

Judicial Cooperation and Judicial Safeguard in the Construction of Guangdong–Hong Kong–Macao Great Bay Area

Lei Li, Han Xiao

Guangdong Polytechnic College, People's Republic of China

Abstract: On February 18, 2019, the CPC central committee and the state council officially issued the outline of the development plan for the Guangdong-Hong Kong-Macao Greater Bay Area. The promulgation of the outline of the plan provides a new space for judicial cooperation and judicial guarantee in the construction of Guangdong, Hong Kong and Macao, and also puts forward new requirements. Under the background of “one country, two systems” and “three legal areas”, judicial cooperation and judicial protection are not only needed to resolve disputes, but also to promote high-quality integrated development of the Guangdong-Hong Kong-Macao Greater Bay Area and enhance the overall competitiveness of the region. Due to the differences of legal system and legal system, the limitation of the scope and level of judicial assistance, and the lag of legal provisions, the judicial cooperation and guarantee between Guangdong, Hong Kong and Macao are still in a dilemma. With the strong development for the construction of the Guangdong-Hong Kong-Macao Greater Bay Area, should give full play to the legal system, culture and talent advantages, and play to the initiative of the local legislation, strengthen the judicial leading and promoting effect, enhance the openness and uniformity of interregional and international business disputes, strengthen the liquidity of legal talent and the smoothness of judicial mutual cooperation in Guangdong, Hong Kong and Macao, to serve the Guangdong-Hong Kong-Macao Greater Bay Area in building a world-class bay area and a world-class city cluster.

Keywords: Guangdong-Hong Kong-Macao Greater Bay Area; construction; judicial cooperation; judicial protection

***Lei Li (1990-)** is currently a teacher of Political & Ideological department at Guangdong Polytechnic College. His research interests involve law and social science.

* Han Xiao was born in January of 1990 in Henan Province of China. She is currently an English teacher of the Foreign Languages Department at Guangdong Polytechnic College. Her research interests include legal translation and forensic linguistics.

* **The research is funded by Guangdong Polytechnic College via grant number 2019GKJSK013 and The Fund Support Project of Innovation and Entrepreneurship for College Students in Guangdong Polytechnic College (Granted number: 02/Major arts).**

I. Introduction

In March 2016, the national 13th five-year plan definitely proposed to promote the construction of the Guangdong-Hong Kong-Macao Greater Bay Area. In July 2017, with the formal signing of the framework agreement on deepening Guangdong-Hong Kong-Macao cooperation to promote the construction of the Greater Bay Area, marking that the construction has entered a substantive stage. On February 18, 2019, the CPC central committee and the state council officially issued the outline of the development plan for the Guangdong-Hong Kong-Macao Greater Bay Area (hereinafter referred to as the outline of the plan), marking the beginning of the

development of the world-class bay area and world-class city clusters. The construction of the Guangdong-Hong Kong-Macao Greater Bay Area is an important national strategic arrangement carried out by the central government under the new pattern of all-round opening up based on the long-term development of the country. Such economic development-oriented cooperation will certainly promote the coordination and integration of the three legal systems. At the same time, promoting the construction of the Greater Bay Area also requires the joint guarantee and coordination and cooperation of the three legal systems, which is a significant way to promote the sustainable and prosperous development of Guangdong, Hong Kong and Macao. Under the background of “one country, two systems” and “three legal areas”, how to closely carry out judicial cooperation and coordinated development and promote the “legal governance” of the Greater Bay Area has become a difficulty in the construction of the Greater Bay Area. From the perspective of civil and commercial trials involving Hong Kong and Macao, this paper analyzes the problems of judicial cooperation and judicial security in the Greater Bay Area and puts forward some suggestions.

1. Significance of the new era of judicial “cooperation and judicial guarantee in the Guangdong-Hong Kong-Macao Greater Bay Area

The outline of the plan clearly states that “the construction of the Guangdong-Hong Kong-Macao Greater Bay Area is not only a new attempt to form a new pattern of all-round opening-up in the new era, but also a new practice to promote the development of the cause of ‘one country, two systems’. As Guangdong, Hong Kong and Macao have different economic and social rules, the construction of Guangdong, Hong Kong and Macao should focus on the convergence of rules, especially the rule of law, strengthen the consensus of the rule of law among the three regions, strengthen the connection of rules, reduce the cost of economic and social development, and create a law-based business environment.

