工商专业界



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《香港国安法》的问与答

注:本小册子提及的《基本法》及《香港国安法》,全名分别为《中华人民共和国香港特别行政区基本法》及 《中华人民共和国香港特别行政区维护国家安全法》。

序言

基本法推广督导委员会工商专业界工作小组召集人

下,区内的人流、物流、资金流、讯息流等各种发展要素的流通更趋流畅,内地与香港在经济和民生上也将更趋融合,在发展上将发挥更佳的协同效应。

参与基本法推广督导委员会(基广会)的工作多年,我最大的体会是由于工商专业界亲历《基本法》及「一国两制」带来的各种制度及优惠政策,因此较能理解国家的实际发展情况及国家发展为香港带来的机遇。你我身边都有不少这样的例子:有管理阶层每天专车来回深圳上下班;有家在内地的普通香港市民每天乘搭公共交通回港上班,下班后快捷方便地回到在深圳的家享受天伦等。香港的工商界和专业人士既融入国家发展大局、享受内地日趋高质量发展的各种成果,朝着国家全面开放的前路进发,砥砺前行,也助力内地工商及专业制度进一步与国际接轨,贡献所能及所长。

《香港国安法》实施一年多以来,香港社会回复稳定,绝对有利投资和营商环境。有说《香





香港和内地关系密切,往来交通网络发达



第一章 受访者简介



陈嘉信先生

广东省香港商会常务理事、长新亚洲有限公司及广州市桐江贸易有限公司总经理。公司业务涵盖成衣制造及国际服装品牌代理,占据高达 300 个内地零售点。



Vice-president of the Law Society of Hong Kong. Settled in Hong Kong to develop his career since 1989 and witnessed the establishment of the Hong Kong Special Administrative Region in 1997. A solicitor admitted in Hong Kong, England and Wales, Notary Public and the founder of Nasirs® Solicitors.





陈贤翰先生

广州市天河区港澳青年之家创业基地总经理。在粤港澳大湾区创业和投资科创企业,成功帮助超过 200 多间港澳青年初创企业进入内地市场。

Mr Paul Starr

Partner of King & Wood Mallesons. Practice Team Leader in Hong Kong for Construction and Dispute Resolution, and joint coordinator of the law firm's worldwide arbitration practice. Cited by Euromoney as a world leader in litigation and named asialaw's Hong Kong Disputes Star of the Year.





何膺惠先生

餐饮业创业家及顾问。在广东创立多家酒吧,屡获 国际殊荣,亦为其他国际品牌担任顾问,分享于内 地发展的成功经验及协助制定行销策略。

Mr Nury Vittachi

Award-winning journalist and Hong Kong-based author.

Has held senior editorial positions at the Far Eastern

Economic Review and the South China Morning Post.

Author of more than 50 books, ranging from non-fiction

works to novels to stories for children.





陈嘉信先生

背靠祖国,加上「一国两制」的制度,令香港拥有全球艳羡的 独特优势。香港是环球商业最佳平台,在协助外资投入潜力无 限的中国市场时,亦为国家的发展添砖加瓦,及为香港人创造 就业和创业机遇,成就三方共赢。

社会稳定对香港的发展至关重要。《香港国安法》实施后,社 会动荡大幅减少,市民生活逐渐重回稳定,成效立竿见影。暴 力绝迹也让国际投资者重拾信心,得益的是全港所有市民。

陈贤翰先生

作为爱护香港的人,便要守护香港的法治核心价值,要珍惜《基本法》和「一国 两制」框架赋与我们的独特优势与地位。香港在税制和法律上拥有的国际公信力 及广阔的国际视野,成就了香港「超级联系人」的角色。香港为国家经济火车头 更添动力之余,亦同时坐上了国家发展的高速列车。

正值内地市场飞跃令香港发展蒸蒸日上之际, 2019年香港社会陷入一片混乱,无论跨国企业 或本地企业都对社会安全及营商环境失去信心。 这不单严重打击香港的经济发展,更动摇香港人 引以为傲的法治精神。万幸《香港国安法》的实 施,让社会重归平静稳定,亦令国际社会对香港 恢复信心。对于社会、对于商界,《香港国安法》 绝对是「定海神针」。





