

国务院公布《国务院关于修改〈中华人民共和国海关稽查条例〉的决定》，包含延长减免税进口货物的海关稽查期间等多项修改。

上海市人民代表大会常务委员会通过《上海市推进国际航运中心建设条例》，贯彻实施建设上海国际航运中心的国家战略。

广东将实施 16 项出入境新措施（其中 6 项适用于广东自贸区，10 项适用于广东全省），为高层次人才和投资者、外籍华人、外国留学生、普通就业人员、家政等人员的入境出境、停留居留带来便利。

一、《国务院关于修改〈中华人民共和国海关稽查条例〉的决定》

2016 年 6 月 19 日，国务院公布《国务院关于修改〈中华人民共和国海关稽查条例〉的决定》（下称“《新修稽查条例》”），对原颁布于 2011 年的《中华人民共和国海关稽查条例》（下称“《旧稽查条例》”）作出了多项修订，包括延长了减免税进口货物的海关稽查期间，加重了违反稽查规定的法律责任，增加了对主动报告违规行为的予以从轻或减轻处罚的规定等。《新修稽查条例》自 2016 年 10 月 1 日起施行。

（一）背景

2014 年 6 月 11 日，国务院法制办公室公布《中华人民共和国海关稽查条例（修订征求意见稿）》（以下简称“征求意见稿”），公开征求意见。经历

了两年多的漫长历程，国务院于近期公布了《新修稽查条例》，但是整体的修订幅度并没有征求意见稿广泛，征求意见稿中曾提出的多项修订（包括简易稽查程序、稽查复核等制度等）并未得到采纳。

（二）法律点评

1. 延长了减免税进口货物的海关稽查期间

对于外商投资企业经有关主管部门批准免税或减税进口的特定货物，《中华人民共和国海关法》规定，在减免税进口货物的海关监管期限内及其后的三年内，海关可以实施稽查，具体办法由国务院规定。但是，《旧稽查条例》则规定对于减免税进口货物的稽查期间仅为海关监管期限内。

《新修稽查条例》将减免税进口货物的稽查期间改为与《中华人民共和国海关法》一致，即减免税进口货物的海关监管期限内及其后的三年内；同时要求与进出口业务直接有关的单证、合同及其他资料必须至少保存至海关稽查期间届满为止。

2. 从轻或减轻处罚主动报告的违规情形

《新修稽查条例》新增规定：企业、单位主动向海关报告其违反海关监管规定的行为，并接受海关处理的，应当从轻或者减轻行政处罚。

3. 加重了法律责任

对于提供虚假情况或隐瞒重要事实、拒绝或拖延提供、转移、隐匿、篡改、毁弃有关资料等违规情形的，《新修稽查条例》将拒不改正的被稽查人的罚款由《旧稽查条例》规定的人民币 1 万元以上

3 万元以下提高为人民币 2 万元以上 10 万元以下；同时，对负有直接责任的人员的罚款由《旧稽查条例》规定的人民币 1000 元以上 5000 元以下提高为人民币 5000 元以上 5 万元以下。

《新修稽查条例》并删除了未按规定设置和编制账簿的具体罚则，规定对此种违法行为应根据《中华人民共和国会计法》追究法律责任，以消除目前存在的不同法律法规项下罚则不一致的情形。

4. 专业机构协助稽查

根据《新修稽查条例》，海关在稽查执法过程中可以委托会计、税务等方面的专业机构就相关问题作出专业结论，也可以参考被稽查人委托的此类专业机构作出的专业结论。

5. 电子数据

《新修稽查条例》删除以计算机储存和输出的会计记录应当打印成书面记录保管的要求，真正落实无纸化，同时在关于保管、提供、查封、扣押相关资料的规定中明确将相关电子数据存储介质纳入规定的范围。

