



# The People's Courts in Guangzhou

Guidelines on Handling Civil Cases Related to  
Foreigners or Hong Kong, Macao or Taiwan  
Residents for the People's Courts in Guangzhou



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## I. Scope of Jurisdiction

1. A foreign-related civil or commercial case of first instance and with a subject valuing less than CNY 40 million (excluding CNY 40 million) shall be subject to the jurisdiction of the primary people's court; A case with a subject valuing more than CNY 40 million (including CNY 40 million) shall be subject to the jurisdiction of the intermediate people's court; A case with a subject valuing more than CNY 5 billion (including CNY 5 billion) and of major significance in Guangzhou shall be subject to the jurisdiction of the high people's court;

2. The following civil cases shall be subject to the exclusive jurisdiction of people's courts:

(1) A case arising from the dispute concerning the establishment, dissolution or liquidation of a legal person or another organization established within the territory of the People's Republic of China, and the validity of the resolution made by such legal person or organization;

(2) A case arising from the dispute concerning the validity of intellectual property examined and granted within the territory of the People's Republic of China;

(3) A case arising from the dispute concerning the performance of a contract for sino-foreign joint venture, sino-foreign cooperative venture, or sino-foreign cooperative exploration and development of

natural resources within the territory of the People's Republic of China.

3. If the place where the contract was signed or performed, where the subject is located, where the property that can be seized for law enforcement is located, where the infringement took place or where the representative office is located is within the territory of the People's Republic of China, a case brought against a defendant who has no residence within the territory of the People's Republic of China due to a foreign-related civil dispute, except for status relationship, may be subject to the jurisdiction of the people's court at the place where the contract was signed or performed, where the subject is located, where the property that can be seized for law enforcement is located, where the infringement took place or where the representative office is located. In addition, a foreign-related civil dispute with other appropriate contacts with the People's Republic of China may be subject to the jurisdiction of the people's court. However, the jurisdiction shall be determined according to the provisions of the *Civil Procedure Law of the People's Republic of China* on hierarchical jurisdiction and exclusive jurisdiction.

4. Yuexiu District People's Court of Guangzhou shall have centralized jurisdiction over foreign-related commercial cases of first instance with a subject valuing no more than CNY 40 million (excluding CNY 40 million) within the jurisdiction of the people's courts of Haizhu, Liwan, Baiyun, Huadu and Conghua districts of

Guangzhou in accordance with the *Regulations by the Supreme People's Court on Several Issues Concerning the Jurisdiction over Foreign-related Civil and Commercial Cases*; Nansha District People's Court of Guangzhou shall have centralized jurisdiction over foreign-related commercial cases of first instance with a subject valuing no more than CNY 40 million (excluding CNY 40 million) within the jurisdiction of the people's courts of Tianhe, Huangpu, Panyu and Zengcheng districts of Guangzhou in accordance with the *Regulations by the Supreme People's Court on Several Issues Concerning the Jurisdiction over Foreign-related Civil and Commercial Cases*. Foreign-related civil cases of first instance, except those mentioned above, shall be subject to territorial jurisdiction according to the law.

5. If the party raises no objection to jurisdiction and responds to the case or counterclaims, the people's court shall be deemed to have jurisdiction, except where the provisions on hierarchical jurisdiction and exclusive jurisdiction are violated.

6. A civil or commercial case of first instance that involves Hong Kong, Macao or Taiwan shall be subject to the above provisions.

## II. Necessary Documents for Filing a Case

7. The following requirements must be met when a case is filed:

(1) The plaintiff is a citizen, legal person or another organization that has direct interests in the case; (2) There is a definite defendant; (3) There are specific claims, facts and reasons for filing the case; (4) The case is within the scope of jurisdiction of the people's court in accepting civil cases and subject to the jurisdiction of the people's court entertaining the case.

#### 8. Necessary documents:

(1) The original complaint and copies. The original complaint, with copies to be submitted in accordance with the number of the other party. The signature and seal of the plaintiff on the original complaint and its copies shall not be photocopied;

(2) Evidentiary materials relevant to the case, together with a list of evidence. The party shall classify and number all evidentiary materials submitted, briefly describe the sources, objects of proof and contents of such evidentiary materials, sign and affix a seal, indicate the date of submission, and submit copies according to the number of the other party;

(3) Identification documents of both parties. The plaintiff (foreign national or Hong Kong, Macao or Taiwan resident) shall present his ID certificate (such as passport, travel permit, etc.) and a copy of his ID certificate when filing a case; When an overseas legal person or organization files a case as a plaintiff, it shall submit identification documents for the place of registration or the major place of business that has been registered, together with the

identification documents for the authorized representative;

(4) Confirmation of the plaintiff's address.

