



I. Legal News:

FDI: China Issued First Hainan Overseas Services' Negative List

The Ministry of Commerce issued the Special Administrative Measures (hereinafter referred to as "Negative List") for Cross-border Trade in Services in Hainan Free Trade Port for implementation from August 26, 2021¹.

These measures include 11 categories, covering 70 special measures, and for areas not included in the Negative List, domestic and overseas service providers will be treated equally and enjoy equal market access in Hainan Free Trade Port.

11 categories and corresponding number of special measures are detailed as follows:

- I Agriculture, forestry, animal husbandry and fishery (1)
- II Construction industry (1)
- III Wholesale and retail (2)
- IV Transportation, storage and postal (13)
- V Information transmission, software and information service (6)
- VI Financial services (17)
- VII Rental and business services (12)
- VIII Scientific research and technical services (4)
- IX Education (2)
- X Health and social work (1)
- XI Culture, sports and entertainment (11)

Hereunder are a few outstanding examples:

Category	Special measures
Constructions	Overseas service providers are not allowed to provide construction and related engineering services.
Wholesale and retail	Overseas service providers are not allowed to sell veterinary drugs, animal feeds, feed additives and pesticides, unless sell via sales agencies in China
	Overseas service providers are not allowed to engage in the business in relation to tobacco leaves/products
Culture, sports and entertainment	Overseas service providers are not allowed to engage in the business of editing, publishing or producing books, newspapers, etc., Except for contents of accession China's WTO commitments.
Rental and business services	Overseas service providers are not allowed to provide human resources services /directly recruit employees to work abroad.

<http://www.mofcom.gov.cn/article/zwgk/zcfb/202107/20210703180049.shtml>

II. Hot Topic:

Education: Stricter Rules on Curriculum Subject-tutoring Institutions and Foreign Teachers

The General Office of the Central Committee of the Communist Party of China and the General Office of State Council have recently distributed the Opinions on Further Easing the Burden of Excessive Homework and Off-campus Tutoring for Students Undergoing Compulsory Education (hereinafter referred to as "the Opinions"). We list the following highlights of the Opinions:

- (1) Curriculum subject-tutoring institutions shall be prohibited from listing or financing. It means that these institutions are prohibited from going public for financing or conducting any capital-related activities, and investment in these institutions by any listed companies shall also be prohibited.
- (2) Any new curriculum subject-tutoring institutions training students under China's nine years of compulsory education will no longer be approved by local authorities.
- (3) All existing curriculum subject-tutoring institutions are requested to be registered as non-profit institutions.
- (4) Online curriculum subject-tutoring institutions are not allowed to hire foreign teachers outside China.
- (5) Curriculum subject-tutoring institutions are not allowed to occupy national statutory holidays and winter and summer holidays to organize training.

The Opinions will be implemented in nine cities² first and then gradually to be implemented nationwide.

http://www.gov.cn/zhengce/2021-07/24/content_5627132.htm

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¹. Different from the National Negative List focusing on restrictions of incorporation of enterprises, the Overseas Services' Negative List focuses on cross-border trade in services.

². Beijing, Shanghai, Shenyang, Guangzhou, Chengdu, Zhengzhou, Changzhi, Weihai, Nantong.

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