6. 知情权的保障

《新修稽查条例》明确要求海关在稽查前应事先通知被稽查人，仅在被稽查人有重大违法嫌疑且其账簿、单证等有关资料以及进出口货物可能被转移、隐匿、毁弃等紧急情况下才可以不履行该等稽查前通知职责。《新修稽查条例》并要求海关在稽查执法过程中明确告知被稽查人的权利，并在稽查结论中说明作出结论的理由。

另一方面，《新修稽查条例》不再要求稽查组向海关报送稽查报告前一律必须征求被稽查人的意见，只有在其认定涉嫌违法的情形下才需要征求被稽查人的意见。

7. 与行政强制法衔接

《新修稽查条例》将有关资料的“暂时封存”和“封存”均修改为行政强制法中规定的“查封、扣押”强制措施。

8. 信用管理

《新修稽查条例》要求海关将企业、单位的进出口信用状况（即进出口的守法记录）作为确定稽查重点的主要考虑因素之一。

9. 资料收集权限

《新修稽查条例》扩大了海关对于稽查所需资料的收集权限。海关可以向有关行业协会、政府部门和相关企业等收集特定商品、行业与进出口活动有关的信息。收集的信息涉及商业秘密的，海关应当予以保密。

（三） 关注要点

考虑到《新修稽查条例》对《旧稽查条例》多方面进行了重大修改，预计配套《旧稽查条例》的《〈中华人民共和国海关稽查条例〉实施办法》在近期亦应根据《新修稽查条例》进行相应修改。

二、《上海市推进国际航运中心建设条例》

2016 年 6 月 23 日，上海市第十四届人民代表大会常务委员会第三十次会议通过了《上海市推进国际航运中心建设条例》（以下简称“《航运中心条例》”），这是中国首个关于国际航运中心的地方法规。

（一） 背景

国务院于 2009 年 4 月 14 日公布了《国务院关于推进上海加快发展现代服务业和先进制造业建设国际金融中心和国际航运中心的意见》，将加快上海国际金融中心和国际航运中心建设提升到国

家战略高度。在此基础上,《航运中心条例》于 2016 年 6 月 23 日公布,于 2016 年 8 月 1 日开始实施。

(二) 法律点评

《航运中心条例》作为国内首个关于国际航运中心的地方法规,旨在促进和支持上海国际航运中心的发展,以实现在上海建成一个水运、空运等各类航运资源高度集聚、航运服务功能健全、航运市场环境优良、现代物流服务高效,具有全球航运资源配置能力,与国家战略和经济发展相适应的国际航运中心之目的。

《航运中心条例》从规划和基础设施建设、航运服务体系建设、航运科技创新建设、航运营商环境建设四个方面,对建设上海国际航运中心进行了总体的规划和覆盖,并作出了原则性的规定。

《航运中心条例》明确了在建设上海国际航运中心过程中依法推行外商投资准入和市场准入负面清单管理制度,并在以下方面鼓励、支持外资参与建设上海国际航运中心:

1、 鼓励境外资本参与上海市国际航运中心建设

《航运中心条例》鼓励境内外各种社会资本通过设立航运基金等方式参与上海国际航运中心建设,为航运业的发展提供资金服务。

根据现行的《关于外商投资企业境内投资的暂行规定》、《关于外商投资举办投资性公司的规定》等法律法规,境外资本如通过设立航运基金参与上海国际航运中心的建设,亦须遵守有关外商投资的相关限制性规定(如有)。

2、 鼓励境外企业从事航运相关业务

《航运中心条例》鼓励、支持境外企业从事下列航运相关业务:

- (1) 境外邮轮公司在上海市注册设立经营性机构,开展经批准的国际航线邮轮业务;
- (2) 主运营基地在上海的航空公司以及境内外航空公司和航空联盟共同建设品质领先的世界级国际航空枢纽;
- (3) 国外航空公司以及综合物流服务商在上海机场地区建设航空物流转运中心,推广应用物联网技术,开展多式联运,加快航空货运业务发展。

