or the dispute does not involve “foreign-related element” as reasons to refuse to recognise or enforce the relevant arbitral award, the people’s court should not support such arguments. The Opinions apply to trial work of the people’s courts which involves cases of the pilot free trade zones, including the China (Guangdong) Pilot Free Trade Zone (covering Nansha Area of Guangzhou, Qianhai-Shekou Area of Shenzhen and Hengqin Area of Zhuhai). DoJ suggests, making reference to the Opinions, where a party to a civil and commercial contract is a Hong Kong-

invested enterprise registered in the GBA, such party be allowed to freely choose Hong Kong as the place of arbitration in the dispute resolution clause of the contract, and such designation clause would not be considered invalid due to the absence of “foreign-related elements”. With the support of the Central Government, DoJ will continue to keep a close contact with the relevant Mainland authorities to explore the implementation of the above initiatives in the GBA, striving for further opening up of the GBA and the Mainland markets for Hong Kong’s legal and dispute resolution services sector.

B. A Cross-Boundary Mechanism on Mutual Recognition of and Assistance to Insolvency and Debt Restructuring Proceedings

35. In May 2021, DoJ and the Supreme People’s Court signed the Record of Meeting on Mutual Recognition of and Assistance to Bankruptcy (Insolvency) Proceedings between the Courts of the Mainland and of the HKSAR, whereby establishing a new cooperation mechanism that allows liquidators and provisional liquidators in Hong Kong to apply to the Mainland courts in the pilot areas for recognition of insolvency and debt restructuring proceedings in Hong Kong, and also for assistance to perform their duties in the Mainland, including investigating into the financial position of the debtor and taking control of the debtor’s property. At present, Shenzhen is one of the pilot areas. Likewise, bankruptcy administrators in the Mainland may continue applying to the High Court of Hong Kong for recognition of bankruptcy liquidation, compromise and reorganisation proceedings in the Mainland, and apply for assistance to perform their duties in Hong Kong.

36. On the day of signing of the Record of Meeting, DoJ assisted the Shenzhen Intermediate People’s Court in organising the “Forum on Cross-boundary Insolvency Cooperation between the Mainland China and HKSAR”, in which experts including judges, lawyers and liquidators from both places discussed the content and practical issues of the cooperation mechanism. The Forum was well-received by the participants. DoJ is exploring with Shenzhen and other Mainland authorities to continue organising similar forums and other professional exchange activities, with a view to further introducing to the practitioners the content and operational details of the cooperation mechanism, and liaising with the practitioners on the implementation of the mechanism, so as to create favourable conditions for future expansion of the scope of the cooperation mechanism.

C. Preferential policies for Hong Kong legal practitioners to pursue their career in the GBA

37. In the March 22 Paper, DoJ has introduced some preferential policies that the Mainland cities in the GBA had implemented to attract Hong Kong legal professionals to seek career development in the GBA. Taking Guangzhou as an example, the “Notice of Guangzhou Municipality on implementing the Administrative Measures of the Preferential Individual Income Tax Policy in the Guangdong Hong Kong - Macao Greater Bay Area”⁵ was promulgated in June this year. Eligible foreign high-end and urgently-needed talents working in Guangzhou can apply to the Guangzhou Municipal Human Resources and Social Security Bureau for financial subsidies if their individual income tax paid in Guangzhou exceeds the tax amount computed at 15% of their taxable income. Persons

⁵ Sui Cai Gui Zi [2021] No. 1

who have acquired legal professional qualification or the qualification of China-Appointed Attesting Officers (Hong Kong or Macao), officers specialised in foreign-related legal matters and talents on financial law or auditing are listed as urgently-needed talents. Foreign high-end and urgently-needed talents wishing to apply for such financial subsidies should meet the following requirements:

- (a) Being a permanent resident of Hong Kong or Macao, or a Hong Kong resident under the Hong Kong's Admission Schemes for Talent, Professionals and Entrepreneurs;
- (b) Working or being employed by enterprises and other institutions registered in Guangzhou during the tax year, or alternatively provide independent personal services or engaging in production or business operating activities in Guangzhou;
- (c) Working in Guangzhou for a minimum of 90 days during the tax year;
- (d) Paying individual income tax in Guangzhou in accordance with the law;
- (e) For urgently-needed talents, with taxable income exceeding RMB 300,000 during the tax year; and
- (f) the relevant integrity requirements⁶.

