

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:	<u>Commercial Presence</u> 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) In Guangzhou Municipality, Shenzhen Municipality and Zhuhai Municipality, operate in association with a Mainland party in the form of partnership, in accordance with the specific provisions approved by the judicial administrative authority.

Table 2

**Liberalisation Measures under Cross-border Services
(Positive List)¹**

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 practitioners². Such practitioners who are employed by Mainland law firms must not handle matters of Mainland law³.</p> <p>2. To allow Hong Kong permanent residents with Chinese citizenship to sit the legal qualifying examination in the Mainland and acquire Mainland legal professional qualification in accordance with the “State Judicial Examination Implementation Measures”⁴.</p> <p>3. To allow those who have acquired Mainland legal professional qualification under item 2 above to engage in non-litigation legal work in Mainland law firms in</p>

¹ Under the cross-border services mode, the liberalisation commitments by the Mainland to Hong Kong service suppliers shall maintain the use of Positive List to set out the liberalisation measures. Table 2 of Annex 1 of this Agreement covers all liberalisation measures under the cross-border services mode (excluding telecommunications and cultural services) in CEPA and its Supplements, and the Guangdong Agreement. 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).

² 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.

³ Covering the liberalisation measures provided in CEPA.

⁴ Covering the liberalisation measures provided in CEPA.

	<p>accordance with the “Law of the People’s Republic of China on Lawyers”¹.</p> <p>4. 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 permit².</p> <p>5. 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 China, or the representative office set up by a law firm of Hong Kong or Macao in the Mainland³.</p> <p>6. 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 authority⁴.</p> <p>7. To allow Hong Kong barristers to act as agents in civil litigation cases in the Mainland in the capacity of citizens⁵.</p> <p>8. To allow Hong Kong residents who have acquired Mainland lawyer qualifications or legal professional</p>
--	--

¹ Covering the liberalisation measures provided in CEPA.

² Covering the liberalisation measures provided in CEPA Supplement.

³ Covering the liberalisation measures provided in CEPA Supplement II.

⁴ Covering the liberalisation measures provided in CEPA Supplement III, Supplement VIII, and Guangdong Agreement, and the newly added liberalisation measures in this Agreement.

⁵ Covering the liberalisation measures provided in CEPA Supplement III.

	<p>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 Mainland¹.</p> <p>9. To allow Hong Kong legal practitioners who have at least 5 years' experience in legal practice and who have passed the National Judicial Examination 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 (Provisional)" 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 Mainland².</p> <p>10. To waive the residency requirement in the Mainland for representatives stationed in representative offices of Hong Kong law firms in the Mainland³.</p>
--	--

¹ Covering the liberalisation measures provided in CEPA Supplement III.

² Covering the liberalisation measures provided in CEPA Supplement VI.

³ Covering the liberalisation measures provided in CEPA Supplement III.