(三) 关注要点

在“丝绸之路经济带”和“21 世纪海上丝绸之路”的背景下,建设上海国际航运中心作为国家战略,与中国(上海)自由贸易试验区建设联动,为外商投资上海航运业务提供了良机。《航运中心条例》在框架上对上海国际航运中心建设进行了规定,具体如何实施值得我们持续关注。

《航运中心条例》亦要求上海市根据国家有关规定,探索建立中国(上海)自由贸易试验区国际船舶登记制度,该登记制度的建立值得期待。

三、广东将实施 16 项新措施为外国人提供入境出境和停留居留便利

继上海、北京、福建自贸区之后,公安部公布支持广东自贸区建设和发展的 16 项出入境新措施(其中 6 项适用于广东自贸区,10 项适用于广东全省),为外国高层次人才和创新创业人才提供入境出境和停留居留便利。新措施于 2016 年 8 月 1 日起正式实施。

(一) 背景

1986 年 2 月 1 日起施行的《中华人民共和国外国人入境出境管理法》首次对外国人入境出境、在中国境内居留等作出规定。该法于 2013 年 7 月 1

日被《中华人民共和国出境入境管理法》废止，新法对于外国人入境出境、在中国境内停留居留等作出更加详细地规定。

为了规范外国人在中国永久居留审批管理工作，公安部、外交部于 2004 年 8 月 15 日公布了《外国人在中国永久居留审批管理办法》，首次对外国人申请在中国永久居留应符合的条件、申请材料、审批期限、被批准在中国永久居留的外国人每年在中国累计居留期限等作出详细地规定。

为了吸引更多海外高层次人才来华投资和工作，国务院各部门联合公布了多个规定，对于便利外国人办理签证及居留、外国人在中国永久居留享有的待遇（外国人可凭《外国人永久居留证》享有国民待遇，政治权利和法律法规规定不可享有的特定权利和义务除外）等作出规定。

2015 年，公安部为了支持上海建设具有全球影响力的科技创新中心，首次公布了涉及外国人入境出境、停留居留等方面 12 项新措施，旨在提供更便捷的入境出境环境、更好的居留待遇、更高效的入境出境服务。

2016 年，公安部为了支持北京、福建自贸区建设和发展也陆续公布了涉及外国人入境出境、停留居留等方面多项新措施。

（二）法律点评

广东将实施的 16 项入境出境措施主要针对广东自贸区建设及发展所需的外国高层次人才、留学归国创业外国华人、外国青年学生和投资人员四大类外国人。这些措施主要亮点包括：

首先，在入境出境方面：

增设抵达口岸签证机关办理 R 字（人才）签证、Z 字（工作）签证。

支持广东省向国务院申请实施部分国家人员 144 小时过境免签并实现广东陆、海、空港口岸过境免签政策联动。

其次，在居留方面：

简化工作居留许可申请手续，外国人凭工作许可证明即可办理工作居留许可，而无需先取得《外国人就业证》或《外国专家证》。

允许外国留学生凭高等院校毕业证书申请私人事务类居留许可（加注“创业”），进行毕业实习及创新创业活动。被有关单位聘用的，可办理工作类居留许可。

外国和港澳台高层次人才可聘请外籍家政服务人员，外国家政服务人员应申请相应期限的私人事务类居留许可（加注“家政服务”）。

最后，在永久居留方面：

增设人才申请永久居留的渠道：增设市场化认定人才的制度（允许工资收入和纳税达到规定标准的外国人申请永久居留）；授权广东省公安厅会同有关部门制定认定高层次人才的标准、制定广东自贸区人才积分评估标准等。

降低申请永久居留的要求：例如直接投资金额由现行 200 万美元以上降低为在广东自贸区内直接投资 100 万美元以上。

扩大申请永久居留的投资者范围：由现行规定必须以自然人身份直接投资，扩大到也可通过本人以自然人身份作为控股股东的公司企业进行直接投资。

缩短审批期限：由现行的六个月缩短至 90 个工作日。

（三）关注要点

上海、北京、福建自贸区、广东自贸区实行的出入境新措施经过实践检验及进一步完善后，将会

逐步在全国范围内推广实施。公安部、外交部是否会根据新措施修订《外国人在中国永久居留审批管理办法》，从而扩大申请人的范围、降低申请在中国永久居留要求等值得关注。

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The State Council has issued the *Decision of the State Council to Revise the Customs Audit Regulations of the People's Republic of China*, providing various revisions including a provision for extending the time customs is allowed to audit imported goods which receive tax reductions or exemptions.