1.1 To enrich living samples of the “one country, two systems” rule of law practice

Since the 18th national congress of the communist party of China (CPC), the CPC central committee with general secretary Xi Jinping at its core has strongly supported the integration of Hong Kong and Macao into the overall development of the country, and called on compatriots in Hong Kong and Macao to shoulder the historic responsibility of national rejuvenation. The report to the 19th national congress of the communist party of China (CPC) stated that “we should support Hong Kong and Macao in integrating into the overall development of the country, and comprehensively promote mutually beneficial cooperation between the mainland and Hong Kong and Macao, with the focus on the construction of the Guangdong-Hong Kong-Macao Greater Bay Area, Guangdong-Hong Kong-Macao cooperation, and pan-pearl river delta regional cooperation.” As the forefront of reform and opening up and an important window for Guangdong to open up to the outside world, general secretary Xi Jinping proposed during his visit to Guangdong in 2018 that the construction of the Guangdong-Hong Kong-Macao Greater Bay Area should be regarded as a great opportunity and article for Guangdong's reform and opening up, so as to build a high-level gateway to the outside world. The Guangdong-Hong Kong-Macao Greater Bay Area has borne the important task and mission entrusted by the new era. Actively exploring and practicing the judicial cooperation between the three regions is an important part of the “one country, two systems” policy, and it will surely face greater opportunities and challenges. The basic premise of “two systems” is “one country”, (Wei 2018) “one country, two systems” is the biggest institutional dividend for the construction of the Guangdong-Hong Kong-Macao Greater Bay Area and the fundamental premise for the unified planning and construction of the Greater Bay Area. In the past, we focused on “Hong Kong people governing Hong Kong” and “Macao people governing Macao”. In the context of the new pattern of opening-up, we should pay more attention to the integration of Hong Kong and Macao into the overall development of the country and enhance the synergy of development. According to the basic law of Hong Kong and Macao special administrative region, vested with independent judicial power, including that of final adjudication of Hong Kong and Macao, mainland China and Hong Kong and Macao belong to different legal systems, in the construction of the bay area in the world is unique and unprecedented, as a pioneering work, at the Hong Kong and Macao in the trial actively explore and practice the effective way of judicial cooperation, will further enrich the rule of law

practice of “one country, two systems”, also is beneficial to strengthen the rule of law of identity, deepen the developing mode of “one country, two systems”.

1.2 To enhance the objective need of promoting high-quality integrated economic development in the Guangdong-Hong Kong-Macao Greater Bay Area

Guangdong, Hong Kong and Macao have their own advantages and characteristics in the construction of the Greater Bay Area. As an international financial, shipping and trading center, Hong Kong has obvious advantages in global offshore RMB business, international asset management and risk management, and law-based business environment, but it is weak compared with Guangdong in terms of scientific and technological innovation and industrial development. As the forefront of deepening reform and opening to the outside world in an all-round way, Guangdong enjoys rapid economic development, scientific and technological innovation industries are changing with each passing day, and the degree of opening to the outside world is deepening day by day. However, compared with the advantages of the “Shenzhen-Hong Kong innovation circle” in the early days of reform and opening up, it seems that the knowledge innovation system of Hong Kong and the technology innovation system of Shenzhen have not been effectively integrated. As a tourism and leisure center, Macao has great advantages in building a platform for international business and cultural cooperation and exchange. Against this background, the three regions should complement each other, achieve mutual benefit and win-win results, and further promote high-quality integrated economic development. This is an important way to build a world-class bay area and a world-class city cluster. Guangdong will give full play to its advantages in scientific and technological innovation and industry, and strongly support Hong Kong in developing innovation and science and technology. Hong Kong will give full play to the function of the free port platform, promote the prosperity and development of Guangdong's financial industry and international trade, and further improve the international financial risk prevention and control system. In the course of the integrated development of economy, science and technology, trade, finance and other fields, various disputes in economy, trade, intellectual property rights, financial lending and other aspects are bound to arise, and effective judicial cooperation is conducive to the efficient, rapid and diversified resolution of disputes important way, through the play to promote the rule of law to safeguard, further enhance the investment confidence in the rule of law in business subject, guarantee the bay area economy development of higher quality fusion, promote the construction of a large bay area of Guangdong to become more dynamic economic zone, the livable appropriate industry should be of high quality life, comprehensively promotes “area” construction, participate in international competition of comprehensive strength.

1.3 To meet the growing diversified judicial needs of commercial subjects in Guangdong, Hong Kong and Macao

Guangdong is closely connected with Hong Kong and Macao, both geographically and in terms of economic and trade exchanges and personnel exchanges. Especially after the return of Hong Kong and Macao to the motherland, Guangdong, Hong Kong and Macao have maintained close and frequent contact with each other and deepened their economic and trade cooperation. Take cross-border exchanges between Hong Kong and Shenzhen as an example. According to the statistics of the Hong Kong SAR government, there were 650,000 daily cross-border exchanges between Hong Kong and the mainland in 2016. According to the world bank released the world business environment analysis, the “contract” is specially used to measure of the efficiency of judicial organ to solve business disputes, by the time and cost of litigation, the procedure of litigation, applying alternative dispute resolution, judicial reform measures to measure the factors such as composition, Hong Kong and Macao to the deepening judicial cooperation can effectively promote the efficient resolving disputes, promote cross-regional civil and commercial activities, create a more stable international, under the rule of law, fair and transparent predictable facilitation of business environment, Hong Kong and Macao to enhance regional people's happiness.