何膺惠先生

「一国两制」的实施为香港和内地造就双赢的完美局面。为加快发展速度及与国际接轨,全国各地极需吸引大量具备国际视野的人才投身经济建设。「一国两制」保障了香港的业界专才可在免却繁复签证手续的安排下,便捷地在内地和香港提供服务,贡献国家经济发展之余,亦为个人事业发展开拓更多机遇。

全球最利营商税制第 2 名*
世界最便利营商地方第 3 名#

* 罗兵咸永道会计师事务所及世界银行 《2020 赋税环境报告》

#世界银行 2020 年发表的《营商环境报告》》

另外,作为国际物流枢纽的香港具有货源广及低税率 的优势,货品的种类与货价往往更丰富及便宜,为内地的 消费者提供更多选择之余,亦为企业开拓更大商机。

作为一个香港市民,我目睹《香港国安法》的实施令香港社会回复稳定、令破坏法纪的活动绝迹。香港重归安宁后,我认为国际投资者对香港、对中国的前景都会重拾信心。《香港国安法》对稳定香港市民人心和改善营商环境都起了正面和积极的作用,我相信只有社会稳定安全,市民才有意欲消费,企业的经营状况才得以改善。

Mr Amirali Nasir

The "one country, two systems" principle has worked extremely well in Hong Kong, and the city has remained economically vibrant because of it. The legal profession is one of its beneficiaries: we now have 12,500 solicitors and barristers in Hong Kong across over 900 law firms, as well as 85 international law firms with more than 1,500 registered foreign lawyers from 33 different jurisdictions. The continued appeal of Hong Kong to expatriate practitioners is to a large extent due to the expanding Chinese market that leverages on our strength in providing services on cross-border and international legal issues.

On Hong Kong's introduction of the Hong Kong National Security Law (NSL), as Chair of the Constitution and Human Rights Committee of the Law Society, I have attended numerous conferences related to the NSL. It seems that there were misconceptions at the initial announcement of the NSL. Some people were also concerned about whether the NSL would disrupt the operation of commercial law in Hong Kong, or if businesses and individuals may inadvertently violate the NSL.

Countering these claims, I observe that Hong Kong's NSL is in fact in line with international practice of safeguarding national security and that its enactment is grounded in a strong rule of law tradition. In addition, it caters to Hong Kong's unique qualities by accommodating both civil law and common law systems, which is not an uncommon practice in our field. Upon the foundation of the Basic Law and the NSL, Hong Kong will continue to attract investment and businesses, and flourish as a highly respected professional and legal hub.







Arbitral awards enforceable in over 160 states and regions

483 new dispute resolution cases handled by Hong Kong International Arbitration Centre in 2020

Total disputed amount HK \$51.3 billion

Hong Kong is one of the most preferred arbitral centres in the world.



World's

No.4 for Human Development*

No.8 for Safest City#

No.1 for Infrastructure Security#

No.3 for Health Security#

*United Nations' 2020 Human Development Index

The Economist Intelligence Unit's Safe Cities Index 2021



Mr Paul Starr

The continued success story of Hong Kong as a regional dispute resolution centre can be attributed to the "one country, two systems" principle. Under this principle, Hong Kong practices common law which provides a business friendly and predictable legal framework for investors and the international business community.

There has been a concerted effort by the Central Authorities and Hong Kong Government to ensure that our business, regulatory and legal frameworks under the "one country, two systems" principle are globally respected. Especially in the field of arbitration, Hong Kong has a significant and unique arrangement with Mainland China in terms of enforcing asset preservation measures at the start of court proceedings, which is not possible elsewhere in the world. Similarly, civil and commercial judgments can be reciprocally recognised and enforced between Mainland China and Hong Kong, which strengthens the attraction of Hong Kong courts or arbitral institutions as the chosen forum for dispute solution.

