**STUDY ON THE DEVEOPLEMENT OPPRTUNITIES FOR HONG KONG LEGAL PRACTITIONERS IN THE GUANGDONG-HONG KONG-MACAO GREATER BAY AREA (“GBA”)**

**SURVEY QUESTIONNAIRE**

**QUESTIONNAIRE FOR HONG KONG LAW FIRMS**

**《香港法律執業者在粵港澳大灣區的發展機遇》**

**調研專案調查問卷**

**香港律所問卷部分**

The Law School of Sun Yat-sen University is being commissioned by The Law Society of Hong Kong to conduct a study on the development opportunities for Hong Kong legal practitioners in the GBA, and I would like to ask you some questions about your law firm. Your opinions are very valuable to us and I hope to receive your help and support.

This survey by questionnaire on Hong Kong law firms is one part of the study. All information and data received will be for statistical purposes only and all completed questionnaires will be destroyed after statistical analysis by the research institution.

Please send the completed questionnaire to lijy257@mail2.sysu.edu.cn.

Thank you!

Director of the Research Project Team, School of Law, Sun Yat-sen University

Prof. Luo Jianwen

您好，中山大學法學院受香港律師會委託正進行一項有關《香港法律執業者在粵港澳大灣區的發展機遇》研究，我想向貴律所請教相關的問題，貴律所的意見對於我們來說非常寶貴，希望能得到貴律所的幫助與支持。

此份由香港律所填寫的問卷是調查研究的其中一個環節。問卷收集所得的所有資料及數據只作研究用途，其後將由調研機構銷毀。

完成的問卷請電郵至: lijy257@mail2.sysu.edu.cn。

謝謝！

中山大學法學院調研專案小組主任

羅劍雯教授

**PART I BASIC INFORMATION OF YOUR HONG KONG LAW FIRM**

**第一部分 - 香港律師事務所基本情況**

**A1. Which year did your firm commence practice? \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**A1. 您的律師事務所（「律所」） 成立的年份為？ \_\_\_\_\_\_\_\_\_\_\_\_\_**

**A2. Please indicate the number of employees of your firm. [Please circle the appropriate number - one choice only]**

**A2. 請告之您的律所構成人員數目。（單選）（在相應的選擇中打○）**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Sole Practitioner**  **獨資執業** | **2-5 persons**  **2-5人** | **6-10 persons**  **6-10人** | **11-20 persons**  **11-20人** | **21 or above**  **21人或以上** |
|  |  |  |  |  |  |
| **Number of Partners**  **合夥人人數** | 1 | 2 | 3 | 4 | 5 |
|  |  |  |  |  |  |
|  | **None**  **0人** | **1-5 persons**  **1-5人** | **6-10 persons**  **6-10人** | **11-20 persons**  **11-20人** | **21 or above**  **21人或以上** |
|  |  |  |  |  |  |
| **Number of Consultants**  **顧問人數** | 1 | 2 | 3 | 4 | 5 |
| **Number of Assistant Solicitors**  **助理律師人數** | 1 | 2 | 3 | 4 | 5 |
| **Number of Overseas Lawyers**  **外地律師人數** | 1 | 2 | 3 | 4 | 5 |

**A3.** **Please indicate the main areas of practice offered by your firm. [Please circle the appropriate number(s) – multiple choices acceptable]**

**A3.您所在的律所主要業務類型有哪些？（多選題）（在相應的選擇中打○）**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** | **Type**  **類別** | **Number**  **編號**  **#** |
| Administrative Law  行政法 | 1 | Arbitration/Mediation  仲裁/調解 | 2 |
| Banking & Finance  銀行與財務 | 3 | Bankruptcy  破產 | 4 |
| Building Management  大廈管理 | 5 | China Appointed Attesting Officers  中國委託公証人 | 6 |
| Civil Celebrants of Marriage  婚禮監禮人 | 7 | Civil Claims  民事申索 | 8 |
| Committeeship/Guardianship  監護與受託監管 | 9 | Company/Commercial Law  公司法/商業法 | 10 |

|  |  |  |  |
| --- | --- | --- | --- |
| Consumer Protection  消費者保障 | 11 | Conveyancing  物業轉易 | 12 |
| Criminal Law  刑法 | 13 | Employment Law  僱傭法 | 14 |
| Family Law  家事法 | 15 | Foreign Related Legal Service  外國法律相關服務 | 16 |
| Immigration  入境 | 17 | Intellectual Property  知識產權 | 18 |
| Landlord & Tenant  業主與租客 | 19 | Mainland-related Legal Services  內地法律相關服務 | 20 |
| Notaries Public  公証人 | 21 | Personal Injury  人身傷害 | 22 |
| Shipping & Maritime  船務與海事 | 23 | Wills & Probate  遺囑與遺產事務 | 24 |
| Other（ ）  其他 （ ） | | | 25 |