1.4 To establish an open economic system in line with the international standards

According to statistics, the GDP of the Guangdong-Hong Kong-Macao Greater Bay Area totaled us \$1.51 trillion in 2017, and that of the Tokyo bay area was us \$1.77 trillion in 2015,

The New York bay area was \$1.65 trillion in 2016. The Guangdong-Hong Kong-Macao Greater Bay Area has begun to take the shape of a world-class bay area in terms of GDP. however, there is still much room for improvement in the areas of high-quality economic development and soft environment for investment and trade. In the context of economic globalization and the building of a new pattern of all-round opening-up, the Guangdong-Hong Kong-Macao Greater Bay Area needs to continuously improve and create a world-class business environment featuring internationalization, rule of law and facilitation, and enhance its participation in international economic cooperation and competition. A large bay area of Guangdong in a more open attitude, in a larger scope of attracting foreign investment and economic and trade exchanges, must need to have a more unified, more authoritative, more international credibility mechanism to settle disputes, not only solve the civil and commercial disputes between Guangdong province, Hong Kong, need to provide convenience to resolve international commercial disputes and promote judicial cooperation mechanism, perfect, Hong Kong and realize the complementary advantages, to build with Chinese characteristics highly influential international commercial dispute resolution center, will be an important guarantee for the Guangdong-Hong Kong-Macao Greater Bay Area to go global.

II. Difficulties in judicial cooperation and judicial security in the Guangdong-Hongkong-Macao greater bay area

With the integration and development of the economy in the Guangdong-Hong Kong-Macao Greater Bay Area in recent years, the conflict between “one country, two systems” and “three jurisdictions” has been embodied as a conflict of rule of law, not just a conflict of “legal system” at the legislative level, The need for integration and development in the legal service industry and other fields is also becoming stronger and more necessary. The conflict in the legal field, or the state of isolation, has become a barrier to economic and social integration and development, which has greatly increased the cost of economic and social development and affected the realization of goals such as resource sharing, factor mobility, talent exchange, efficiency improvement, and mutual benefit.

2.1 Discrepancy in legal systems

Under the policy of “one country, two systems”, the mainland, Hong Kong and Macao belong to three different jurisdictions. The mainland belongs to the socialist law system, while Macao belongs to the civil law system. The mainland and Macao are relatively close in legal system, both of which belong to the written law system, and their legal traditions are relatively similar. However, Hong Kong follows the common law system of the United Kingdom, which is mainly based on the application of case law and supplemented by the enactment of law. From the perspective of the application of law, the three regions are located in different customs areas and subject to the relevant provisions of international law. (Zhang Liang & Li Dong-Ming 2018) Taking the cooperation between Guangdong, Hong Kong and Macao as an example, the financial industry in Hong Kong operates in a mixed operation, with no restrictions on bank funds entering or leaving the securities market, while the financial industry in the mainland operates in a separate operation, with separate banking, securities and insurance. (Zhang Shu-tin 2017) In addition, the Hong Kong open-minded to the foreign exchange control, restrictive measures were very small, and the mainland represents system, two major conflicts between the legal system of financial management, financial cooperation activities in the mainland and Hong Kong, the business subject to dispute occurs after the judicial referee expectations have bigger difference, is not conducive to promote the legitimacy of the cross-border commercial activities. Therefore, the differences in legal systems and systems between the mainland and Hong Kong and Macao greatly affect the in-depth development of judicial cooperation and the unity of the rule of law in the greater bay area.

2.2 Unsound judicial cooperation

In terms of the judicial cooperation arrangement between the mainland and Hong Kong in the civil and commercial fields, a major breakthrough has been made in recent years. At present, the mainland and Hong Kong has signed a mutual entrusted to civil and commercial judicial documents and execute the arbitral award, the parties to the mutual recognition and enforcement of judgments, agreement jurisdiction of civil and commercial cases civil and commercial cases entrust extracting evidence, each other mutual recognition and enforcement of marriage and family civil case judgment, mutual recognition and enforcement of civil and commercial cases judgment and so on six arrangement. Among them, on January 18, 2019 the mainland and Hong Kong signed about the arrangement of mutual recognition and enforcement of civil and commercial cases judgment, the most widely in the field of civil and commercial judicial assistance in terms of coverage, maximum limit will be civil and commercial matters included in the scope of mutual recognition and enforcement, including the item will not money and part of the intellectual property cases judgment include, at the same time to apply for recognition and enforcement of the program and the way to make detailed regulations, would effectively reduce the Hong Kong-related civil and commercial trial problems such as parallel litigation, reduce complaints, promote the development of high quality large bay area economy. But still remains to be further perfect, such as, bankruptcy and liquidation cases not included in the scope of recognition and enforcement, in the mainland and Hong Kong's economy closely, commercial registration reform background, many Hong Kong-invested enterprises weak ability to resist risk bankruptcy case, how to protect the interests of creditors in the cross-border recognition and enforcement referee need further thinking; As for the provisions that the requested court can recognize the execution of part of the judgment, this is essentially the entity division of the recognition and execution of the judgment. How to determine the standard and method of the division? Currently, there is no such practice in the mainland, and the supreme people's court needs to issue a judicial interpretation on this issue and other further details. There are big differences between the mainland and Hong Kong in trust, insurance and other businesses. When disputes arise, it is easy to lead to the problem of "selecting a court", which deviates from the value goal of "consistency of judgment results" and damages the stability and security of commercial order in the Greater Bay Area. The different civil limitation of action between the mainland and Hong Kong may still lead to the prosecution and support of cases that have passed the limitation of action in the mainland, and there are certain legal obstacles to the recognition and enforcement of Hong Kong judgments by the mainland.

