

海南省司法廳宣傳冊

Promotional Brochure from the Department of Justice of Hainan Province

海南是中國唯一的熱帶島嶼省份、中國最大的經濟特區，是中外遊客嚮往的旅遊度假天堂，位於中國改革開放最前沿，正在加快建設的自由貿易試驗區和中國特色自由貿易港對法律服務需求劇增，海南法律服務市場發展前景廣闊。

Hainan is the only tropical-island province and the largest Special Economic Zone in China. Famous for being a paradise for Chinese and international tourists, it is at the forefront of China's reform and opening-up. Hainan is now accelerating the construction of Hainan Pilot Free Trade Zone and Free Trade Port with Chinese characteristics, thus generating a rapidly increasing demand for legal services. Under such circumstances, Hainan's legal service market has broad prospects.

政策背景 Policies background

- 習近平總書記在慶祝海南建省辦經濟特區 30 周年大會上的講話
Speech of President Xi Jinping at the conference celebrating the 30th anniversary of the founding of Hainan Province and the Hainan Special Economic Zone
- 中共中央、國務院關於支持海南全面深化改革開放的指導意見（中發〔2018〕12 號）
Guiding Opinions of the CPC Central Committee and the State Council on Supporting Hainan in Comprehensively Deepening Reform and Opening Up [No.12 (2018) of CPC Central Committee]
- 國務院關於中國（海南）自由貿易試驗區總體方案（國發〔2018〕34 號）
The General Plan for China (Hainan) Pilot Free Trade Zone (No. 34 [2018] of the State Council)
- 關於全面推進海南法治建設 支持海南全面深化改革開放的意見（中法辦發〔2019〕8 號）
Opinions on Promoting Law-Based Governance to Support Hainan in Comprehensively Deepening Reform and Opening Up (No. 8 [2019] Commission for Overall Law-based Governance of the CPC Central Committee)

配套制度 Ancillary Regulations and Provisions

- 海南經濟特區律師條例
Regulations of Lawyers in the Hainan Special Economic Zone
- 海南省中外律師事務所聯營實施辦法
Implementation Measures for Joint Operation of Chinese and Foreign Law Firms in Hainan Province
- 港澳律師事務所與海南律師事務所實行合夥聯營的試行辦法
Measures for Associations Formed by Law Firms of the Hong Kong Special Administrative Region or the Macau Special Administrative Region with Mainland Law Firms (Trial

Implementation)

- 海南省中外律師事務所互派律師擔任法律顧問實施辦法
Implementation Measures for Lawyers Exchange Between Chinese and Foreign Law Firms in Hainan Province as Legal Consultants
- 海南律師事務所聘請外籍律師擔任外國法律顧問試行辦法
Measures for Hainan Law Firms to Employ Foreign Lawyers as Foreign Legal Consultants (Trial Implementation)

擴大對外開放 Further Opening up

- 允許外國和香港特別行政區、澳門特別行政區律師事務所駐海南代表機構可以依照有關規定從事部分涉海南的商事非訴訟法律事務。
Representative offices of law firms of foreign countries, the Hong Kong Special Administrative Region and the Macau Special Administrative Region based in Hainan Province may engage in certain commercial non-litigation services in Hainan Province according to the relevant provisions.
- 允許外國和香港特別行政區、澳門特別行政區律師事務所與海南律師事務所實行協議聯營。
Law firms of foreign countries, the Hong Kong Special Administrative Region and the Macau Special Administrative Region may carry out joint operation by way of agreement with law firms of Hainan.
- 允許香港特別行政區、澳門特別行政區律師事務所與海南律師事務所實行合夥聯營。
Law firms of the Hong Kong Special Administrative Region and the Macau Special Administrative Region may establish an association with law firms of Hainan.
- 允許外國律師事務所駐海南代表機構按照有關規定與海南律師事務所互派執業律師擔任法律顧問。
Representative offices of foreign law firms based in Hainan could, in accordance with the relevant provisions, exchange practicing lawyers with Hainan law firms as legal consultants.
- 海南律師事務所可以按照有關規定聘請外籍律師擔任外國法律顧問。
Hainan law firms may, according to the relevant provisions, employ foreign lawyers as foreign legal consultants.

降低設立門檻 Lower and Less Requirements of Establishing a Law Firm

- 普通合夥律師事務所的設立出資額由 30 萬元降低到 10 萬元。
The minimum capital contribution for establishing a law firm in form of general partnership is reduced from RMB 300,000 yuan to RMB 100,000 yuan.
- 特殊普通合夥律師事務所的設立人數由 20 名以上降低到 10 名以上。
The minimum number of promoters for establishing a law firm in form of limited liability partnership is reduced from 20 to 10.
- 特殊普通合夥律師事務所的設立出資額由 1000 萬元降低到 100 萬元。

The minimum capital contribution for establishing a law firm in form of limited liability partnership is reduced from RMB 1,000,000 to RMB 100,000.