The Standing Committee of the Shanghai Municipal People's Congress passed the *Rules for Advancing Construction of the International Shipping Center in Shanghai*, to fully implement and carry out the national plan for construction of the Shanghai International Shipping Center.

Guangdong will issue 16 new measures – including 6 measures applicable to China (Guangdong) Pilot Free-Trade Zone and 10 measures applicable to whole Guangdong Province – to facilitate entry and exit, the stay and residence of top talents, entrepreneurs, overseas Chinese, foreign students, ordinary workers, and domestic workers, etc.

1. The Decision of the State Council to Revise the Customs Audit Regulations of the People's Republic of China

On June 19, 2016, the State Council issued the *Decision of the State Council to Revise the Customs Audit Regulations of the People's Republic of China* (the “**Newly-revised Customs Audit Regulations**”), providing

various revisions to the previous *Customs Audit Regulations of the People's Republic of China* published in 2011 (the “**Previous Customs Audit Regulations**”), including a provision for extending the time customs is allowed to audit imported goods which receive tax reductions or exemptions, an increase of legal liability arising from a breach of relevant audit regulations, and an introduction of new provisions where lighter or mitigated penalties should be imposed for self-reporting of instances of non-compliance, etc. The *Newly-revised Customs Audit Regulations* will be effective as of October 1, 2016.

1.1 Background

On June 11, 2014, the Legal Affairs Office of the State Council issued the *Customs Audit Regulations of the People's Republic of China (Revised Draft for Comments)* (the “**Draft for Comments**”) to solicit public opinion. After a long period of more than two years, the State Council recently announced the *Newly-revised Customs Audit Regulations*. However, we have found that its general scope of revisions is narrower than that of the *Draft for Comments*, and a number of revisions proposed in the *Draft for Comments* (including summary audit procedures and audit review system, etc.) are not included in the *Newly-revised Customs*

Audit Regulations.

1.2 Legal Review

- (1) Extending the time customs is allowed to audit imported goods which receive tax reductions or exemptions

The *Customs Law of the People's Republic of China* provides that, customs agents may at any time, throughout the customs supervision period and within 3 years after the customs supervision period, carry out an audit of the goods imported by foreign-invested enterprises which are approved by relevant authorities to receive tax reductions or exemptions. Detailed regulations shall be enacted by the State Council. However, the *Previous Customs Audit Regulations* provide that the audit period for imported goods which receive tax reductions or exemptions only extends to the customs supervision period.

The *Newly-revised Customs Audit Regulations* have changed the audit period for imported goods which receive tax reductions or exemptions and it now extends not only to the customs supervision period but also an additional 3 years following, which is consistent with that of the *Customs Law of the People's Republic of China*. In the meantime, it requires that relevant documents, contracts and other materials shall be retained for a period no less than the customs audit period.

- (2) Lighter or mitigated penalties should be imposed for self-reporting of instances of non-compliance

The *Newly-revised Customs Audit Regulations*

bring in a new provision to impose lighter or mitigated administrative penalties for enterprises and organizations that proactively report their non-compliance with customs regulations to the customs authorities and accept the decisions of customs authorities.

- (3) A heavier legal liability is imposed

For non-compliance such as providing false information or concealing material facts, refusal or postponement in providing, transferring, hiding, tampering or destroying relevant materials, the *Newly-revised Customs Audit Regulations* have increased the penalties. Any audited party who fails to rectify its non-compliance can now receive a fine of RMB 20,000 - 100,000, an increase from the amount stipulated in the *Previous Customs Audit Regulations* of RMB 10,000 - 30,000. In addition, the personal fine imposed on the directly responsible person has been increased to a fine of RMB 5,000 - 50,000, a rise from the prior amount stipulated in the *Previous Customs Audit Regulations* of RMB 1,000 - 5,000.

