



□. NCP Outbreak: Updated Quarantine Rules for Inbound Oversea Travelers

Recently, to prevent the Covid-19 epidemic from bouncing up again, the relevant authorities in China announced new quarantine requirements on inbound overseas travelers:

Beijing (14+7+7):

14 days centralized quarantine¹ + 7 days home or centralized quarantine + 7 days health monitoring²

Shanghai (7+7):

7 days centralized quarantine + 7 days home quarantine

Guangzhou (14+7):

14 days centralized quarantine + 7 days home quarantine

Tianjin (14+7):

14 days centralized quarantine + 7 days home quarantine.

If you would like more details, please feel free to contact us at asiallians@asiallians.com. Please note that the policies are rapidly evolving, and Asiallians is closely monitoring the relevant policy and will update you promptly if any changes.

- <http://bj.bendibao.com/news/2020916/280836.shtm>
- <https://www.chinanews.com/gn/2020/09-10/9287838.shtml>
- <http://gz.bendibao.com/news/2021119/content286082.shtml>
- <https://baijiahao.baidu.com/s?id=1688731625510376059&wfr=spider&for=pc>

□. Legal News:

1. China Intends to Improve Judicial Services in Hainan

On January 15, 2021, the Supreme Court (the “SPC”) released a general guidance for improving the judicial services in Hainan so as to speed up the development of Hainan Free Trade Port (“Hainan FTP”).³

We highlight some of interesting contents worth your attention.

- (1) Hainan will build Hainan Foreign Civil and Commercial Court dealing with Foreign/Hong Kong/Macao/Taiwan-related civil and commercial case.⁴
- (2) For evidences formed abroad, before submitting to China courts, notarization and legalization process shall normally be requested. Hainan will try to exempt the notarization and legalization process under several circumstances in the future.⁵
- (3) For evidences prepared in English, normally they need to be translated into Chinese before submitting to China courts. Hainan may exempt the translation under certain circumstances.⁶
- (4) Hainan will promote the Intellectual Property Court which will cover civil, commercial, administrative cases, and certain criminal cases around IP disputes.⁷
- (5) Hainan will promote the Haikou Maritime Court which will cover civil, commercial, administrative cases, and certain criminal cases around maritime disputes.⁸

Asiallians will keep trace of following adjudication practice in Hainan FTP and keep you posted timely.

<http://www.court.gov.cn/zixun-xiangqing-284531.html>

2. SPC Clarifies How to Apply Civil Code

China’s first Civil Code came into effective as of January 1, 2021, and on the same day, a judicial interpretation⁹ was effective simultaneously to clarify when and how to apply the Civil Code (the “Interpretation”).

According to the Interpretation, the general rule is that the Civil Code shall NOT be retrospectively applied for the legal facts occurred before 2021¹⁰; however, under certain circumstances, Civil Code can still be applicable. For example, according to the Civil Code, victims who voluntarily participate in risky recreational or sports activities shall not request other participants to bear tort liability, unless the damage is caused by intentional misconduct or gross negligence by others. This is a new rule regulated in China and according to the Interpretation, it shall be retrospectively applied even if the recreational or sports activities were occurred before 2021.

The very first Civil Code case was adjudicated in Beijing on January 4, 2021 and it is also in relation to “voluntary participation of risky activities”. In this dispute between two individuals where the plaintiff’s right eye was injured during a badminton match, the court did not rule in favor of the Plaintiff’s based on the Interpretation, that is, even the badminton match occurred in April 2020, the Civil Code shall still be applicable.¹¹

According to the Interpretation, the Civil Code shall be retrospectively applied under many circumstances, e.g. subrogation succession, standard terms in contract, validity of contract, urgent detaining property, etc.

If you want to know if the new Civil Code be applicable to your case, please feel free to contact us at asiallians@asiallians.com.

- <http://www.court.gov.cn/fabu-xiangqing-282051.html>
- <http://www.court.gov.cn/zixun-xiangqing-282401.html>

Should you have any inquiry about the above legal news, please contact us at asiallians@asiallians.com. As always, Asiallians remains at your service and our teams are currently mobilized in all our offices in Mainland China, in Hong Kong and in Taipei.

- 1. It refers that travelers are quarantined in a designated place, such as hotel, and the designated place shall have proper location and be equipped with qualified medical facilities.
- 2. It refers that travelers shall avoid unnecessary going outside and take nucleic acid test regularly.
- 3. the Supreme Court (the “SPC”) released the Opinions on the People’s Court’s Provision of Judicial Service and Guarantee for the Construction of the Hainan Free Trade Port (the “Opinions”) with immediate effect
- 4. Article 8 of the Opinions
- 5. Article 8 of the Opinions
- 6. Article 8 of the Opinions
- 7. Article 21 of the Opinions
- 8. Article 6 of the Opinions
- 9. On December 29, 2020, the SPC released the Provisions on Validity of Time in the Application of Civil Code (the “Provisions”) which has taken effect simultaneously with the Civil Code on January 1, 2021 (the “Implementation Date”).
- 10. Generally, under PRC jurisprudence, any law does not have retroactive force, except for better protecting the rights and interest of citizens, legal persons, and other organizations. Article 93 of PRC Legislative Law Article 16 of the Interpretation and Article 1176 of Civil Code
- 11. Article 16 of the Interpretation and Article 1176 of Civil Code The court is not in favor of Mr Song whose eyes were injured during a badminton match by citing Article 1176 of Civil Code:

<https://baijiahao.baidu.com/s?id=1687923419694762589&wfr=spider&for=pc>

Feel free to contact asiallians@asiallians.com for more information.

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