**A4. Which three areas of practice have the highest share (calculated by income)?**

**A4. 哪三種業務類型的佔比最高（按收入計算）？**

|  |  |
| --- | --- |
| First Place  第一位 |  |
| Second Place  第二位 |  |
| Third Place  第三位 |  |

**A5. Please indicate the main type of practice offered by your firm. [Please circle the appropriate number – one choice only]**

**A5.您所在律所的主要業務性質？（單選）（在相應的選擇中打○）**

|  |  |  |
| --- | --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** | **Ratio**  **比例** |
| All Litigation  全部為訴訟業務 | 1 |  |
| Non-Litigation  全部均為非訴業務 | 2 |  |
| Mainly Litigation and Supplemented by Non-Litigation  訴訟為主，非訴為輔 | 3 | Litigation : Non-Litigation  訴訟 : 非訴  % : % |
| Mainly Non-Litigation and Supplemented by Litigation  非訴為主，訴訟為輔 | 4 | Litigation : Non-Litigation  訴訟 : 非訴  % : % |

**A6.Please indicate the principal sources of your firms’ business; and the percentage of each of these sources (calculated by income).**

**A6. 您的律所業務主要來源地區是哪裡？****所佔業務比重（按收入計算）為多少？**

|  |  |  |
| --- | --- | --- |
| **City**  **城市** | **Number**  **編號**  **#** | **Percentage**  **比重** |
| Hong Kong  香港 | 1 | Percentage \_\_\_%  比重 \_\_% |
| Mainland  內地 | 2 | Percentage \_\_\_%  比重 \_\_% |
| Overseas  國外 | 3 | Percentage \_\_\_%  比重 \_\_% |

**A7.** **Does your firm have any plans to expand into the Mainland market in the future? If yes, what are the proposed regions? [Please circle the appropriate number– multiple choices acceptable]**

**A7.您所在的律所未來是否有開拓內地市場的打算？如有，擬開拓的區域有哪些? （多選題）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **City**  **城市** | **Number**  **編號**  **#** |
| No Intention to expand into the Mainland market  無開拓內地市場的打算 | 1 |
| Qianhai and Hengqin Free Trade Zones  前海、橫琴自貿區 | 2 |
| First-tier cities in the GBA: Guangzhou, Shenzhen  粵港澳大灣區一線城市：廣州市、深圳市 | 3 |
| Second-tier cities in the GBA: Zhuhai, Foshan, Dongguan  粵港澳大灣區二線城市：珠海市、佛山市、東莞市 | 4 |
| Third and fourth-tier cities in the GBA: Huizhou, Zhongshan, Jiangmen, Zhaoqing  粵港澳大灣區三四線城市：惠州市、中山市、江門市、肇慶市 | 5 |
| Other Mainland cities (Please specify: )  其他內地城市（請列明： ） | 6 |

**PART II PROSPECTS OF THE DEVELOPMENT OF HONG KONG FIRMS IN THE GBA**

**第二部分 香港律師事務所在粵港澳大灣區的發展前景**

**B1.What do you think are the competitive edge of the GBA in comparison with other Mainland cities (regions)? [Please circle the appropriate number(s) – multiple choices acceptable]**

**B1.您認為與中國其他城市（區域）相比，粵港澳大灣區的優勢在於？（多選題）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Advantage**  **優勢** | **Number編號**  **#** |
| Geographical advantages – proximity to Hong Kong & Macao  地理優勢，毗鄰港澳 | 1 |
| Convenience in transportation  交通便利 | 2 |
| Favourable policy  優惠政策 | 3 |
| Relatively high market openness  市場開放度相對較大 | 4 |
| Substantial demand in the legal services market  法律服務市場需求大 | 5 |
| Comparatively large number of Hong Kong owned enterprises  港資企業比較多 | 6 |
| Other (please specify)：  其他（請說明）： | 7 |

**B2.Please indicate the areas of practice your firm is involved in the GBA.[Please circle the appropriate number(s) – multiple choices acceptable]**