The *Newly-revised Customs Audit Regulations* have removed previous penalties for not establishing or compiling proper accounting records in accordance with the regulation, and has stipulated that legal liability of such non-compliance shall be pursued in accordance with the *Accounting Law of the People's Republic of China*, for the purpose of eliminating discrepancies between different penalty provisions in different laws and regulations.

(4) Assistance of professional institutions in the process of auditing

According to the *Newly-revised Customs Audit Regulations*, customs may choose to engage professional institutions such as accounting or tax firms to provide professional opinions on relevant issues, or use those professional opinions provided by the professional institutions which are engaged by the audited party as a reference during the auditing process.

(5) Electronic data

The *Newly-revised Customs Audit Regulations* remove the previous requirement of keeping paper copies of accounting records which are stored in and printed from computers, in order to implement a paperless process. Meanwhile, it specifically lists the storage medium of electronic data as one of the materials which are subject to relevant provisions on storage, provision, seizure and distraintment of materials.

(6) Protection of the right to know

The *Newly-revised Customs Audit Regulations* specifically require the customs authority to give prior notice to the audited party before commencing the audit; and only in an emergency situation where the audited party is highly suspicious of breaching the law and its relevant materials such as accounting records and documents, as well as imported and exported goods, are likely to be transferred, hidden, destroyed or otherwise concealed, the customs agents are permitted to not give prior

notice to the audited party before commencing the audit. Also, the *Newly-revised Customs Audit Regulations* put forward specific requirements that the customs authority should specifically notify the audited party of its rights during the auditing process, and should provide an explanation at the conclusion of the audit.

On the other hand, the *Newly-revised Customs Audit Regulations* no longer require the audit agents to seek the audited party's opinion before submitting the audit report to the customs authority in all circumstances. The audited party's opinions are only required when it is deemed suspicious of illegal activity.

(7) Connections with the Administrative Coercion Law

The *Newly-revised Customs Audit Regulations* have replaced the terms used for administrative coercive measures, i.e. "temporary seal-up" and "seal-up", with "seizure and distraintment" as stipulated in the *Administrative Coercion Law*.

(8) Credit management

The *Newly-revised Customs Audit Regulations* require examination of import and export credit status of enterprises and organizations (i.e. compliance records on import and export activities) as one of the key considerations for the customs authority to determine the focus of the audit.

(9) Authority of collecting materials

The *Newly-revised Customs Audit Regulations* grant the customs agents a broader authority to

collect required materials. The customs agents may collect information related to specified goods, industries and import/export activities from relevant industry associations, governments and relevant enterprises. Where the information collected involves trade secrets, the customs authority should keep such information in confidence.

1.3 Next Steps

Given that the *Newly-revised Customs Audit Regulations* have made significant changes to the *Previous Customs Audit Regulations* in several aspects, it is expected that the relevant implementation rules to the *Previous Customs Audit Regulations*, i.e. the *Implementation Rules of the Customs Audit Regulations of the People's Republic of China*, will also be revised according to the *Newly-revised Customs Audit Regulations* in the near future.

2. Rules of Advancing Construction of International Shipping Center in Shanghai

On June 23, 2016, the 30th meeting of the 14th Standing Committee of the Shanghai Municipal People's Congress passed the *Rules for Advancing Construction of International Shipping Center in Shanghai* ("**Shipping Center Rules**"), which are the first local legislation relating to the international shipping center in China.

2.1 Background

On April 14, 2009, the State Council issued the *Opinions of the State Council on Boosting Development of Modern Service and Advanced Manufacturing Industry and Establishing*

International Financial and Shipping Center in Shanghai, which elevate the construction of the international financial center and international shipping center in Shanghai to national importance. On this basis, the *Shipping Center Rules* were promulgated on June 23, 2016 and implemented on August 1, 2016.

