工商專業界



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《香港國安法》的問與答

註:本小冊子提及的《基本法》及《香港國安法》,全名分別為《中華人民共和國香港特別行政區基本法》及 《中華人民共和國香港特別行政區維護國家安全法》。

序言

基本法推廣督導委員會工商專業界工作小組召集人

參與基本法推廣督導委員會(基廣會)的工作多年,我最大的體會是由於工商專業界親歷《基本法》及「一國兩制」帶來的各種制度及優惠政策,因此較能理解國家的實際發展情況及國家發展為香港帶來的機遇。你我身邊都有不少這樣的例子:有管理階層每天專車來回深圳上下班;有家在內地的普通香港市民每天乘搭公共交通回港上班,下班後快捷方便地回到在深圳的家享受天倫等。香港的工商界和專業人士既融入國家發展大局、享受內地日趨高質量發展的各種成果,朝著國家全面開放的前路進發,砥礪前行,也助力內地工商及專業制度進一步與國際接軌,貢獻所能及所長。

《香港國安法》實施一年多以來,香港社會回復穩定,絕對有利投資和營商環境。有說《香





香港和內地關係密切,往來交通網絡發達



第一章 受訪者簡介



陳嘉信先生

廣東省香港商會常務理事、長新亞洲有限公司及廣 州市桐江貿易有限公司總經理。公司業務涵蓋成衣 製造及國際服裝品牌代理,佔據高達 300 個內地



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





陳賢翰先生

廣州市天河區港澳青年之家創業基地總經理。在粵 港澳大灣區創業和投資科創企業,成功幫助超過 200 多間港澳青年初創企業進入內地市場。

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





何膺惠先生

餐飲業創業家及顧問。在廣東創立多家酒吧,屢獲

Mr Nury Vittachi

Award-winning journalist and Hong Kong-based author. works to novels to stories for children.





陳嘉信先生

背靠祖國,加上「一國兩制」的制度,令香港擁有全球艷羨的 獨特優勢。香港是環球商業最佳平台,在協助外資投入潛力無 限的中國市場時,亦為國家的發展添磚加瓦,及為香港人創造 就業和創業機遇,成就三方共贏。

社會穩定對香港的發展至關重要。《香港國安法》實施後,社 會動盪大幅減少,市民生活逐漸重回穩定,成效立竿見影。暴 力絕跡也讓國際投資者重拾信心,得益的是全港所有市民。

陳賢翰先生

作為愛護香港的人,便要守護香港的法治核心價值,要珍惜《基本法》和「一國 兩制」框架賦與我們的獨特優勢與地位。香港在稅制和法律上擁有的國際公信力 及廣闊的國際視野,成就了香港「超級聯繫人」的角色。香港為國家經濟火車頭 更添動力之餘,亦同時坐上了國家發展的高速列車。

正值內地市場飛躍令香港發展蒸蒸日上之際, 2019 年香港社會陷入一片混亂,無論跨國企業 或本地企業都對社會安全及營商環境失去信心。 這不單嚴重打擊香港的經濟發展,更動搖香港人 引以為傲的法治精神。萬幸《香港國安法》的實 施,讓社會重歸平靜穩定,亦令國際社會對香港 恢復信心。對於社會、對於商界,《香港國安法》 絕對是「定海神針」。





何膺惠先生

「一國兩制」的實施為香港和內地造就雙贏的完美局 面。為加快發展速度及與國際接軌,全國各地極勢 吸引大量具備國際視野的人才投身經濟建設。 國兩制」保障了香港的業界專才可在免卻繁複簽證手 續的安排下,便捷地在內地和香港提供服務,貢獻國 家經濟發展之餘,亦為個人事業發展開拓更多機遇。

全球最利營商稅制第 2 名* 世界最便利營商地方第 3 名

*羅兵咸永道會計師事務所及世界銀行 《2020 賦稅環境報告》

#世界銀行2020年發表的《營商環境報告》

另外,作為國際物流樞紐的香港具有貨源廣及低税率 的優勢,貨品的種類與貨價往往更豐富及便宜,為內地的 消費者提供更多選擇之餘,亦為企業開拓更大商機。

作為一個香港市民,我目睹《香港國安法》的實施令香港社會回 復穩定、令破壞法紀的活動絕迹。香港重歸安寧後,我認為國際 投資者對香港、對中國的前景都會重拾信心。《香港國安法》對 穩定香港市民人心和改善營商環境都起了正面和積極的作用,我 相信只有社會穩定安全,市民才有意欲消費,企業的經營狀況才 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 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.

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.

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在《基本法》和「一國兩制」的框架下,中央政府因應大灣區9+2城市的獨特優勢,明確規劃各城市間互補發展,以發揮更佳的協同效應。大灣區內各城市亦相應陸續推出政策措施,以積極配合大灣區的發展。以廣州市政府為例,政府積極推動網絡孵化MCN(MultiChannel Network,多頻道網絡),為業界擴展更多銷售渠道,協助傳統產業突破瓶頸,發掘創新的發展模式;而香港特區政府成立的「青年發展基金」,則為北上發展的香港青年人,提供到位的支援。

除了政府的扶持政策外,香港的工商專業界團體亦不時舉辦各類交流項目,為有志到內地發展的青年人提供親身認識國家發展及國情的機會。我在廣東省香港商會(前稱中國香港(地區)商會一廣東)負責青年事務和零售服務業的工作,協助在內地唸書的香港學生安排實習機會,讓他們從實踐中擴闊視野,為畢業後順利在內地發展事業打下堅實基礎。