**B2.您的律所觸及哪些在粵港澳大灣區的業務？（多選題）（在相應的選擇中打○）**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** | **Type**  **類別** | **Number**  **編號**  **#** |
| Banking & Finance  銀行金融業務 | 1 | Setting up Hong Kong or overseas companies  為客戶辦理香港或者海外公司成立手續 | 2 |
| Introducing foreign business for Mainland enterprises through Hong Kong joint venture  內地企業以港式合資引進外資業務 | 3 | Fund raising to facilitate Mainland enterprises in restructuring, attracting capital and listing in Hong Kong or overseas  貸款，以助內地企業重組引資，並在香港或海外上市 | 4 |
| Corporate Governance  公司管治構架 | 5 | China-appointed attesting officers’ services  中國委託公証人服務 | 6 |
| Profit transfer & tax planning  利潤轉移，稅務計劃 | 7 | Resolution of labour disputes  勞動糾紛 | 8 |
| Litigation in Hong Kong courts  代理在香港的訴訟業務 | 9 | Foreign-related transactions  涉外交易 | 10 |
| Management of trademarks and intellectual property rights  商標與知識產權管理 | 11 | Arbitration & Enforcement of Mainland arbitral awards  仲裁業務及內地仲裁的執行 | 12 |
| Long-term legal advisory services  常年法律顧問 | 13 | Wealth management-related legal services  個人財富管理的相關法律服務 | 14 |
| Divorce proceedings  離婚案件 | 15 | Mainland Taxation & Remittance  內地稅款及匯款的清算 | 16 |
| Immigration & application for student visas  移民或海外留學簽證 | 17 | Due Diligence check  盡職調查 | 18 |
| Mainland legal consultation  內地法律業務的諮詢 | 19 | Conveyancing  房地產業務 | 20 |
| Probate & Succession  遺產承辦 | 21 | Assisting Mainland enterprises in setting up or acquiring overseas business in Hong Kong or overseas  協助內地企業赴港或海外成立或收購境外業務 | 22 |
| Others ( )  其他（ ） | 23 | Not involved in the GBA business  無接觸粵港澳大灣區業務 | 24 |

**B3. What competitive advantages does your law firm have in the GBA practice? [Please circle the appropriate number(s) – multiple choices acceptable]**

**B3.您的律所在粵港澳大灣區業務中佔據哪些競爭優勢？（多選題）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** |
| Familiar with overseas law and practice  熟悉境外法律和習慣 | 1 |
| With an established international business network  國際業務網路 | 2 |
| Trained in the common law system, can complement skills of the PRC counterparts who are trained in civil law system  受普通法制度訓練的專業法務人員，能補充受大陸法訓練內地同行的技能 | 3 |
| High standard of service with experienced quality professional staff  從業人員素質高，業務熟練 | 4 |
| Proficiency in English, suitable for dealing with foreign-related business  英語流利，適合處理涉外業務 | 5 |
| Wide network of contacts  人脈廣闊 | 6 |
| Support in the form of law firm management recourses from international head offices  擁有來自律所國際總部的管理資源 | 7 |
| Efficient management model  高效的管理模式 | 8 |
| Sizable clientele  豐富案件來源 | 9 |
| Others (please specify)： 其他（請列明）： | 10 |

**B4. In what areas do you expect to expand cooperation with Mainland law firms in the future?**

**B4. 您希望未來在哪些領域可以拓展與內地律所的合作？**

**Part III COGNTION OF LEGAL COOPERATION IN THE GBA**

**第三部分 粵港澳大灣區法律合作的認知**

The construction of the rule of law is an important part of the construction of the GBA, and promoting the high-quality development of the GBA requires actively exploring new ways and mechanisms for closer cooperation among the legal services industry, especially legal practitioners, in Guangdong, Hong Kong and Macao. At present, relevant laws, regulations and policies include, but are not limited to, the “Outline of the Development Plan for the GBA”, the “Plan for Comprehensively Deepening the Reform and Opening up of the Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone (the Qianhai Plan)”, the “Overall Plan for the Construction of the Guangdong-Macao In-depth Cooperation Zone in Hengqin (the Hengqin Plan)”, the “Closer Economic Partnership Arrangement (CEPA) ”issued by the Central Government, the “Trial Measures for the Administration of Practice of Hong Kong Legal Practitioners and Macao Practicing Lawyers in the Nine Mainland Cities of the GBA” issued by Guangdong Provincial Department of Justice and the “Implementation Measures for Supporting the Gathering of High-end Legal Services in Qianhai Shenzhen-Hong Kong International Legal District (the Trial)” issued by Shenzhen Qianhai Administration.