2.3 The imperfection of the cross-border dispute settlement mechanism of legal services

It is not conducive to build internationalized, under the rule of law, the facilitation of business environment in recent years, the mainland and Hong Kong and Macao's economic and trade cooperation in enhanced gradually, from the Guangdong cooperation framework agreement, the way cooperation framework agreement to the mainland and Hong Kong and Macao on the closer economic partnership arrangement (CEPA) and a number of sup agreement, the signing and implementation of these framework agreements have achieved good results, but the service mechanism of cross-border dispute settlement is not perfect enough. CEPA and its series of agreements are only a general document. For the dispute resolution in the construction of the Guangdong-Hong Kong-Macao greater bay area, there are still some problems such as lack of comprehensive system and operability, which need to be constantly improved and refined in economic and trade cooperation. For example, the CEPA agreement does not establish procedures and procedures for dispute settlement. (Dai Zhong-Xian, & Zeng Xian-hui 2018). To some extent, it affects the judicial organs to properly and quickly handle civil and commercial disputes in the construction of the Guangdong-Hong Kong-Macao Greater Bay Area. Second, lawyers from Hong Kong and Macao are restricted from practicing in the mainland. In July 2015, Shenzhen free trade zone released the implementation plan for the construction of China (Guangdong) pilot free trade zone Shenzhen free trade zone, which clearly supports the promotion of the joint venture of Guangdong-Hong Kong-Macao law firms. Currently, mainland and Hong Kong-Macao law firms have successfully practiced the joint venture in Guangdong free trade zone. But according to the provisions of the civil procedure law, Hong Kong and Macao law only as a lawyer (citizenship) as the mainland civil lawsuit agent, agent of citizens and employees can only be limited to, close relatives or unit, the Hong Kong lawyer become the close relatives of

the parties or unit staff possibility is very small, therefore, Hong Kong and Macao by the lawyer's scope is limited by the more essentially, is not conducive to meet the demands of Hong Kong and Macao business subject of justice.

2.4 The smaller scope of authority of Guangdong in promoting judicial cooperation, and the initial exploration of regional experience

According to the rules of international law, judicial assistance, as a matter of state sovereignty, is an act of judicial assistance performed by a state. Under the background of "one country, two systems", interregional judicial assistance has its own characteristics. Article 95 of the Hong Kong basic law, Macao basic law the 93th regulation "special administrative region with the rest of the country's judicial organs through consultation in accordance with the law and judicial aspects of mutual assistance", the rules for Hong Kong and Macao and the mainland to carry out the judicial assistance provided a legal basis, also said that Hong Kong and Macao in the judicial cooperation of permissions is opposite bigger, but the rule is authorized for Hong Kong and Macao special administrative region, for a large bay area of Guangdong, Guangdong province, is not a clear mandate for the time being. According to China's constitution and the basic law of the special administrative region of the NPC standing committee, Hong Kong and Macao already enjoy a higher degree of autonomy than the mainland provinces. Such differences under the background of "one country, two systems" are also challenges for Guangdong to actively explore regional judicial cooperation arrangements.

The construction of a more efficient, authoritative, convenient and diversified commercial trial mechanism related to Hong Kong and Macao is an important manifestation of serving the country's opening-up strategy and the construction of the Guangdong-Hong Kong-Macao greater bay area. Although the supreme people's court has issued many documents to guide the deepening of the reform, there is a certain lag in the provisions, and local courts will still face certain difficulties in promoting the reform of the trial mechanism related to Hong Kong. To improve the efficiency of delivery Hong Kong-related civil and commercial cases, for example, draw lessons from Anglo-American law system, to the party to explore served by the parties themselves or entrust lawyers in Hong Kong, but because of the way the current law has significant breakthrough, practice can only be taken by the party put forward the application of this kind of new way of service, which no doubt adds to reform effect is affected. In addition, in order to enhance the efficiency of litigation in cases involving Hong Kong, we should explore the restraint mechanism of compulsory defense, discovery of evidence, and improper rejection of reasonable settlement plan. As it involves the handling of the parties' substantive rights and interests, there is still insufficient legal basis. How to give full play to the local legislative power within the maximum limit of the law and allow and promote the local court to make valuable exploration and breakthrough is an urgent problem to be clarified and solved.