Not only does the Basic Law uphold Hong Kong's continuation of the common law system, the recent Hong Kong National Security Law (NSL) has reinforced the solid legal and financial infrastructure of this city. I am sure that many of us here and overseas were concerned about the local situation in 2019. Therefore, with the NSL, which aims to improve the legal system and enforcement mechanisms for safeguarding national security in the HKSAR, it is important to explain to our friends all over the world the reality on the ground, that is business as usual. From my personal experience, none of our client companies has left Hong Kong, and investments have continued to flow into the city. Hence, I remain very optimistic about the future opportunities for Hong Kong.

Mr Nury Vittachi

Hong Kong is modernised, but it is also a part of the oldest civilisation in the world. The "one country, two systems" principle has worked, and will continue to work, wonderfully well in capturing the best of the East and West, granting Hong Kong the unique advantages of both philosophies. While the Hong Kong Special Administrative Region (HKSAR) functions on capitalistic mechanisms, it also flourishes within Mainland China's socialist state. In fact, the Basic Law and "one country, two systems" principle enable Hong Kong to boast extremely competitive students, consistently positive health statistics and world-class safety ratings. Hence, I believe that citizens of Hong Kong have so much to be proud of. Hong Kong's success as a hybrid of vast differences cannot be better symbolised by the Bauhinia, the city flower of Hong Kong, which is a hybrid plant and unique in the world.

The Hong Kong National Security Law is a necessity to ensure the long-term prosperity and stability in Hong Kong. My research shows that our laws are far more lenient and restrained than most around the world, for example the US and the UK, which both have extremely overreaching and draconian national security laws. It is perfectly reasonable that nations should not allow other parties to interfere in its internal affairs and to incite violent or illegal behaviours, So I sincerely hope, for the sake of both our national and individual wellbeing, that eventually, all of Hong Kong's businesses and citizens will realise the benefits and necessity of safeguarding national security in the HKSAR, which will preserve stability of our city and further strengthen our legal system that is enshrined in the Basic Law.

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在《基本法》和「一国两制」的框架下,中央政府因应大湾区 9 + 2 城市的独特优势,明确规划各城市间互补发展,以发挥更佳的协同效应。大湾区内各城市亦相应陆续推出政策措施,以积极配合大湾区的发展。以广州市政府为例,政府积极推动网络孵化 MCN (MultiChannel Network,多频道网络),为业界扩展更多销售渠道,协助传统产业突破瓶颈,发掘创新的发展模式;而香港特区政府成立的「青年发展基金」,则为北上发展的香港青年人,提供到位的支援。

除了政府的扶持政策外,香港的工商专业界团体亦不时举办各类交流项目,为有志到内地发展的青年人提供亲身认识国家发展及国情的机会。我在广东省香港商会(前称中国香港(地区)商会一广东)负责青年事务和零售服务业的工作,协助在内地念书的香港学生安排实习机会,让他们从实践中扩阔视野,为毕业后顺利在内地发展事业打下坚实基础。

我勉励香港青年人到内地多走走多看看,无论对个人眼界、对前景发展,都是千金难求的机会。



陈贤翰先生

我在 2014 年毕业后开设了一间本地设计公司,凭着熟悉的人脉和资源上的优势,生意一直不俗。然而,因为市场的局限,公司的发展遇到了瓶颈,未能令生意再上一层楼。正当犹豫应否北上发展,以冲破局限着市场环境的「天花板」之际,国家公布「粤港澳大湾区发展规划」。期望在内地市场大展拳脚的我,当然不会错过这个黄金机会。

初到人生路不熟的地方发展,难免碰到不少钉子。可幸的是得到广州市天河区政府与当地朋友热心帮忙,协助我了解市场环境和办理各项落地手续。在适应内地的市场环境及商业文化后,公司的业务发展一日千里,三个月内创下的业绩便已超越在港一年的业务量,业务更伸延至全国各地省市。