法治建設是粵港澳大灣區建設的重要組成部分，要推進大灣區的高質量建設需要積極探索加強粵港澳法律服務業合作，尤其是法律執業者合作的新途徑與新機制。目前相關法律法規和政策包括但不限於中央政府發佈的《粵港澳大灣區發展規劃綱要》、《全面深化前海深港現代服務業合作區改革開放方案》（《前海方案》）、《橫琴粵澳深度合作區建設總體方案》（《橫琴方案》）、《內地與香港關於建立更緊密經貿關係的安排》（CEPA）、廣東省司法廳的發佈《關於香港法律執業者和澳門執業律師在粵港澳大灣區內地九市執業管理試行辦法》、深圳市前海管理局出臺的《關於支持前海深港國際法務區高端法律服務業集聚的實施辦法(試行)》等。

**C1.** **Do you know the relevant laws, regulations and policies of the legal services industry, especially the cooperation of legal practitioners in the GBA? [Please circle the appropriate number – one choice only]**

**C1.** **您是否了解粵港澳大灣區法律服務業尤其是法律執業者合作的相關法律法規和政策？（單選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** |
| Heard of it, but do not know the details  聽說過但不了解 | 1 |
| Have some knowledge of it  有些了解 | 2 |
| With a comparatively good understanding of it  比較了解 | 3 |
| Understand it very well  非常了解 | 4 |

**C2.** **In what ways will your law firm expand its business in the Mainland?**

**C2. 您所在的律所會通過哪些方式開展內地業務？**

|  |  |
| --- | --- |
| **Way**  **方式** | **Number**  **編號**  **#** |
| Partnership association with Mainland law firms  與內地律所聯營 | 1 |
| Setting up a Representative Office in the Mainland  在內地設立代表處 | 2 |
| Seconding lawyers to practise as GBA lawyers in Mainland law firms  派出本所的律師以大灣區律師的身份在內地律所執業 | 3 |
| Referral of business to Mainland law firms  向內地律所轉介業務 | 4 |
| Others (please specify):  其他（請列明）： | 5 |

**C3. In your opinion, what are the benefits for your law firm to establish a Mainland office or participate in partnership association with Mainland lawyers?**

**C3. 您認為，在內地設立辦事處或與內地律師聯營，對您的律所開展業務有何好處？**

**C4. In your opinion, what are the difficulties when your law firm establishes a representative office or carries out partnership association with Mainland law firms in the GBA [Please circle the appropriate number(s) – multiple choices acceptable]**

**C4.您認為，您的律所在粵港澳大灣區設立辦事處與內地律所聯營的主要困難有哪些？（多選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Type**  **類別** | **Number編號**  **#** |
| The size of my law firm is too small  我的律所規模太小 | 1 |
| Lack of understanding of the operation of the legal profession in the Mainland  對內地法律專業的運作缺乏了解 | 2 |
| The establishment of an office or partnership association is of little significance, and the same effect can be achieved through cooperation in other ways  設立辦事處或聯營意義不大，通過其他合作亦可達到同樣效果 | 3 |
| The partnership association excludes the cooperative relationship with other Mainland law firms  聯營排除了與其他內地律師行的合作關係 | 4 |
| The openness of the Mainland legal market is inadequate  內地的法律服務業開放程度不足 | 5 |
| The threshold for establishment is too high  設立門檻過高 | 6 |
| The operating cost for a representative office or partnership association in the GBA is too high  在粵港澳大灣區開設辦事處或聯營的運營成本過高 | 7 |
| The potential development of my law firm’s practice in the GBA is limited  粵港澳大灣區業務發展潛力有限 | 8 |
| Hong Kong lawyers who have obtained GBA qualifications need to cancel their work permits as Hong Kong or Macao lawyers of the representative offices or partnership associations, and resign from the representative offices or partnership associations to join Mainland law firms  現時考獲粵港澳大灣區資格的香港律師需要註銷代表處執業證或合夥聯營律師事務所港澳律師工作證，辭任代表處或聯營所，並加入內地律所。 | 9 |
| Others (please specify):  其他（請說明）： | 10 |

**C5. What are your opinions on the provision that “The total capital contribution of the parties to the partnership association shall not be less than 5 million yuan, and the method of capital contribution shall be determined between the parties to the partnership association through consultation. If the Hong Kong or Macao party to the partnership association is a law firm, its capital contribution shall not be higher than 49%; if there is more than one law firm, the capital contribution ratio of all parties shall be lower than that of the Mainland law firm”? [Please circle the appropriate number(s) – multiple choices acceptable]**