2.2 Legal Review

The *Shipping Center Rules*, as the first local legislation regarding the international shipping center in China, aim at promoting and supporting every aspect of the Shanghai International Shipping Center ("**SISC**") development and to achieve the goal of turning Shanghai into an international shipping center with a high concentration of all kinds of transportation resources, comprehensive shipping services and functions, a great shipping environment and market, high efficiency of modern logistics services and capacity for distribution of global shipping resources, to comply with national strategies and current Chinese economic development.

The *Shipping Center Rules* regulate and cover the overall construction of the SISC and sets out the relevant principles in four aspects, including planning and infrastructure construction, the construction of shipping services systems, the construction of shipping technology renovations and the construction of shipping business environments.

The *Shipping Center Rules* clarify that the negative list system for foreign investment entry and market entry shall be applied during the construction of the SISC according to

relevant rules and regulations, and states that foreign investments are encouraged and supported in the following areas:

- (1) Encouraging the participation of foreign investment in the construction of the SISC

The *Shipping Center Rules* encourage both domestic and foreign capital to invest in the construction of the SISC via methods including establishing shipping funds to provide finance services for development of the shipping industry.

According to applicable rules in effect including the *Interim Provisions on the Investment of Foreign-invested Companies in China* and *Provisions of the Ministry of Commerce on the Establishment of Investment Companies with Foreign Investment*, if the foreign investors participate in the construction of the SISC by establishing shipping funds, they still shall comply with relevant restrictions (if any) relating to foreign investment.

- (2) Encouraging foreign enterprises to participate in shipping-related services

The *Shipping Center Rules* encourage and support foreign enterprises in participating in the following shipping-related services:

- (a) Foreign cruise companies which register and incorporate profit-making organizations in Shanghai to provide cruise services on international routes upon approval;
- (b) Airline companies with major operating bases located in Shanghai as well as

domestic and foreign airline companies and airline alliance who jointly participate in the construction of the world-class international airline pivot with advanced quality services; and

- (c) Foreign airline companies and service providers of integrated logistics to establish aviation logistics transfer centers in Shanghai aircraft areas, to promote the application of the internet of things and to carry out multi-modal coordinated transportation, in order to facilitate the development of aviation logistic services.

2.3 Next Steps

Under the bigger picture of the Silk Road Economic Belt and the 21st-Century Maritime Silk Road and as a part of national strategy, the construction of SISC, along with the construction of China (Shanghai) Pilot Free-Trade Zone, creates a unique opportunity for foreign capital to invest in Shanghai Shipping Services. The *Shipping Center Rules* set out the framework for the construction of the SISC and we should continue to pay attention to how these Rules end up being implemented.

The *Shipping Center Rules* also require the Shanghai government to explore and establish the international ship registration system in the China (Shanghai) Pilot Free-Trade Zone based on relevant national laws and regulations, which is also worth our attention.

3. Guangdong Province Is to Implement 16 New Measures to Facilitate Entry and Exit, Stay and Residence of Foreigners

After Shanghai, Beijing and the China (Fujian) Pilot Free-Trade Zone, the Ministry of Public Security (“MPS”) issued 16 new measures to facilitate the entry and exit, as well as the stay and residence of foreigners in order to support construction and development of the China (Guangdong) Pilot Free-Trade Zone (“GDFTZ”), including 6 measures applicable to GDFTZ and 10 measures applicable to all of Guangdong Province, in order to provide convenience for the entry and exit, as well as the stay and residence of foreign top talents and innovative entrepreneurs. These new measures were officially implemented on August 1, 2016.

3.1 Background

The Law of the People's Republic of China on the Control of the Entry and Exit of Foreigners, implemented on February 1, 1986, is the first piece of legislation regulating the entry and exit, as well as residence of foreigners in China. This law was abolished and replaced on July 1, 2013 by the *Law of the People's Republic of China on the Administration of Exit and Entry* which provides more detailed provisions regarding the entry and exit, as well as the residence of foreigners in China.