大湾区总人口逾 8,600 万 生产总值约 1.7 万亿美元

供法律谘询等必要的商业服务,更主动组织业界交流 与资源配套,让来自港澳的青年马上无缝接轨地融入 新环境,尽快建立成功的创业脉络。

此外,香港特区政府亦对初创企业大力支持,例如 BUD中小企专项基金提供资金让内地港企发展品牌、 升级转型和拓展内销市场,令青年创业家在内地打拼 更加如虎添翼。



「青年之家 三年内



服务 8,000 多名港澳青年 吸引 800 多名港澳青年会员到大湾区发展 促成 200 多间港澳青年初创企业 包括 8 间市值逾 1 亿人民币的企业

「青年之家」创业基地成绩辉煌。国务院副总理、粤港澳大湾区建设领导小组组长韩正、全国政协副主席何厚铧等国家领导,以及广东省、广州市的领导官员,都曾到访考察。香港特区行政长官林郑月娥于 2018年到访广州时也特意亲自探访创业基地,让我们感觉十分鼓舞。

我勉励香港青年人不要自我设限,天高海阔任人闯, 积极为未来开拓新天地、新世界,才不枉青年岁月。



何膺惠先生

在瑞士完成酒店课程后,我曾在 内地和香港的五星级酒店工作, 并累积担任管理层的经验。我一直 觉得内地拥有比香港更大的发展空 间,所以趁着自己年轻有魄力,决 定辞职并带着积蓄到广州,打拼自 己的天地。初到广州,我着手建立 人脉及观察当地顾客的生活习惯和 消费习惯。相比上海或北京等地,广 州高档酒吧市场的竞争没那么激烈, 加上就近香港,各方面的适应都比较 容易,在广州创业也相对得心应手。 令我喜出望外的是,筹备首间酒吧的 过程比想像中顺利得多,例如办理营 业执照的过程顺畅,开业成本包括装修 费用等亦比香港便宜很多。

我在广州创立的特色酒吧,开业短短五年便被列入「亚洲最佳酒吧」第15位,亦在社交媒体上被誉为「广州十大打卡地点」。随后,我分别在广州和深圳扩充业务,生意都十分理想。这次成功经验,正好印证内地市场潜力无限。品牌打

响名堂后,我亦 受邀担任多个国际 餐饮和酒店品牌的顾 问,协助它们打入中国 庞大的高端消费市场。

中国幅员之广,市场发展潜力 之大,只要有胆量有创意,不单 在一线城市的高端消费市场有发展 机会,只要把具创意的成功经验稍微 调整一下,也可在众多二、三线城市成 功复制。

现时北上创业的路比以往平坦得多,随着「粤港澳大湾区发展规划」出台,各地政府都推出大量扶持政策,加上商会提供多元的谘询和联系协助,大大减少创业过程中遇到的问题,也为北上发展的香港青年人,提供更适切的支援,协助他们适应两地的生活及工作文化差异。香港青年人应抓紧机遇,好好利用这些政策及支援。

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第四章 在香港生活和工作的体会





Mr Amirali Nasir

After qualifying as a lawyer in London, I came to Hong Kong to develop my career in 1989 and never looked back. Not only do I appreciate Chinese culture, I also enjoy the fact that Hong Kong is extremely tolerant of other cultures. As a Muslim family, my children go to local schools and speak fluent Cantonese, and at the same time, we have the freedom to practise our religion without interference. Sometimes, I even attend Law Society meetings in traditional clothing, and my colleagues have always shown respect to my beliefs and culture.

The Law Society is regularly invited to visit the Ministry of Justice of the People's Republic of China and the Great Hall of the People to meet different government departments that deal with law. This has given me a great advantage in speaking with policymakers, whom I find very open and receptive to progressive ideas, such

as adopting international systems in commercial law, shipping law, intellectual property etc. Similarly, for our overseas business trips, the support from the Chinese authorities, Hong Kong Trade Development Council and the Hong Kong Economic and Trade Offices (ETOs) is immensely helpful.