**C5.** **您對“合夥聯營各方的出資額合計不得少於人民幣500萬元，出資方式由聯營各方協商確定。聯營的香港、澳門一方為一家律師事務所的，其出資比例不得高於49%；為多家律師事務的，各方出資比例均應當低於內地律師事務所的出資比例”的規定的看法是：（多選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Opinion**  **看法** | **Number**  **編號**  **#** |
| The amount and proportion of capital contribution prescribed by provision are reasonable  關於出資額、出資比例的規定合理 | 1 |
| The amount and proportion of capital contribution prescribed by provision are too high  關於出資額、出資比例的規定過高 | 2 |
| The amount and proportion of capital contribution prescribed by provision are too low  關於出資額、出資比例的規定過低 | 3 |
| Advices or suggestions:  意見或建議： |  |

**C6.What are your opinions on the provision that “A law firm in the partnership association may accept and undertake civil and commercial litigation, non-litigation legal affairs and administrative litigation legal affairs, but shall not accept or undertake criminal litigation legal affairs involving the application of Mainland laws”? [Please circle the appropriate number(s) – multiple choices acceptable]**

**C6. 您對“聯營律師事務所可以受理、承辦民商事訴訟、非訴訟法律事務以及行政訴訟法律事務，不得受理、承辦涉及內地法律適用的刑事訴訟法律事務”的規定的看法是：（多選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Opinion**  **看法** | **Number**  **編號**  **#** |
| The scope of business prescribed by provision is reasonable  關於業務範圍的規定合理 | 1 |
| The scope of business prescribed by provision is too narrow  關於業務範圍的規定過窄 | 2 |
| The scope of business prescribed by provision is too wide  關於業務範圍的規定過寬 | 3 |
| Advices and suggestions:  意見或建議： |  |

**C7. What are your opinions on the provision that “Law firms in the partnership associations may employ lawyers according to business demands. Those who employ Mainland lawyers can either employ them in the name of the Mainland law firms participating in partnership associations and serve as their resident lawyers, or employ them in the name of law firms in the partnership associations; those who employ lawyers from Hong Kong, Macao or foreign countries can either employ lawyers from Hong Kong and Macao in the name of the law firms participating in partnership associations and serve as their resident lawyers, or employ lawyers from Hong Kong and Macao in the name of the law firms in the partnership associations” ?[Please circle the appropriate number(s) – multiple choices acceptable]**

**C7.** **您對“聯營律師事務所根據業務需要，可以聘用律師。****聘用內地律師的，既可以以聯營內地一方律師事務所名義聘用，並作為其派駐律師，也可以以聯營律師事務所本所名義聘用內地律師；聘用香港、澳門或者外國律師的，既可以以聯營香港、澳門一方的律師事務所名義聘用，並作為其派駐律師，也可以以聯營律師事務所可以本所名義聘用港澳律師”的規定的看法是：（多選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Opinions**  **看法** | **Number**  **編號**  **#** |
| The provision for the recruitment of lawyers is reasonable  關於聘用律師的規定合理 | 1 |
| The provision for the recruitment of lawyers is too strict  關於聘用律師的規定過嚴 | 2 |
| The provision for the recruitment of lawyers is too lenient  關於聘用律師的規定過寬 | 3 |
| Advices or suggestions:  意見或建議： |  |

**C8. What are your opinions on the provision that “Pilot work shall be carried out in Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing in Guangdong Province. Qualified Hong Kong legal practitioners and Macao practicing lawyers who have passed the GBA Legal Professional Examination and obtained the Mainland practising qualification can engage in a certain range of Mainland legal affairs”?**

**What are your opinions on the relevant provision that “Those who meet the following conditions may apply for the GBA Legal Professional Examination:**

**(1) Permanent residents of the Hong Kong Special Administrative Region (“HKSAR”) or the Macao Special Administrative Region (“Macao SAR”) who are Chinese nationals;**

**(2) Upholding the Constitution of the People's Republic of China (“PRC”), the Basic Law of the HKSAR of the PRC and the Basic Law of the Macao SAR of the PRC;**

**(3) 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, or practising lawyers who have been valiantly registered with the Macao Bar Association;**

**(4) Having accumulated lawyer practice experience of five years or more;**

**(5) Having good professional ethics and no record of being punished for disgrace or violation of professional ethics;**

**(6) Capable of writing legal documents in Chinese and conducting business activities in Mandarin.”?**

**[Please circle the appropriate number(s) – multiple choices acceptable]**

**C8.您對“在廣東省廣州市、深圳市、珠海市、佛山市、惠州市、東莞市、中山市、江門市、肇慶市開展試點工作，符合條件的香港法律執業者和澳門執業律師通過粵港澳大灣區律師執業考試，取得內地執業資質的，可以從事一定範圍內的內地法律事務”的看法是？**