III. Suggestions for deepening judicial cooperation and judicial protection in the Guangdong-Hong Kong-Macao Great Bay Area

Overall, a large bay area of Guangdong in judicial cooperation should be broadly judicial cooperation, and not just the judicial assistance should be covered the unity of the legislation and docking, rules, procedures of harmony, the flow of resources, information sharing and so on aspect of judicial cooperation and the safeguard of the purpose is to enhance the overall competitiveness of the rule of law in a large bay area of Guangdong, in order to promote regional economic and social development.

3.1 Giving full play to the initiative of local legislation and enhance the vitality of "legal governance" in the greater bay area

"One of the basic functions of legal adjustment is to fully mobilize the enthusiasm, initiative and creativity of social subjects through the formulation and implementation of authorized norms, so as to make social vitality burst forth. (Gong Peixiang 2016) It should be said that the outline of the plan only sets up the framework of the greater bay area, which is macroscopic and principled. However, compared with the new problems arising from

the rapid development of the greater bay area, it has a certain lag, leading to the insufficient supply of legal products. "Legislation is not only a passive response to practice, should be more proactive planning was carried out on the social reality and the reform process, forward-looking planning and promoting", (Wang Lequan2014) legislation safeguard is in the central united under the premise of the effective methods of local governance, but not give legitimacy, innovation is also endowed with authority and effectiveness, can escape liability to a certain extent prevent, inaction, and so on and so forth. There are also explorations in regional cooperation in other countries. For example, the United States interstate agreement is the main form of regional cooperation, once it enters into force, it is included in state codes and even national codes. (Liu Yanling2016)According to the provisions of the constitution and the basic law, Hong Kong and Macao enjoy the legislative power, while Guangdong enjoys the local legislative power. In the construction of the greater bay area, the legislative power of the three regions should be given full play to in order to realize the organic connection between legislation and reform. For example, the outline of the plan mentions in strengthening cooperation in legal affairs that "the legislative power of the special economic zone should be rationally used, the legal system should be built to adapt to the development of an open economy should be accelerated, and the judicial cooperation and exchanges between Hong Kong and Shenzhen should be strengthened." Under this goal, the provisions of the existing civil procedure law can be broken through by means authorized by the National People's Congress, and the courts in a certain region of Guangdong can be piloted to allow lawyers from Hong Kong and Macao to act for cases involving Hong Kong and Macao.

3.2 Building judicial dominance and fostering an open and inclusive business environment for the development of the Guangdong-Hong Kong-Macao greater bay area

Among the world bank's top 10 indicators of business environment, "execution of contracts" and "handling of bankruptcy" are two indicators directly related to the rule of law. In addition, indicators such as financial credit, intellectual property protection and shareholder litigation facilitation are also related to the rule of law. In modern commercial society, the commercial subject anticipates the judicial evaluation of its own similar behavior through the judgment result of the case. (Hu Daocai, 2011)It should be said that the judicial guarantee of fair market competition and the level of openness and innovation have a direct impact on the evaluation of the business environment of a region or even a country. The court should attach importance to the important value of commercial judgment in establishing rules of conduct and standardizing and guiding market behaviors, so as to stimulate the economic vitality of the region. First of all, we will ensure investment and trade liberalization and facilitation in the greater bay area. We will support the policies of the Guangdong free trade zone to substantially ease market access and open the service sector wider to the outside world, and equally protect the legitimate rights and interests of foreign businesses in related industries in accordance with the law. In light of the transformation, upgrading and development of trade operations in free trade zones, we will promptly adjust the judgment scale, properly handle trade disputes, and promote a more convenient and liberalized trade environment. Second, establish a strict judicial protection system for intellectual property rights in Guangdong, Hong Kong, Macao and Dawan District. The outline of the plan calls for strengthening the protection and application of intellectual property rights, and requires Shenzhen to speed up its efforts to build itself into a modern, international city and a world-influential city of innovation and creativity. Based on the reality of Guangdong reform and opening up pilot zone and the construction of science and technology, industrial innovation center, give full play to the leading role of judicial protection of intellectual property rights, strengthen the legal issues of intellectual property protection in emerging areas, and strengthen the protection of emerging areas such as parallel imports of free trade zones, transshipment and transit, licensing and processing. We will strengthen cooperation with the intellectual property forensic expertise institute and other institutions to give full play to their respective advantages and effectively solve the problems of "difficulty in obtaining evidence, proving evidence and issuing evidence". We will explore the selection of technical investigators with professional knowledge in the court by means of employment and outsourcing to enhance the professionalism of intellectual property trials. Third, pay attention to the free trade zone enterprises under the rapid growth of the judicial protection. In combination with the rapid development of commercial factoring, financial leasing and