⁶ Within three years before applying for financial subsidies, the applicant shall have no record of major tax violations, no record of dishonest acts such as false reporting, false collection, fraud, misappropriation of financial funds, violation of scientific research ethics and integrity, no record of being listed as a dishonest person subject to enforcement, and no record of serious violation of laws or regulations, such as being subject to criminal punishment or ordered to suspend production or business, being revoked of the business license or permit, or receiving administrative punishment involving large sum of fine. The applicant should not be directly or primarily responsible for the above acts or records of his withholding agent, nor is he the legal representative or responsible person of the withholding agent. See Article 8 of the Administrative Measures.

38. The above measure has been implemented since 7 June 2021, and will be implemented on a pilot basis until 31 December 2023. This policy provides financial subsidies, which are exempt from individual income tax, for foreign high-end and urgently-needed talents working in Guangzhou. Taking into account the subsidy, the net tax rate is the same as Hong Kong's standard personal income tax rate, which is 15%. This will encourage eligible Hong Kong legal professionals to work in the GBA.

39. Apart from Guangzhou, other cities in the GBA such as Dongguan, Zhongshan, Zhaoqing and Jiangmen, have successively introduced similar preferential individual income tax policies in the GBA, which provide tax exempt subsidies for locally working legal professionals who meet the eligibility criteria for talents under the respective policies.

D. Seminar on Opportunities for Hong Kong's Legal Industry in GBA

40. DoJ and the Law Society of Hong Kong co-organised a seminar entitled "Success through Synergy - Opportunities for Hong Kong's Legal Industry in the Greater Bay Area" on 13 August 2021. The hybrid seminar attracted more than 500 registrations from different countries and regions, as well as over 30,000 viewers on livestreaming and media broadcast. Speakers attending the panel discussions came from the legal and dispute resolution sector as well as government departments. They offered views and insights on measures in relation to cross-boundary co-operation and the ways to facilitate the development of Hong Kong's dispute resolution services in the GBA, and also shared their personal experience (e.g. setting up partnership associations in the GBA) as well as the opportunities for Hong Kong young legal professionals in the GBA. Besides, the speakers

welcomed the implementation of the GBA Examination. They opined that the arrangement will allow Hong Kong legal practitioners to provide clients in the GBA Hong Kong and Mainland legal services and safeguards, which are conducive to promote closer integration of legal services as well as attract more investments and open up new business opportunities in the GBA.

III. Enhancement of cooperation and exchange on legal matters between the Mainland and Hong Kong

41. In July this year, the Secretary for Justice signed a few instruments on cooperation and exchange on legal matters between the Mainland and Hong Kong with various ministries and authorities of the Central Government. In the Record of Meeting mentioned in paragraph 22 above, both parties agreed to review and strengthen the regulatory interface and connectivity of legal systems between the Mainland and Hong Kong, especially in the GBA; to actively study and further optimise the multi-faceted dispute resolution mechanism in the GBA, and to promote mediation and arbitration services; and to explore further in setting up a judicial research platform in the GBA.

42. In addition, in the Exchanges and Cooperation Arrangement signed among the Department of Treaty and Law of the Ministry of Commerce, the Bureau of Policies, Laws and Regulations of the State-owned Assets Supervision and Administration Commission of the State Council and DoJ, all parties agreed to encourage Mainland enterprises and Hong Kong legal profession to, apart from promoting exchanges and cooperation under this Arrangement, actively use other appropriate platforms, channels or networks to strengthen multi-level and diversified exchanges and

cooperation. It is believed that these exchanges and cooperation can provide a good platform for the Hong Kong legal profession to develop and expand its network in the Mainland (including the GBA), and promote the integration of legal services and development of rule of law in the GBA.

IV. Comments Sought

43. We invite members' comments and suggestions on recent development of the GBA Examination and the above initiatives and work in bringing development opportunities in the GBA for Hong Kong legal profession. DoJ will suitably convey the relevant comments and suggestions gathered through various channels to the relevant Mainland authorities, so as to strive for further opening up of the GBA and the Mainland markets for Hong Kong's legal and dispute resolution sector and to consolidate Hong Kong's edge as a leading centre for international legal and dispute resolution services in the Asia Pacific region.

Department of Justice

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