**您對相關規定條件的看法是？**

**“符合以下條件的人員，可以報名參加粵港澳大灣區律師執業考試：**

**（一）香港特別行政區、澳門特別行政區永久性居民中的中國公民；**

**（二）擁護《中華人民共和國憲法》，擁護《中華人民共和國香港特別行政區基本法》、《中華人民共和國澳門特別行政區基本法》；**

**（三）依據香港特別行政區有關法律，經香港特別行政區高等法院認許，在律師、大律師登記冊上登記，且未被暫時吊銷執業資格的律師、大律師，或者在澳門律師公會有效確定註冊的執業律師；**

**（四）具有累計五年以上律師執業經歷；**

**（五）職業道德良好，未有因不良名譽或者違反職業道德受懲處的記錄；**

**（六）能用中文書寫法律文書，能用普通話進行業務活動。”**

**（多選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Opinion**  **看法** | **Number**  **編號**  **#** |
| The conditions prescribed by provision are appropriate  條件規定適當 | 1 |
| The conditions prescribed by provision are strict  條件過嚴 | 2 |
| The conditions prescribed by provision are lenient  條件過寬 | 3 |
| Advices or Suggestions:  意見或建議： |  |

**C9.“GBA Lawyers may undertake certain civil and commercial litigation cases applicable to the laws of the Mainland in the nine Mainland municipalities in the GBA. The litigation cases are civil and commercial cases accepted by the high, intermediate and primary people’s courts and the relevant special people’s courts in the nine Mainland municipalities in the GBA. The scope of cases shall be implemented by reference to the scope of civil cases that Hong Kong and Macao residents who have obtained the national uniform legal professional qualification and the Mainland lawyer practice certificate can act as agents in the Mainland people’s courts.**

**GBA Lawyers can undertake some civil and commercial non-litigation legal affairs applicable to the laws of the Mainland in the nine cities in the GBA. The undertaking of non-litigation legal affairs shall meet one of the following conditions:**

**(1) If the party concerned is a natural person, his domicile or habitual residence is in the nine Mainland municipalities in the GBA;**

**(2) If the party concerned is a legal person or any other organization, its domicile or registration place is in the nine Mainland municipalities in the GBA;**

**(3) The subject matter is located in the nine Mainland municipalities in the GBA;**

**(4) The place of performance of the contract is in the nine Mainland municipalities in the GBA;**

**(5) The legal facts that give rise to, alter or terminate civil and commercial relations occur in the nine Mainland municipalities in the GBA;**

**(6) Commercial arbitration cases accepted by arbitration commissions in the nine Mainland municipalities in the GBA.”**

**Do you think the relevant provisions on the scope of business of GBA Lawyers (for example, only handling civil and commercial cases, but not administrative and criminal cases, and limited to the nine Mainland municipalities in the GBA) are reasonable?**

**C9.** **“粵港澳大灣區律師可以在粵港澳大灣區內地九市內，辦理適用內地法律的部分民商事訴訟案件。訴訟案件為位於粵港澳大灣區內地九市的高級、中級、基層人民法院和有關專門人民法院受理的民商事案件，案件範圍參照取得國家統一法律職業資格並獲得內地律師執業證書的港澳居民可以在內地人民法院代理的民事案件範圍執行。**

**粵港澳大灣區律師可以在粵港澳大灣區內地九市內，辦理適用內地法律的部分民商事非訴訟法律事務。非訴訟業務應當滿足以下條件之一：**

**（一）當事人為自然人的，戶籍地或者經常居所地在粵港澳大灣區內地九市內；**

**（二）當事人為法人或者其他組織的，住所地或者登記地在粵港澳大灣區內地九市內；**

**（三）標的物在粵港澳大灣區內地九市內；**

**（四）合同履行地在粵港澳大灣區內地九市內；**

**（五）產生、變更或者消滅民商事關係的法律事實發生在粵港澳大灣區內地九市內；**

**（六）粵港澳大灣區內地九市內仲裁委員會受理的商事仲裁案件。”**

**您認為，粵港澳大灣區律師的業務範圍（例如僅辦理民商事案件，不包括行政、刑事類案件，僅限於粵港澳大灣區內地九市）等相關規定是否合理？**

|  |  |
| --- | --- |
| **Opinions**  **看法** | **Number**  **編號**  **#** |
| The scope of business prescribed by provision is reasonable  關於業務範圍的規定合理 | 1 |
| The scope of business prescribed by provision is too narrow  關於業務範圍的規定過窄 | 2 |
| The scope of business prescribed by provision is too wide  關於業務範圍的規定過寬 | 3 |
| Advices or suggestions:  意見或建議： |  |

