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沿线若干国家案例分析

于立新 王寿群 陶永欣 主编

**National Strategy:  
Policy and Investment of  
"Belt and Road" Initiative**  
Case Analysis of Several Countries  
along the Routes



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**于立新** 中国社会科学院对外经贸国际金融研究中心主任,中国社会科学院财经战略研究院研究员、博士后合作导师,中国服务贸易协会专家委员会副秘书长,中国世界贸易组织研究会理事。主要研究领域为服务贸易理论与政策、国际经济、WTO规则与运行机制等。发表论文、研究报告数百篇,出版专著、合著多部,获第十八届“安子介国际贸易研究奖”优秀著作奖等国家省部级优秀成果奖多项。主持和参加国家社科基金、中国社科院、中央各部委重点课题及世界银行合作项目累计60余项。



**王寿群** 华商林李黎(前海)联营律师事务所执行合伙人,中华全国律师协会经济专业委员会委员,深圳律师协会第八届金融保险法律业务委员会主任,深圳仲裁委员会仲裁员。担任深圳市前海深港现代服务业合作区管理局、深圳市投资控股有限公司、中粮招商局(深圳)粮食电子交易中心等政府部门和大型企业的法律顾问,重点从事金融证券、投资并购等法律业务,曾参与《前海金融信息安全保护条例》和《关于促进前海深港现代服务业合作区融资租赁业发展的暂行办法》等立法项目。



**林新强** 香港林李黎律师事务所的创始合伙人，也是华商林李黎（前海）联营律师事务所的管理合伙人。曾留学英国七年并拥有中国香港以及英国、新加坡的律师资格。自2003年起，获中华人民共和国司法部委任成为中国委托公证人。是香港太平绅士亦担任香港律师会会长（2013—2014），现为广东省粤港澳合作促进会副会长、全国港澳研究会会员、中华司法研究会理事、深圳市前海深港现代服务业合作区管理局第一届法律专业咨询委员会委员及深圳市中级人民法院率先基本解决“执行难”第三方评估团成员。亦先后成为中国国际经济贸易仲裁委员会、广州仲裁委员会、厦门仲裁委员会及华南国际经济贸易仲裁委员会（深圳国际仲裁院）之仲裁员。



**邹国荣** 霍金路伟事务所北京办公室合伙人，活跃于各个法律领域，包括并购、外资企业的设立市场准入及国际贸易等。在为跨国公司和投资者对中国公司的法律及财务状况做尽职调查指导方面具有非常丰富的经验。与负责商业交易相关的中国政府机关保持着密切的联系，还协助相关中国公司或政府机构在美国应诉等相关的调查或诉讼。

邹律师在加入霍金路伟律师事务所之前曾在中华人民共和国外交部条法司工作过七年。期间参与了众多双边和多边条约的起草和谈判工作，还曾被派驻国外工作。



**郭建军** 山西太原人，西南政法大学法学博士。酷派集团原副总裁兼首席法务官，中国国际经济贸易仲裁委员会仲裁员，华南国际经济贸易仲裁委员会（深圳国际仲裁院）仲裁员，深圳市第六届人大代表，中国政法大学企业法务管理研究中心研究员。精通德语、英语。曾任中兴通讯股份有限公司法律与合规部部长，创立了中兴通讯的全球法律风险防控体系。曾主编《中国海外投资法律风险指引》。

## 前 言

当今世界正发生复杂深刻的变化,国际金融危机的深层次影响继续显现,世界经济复苏缓慢,发展分化,国际投资贸易格局和多边投资贸易规则正在酝酿深刻调整,各国面临的发展问题依然严峻。2013年习近平主席访问中亚和俄罗斯期间在哈萨克斯坦纳扎尔巴耶夫大学演讲,正式提出“丝绸之路经济带”的战略倡议;2014年11月APEC会议上,又提出“21世纪海上丝绸之路”战略构想。2015年3月28日,国家发改委、外交部、商务部联合发布了《推动共建丝绸之路经济带和21世纪海上丝绸之路的愿景与行动》,“一带一路”国家战略正式拉开序幕。共建“一带一路”,顺应世界多极化、经济全球化、文化多样化、社会信息化的潮流,秉持开放的区域合作精神,致力于维护全球自由贸易体系和开放型世界经济。共建“一带一路”旨在促进经济要素有序自由流动、资源高效配置和市场深度融合,推动沿线各国实现经济政策协调,开展更大范围、更高水平、更深层次的区域合作,共同打造开放、包容、均衡、普惠的区域经济合作架构。共建“一带一路”符合国际社会的根本利益,彰显人类社会共同理想和美好追求,是国际合作以及全球治理新模式的积极探索,将为世界和平发展增添新的正能量。

深圳作为国家“一带一路”规划的15个海上合作战略支点城市之一,拥有其他城市难以比拟的优势,具有深度参与国家“一带一路”战略特别是21世纪海上丝绸之路建设的诸多有利条件。深圳市委、市政府正按照中央的要求,紧紧围绕国家“一带一路”战略部署,紧扣“四个全面”战略布局以及深化改革的总体要求,充分发挥经贸合作在“一带一路”建设中的基础和先导作用,以粤港澳大湾区和前海蛇口

