Lee & Yu Certified Public Accountants
李志輝・余仲良會計師事務所
In association with | CAC CPA LIMITED | 中审华会计师事务所
Lee & Yu International 理誉国际
客戶通訊 Newsletter

營商摘錄
Extract From Guide to Doing Business

中國外商投資法及實施條例正式實施

《中華人民共和國外商投資法》(下稱《外商投資法》）的配套法規《中華人民共和國外商投資法實施條例》(下稱《實施條例》)日前已由李克強總理簽署及公布，並與《外商投資法》同步自 2020 年 1 月 1 日起施行，而《中華人民共和國中外合資經營企業法實施條例》、《中外合資經營企業合營期限暫行規定》、《中華人民共和國外資企業法實施細則》及《中華人民共和國中外合作經營企業法實施細則》同時廢止。《實施條例》共分 6 章、49 條，主要內容包括：

- 鼓勵和促進外商投資

  《實施條例》提出要保護外商投資合法權益，規範外商投資管理，持續優化外商投資環境，推進更高水平對外開放。同時，對中國自然人與外國投資者共同投資、外商投資准入負面清單的制定和調整程序、外商投資企業在中國境內投資的法律適用等問題作了明確規定。
- 細化外商投資促進具體措施

  規定外商投資企業平等適用國家支持企業發展的有關政策，依法平等參與標準制定、政府採購活動；建立健全外商投資服務體系。
- 加強外商投資保護力度

  對外國投資者投資的徵收補償、禁止利用行政手段強制外國投資者和外商投資企業轉讓技術、保護商業秘密、外商投資企業投訴工作機制等作了細化，明確外商投資法第二十五條所稱政策承諾的具體內涵和要求。
- 規範外商投資管理

  明確外商投資准入負面清單的落實機制，細化外商投資企業登記註冊、外商投資信息報告制度等。

另一方面，《實施條例》同時細化了現有外商投資企業組織形式等有關的過渡期安排，保持當事人權利義務的穩定。明確了港澳台投資的法律適用，保持港澳台投資政策的連續性穩定性。並對政府和有關部門及其工作人員違反本條例的行為規定了相應的法律責任。

這份客戶通訊是為客戶提供感興趣之資料，並不能視為專業意見，如客戶需要更多資料或有任何疑問，請與本所職絡。
This Newsletter is designed to provide information on subjects which may be of interest to our clients. It is not intended as professional advice.
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China Approves Implementation Measures for Foreign Investment Law

The *Regulation on Implementing the Foreign Investment Law of the People's Republic of China* has now been formally approved by Li Keqiang, the Chinese Premier. This will act to facilitate the introduction of the *Foreign Investment Law of the People's Republic of China,* with both measures deemed to have come into force as of 1 January this year.

Among the major changes introduced in this new legislation and its primary aims are the following:

- *Encouraging Investment from Foreign Sources*

  In line with this, measures have been adopted that protect the legitimate rights and interests of foreign investors, while standardising the administration and continually optimising the environment related to all such investments. At the same time, the process of opening up the Chinese market is to be accelerated.

- *Parity of Treatment for Foreign and Domestic Investors*

  This will see foreign-invested enterprises entitled to benefit from any government development initiatives in exactly the same way as domestic businesses, while also being eligible to play an equal role in the setting of industry standards and to tender for projects and contracts under government procurement procedures.

- *Safeguarding Foreign-Sourced Investment*

  Measures have also been put in place to guarantee that foreign investors will be properly compensated should any of their projects or initiatives be taken into state ownership. In addition, the use of administrative measures to coerce foreign investors / companies to transfer their proprietary technologies to China has been prohibited, while moves to protect business confidentiality and improve the complaints mechanism for overseas-invested firms have also been adopted.

- *Regulating the Management of Foreign Investment*

  As well as clarifying the role played by the state-compiled Negative List with regard to foreign investment access, the new legislation also makes clear the required procedures for registering a foreign-invested business, as well as the statutory information reporting protocols and other related mandatory administration issues.

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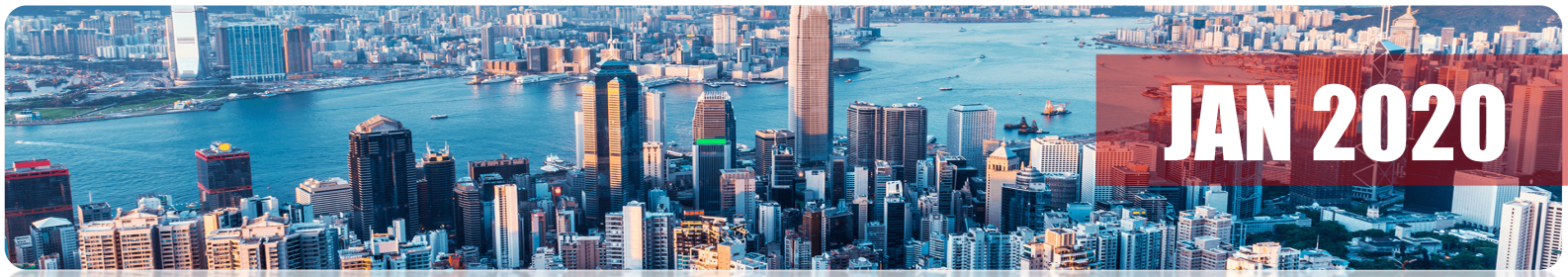

公司活動
Company Activities

公司晚宴已於 2020 年 1 月 17 日在文華東方酒店完滿結束。
本公司全體同仁祝各位新年快樂、身體健康、心想事成、萬事勝意！

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