**C10. There are two test papers in the GBA Legal Professional Examination.** **Paper 1 is an objective question (including 100 multiple-choice questions) and Paper 2 is a subjective question (including case analysis questions, legal instrument questions and essay questions, etc.). Both papers are condcuted in closed-book format and the examination time for each paper is 180 minutes. Candidates can answer questions in either simplified or traditional Chinese. The examination subjects are Xi Jinping Thought on the Rule of Law, Constitution, Basic Law of the Hong Kong Special Administrative Region, Basic Law of the Macao Special Administrative Region, History of Chinese Law, Mainland Judicial System and Professional Ethics of Lawyers, Civil Law, Commercial Law, Civil Procedure Law, Arbitration Law, Criminal Law, Criminal Procedure Law, Administrative Law and Administrative Procedure Law.**

**Do you think the test difficulty is appropriate?**

**C10.** **粵港澳大灣區律師大灣考試設有兩份試卷，試卷一為客觀題（包括100道選擇題），試卷二為主觀題（包括案例分析題、法律文書題、論述題等 ）。 兩份試卷均採用閉卷筆試方式，每份試卷的考試時間各為180分鐘。考生可以用中文簡體和中文繁體答題。考查科目為習近平法治思想，憲法，香港特別行政區基本法、澳門特別行政區基本法，中國法律史，內地司法制度和律師職業道德，民法、商法、民事訴訟法、仲裁法，刑法、刑事訴訟法，行政法、行政訴訟法。**

**您認為考試難度是否合適？**

|  |  |
| --- | --- |
| **Opinion**  **看法** | **Number編號**  **#** |
| The level of difficulty is appropriate  考試難度合適 | 1 |
| The level of difficulty is too low  考試難度太低 | 2 |
| The level of difficulty is too high  考試難度太高 | 3 |
| Your opinions or suggestions on the test form (written test), the  scope of the test subjects, etc:  您對考試形式（筆試）、考試科目範圍等的意見或建議： |  |

**C11. “The Announcement of the 2023 GBA Legal Professional Examination” indicates: “Persons who apply for the 2023 GBA Legal Professional Examination shall participate in relevant legal knowledge training organized by the Ministry of Justice, and may not take the examination until they are trained.”**

**“The Trial Measures of the Guangdong Provincial Department of Justice on the Administration of Hong Kong Legal Practitioners and Macao Lawyers Practising in the Nine Mainland Cities of the GBA” stipulates: Those who apply for practice should “pass the GBA Legal Professional Examination, and attend the centralized training of Guangdong Province Lawyers Association for no less than 1 month and qualified by examination.”**

**What suggestions do you have for Hong Kong lawyers to participate in the training for the GBA Legal Professional Examination? (Open- ended question)**

**C11. 《2023年粵港澳大灣區律師執業考試公告》：“報名參加2023年粵港澳大灣區律師執業考試的人員應當參加由司法部組織的有關法律知識培訓，經培訓後方可參加考試”。《廣東省司法廳關於香港法律執業者和澳門執業律師在粵港澳大灣區內地九市執業管理試行辦法》規定：申請執業須“通過粵港澳大灣區律師執業考試，參加廣東省律師協會不少於1個月的集中培訓，並經考核合格。”**

**您對香港律師參加粵港澳大灣區執業考試培訓有何建議？（開放式問題）**

**C12. Will your law firm send any personnel to take the GBA Legal Professional Examination? [Please circle the appropriate number – one choice only]**

**C12. 您的律所是否會派人員參加粵港澳大灣區律師考試？（單選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Answer**  **答案** | **Number編號**  **#** |
| Yes  是 | 1 |
| No  否 | 2 |
| Reasons:  理由： |  |

**C13.** **In terms of establishing offices, partnership associations, litigation agents, professional qualification recognition, application of extraterritorial laws, court jurors, arbitration, mediation, etc., what more open policies do you consider the Mainland authorities should provide in order to assist Hong Kong legal practitioners in developing their law practices in the Mainland? (Open-ended question)**

**C13. 在設立辦事處、聯營、訴訟代理人、專業資格認可、域外法律適用、法院陪審員、仲裁、調解等方面，您希望內地政府提供哪些更開放的政策幫助香港法律執業者在內地開展業務？（開放式問題）**

**C14. What other more favourable policies do you consider the Mainland authorities should provide in order to assist Hong Kong legal practitioners in developing their legal practices in the Mainland? (Open-ended question)**

