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## Commercial Law of the People's Republic of China

Patricia Blazey and Kay-Wah Chan

Thomson Reuters

588 pp \$89.00

Reviewed by Ian Duncan

This book gives a thorough review and analysis of the evolution of China's civil law in the context of China's rapidly-changing economic and social landscape during recent decades, together with a comprehensive and academically rigorous presentation of China's current and still rapidly-changing commercial law.

The authors' and contributors' collective extensive experience as practising lawyers and advisors to government and to private business in China, and their extensive academic research on all aspects of law in China, has been combined to produce this accurate and timely book for lawyers, for business people, and for governments dealing with commercial interests in and from China.

As a non-Chinese lawyer reviewing this book, I gratefully acknowledge the assistance I have received from Chief Justice Zheng Tongbin of the People's Court of The People's Republic of China. The Chief Justice has kindly given his valuable time to be together with me in China, reviewing the history, policies, facts, laws, references and commentaries as stated in this book. Apart from his comments that readers must be aware of the ongoing changes to the commercial law as stated in the book, the Chief Justice regards this book as an accurate, insightful and useful study of China's civil and commercial law in the context of the continuing development of China's socialist market economy.

This 588-page book incisively and comprehensively covers;

### China and its Legal System

- 1 China's legal and policy challenges in the 21<sup>st</sup> century
- 2 The significance of China's Five Year Plans
- 3 The Communist Party, the State and the Constitution
- 4 The Chinese socialist market economy's legal system
- 5 The legal profession and legal market in 21<sup>st</sup> century China

### General Commercial Law Areas

- 6 The appropriate Contract Law for a specific commercial purpose
- 7 The importance of Agency Law
- 8 The Law of Ownership – the new Property Rights Law
- 9 Intellectual Property Law
- 10 Developments in Consumer Law – food safety
- 11 Labour Law reforms
- 12 Company Law – State-owned enterprises and private sector companies
- 13 Company Law – corporate governance and social responsibilities
- 14 Franchise Law in China
- 15 Competition Law and policy
- 16 Income Tax in China
- 17 Arbitration and Mediation in China

### Foreign Investment in China

- 18 Foreign Investment Policies and Investment Vehicles
- 19 Foreign Investment Structures – China-Foreign Equity Joint Ventures, China-Foreign Contractual Joint Ventures & Wholly Foreign-Owned Enterprises
- 20 Foreign-Funded Joint Stock Limited Companies
- 21 Foreign-Funded Partnerships

## **Environmental Law**

- 22 Legal Responses to Deforestation and Desertification
- 23 Energy and Clean Energy policy and law in 21<sup>st</sup> century China
- 24 Environmental Protection
- 25 Water Supply and Pollution
- 26 Waste Disposal

The authors and contributors to this book have comprehensively and accurately addressed the policies, laws, regulations, culture, and practical realities affecting domestic and international commerce in China, which operates within a Chinese social and economic environment undergoing rapid and complex change.

This excellent book addresses how and why China's rapid socio-economic development has produced China's unique cultural, socio-economic and business law environment, and examines the issues facing Chinese and foreign businesses operating in this environment. Any foreign business person operating in China, and any lawyer outside China, advising a client who is operating in China or doing business with a Chinese business entity, needs to understand that Chinese environment, and will find this book a valuable contribution towards doing so.

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[Ian Duncan is a Hobart-based lawyer and consultant at M+K dobson mitchell allport lawyers. He previously lived in China, teaching law, and working for the Chinese Government on China's membership of the World Trade Organisation, and has been advising government, businesses, franchises and joint ventures in China since the 1980s.]