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——沿线若干国家案例分析

自贸区建设为核心，以深化与沿线国家贸易合作水平为支撑，以扩大对沿线国家投资为突破口，积极融入双边、多边自由贸易安排，着重探索国际经贸合作新机制，提高投资贸易便利化水平，不断优化深圳在全球价值链中的布局，提高在全球资源配置中的话语权，在更大范围、更宽领域、更高层次融入全球经济体系，把深圳建设成为服务国家向沿线各国开放战略的重要平台，将之打造成我国“一带一路”特别是海上丝绸之路经贸合作建设的主力军和排头兵，为国家在新型经贸形势下构建多元平衡开放体系探索经验。

深圳市贸促委作为深圳市与国际交流合作的重要平台，面向国际、国内两个市场和两种资源，致力于服务企业发展和促进国际经贸合作，大力构建国际贸易投资服务体系和推广深圳良好的营商环境，在提高经济国际竞争力和经济国际化程度中发挥了十分重要的推动作用。在“一带一路”的国家战略背景下，深圳市贸促委将牵头组建“丝绸之路”贸促机构联盟，打造深圳与“一带一路”沿线国家的官方经贸交流合作平台；开通“一带一路”投资项目配对网，为深圳与海外机构的投资项目精准配对；整合法律、金融、贸易、技术等专业服务机构，为深圳企业参与“一带一路”投资建设提供全面专业支持。

为贯彻落实“一带一路”战略部署，在深圳市市委、市政府的指导和支持下，深圳市贸促委联合中国社会科学院、华商林李黎（前海）联营律师事务所、霍金路伟国际律师事务所、香港林李黎律师事务所、酷派集团有限公司及国内高等财经院校等在国际投资方面有丰富经验的机构，共同对“一带一路”投资环境进行研究，结合企业在“走出去”过程中的实战投资案例，为未来中国企业在“一带一路”战略中的发展提供可借鉴的经验，为政府制定和实施开放型战略与对外经济政策，提供智力支持和决策参考。

本书首先对“一带一路”国家战略政策进行系统的阐述与解读，让读者对“一带一路”战略进行全面而深入的了解。其次，以投资对象国家基本国情为基础，分析有代表性的投资案例，介绍投资对象国家的投资环境及风险提示，为我国企业走出去实施“一带一路”战略提供经验借鉴。最后，根据对代表性投资案例的分析结果，提炼出中国企业在实施“一带一路”战略中应注意的主要问题。

本书作者由中国社会科学院专家及多名有丰富法律执业经验的律师、企业高级法务专家及高校教授、教师组成，既有理论功底深厚的学者，也有实践经验丰富



的律师,书中大部分案例为作者亲自参与的投资项目。本书汇集理论成果与实践经验,理论与实践相结合,希望能够给读者全面、详实、实用的“一带一路”战略实施的参考指引。各章节作者分别为:

## 第一部分 “一带一路”的战略意义和政策含义

第一章 于立新,中国社会科学院对外经贸国际金融研究中心主任,研究员;

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## 第二部分 投资实战案例解析

第八章 林新强,香港林李黎律师事务所主管合伙人;

杨智冰,香港林李黎律师事务所见习律师;

第九章 王寿群,华商林李黎(前海)联营律师事务所执行合伙人;

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第十、十二、十四章 邹国荣,霍金路伟国际律师事务所合伙人;

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第十一、十三章 郭建军,酷派集团有限公司副总裁兼首席法务官;

邓显亮,酷派集团有限公司法务总监;

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胡宁,酷派集团有限公司合规风控部合规专员。

### 第三部分 实施“一带一路”投资的重大问题

王寿群、李成娇，华商林李黎(前海)联营律师事务所律师；

何栋民、邓力嘉，华商林李黎(前海)联营律师事务所律师助理。

本书在编写过程中，参考了一些相关资料，在此谨向原作者表示衷心的感谢。鉴于“一带一路”建设尚处于初始阶段，有关理论政策尚在不断完善之中，有待于在实践中进一步探索和总结。另外，限于作者的时间和水平，书中疏漏之处在所难免，敬请广大读者批评指正。

本书编委会

2015年6月

## Preface

The world is undergoing complex and profound changes. Underlying impacts from international financial crisis continue to appear, global economy is in slow recovery with wider development gap, international investment and trade pattern and multilateral investment and trade rules will be readjusted profoundly, and many countries around the globe are still facing pressing developmental challenges. During his visit to Central Asia and Russia in 2013, Xi Jinping, the General Secretary of the Communist Party of China and the President of the People's Republic of China, delivered a speech in a university in Kazakhstan where he officially announced the idea of Silk Road Economic Belt. During the APEC meeting in November 2014, the President put forward the 21st Century Maritime Silk Road. On 28 March 2015, the National Development and Reform Commission, Ministry of Foreign Affairs and Ministry of Commerce of People's Republic of China jointly issued the *“Vision and Proposed Actions Outlined on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road”*, marking the official launch of “Belt and Road” Initiative. “Belt and Road” Initiative has been launched in abreast with the trends of world multi-polarization, economic globalization, cultural diversification and social informationization. In the spirit of open regional cooperation, we are committed to safeguard the global free trade system and the world's open economy. “Belt and Road” Initiative aims