9. Official documents provided by the party that were issued outside the territory of the People's Republic of China as documentary evidence shall be certified by a notary office of the country where they were issued, or go through the certification procedures stipulated in relevant treaties concluded between the People's Republic of China and the country where they were issued, except that the authenticity of such documents can be verified online or both parties raise no objection to the authenticity of such documents. In addition, according to the *Convention Abolishing the Requirement of Legalization for Foreign Public Documents*, the party that provides official documents that do not need to be certified shall only provide additional certificates in compliance with the requirements of the *Convention*.

The people's court in Chinese mainland may, upon review, determine the evidentiary value of the official documents produced by the government agencies of Hong Kong or Macao and other organizations in charge of public affairs according to the law or their authorized personnel in accordance with their duties.

10. Evidence concerning the identity relationship formed outside the territory of the People's Republic of China shall be certified by a notary office of the country where it was formed and the embassy or consulate of the People's Republic of China in that

country, or go through the certification procedures stipulated in relevant treaties concluded between the People's Republic of China and the country where it was formed.

11. Where a party provides documentary evidence or explanatory materials in a foreign language to the people's court, a Chinese translation shall be attached.

12. Unless otherwise specified, the certification procedures for evidence formed in Hong Kong, Macao or Taiwan shall be subject to relevant regulations on evidence formed outside the territory of the People's Republic of China.

### III. Legal Representation

13. If a foreigner, stateless person, foreign company or organization needs to appoint a lawyer to represent him or it and file or answer a case, he or it must appoint a lawyer from the People's Republic of China.

14. When a foreigner, stateless person, foreign company or organization without a residence within the territory of the People's Republic of China appoints a lawyer from the People's Republic of China or any other person to represent him or it in a case, a power of attorney sent or delivered outside the territory of the People's Republic of China shall not come into force unless it has been certified by a notary office of the country where it was formed and



the embassy or consulate of the People's Republic of China in that country, or has finished the certification procedures stipulated in relevant treaties concluded between the People's Republic of China and the country where it was formed.

15. The representative of a foreigner, foreign company or organization may sign a power of attorney under the witness by the judge of the people's court to appoint an agent ad litem for a civil case. If he or it is unable to appear in court, he or it may submit the power of attorney notarized by a notary office of the country (or region) where it was formed or go through the authorization and appointment procedures on "AOL Authorization Witnessing" (Chinese: AOL 授权见证通; online authorization witnessing platform of the Intermediate People's Court of Guangzhou).

The party from Hong Kong or Macao may go through the authorization witnessing procedures by online video meeting or other means and appoint an agent ad litem.

The people's court in the Chinese mainland may directly verify the appointment based on the power of attorney if the party from Hong Kong or Macao has appointed a lawyer from the Guangdong-Hong Kong-Macao Greater Bay Area (GBA).

16. The representative of a foreigner, foreign company or organization who signed a power of attorney within the territory of the People's Republic of China and appointed an agent ad litem for a civil case may have the power of attorney notarized at a notary

office of the People's Republic of China.

17. A foreign party in a foreign-related civil case may appoint a person from his country as agent ad litem or appoint a lawyer from his country to act as agent ad litem instead of lawyer. An official of a foreign embassy or consulate within the People's Republic of China, if appointed by a citizen from his own country, may act as agent ad litem personally, but shall not enjoy diplomatic or consular privileges and immunities in the case.

18. In a foreign-related civil case, a foreign embassy or consulate within the People's Republic of China may authorize its official to hire a lawyer from the People's Republic of China or a citizen of the People's Republic of China as agent ad litem for its citizen in the civil case in the People's Republic of China, if the citizen, as a party to the case, is not in the territory of the People's Republic of China.

19. Unless otherwise specified, the appointment procedures for appointing an agent ad litem by a Hong Kong, Macao or Taiwan resident, company or organization shall be subject to relevant regulations on foreigners, foreign companies or organizations.

## IV. Charges

After a case is accepted, the plaintiff must pay the case processing fees in accordance with the law. The charges are as follows:

Property Cases	
Compensation Claimed (CNY)	Processing Fees (CNY)
≤¥10,000	¥50/Case
¥10,000~100,000	Compensation Claimed x2.5%-¥200
¥100,000~200,000	Compensation Claimed x2%+¥300
¥200,000~500,000	Compensation Claimed x1.5%+¥1,300
¥500,000~1,000,000	Compensation Claimed x1%+¥3,800
¥1~2000000	Compensation Claimed x0.9%+¥4,800
¥2~5000000	Compensation Claimed x0.8%+¥6,800
¥5~10000000	Compensation Claimed x0.7%+¥11,800
¥10~20000000	Compensation Claimed x0.6%+¥21,800
>¥20000000	Compensation Claimed x0.5%+¥41,800

Non-property Cases		
Intellectual Property Cases	Have no compensation in dispute	¥1,000/Case
	Have compensation in dispute	Subject to the charges for property cases
Other Non-property Cases	¥100/Case	

## V. Litigation Procedures



