

[Cursory Translation]

Annex

**The Mainland's Specific Commitments
on Liberalisation of Trade in Services for Hong Kong¹**

¹ Sectoral classification is based on WTO's GATS Services Sectoral Classification List (GNS/W/120). For the contents of the sectors, reference is made to the relevant United Nations Provisional Central Product Classification (CPC).

Table 1

**Reserved Restrictive Measures under Commercial Presence
(Negative List)**

Sector: 1. Business Services

Sub-sector: A. Professional Services

a. Legal Services (CPC861)

Obligations concerned: National Treatment

Reserved Restrictive Measures: Commercial Presence

1. Solely invested representative offices must not handle legal matters related to the application of Mainland law or employ Mainland practising lawyers.
2. Provision of legal services in the form of co-operation with a Mainland party is restricted to:
 - (1) Secondment of Mainland practising lawyers by Mainland law firms to work as consultants on Mainland law in representative offices set up by Hong Kong law firms in the Mainland, or secondment of Hong Kong lawyers by Hong Kong law firms to work in Mainland law firms as consultants on Hong Kong law or cross-border laws;
 - (2) Mainland law firms and representative offices set up by Hong Kong law firms in

the Mainland conduct cooperative operation in accordance with their agreements and commence their business cooperation by division of work in accordance with their respective scope of practice and authority;

- (3) Operating in association with a Mainland party in the form of partnership, in accordance with the specific provisions approved by the judicial administrative authority. There is no restriction on the minimum ratio of the sole or joint capital input of law firm(s) of the Hong Kong side.

Where Hong Kong law firms and Mainland law firms operate partnership associations in Guangdong:

- (1) the Mainland lawyers can handle and undertake legal matters on administrative litigation related to the application of Mainland law.
- (2) the partnership associations can employ Mainland and Hong Kong lawyers direct in the partnership associations' own name.
- (3) the requirement on the number of lawyers seconded to the partnership associations be suitably reduced.

Table 2

**Liberalisation Measures under Cross-border Services
(Positive List)**

Sectors or Sub-sectors	1. Business services
	A. Professional services
	a. Legal services (CPC861)
Specific commitments	<p>1. To allow Mainland law firms to employ Hong Kong legal practitioners¹. Such practitioners who are employed by Mainland law firms must not handle matters of Mainland law.</p> <p>2. To allow Hong Kong legal practitioners to be employed as legal consultants by not more than 3 Mainland law firms simultaneously.</p> <p>3. To allow Hong Kong permanent residents with Chinese citizenship to sit the Unified Legal Professional Qualification Examination in the Mainland and acquire legal professional qualification in accordance with the “Implementation Measures for the National Unified Legal Professional Qualification Examination”.</p> <p>4. To allow those who have acquired Mainland legal professional qualification under item 3 above to engage in non-litigation legal matters in Mainland law firms in accordance with the “Law of the People's Republic of China on Lawyers”.</p>

¹ Hong Kong legal practitioners refer to barristers and solicitors of Hong Kong. Their years of practice should be calculated according to the actual number of years for which the solicitor or barrister has practised in Hong Kong as shown on the relevant certificate respectively issued by the Law Society of Hong Kong or the Hong Kong Bar Association.

	<p>5. To allow Hong Kong legal practitioners to obtain practice qualification in the nine Pearl River Delta municipalities of the Guangdong-Hong Kong-Macao Greater Bay Area by passing a special examination and to engage in matters on specific areas of Mainland law.</p> <p>6. A Hong Kong resident who is allowed to practise in the Mainland will practise in one Mainland law firm only, and will not simultaneously be employed by the representative office set up by a law firm of a foreign country in the Mainland, or the representative office set up by a law firm of Hong Kong or Macao in the Mainland.</p> <p>7. The approval requirement for the employment of Hong Kong legal practitioners as legal consultants will be changed to filing procedures. Annual registration is not required.</p> <p>8. Hong Kong lawyers providing professional assistance at the request of Mainland law firms on the basis of individual cases will not be required to apply for a Hong Kong legal consultant permit.</p> <p>9. To allow Hong Kong residents who have acquired Mainland lawyer qualifications or legal professional qualifications and hold a Mainland lawyer's practice certificate to engage in activities as agents in civil litigation cases relating to Hong Kong in the capacity of Mainland lawyers, according to the specific scope of permitted business provided in the relevant provisions of the judicial administrative authority.</p> <p>10. To allow Hong Kong barristers to act as agents in civil litigation cases in the Mainland in the capacity of citizens¹.</p>
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¹ Should comply with the requirements set out under Article 58 of the Civil Procedure Law of the People's Republic of China.

	<p>11. To allow Hong Kong residents who have acquired Mainland lawyer qualifications or legal professional qualifications to undergo internship in a branch office of a Mainland law firm set up in Hong Kong in accordance with the <i>Outline for Practical Training and the Guidelines on Practical Training</i> as required in the Mainland.</p> <p>12. To allow Hong Kong legal practitioners who have at least 5 years' experience in legal practice and who have passed the Unified Legal Professional Qualification Examination in the Mainland to undergo the intensive training offered by lawyers associations in the Mainland that lasts for at least 1 month in accordance with the "Law of the People's Republic of China on Lawyers" and the provisions of the "Rules on Management of Internship for Application for Legal Practice" drawn up by the All-China Lawyers Association. Upon completion of the training and passing the assessment, they can apply to practise as lawyers in the Mainland.</p> <p>13. To waive the residency requirement in the Mainland for representatives stationed in representative offices of Hong Kong law firms in the Mainland.</p>
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