**C14. 您希望內地政府提供哪些更優惠的政策幫助香港法律執業者在內地開展業務？（開放式問題）**

**C15. What are your suggestions for Hong Kong law firms and lawyers to be regulated and supervised in the GBA? (Open-ended question)**

**C15. 您對香港律所和律師在粵港澳大灣區接受管理與監督的措施有何建議？（開放式問題）**

**C16. What do you think are the areas that need further policy or institutional support or further improvement if Hong Kong law firms are to expand their business to the GBA?**

**C16.您認為如果香港律所要向大灣區拓展業務的話，有哪些方面需要進一步的政策支持？**

|  |  |
| --- | --- |
| **Opinion**  **看法** | **Number編號**  **#** |
| Improving the legal basis for cross-border inter-governmental cooperation, formulating a unified resolution for inter-regional conflict of laws  完善各地方政府的合作法律基礎，制定統一的區際衝突解決方法 | 1 |
| Improving the cultivation of legal professionals in the GBA, increasing the supply of cross-regional legal professionals  完善大灣區法律人才培養，增加跨區域法律人才供給 | 2 |
| Improving inter-regional dispute mediation and dispute resolution mechanisms  完善區際糾紛調解和爭議解決機制 | 3 |
| Law firm rent preference or tax preference  律所租金優惠或稅項優惠 | 4 |
| Optimising the customs clearance system of Guangdong, Hong Kong and Macao  優化粵港澳三地通關制度 | 5 |
| Improving the transport network  改善交通網絡 | 6 |
| More flexible approach of cooperation，such as allowing Hong Kong law firms to set up legal advisory services companies in the Mainland  更靈活的律所合作方式，如允許香港律所在內地開設法律諮詢服務公司 | 7 |

**C17. In what ways do you think there would be complementary advantages between Hong Kong law firms and GBA law firms?**

**C17.** **您認為香港律所與大灣區律所在哪些方面可以優勢互補？**

|  |  |
| --- | --- |
| **Advantage**  **優勢** | **編號**  **#** |
| Foreign Exchange Control and Cross-Border Capital Flows  外匯管理及跨境資金流動 | 1 |
| Listing and Financing  上市及融資 | 2 |
| Cross-Regional Dispute Resolution  跨區域爭議解決 | 3 |
| Data and Network Security  資料與網路安全 | 4 |
| Intellectual Property  知識產權 | 5 |
| Trade Compliance  貿易合規 | 6 |
| Infrastructure Construction  基礎設施建設 | 7 |
| Other ( )  其他（ ） | 8 |

**C18. What do you think is the ideal model of collaboration between Hong Kong law firms and GBA law firms?**

**C18.您認為香港律所與大灣區律所理想的合作模式是怎樣的？**

**C19. There are price differences and billing model differences between the legal industry service fees in Hong Kong and the legal service fees in the Mainland. Do you think this will hinder Hong Kong law firms from starting practice in the GBA?**

**C19.** **香港法律行業服務費用與內地法律服務費用存在價格差異及計費方式差異，您認為上述是否會構成香港律所進駐大灣區執業的阻礙？**

**PART IV BACKGROUND OF INTERVIEWEES**

**第四部分 受訪者背景**

**D1. Please indicate your present position. [Please circle the appropriate number – one choice only]**

**D1. 您目前的職務是？（單選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** |
| Sole Principal  律所獨資者 | 1 |
| Partner  合夥人 | 2 |
| Senior Solicitor  高級律師 | 3 |
| Junior Solicitor  初級律師 | 4 |

**D2. Please indicate your post qualification/ practice experience. [Please circle the appropriate number – one choice only]**

**D2. 您的取得專業資格或執業經驗年期？（單選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Type**  **類別** | **Number**  **編號**  **#** |
| 0 to 5 years  0-5年 | 1 |
| 6 to 10 years  6-10年 | 2 |
| 10 to 15 years  10-15年 | 3 |
| 15 to 20 years  15-20年 | 4 |
| More than 20 years  20年以上 | 5 |

**D3. Please indicate your education level. [Please circle the appropriate number – one choice only]**

**D3. 您的教育程度？（單選）（在相應的選擇中打○）**

|  |  |
| --- | --- |
| **Category**  **類別** | **Number**  **編號**  **#** |
| Bachelor  學士­­ | 1 |
| Master  碩士 | 2 |
| Doctor  博士 | 3 |
| Other（ ）  其他（ ） | 4 |