Being actively involved in projects on the Belt and Road Initiative, I learned first-hand that most foreign and the Mainland Chinese companies prefer to conduct business using the Hong Kong legal system. As their individual systems may not always be compatible, they place their trust in using Hong Kong as a legal and financial medium to carry out commercial transactions. This international confidence is a testament to Hong Kong's open and stable market, and ensures that there are ample opportunities in Hong Kong and the Greater Bay Area.



- Strengthen communication and liaison with the Mainland
- Enhance trade and commercial relations with provinces and municipalities
- Foster exchange and co-operatio
- Facilitate investmen
- Promote Hong Kong, and provide better support to Hong Kong residents and enterprises





Mr Paul Starr

Over the three decades that I have been living and working in Hong Kong, the city has become more cosmopolitan and as business transactions flourished, so has the work in dispute resolution and arbitration.

As a construction practitioner and disputes lawyer, there are many reasons clients choose to do business in Hong Kong. We offer a great variety of professional consultants, including lawyers, accountants and infrastructure specialists, who can work in collaboration on projects in a holistic way. Also, Hong Kong is a cost-effective and efficient deal-making hub in the region that clients can easily access from

the Belt and Road countries and the Greater Bay Area. These advantages are particularly appealing for potential clients who seek a reliable service delivery in an environment conducive to international business and finance.

For companies originating from countries that practise civil law, they are confident to establish offices in Hong Kong as they believe in the quality of our judiciary and legal system, with an independent judiciary and ample precedents. Personally, my firm has also benefited from working on cross-border business transactions with support of our international expert network.

Mr Nury Vittachi

Working in journalism for more than 30 years, I feel that the press enjoys much more freedom than before. Back in the 1990s, I recall my work being heavily edited, and that I was sacked several times over my published opinions. In contrast, in today's society, I have more editorial freedom in making socio-political observations, and even expressing constructive criticism of government policies.

Recently, I started an online project aiming to set the record straight for Hong Kong, and to counterbalance some of the critical voices and misinformation that perpetuate social media platforms. We publish daily on a wide variety of topics, including light-hearted discussion on traditional and modern cultural influences as well as in-depth investigative pieces in written or video format, in order to provide independent and comprehensive content for both local and international consumption. Ultimately, we hope to offer a balanced account that combats certain biases commonly seen on some media narratives

and to support the growth of professional investigative journalism in Hong Kong.

As a journalist, I always base my observations on statistics and facts. Contrary to the claims of naysayers, Hong Kong is in fact faring extremely well: international investments continue to pour in. bank deposits are increasing, more companies are listing here than anywhere in the world, the property market is booming, and the Hong Kong dollar is stronger than ever before. I remember that during the 1990s, many publications were concerned over the future of Hong Kong post-1997. However, I personally witnessed that these concerns did not come to materialisation. Therefore, it is interesting to see similarly unsubstantiated statements appear again in the media in recent years, citing unease over the newly promulgated Hong Kong National Security Law. Just as before, I am confident that Hong Kong will navigate these new changes successfully and remain a place for business and citizens to thrive. I have even gone so far to

invest in the property market lately, which is a clear testimony of my love of and commitment to this city I call home.



over **90** daily newspapers **500** periodicals

Hong Kong is a major publishing hub in Asia



第五章《香港国安法》的问与答



总结

《香港国安法》的实施为保证有利的营商和 投资环境发挥关键作用,加强香港作为国际 金融和商业中心的制度实力和竞争力。特区 政府在过去一年与不同商会沟通,及举办多 个推广《宪法》、《基本法》和《香港国安法》 的活动,希望市民,投资者和国际社会多了 解《香港国安法》的实际内容,以澄清误解, 释除疑虑。

如想获得更多有关《香港国安法》的资讯, 可浏览《香港国安法》虚拟展览。

本小册子由基本法推广督导委员会工商专业界工作小组编撰

基本法推广督导委员会工商专业界工作小组

Working Group on Industrial, Commercial and Professional Sectors under the Basic Law Promotion Steering Committee