at facilitating orderly and free flow of economic elements, efficient allocation of resources and greater harmonization of markets, promoting the coordination of economic policies of countries along the routes, developing a wider, higher and deeper regional cooperation and co-establishing a regional economic cooperation framework that is open, inclusive and balanced. “Belt and Road” Initiative is in line with the fundamental interests of international community which reflects the aspiration of well-beings and common goals of the human society. It actively serves to explore the new model of international cooperation and global governance, which will infill new positive energy in the pursuit of world peace and development.

Shenzhen is one of the 15 pivot cities designated for maritime cooperation strategies as outlined in the national plan of “Belt and Road”. This gives Shenzhen incomparable advantages than other cities, including its deep participation in “Belt and Road”, especially the benefits generated from the construction of the 21st Century Maritime Silk Road. Under the requirements of the Central Committee of Communist Party of China, Shenzhen municipal communist party committee and the government of Shenzhen is acting in line with the national strategic layout of “Belt and Road” and strictly following the general requirements of four-pronged comprehensive strategies for deepening reform, so as to give full play to the fundamental and leading role that economic and trade cooperation plays in the construction of the Belt and the Road. Shenzhen has also placed Guangdong-HongKong-Macao Great Bay Area and Qianhai and Shekou Free Trade Zone as the core of development with the support from deepening trade cooperation with other countries and regions along the routes and the expanded investment with these countries and regions as breakthrough, in order to actively integrate in bilateral and multi-lateral free trade arrangements. Moreover, focuses have been placed on the exploration of new mechanism for international economic and trade cooperation, facilitation of trade and investment, advancement of Shenzhen’s position in global value chain and increment of bargaining power in global



allocation of resources. Under such circumstances, Shenzhen can be forged as an important platform to serve the country's "go east" strategy in a wider and deeper scope and in a greater extent of integration with the global economy. Shenzhen will also be forged as the frontrunner and pioneer of "Belt and Road", especially in constructing the Maritime Silk Road for economic and trade cooperation. This will offer our country exploratory experience in building a balanced and open system comprised of multiple players under new economic and trade environment.

Shenzhen Branch of China Council for the Promotion of International Trade (CCPIT Shenzhen) serves as an important platform for exchanges and cooperation between Shenzhen and the world. Faced with both domestic and overseas markets and two resources therefrom, the CCPIT Shenzhen is devoted to promote corporate development, facilitate international economic and trade cooperation, establish a service system for international trade and investment and promote a sound business environment in Shenzhen. CCPIT Shenzhen has also played an important and constructive role in enhancing Shenzhen's international economic competitiveness and internationalization of economy. Under the national policy of "Belt and Road", CCPIT Shenzhen will take the lead in forming the "Alliance of Silk Road Trade Promotion Institutes", which will perform as an official platform for economic and trade exchange and cooperation between Shenzhen and countries along the routes. Moreover, CCPIT Shenzhen will create a matching network for "Belt and Road" investment projects targeting on Shenzhen and overseas investors. CCPIT Shenzhen will also integrate the professional firms in the fields of law, finance and technology in order to provide Shenzhen enterprises with full professional supports in investing and constructing the "Belt and Road".

In order to fully implement the strategic deployment of "Belt and Road", Shenzhen municipal party committee and the government has directed CCPIT Shenzhen, together with Chinese Academy of Social Sciences, China Commercial Lam Lee Lai (Qianhai) Law Firm, HOGAN LOVELLS International LLP, Lam

Lee & Lai, Coolpad Group, and various colleges and universities of finance and economics with extensive experience in international investment to conduct research on the investment environment of “Belt and Road”. The research is designed to introduce “going-out” investment cases and previous experience therein to Chinese enterprises in “Belt and Road”, and provide intellectual support and strategic reference for the government to enact and implement the foreign economic policies.

This book provides thorough introduction of the national strategy of “Belt and Road” in the first part, from which readers can acquire a comprehensive and in-depth understanding of the policy. In the second part, the authors provide analysis of typical investment cases on the basis that the target investment would be made based on a country’s fundamental phenomenon. The investment environment analysis and risk warnings in this part can be seen as precious experience and reference for China’s “going-out” enterprises under “Belt and Road”. At last, the writers highlight several key issues as to what Chinese enterprise should be aware of in the implementation of “Belt and Road”.

The authors of this book comprise specialists at the Chinese Academy of Social Science, lawyers with rich experience, senior legal personnel in business and university professors and lecturers. It is a team that embraces both sound theoretical knowledge and abundant practice experience. Most of the projects used by the authors in the books are the projects they have been actually involved in. This book, as a combination of theory and practice, can be used as a guidebook for readers in “Belt and Road” strategy.

**Contributors:**

**Part One: The Strategic Importance and Policy Implication of “Belt and Road”**

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