other new financial forms, the development of “implicit factoring”, “sale and leaseback” and other new forms of financial forms are encouraged and supported by the judgment, the relevant guidance of the judgment is formulated and improved, and the standard and guiding role of the judgment is strengthened to effectively prevent and defuse financial risks. We will strengthen research and judgment on the problems of enterprises' weak anti-risk ability under the commercial registration system, and pay attention to the guidance and punishment of enterprises' dishonest operations and workers' dishonest practices. In foreign-related cases involving Hong Kong, Macao and Taiwan, we will intensify the use of enforcement measures such as restrictions on entry and exit, effectively enhance the deterrence and effectiveness of enforcement, and provide high-quality judicial services for the high-quality economic development of the greater bay area.

3.3 Enhancing the openness of inter-regional commercial dispute settlement and grasp the initiative and right of speech of international judiciary

We will fully align our judicial concepts and rules with international economic and trade rules, improve the litigation mechanism for international civil and commercial cases, and constantly meet the judicial needs of commercial subjects at home and abroad. First, it fully reflects the openness and initiative of foreign-related commercial trials in Hong Kong, Macao and Taiwan. The expansion and balance of the jurisdiction of international civil and commercial cases is the eternal theme of foreign-related trials, which is related to the judicial ability of a country and directly affects the protection of the interests of domestic enterprises investing abroad. Countries with outward-looking economies will try to expand their jurisdiction, like America's “long arm”. In this regard, in the civil action involving Hong Kong, Macao and Taiwan, the law can flexibly grasp the connection points of the court under the jurisdiction of the agreement, so as to guarantee the autonomy of the parties within and outside the territory to choose the court by agreement. In addition, the court can explore the application of the “minimum connection principle”, actively exercise jurisdiction in accordance with the law, promote the establishment of an open international civil jurisdiction system of free trade zones and cooperation zones, and reflect the openness and discourse power of China's judiciary. As for the cases involving the Guangdong-Hong Kong-Macao greater bay area, as the three places belong to China, they need to be balanced in terms of jurisdiction. Under the framework of judicial cooperation arrangement between the mainland and Hong Kong and Macao, the supreme people's court and the judicial organs of Hong Kong and Macao need to further implement the cases by judicial interpretation and other means. In addition, we will further improve the expert database and case database identified by extraterritorial laws, improve the procedures for legal experts to appear in court to cross-examine, and the mechanism for the use of ascertained opinions, so as to enhance the ability and credibility of extraterritorial law identification. Second, take the trial of major foreign-related cases as the breakthrough to enhance the international influence of China's judiciary. In major cases as the breakthrough point, and improve the found on major sensitive cases, cultivating and trial mechanism, combining with the characteristics of export-oriented economy in Guangdong free trade zone and focus on trial of a batch of influential on jurisdiction, national and international commercial cases, especially those involving securities trust, private equity, factoring business and other new types of financial cases, and the admittance of foreign capital in the field of foreign investment restrictions and shares limited cases. Actively launch legal products and publicize them to the outside world, guide and regulate international trade, foreign investment and other market behaviors through the influence of judgment of major cases. Third, we should draw on the judicial experience from outside the region to promote the unity of the rule of law. Adhere to the development of theory of eclecticism, open innovation, giving full play to the advantages of Shenzhen, Guangzhou and Hong Kong and Macao's comprehensive and comparative advantages, pay attention to learn from Hong Kong and other places beneficial judicial system and judicial experience, such as Hong Kong attorney's fees to pay for conciliation system, compulsory defense system, constraint mechanism, etc., can be in foreign related to explore try in Hong Kong, Macao and Taiwan commercial cases, Hong Kong and Macao to gradually push the great unity of the rule of law in the bay area.

3.4 Deepening the unity of diversified dispute resolution, and further improve the commercial dispute resolution platform of the belt and road initiative and the Guangdong-Hong Kong-Macao greater bay area