創新組織形式 Innovative organizational structure

- 鼓勵具備條件的律師事務所實行公司化管理，允許按照有關規定設立公司制律師事務所。
Law firms which satisfy the criteria are encouraged to implement corporate management, and establish law firms in the form of a corporation according to the relevant provisions.
- 允許註冊會計師、註冊稅務師、註冊造價工程師、專利代理人等其他專業人士成為特殊普通合夥律師事務所的合夥人。
Professionals such as certified public accountants, certified tax agents, certified cost engineers, patent agents may act as partners of a limited liability partnership law firm.

審批便捷高效 Convenient and Efficient Examination and Approval Process

- 律師執業和律師事務所設立由原來的兩級審批變為一級審批，統一由省司法廳負責。
The application for law practice and the establishment of law firms are now subject to one-level examination and approval by the Department of Justice of Hainan, changing from the original two-level procedures.
- 律師執業審批時限縮短為 2 個工作日。
Time limit of the examination and approval of application of law practice is reduced to two working days.
- 律師事務所設立審核時限縮短為 3 個工作日。
Time limit of the examination and approval of application of establishment of law firms is reduced to three working days.

執業環境良好 Good Practice Environment

- 符合人才引進相關規定的律師可以享受人才引進優惠政策待遇。
Lawyers who meet the relevant provisions on talent attraction shall enjoy preferential policies.
- 海南的律師和律師事務所可以依法選擇繳納稅款的方式，並按照有關規定享受稅收優惠。
Lawyers and law firms in Hainan may choose how to pay their tax in accordance with law and enjoy tax incentives pursuant to the relevant provisions.
- 律師可以代為辦理招商引資、商標、專利、商事登記、不動產登記等法律事務。
Lawyers may accept entrustment to handle legal affairs relating to investment promotion, trademark, patent, commercial registration, real estate registration, etc.
- 律師代理判決已生效的刑事、民事、行政訴訟案件的申訴，有權查閱、摘抄、複製原審案卷；代理刑事申訴，有權同在押、服刑人員會見和通信。
Lawyers shall have the right to review, extract and make copies of the case files of the original trial when serving as the agent of the client in an appeal for a criminal, civil or administrative lawsuit against an effective judgement. Lawyers shall have the right to meet and communicate with persons held in custody or serving sentence when serving as the agent of the client in a criminal appeal.

- 律師在代理的民事案件審理、執行階段，可以向人民法院申請簽發調查令；法院不予簽發調查令的，應當通知律師並書面說明理由。

Lawyers may, at the trial and enforcement stages of a civil case for which he or she is entrusted, apply to the relevant people's court for an investigation order. Where the relevant people's court decides not to issue an investigation order, the lawyer shall be notified and the reason shall be stated in writing.

發展潛力極大 Great Potential

- 海南現有 143 家律師事務所，2499 名執業律師，律師人數與全省總人口比約為萬分之二點六，對優秀律師和律師事務所的需求量大。

Hainan is now home to 143 law firms and 2499 lawyers which accounts for 0.026% of the total population of the province. Good lawyers and law firms are in great demand.

- 海南現有 1 家外國律師事務所駐海南代表機構，不能滿足日益增長的涉外法律服務需求，亟需引進國內外優質涉外律師和律師事務所來海南執業。

Hainan now only has one representative office of a foreign law firm, unable to meet the growing demand for foreign-related legal services, and thus there is an urgent need to introduce high-quality foreign-related lawyers and law firms within China and abroad to practice law in Hainan.

- 隨著海南自貿區自貿港建設的深入推進，海南律師行業的對外開放力度會更大、創新措施會更多、執業環境會更好，海南律師事業將迎來歷史性大發展機遇。

With the advancement of Hainan Pilot Free Trade Zone and Free Trade Port, the legal profession in China will be of greater openness, more innovative measures and a better working environment, marking a historic opportunity for the development of the legal profession in Hainan.

熱忱歡迎國內外有實力的律師和律師事務所來海南執業！

We warmly welcome all competent lawyers and law firms to practice in Hainan!

海南省司法廳

Department of Justice, Hainan Province

聯繫電話: 0898-65912322

Tel: 0898-65912322

郵箱: lgc59082@163.com

E-mail: lgc59082@163.com