我勉勵香港青年人到內地多走走多看 看,無論對個人眼界、對前景發展,都 是千金難求的機會。



陳賢翰先生

我在 2014 年畢業後開設了一間本地設計公司,憑著熟悉的人脈和資源上的優勢,生意一直不俗。然而,因為市場的局限,公司的發展遇到了瓶頸,未能令生意再上一層樓。正當猶豫應否北上發展,以衝破局限著市場環境的「天花板」之際,國家公布「粵港澳大灣區發展規劃」。期望在內地市場大展拳腳的我,當然不會錯過這個黃金機會。

初到人生路不熟的地方發展,難免碰到不少釘子。可幸的是得到廣州市天河區政府與當地朋友熱心幫忙,協助我了解市場環境和辦理各項落地手續。在適應內地的市場環境及商業文化後,公司的業務發展一日千里,三個月內創下的業績便已超越在港一年的業務量,業務更伸延至全國各地省市。

回想自己走過的創業路,令我深明擴闊 人脈網絡的重要性。推己及人,便萌生 協助同路的港澳青年的念頭。這個想法 獲得大灣區內多個政府部門的積極響 應,在《基本法》和「一國兩制」的積 架下,量身訂造便利港澳青年創業就業 的措施,提供土壤令他們在大灣區的業 展事半功倍。例如在政府政策的推動下, 這個政府支持的民辦非企(NGO)為來 自港澳的創業者提供非常優惠的辦公和 住宅空間、解決日常生活各種需要,也 協助企業辦理公司註冊、財務報税及提



大灣區總人口逾 8,600 萬 生產總值約 1.7 萬億美元

供法律諮詢等必要的商業服務,更主動組織業界交流 與資源配套,讓來自港澳的青年馬上無縫接軌地融入 新環境,盡快建立成功的創業脈絡。

此外,香港特區政府亦對初創企業大力支持,例如 BUD中小企專項基金提供資金讓內地港企發展品牌、 升級轉型和拓展內銷市場,令青年創業家在內地打拼 更加如虎添翼。



「青年之家 三年內

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服務 **8,000** 多名港澳青年 吸引 **800** 多名港澳青年會員到大灣區發展 促成 **200** 多間港澳青年初創企業 包括 **8** 間市值逾 **1** 億人民幣的企業

「青年之家」創業基地成績輝煌。國務院副總理、粵港澳大灣區建設領導小組組長韓正、全國政協副主席何厚鏵等國家領導,以及廣東省、廣州市的領導官員,都曾到訪考察。香港特區行政長官林鄭月娥於 2018年到訪廣州時也特意親自探訪創業基地,讓我們感覺十分鼓舞。

我勉勵香港青年人不要自我設限,天高海闊任人闖, 積極為未來開拓新天地、新世界,才不枉青年歲月。



何膺惠先生

在瑞士完成酒店課程後,我曾在 內地和香港的五星級酒店工作, 並累積擔任管理層的經驗。我一直 覺得內地擁有比香港更大的發展空 間,所以趁著自己年輕有魄力,決 定辭職並帶着積蓄到廣州,打拼自 己的天地。初到廣州,我著手建立 人脈及觀察當地顧客的生活習慣和 消費習慣。相比上海或北京等地,廣 州高檔酒吧市場的競爭沒那麼激烈, 加上就近香港,各方面的適應都比較 容易,在廣州創業也相對得心應手。 令我喜出望外的是,籌備首間酒吧的 過程比想像中順利得多,例如辦理營 業執照的過程順暢,開業成本包括裝修 費用等亦比香港便宜很多。

我在廣州創立的特色酒吧,開業短短五年便被列入「亞洲最佳酒吧」第15位,亦在社交媒體上被譽為「廣州十大打卡地點」。隨後,我分別在廣州和深圳擴充業務,生意都十分理想。這次成功經驗,正好印證內地市場潛力無限。品牌打

響名堂後,我亦 受邀擔任多個國際 餐飲和酒店品牌的顧 問,協助它們打入中國 龐大的高端消費市場。

中國幅員之廣,市場發展潛力之大,只要有膽量有創意,不單在一線城市的高端消費市場有發展機會,只要把具創意的成功經驗稍微調整一下,也可在眾多二、三線城市成功複製。

現時北上創業的路比以往平坦得多,隨著「粵港澳大灣區發展規劃」出台,各地政府都推出大量扶持政策,加上商會提供多元的諮詢和聯繫協助,大大減少創業過程中遇到的問題,也為北上發展的香港青年人,提供更適切的支援,協助他們適應兩地的生活及工作文化差異。香港青年人應抓緊機遇,好好利用這些政策及支援。

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第四章 在香港生活和工作的體會





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-operation
- 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《香港國安法》的問與答



總結

《香港國安法》的實施為保證有利的營商和 投資環境發揮關鍵作用,加強香港作為國際 金融和商業中心的制度實力和競爭力。特區 政府在過去一年與不同商會溝通,及舉辦多 個推廣《憲法》、《基本法》和《香港國安法》 的活動,希望市民,投資者和國際社會多了 解《香港國安法》的實際內容,以澄清誤解, 釋除疑慮。

如想獲得更多有關《香港國安法》的資訊, 可瀏覽《香港國安法》虛擬展覽。

本小冊子由基本法推廣督導委員會工商專業界工作小組編撰

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