From the experience of the United Kingdom, Singapore and other places, it can be seen that the establishment of commercial dispute resolution centers that are in line with the level of economic development is a necessary condition and inevitable requirement for creating a good law-based business environment. For example, Singapore established the Singapore international arbitration center in 1990, the Singapore mediation center in 1997, and the Singapore international commercial court in 2015, with the goal of making Singapore an international commercial dispute resolution center in Asia and the Pacific. (Zhang Shutin 2018) A large bay area of Guangdong is committed to building the world's fourth largest bay area, build unified smooth diversified dispute resolving mechanism, integrate resources, the mediation of the mainland and Hong Kong and Macao to promote formation of litigation, mediation, arbitration is smooth cohesion and interaction platform for the dispute resolution, is a commercial dispute resolving crack, will enhance the overall competitiveness of the large bay area. First, we should promote the formation of a unified and coordinated mediation mechanism between Guangdong, Hong Kong and Macao. In this regard, "One Belt and One Road" international commercial litigation docking center has rich exploration experience, promoting the establishment of a wide range of mediation platforms with Hong Kong mediation mechanism, and inviting foreign and Hong Kong, Macao and Taiwan mediators to participate in the mediation, which reflects the elements of internationalization. The exploration of the grass-roots court limited after all, the proposal can be led by the Guangdong provincial high court, play to the judicial role, and Hong Kong and Macao regions of the judiciary, arbitration and mediation organization exchanges and cooperation and promote the establishment of unified standard, equal protection, mutual acceptance of interregional diversity of dispute resolving mechanism, with international mediation practice in terms of the rules of conciliation, in institutions, conciliation procedures, standards, organization, personnel, etc all over Hong Kong and Macao to fully embody the participation and voice. To establish a unified qualification certification system for mediators; Improve the roster of mediators and enhance the regional mobility of mediators; Establish a unified evaluation system for the professional level of the mediator, and improve the professional and professional level of the mediator; Break the regional limitation of mediation, expand the scope of judicial confirmation, and so on. Second, enrich the mediation mode of interregional commercial disputes. We will support commercial mediation organizations, industrial mediation organizations and lawyers' mediation organizations to operate in the market, further expand the number of lawyers' mediators in the mainland, Hong Kong and Macao, support the collection of mediation fees from the parties concerned, and provide regular training to stimulate the professionalism and professionalism of relevant mediation organizations. We will expand the scope of mediation involving Hong Kong, Macao and Taiwan nationals and foreign mediators in foreign-related cases involving Hong Kong, Macao and Taiwan, improve the joint mediation mechanism for commercial disputes, such as "Hong Kong, Macao and Taiwan nationals and foreign mediators + mainland mediators" and "Hong Kong, Macao and Taiwan nationals and foreign mediators + mediation judges", and improve the efficiency of dispute resolution.

3.5 Promoting the mobility of legal talents from Guangdong, Hong Kong, Macao and other places to provide intellectual support for the construction of the greater bay area

Emphasizing the fluidity of legal talents is not only an advantage of integrating regional legal resources, but also an effective output of regional laws to enhance the internationalization of legal services. First, pay attention to the role of senior lawyers, expert jurors and other legal talents in Hong Kong. To explore the selection and management mode of term judges, and enhance the interaction and communication between the court and lawyers, lawyers in Hong Kong and other places. Invited Hong Kong retired judges, senior counsel teaching common law judge knowledge, encourage judges to participate in international exchanges and the rule of law of interregional judicial activities such as BBS, expand the judge international vision, cultivate a batch on the international front, the international civil and commercial law theory and influential in the field of intellectual

property trial judge, promote foreign related Hong Kong, Macao and Taiwan the internationalization level of trial. We will improve the system for jurors of Hong Kong and Macao nationality, further expand the scope of selection and appointment, To recruit people from Hong Kong and Macao with professional and technical backgrounds to join the jury team and give full play to the role of expert advice to provide intellectual support for the development of the Guangdong-Hong Kong-Macao greater bay area. Second, establish and improve the system of expert committee on international commercial cases. We should give full play to the geographical and policy advantages of Shenzhen and Guangzhou, actively recruit experts and scholars from various fields within and outside the region, and establish international commercial case expert committees in provincial courts, municipal central courts and free trade zone courts, so as to give full play to the advisory role of expert committees. In foreign-related commercial cases involving Hong Kong, Macao and Taiwan, the parties choose experts for mediation according to the principle of autonomy of will to improve the efficiency and credibility of dispute resolution. Third, we will continue to promote the internship program for law students from Hong Kong and Macao to work in mainland courts. Encourage more to court to carry out the practice in Guangdong, Hong Kong law by the judge for the tutor of internship mechanism, enhance Hong Kong's legal understanding of mainland legal system, national sense of belonging and identity, in the respect in the legal system, rule of law culture and other differences, on the basis of better condensed consensus under the rule of law, power reserve talents for China's rule of law construction.