For the purpose of regulating administration of the examination and approval for foreigners to obtain permanent residence in China, the MPS and the Ministry of Foreign Affairs jointly issued the *Administrative Measures for the Examination and Approval of Permanent*

Residence of Foreigners in China on August 15, 2004, which for the first time set out detailed rules for the requirements of foreigners applying for permanent residence in China, including application materials, approval terms, and accumulated terms for approved foreigners of residing in China per year.

In order to attract more foreign top tier talents to invest and work in China, the State Council along with many other departments, issued several regulations to facilitate foreigners' applications for visas and residence permits, as well as entitlements for foreigners permanently residing in China (i.e., foreigners with a Foreigner Permanent Residence Certificate were entitled to national treatment, except for political rights and other rights or obligations specified by laws and regulations that are not to be enjoyed by foreigners).

In 2015, the MPS for the first time issued 12 measures relating to the entry and exit, as well as the stay and residence of foreigners aiming at facilitating more convenient processes and creating more efficient entry and exit services, as well as providing better residing treatment, to support Shanghai in developing into a technology innovation center with global influence.

In 2016, the MPS issued several new measures one after another relating to the entry and exit, as well as the stay and residence of foreigners to support the construction and development of Beijing and the China (Fujian) Pilot Free-Trade Zone.

3.2 Legal Review

The 16 new entry and exit measures to be implemented in Guangdong Province mainly focus on foreign top tier talents, Chinese entrepreneurs returning from overseas, young foreign students and foreign investors needed for the construction and development of GDFTZ. Highlights for these measures mainly include:

First of all, for entry and exit:

- Newly added provisions for handling Visa Class R (Talent) and Visa Class Z (Work) at the visa issuing offices for the port of arrival.
- Supporting Guangdong Province to apply to the State Council for 144-hour visa-free travel for certain state personnel and to achieve joint implementation of visa-free policy at land, marine and aviation ports.

Secondly, for residency:

- Simplification of the application formalities for working residency permits so that foreigners can apply for working residency permits with working approval certificates without first obtaining the Foreigner Employment Certificate or Foreign Expert Certificate.
- Allowing foreign students studying in China to apply for personal affair-related residency permits (marked with "Entrepreneur") to carry out internships and innovation and entrepreneur activities. If recruited by relevant employers, they can apply for a work class residency permit.

- Top tier talents from aboard and Hong Kong, Macau and Taiwan may employ foreign domestic workers who shall also apply for personal affair-related residency permits (marked with "Domestic Work") for the relevant period.

Last but not least, for permanent residency:

- Broadening the scope for applications for permanent residency: establishes a system for recognizing market talents (allowing foreigners meeting certain standards of income and paid taxes to apply for permanent residency); authorizes Guangdong Provincial Public Security Department to collaborate with relevant departments to set the standard for the system for recognizing top tier talents and the GDFTZ talents scoring and evaluation standards.
- Lowering the requirements for application of permanent residency: for example, direct investment with an amount of no less than USD 2 million is now reduced to direct investment in GDFTZ with an amount of no less than USD 1 million.
- Expanding the scope of investors eligible to applying for permanent residency: under the current regulations, those eligible to apply are indirect investors of natural persons. This is expanded to investments through enterprises of which the natural person is the controlling shareholder.
- Shortening the examination term: the

current term of 6 months is shortened to 90 working days.

3.3 Next Steps

After the new measures of entry and exit implemented in Shanghai, Beijing, the China (Fujian) Pilot Free-Trade Zone and GDFTZ have been examined in practice and further improved, these measures will be gradually

implemented at a national level. It is worth our attention to see whether or not the MPS and the Ministry of Foreign Affairs, under the newly amended *Administrative Measures for the Examination and Approval of Permanent Residence of Foreigners*, will expand the scope of eligible applicants and reduce the requirements for applying for permanent residency.

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