3.6 Facilitating the smooth judicial cooperation between Guangdong, Hong Kong and Macao and further enriching the essence of “one country, two systems”

In the process of the construction of the Guangdong-Hong Kong-Macao greater bay area, the differences of the applicable legal system and culture in three different legal areas are fully considered. The court of Guangdong free trade zone is the window of foreign judicial exchange, which should actively play the role of judicial mutual assistance, cooperation and exchange, identify the focus of work, and timely respond to the judicial needs of commercial subjects in the construction of the greater bay area. First, to promote better recognition and enforcement of civil and commercial judgments in Hong Kong and the mainland. The recognition and enforcement of the judgments of the courts in Hong Kong and the mainland affect the vital interests of the people in the two places. Although the mainland and Hong Kong have signed the mutual assistance arrangement of recognition and enforcement of civil and commercial judgment, there are still many problems to be solved in practice. For matters that have not been included in the mutual assistance arrangement, it is suggested that the principle of reciprocity should be adopted to explore preferential measures and promote the mutual recognition and implementation of judgments, so as to create a good atmosphere for further improving the judicial cooperation mechanism. Second, Hong Kong lawyers should be explored to appear in court on the mainland as lawyers. With the close cooperation between the mainland and Hong Kong's economy, more and more commercial subjects of Hong Kong citizenship want to hire Hong Kong lawyers to appear in court on the mainland in commercial cases involving Hong Kong. At present, there are also quite a few lawyers in Hong Kong who are proficient in using Chinese as the working language, understand the laws and cases of the mainland, and have the corresponding professional ability to participate in the settlement of commercial disputes related to Hong Kong in the mainland as legal experts or agents. In this regard, it is suggested that Hong Kong lawyers from Guangdong joint law firms should first be explored. Hong Kong lawyers from Guangdong joint law firms should appear before the court of Guangdong free trade zone to support the litigation of civil and commercial cases related to Hong Kong, and timely respond to the judicial needs of commercial subjects. Third, establish the Guangdong-Hong Kong-Macao greater bay area judicial cooperation platform. In order to better promote judicial cooperation between the mainland and Hong Kong and Macao, it is suggested that the central government authorize the establishment of an inter-regional judicial cooperation platform between Guangdong, Hong Kong and Macao to coordinate administrative, law enforcement and judicial issues. We will establish a sharing and exchange mechanism for judicial information between Guangdong, Hong Kong, Macao and the three regions to connect judicial cases, laws and regulations. We will establish a regular cooperation, exchange

and consultation mechanism to better study, negotiate and resolve the difficulties encountered by the three places in judicial cooperation.

Conclusion

It should be said that at present, the theoretical research and judicial practice of Guangdong, Hong Kong, Macao and Dawan district are still in the initial stage. Different from the study of general legal issues, the judicial cooperation and judicial guarantee of the Guangdong-Hong Kong-Macao greater bay area are related to the issue of "legal governance" and more depend on the reform and development degree of the social economy of the bay area. As the greater bay area is not a common sense of regional cooperation, the "one country, two systems" and "three legal areas" are based on the fact that there is no precedent and no model for development. Therefore, must be more complex, special, reform exploration is more difficult. However, as long as the Guangdong-Hong Kong-Macao greater bay area adheres to the basic core and common vision of complementary advantages, mutual benefit, win-win cooperation and Shared development, the Guangdong-Hong Kong-Macao greater bay area will achieve the goal of building a world-class bay area and a world-class city cluster.

References

- [1.] Dai Zhongxian, &Zeng Xian-hui. (2018). Problems and countermeasures in the legalization of business environment in Guangdong, Hong Kong, Macao and Dawan district, *Exploration*, (6), 48-51.
- [2.] Gong &Peixiang, (2016). *A serious approach to the development of regional rule of law", research on the development of regional rule of law*, Law press, 13-14.
- [3.] He Qisheng, (2017). The judicial concept of great powers and the development of China's international civil procedure system, *Chinese social science*, (5), 120-124.
- [4.] Hu Daocai, (2011). Promoting social management innovation by giving full play to the regulation and guidance function of commercial trial, *People's justice*, (1), 36 - 39.
- [5.] Liu Yanling, (2016) *Legal analysis of intergovernmental cooperation in the coordinated development of Beijing, Tianjin and Hebei*, in the principle and mechanism of the rule of law of regional intergovernmental cooperation, Law press, 119.
- [6.] Wang Lequan, (2014). The relationship between reform and the rule of law. *Chinese law*, (6), 18-21.
- [7.] Wei D, Z, et al. (2018) *The Road Ahead: A Study on the Development of the Guangdong-Hong Kong-Macao Great Bay Area*, China Social Sciences Press: 52.
- [8.] Zhang Liang&LiDong-ming (2018). Legislative guarantee of the Guangdong-Hong Kong-Macao Greater Bay Area, *The study of local legislation*, (4).
- [9.] Zhang Shu-tin. (2017).Legal conflicts and legal cooperation in the construction of city clusters in the Guangdong-Hong Kong-Macao Greater Bay Area, *Hong Kong and Macao studies*, (3): 19-23.
- [10.] Zhang Shutin, (2018) . More than 20 years of Guangdong-Hong Kong-Macao legal cooperation: achievements and prospects, *Rule of law and society*, (4), 39-48.