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# 中国专辑

SPECIAL CHINA EDITION



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Anthony Anderton



澳大利亚保险集团 (The Insurance Australia Group) 与中国的合作伙伴建立了富有创意的合作关系，在北京开拓业务，为汽车车主提供路边协助。这是中国迄今最先出现的路边协助及应急维修服务之一。

## 法律服务

要发展完善的市场体系，就必须有专业的法律服务。这是澳大利亚能够提供独特才能和经验的又一领域。在许多方面，诸如兼并与购买，私有化，大型基础设施、自然资源、矿产等项目的筹资，知识产权保护，税收与金融系统监管等等，澳大利亚的律师事务所和法律界专业人士都是世界一流的。

目前，澳大利亚的主要律师事务所已有六家在中国注册开业，提供咨询和法律援助，帮助许多澳大利亚企业和跨国公司在华开展业务。

中国政府和骨干企业在澳大利亚进行了一系列战略性投资，范围包括从矿产开发到能源工程的各个领域；澳大利亚的律师事务所在投资过程中提供咨询，发挥了重要的作用。其服务质量之高，由此可略见一斑。

钱柏斯公司 (Chambers and Company) 作为中国最有实力的一些企业的主要法律顾问，曾在澳大利亚一些最大规模的对澳矿产投资与出口合同中担任这些企业的代表。在中国冶金工业部对西澳的恰那山 (Mount Channar) 铁矿工程投资时，钱柏斯公司曾充当中方的法律顾问。2004年，钱柏斯公司受雇于中国四大钢铁制造商，为他们购买西澳的BHP Billiton Jimblebar铁矿40%的合约提供咨询。根据这一合约，这四家投资企业所购买的铁矿的总价值将超过90亿美元。

Mallesons Stephen Jaques 是第一个获得在华经营权的澳大利亚法律事务所，在中国为大宗的能源与基础建设投资项目提供服务。他们受雇于中国的华能集团，为其在澳大利亚昆士兰两

## 创业精神与房地产市场

周丹尼 (译音) 是从中国福建省来到澳洲学习英语和商务的一名年轻化学教师。他像数以千计的留学生一样，在读书期间给厨师打过下手，当过出租车司机，在鱼市打过工。

他拿到了商科学位，又具备了帮助别人买卖房屋所需的语言技巧和满腔热忱，于是就到物业发展商 Meriton 公司工作，开始了买卖物业的职业生涯。到了2000年，他发现在公司任职限制太多，于是开始创办自己的公司。他在物业界有不少关系，在华人社区中很快有了好名声，工作又勤奋努力，在兴旺的房产市场中，生意做得很红火。

周先生的业务大约有80%来自老顾客的口头介绍，但是与哈尔滨一家高科技公司的联合也帮他中国客户带到了悉尼。

周先生的生意，大多来自出售公寓楼花。像Meriton, Lang Walker, Australand和Waltcorp这样的大型房地产开发商，将城市边缘的旧厂房拆掉，建成高层住宅城。周先生已经卖出了位于内城区和城市边缘的公寓大约700套，其顾客主要是中国投资者，也有相当一部分人是新移民和当地大学的亚洲留学生。他卖过的一些位于郊外的房子大多是新移民的，这些人“先是买了有很多空地的房子，后来发现这些空地反而成了累赘，于是改变了主意，又想买公寓了”。

像澳大利亚所有的成功人士一样，周先生坚持认为必须融入当地的文化。他说：“你不能老是呆在唐人街。你必须走出去，与西人一起工作，融入他们的圈子。你必须学会用地道的澳洲音跟他们打一声招呼，说一声‘mate (朋友)’，并真正把他们都看成朋友。”



## PROPERTY PRODUCTS AND SERVICES

Rapid economic growth, rising incomes and the liberalisation of the Chinese economy have created unprecedented demand among the Chinese population for new styles of services and products. In the past decade, rapidly rising incomes and government incentives have also generated a huge demand for private home ownership in China.

Banks in China are increasing the scale of mortgage lending and are constantly looking for improved technology to support this increase. One such new technique is securitisation, which involves creating investment securities directly out of specific assets such as home loans or corporate loans. Here, Australia has much to offer by way of sophisticated products for the banking industry.



Though their presence in China is relatively new, Australian banks and financial institutions have decades of experience in the property market and operate in one of the world's most dynamic property markets. One of Australia's leading financial institutions, Macquarie Bank, is developing new property products and services

in China. It has developed residential projects in Tianjin and Pudong, and in 2002 it established a mortgage securitisation operation in Shanghai.

Increased affluence has also seen a huge increase in motor vehicle ownership in China. This has created a need for advanced products and services associated with the maintenance and insurance of motor vehicles.

The Insurance Australia Group (IAG) now operates in Beijing in an innovative partnership with Chinese counterparts, offering roadside assistance to motor vehicle owners. This is one of China's first-ever roadside and breakdown services.

## LEGAL SERVICES

With any move toward sophisticated market systems comes a need for professional legal services. This is another area where Australia can offer exceptional talent and experience. Australia's law firms and legal professionals are among the world's leaders in mergers and acquisitions, privatisation, project finance for major infrastructure, natural resources and mining projects, intellectual property protection, and taxation and financial system regulation.

At present, six of Australia's leading law firms are licensed and operating in China. Their advice and legal assistance have helped many Australian and international firms to do business in China.

A measure of the quality of Australian legal firms is the fact that they have also played a key role in advising the Chinese Government and leading Chinese enterprises on the process of making a series of strategic investments in Australia, ranging from minerals to energy projects.

Chambers and Company has represented some of China's most powerful enterprises as lead counsel on some of the largest minerals investments and export contracts in Australia. Chambers acted as legal advisers to China's Ministry of Metallurgical Industry when it invested in the Mount Channar iron ore project in Western Australia. In 2004, Chambers was engaged by four of China's largest iron and steel manufacturers to advise them on their contract to take a 40 per cent stake in the BHP Billiton Jimblebar iron ore mine in Western Australia. The total value of iron ore purchased by the four enterprises under this agreement will exceed US\$9 billion.

Mallesons Stephen Jaques—the first Australian law firm to receive a licence to operate in China—has worked on large-scale energy and infrastructure investment deals in China. They were engaged by China's Huaneng Group to advise on its A\$350 million investment in two coal-fired power stations in Queensland. The investment gave Huaneng Group a 50 per cent stake in OzGen, the Australian subsidiary of American firm InterGen. This was the first investment in energy by a Chinese enterprise outside China. Mallesons has recently announced a merger with Kwok & Yih, effectively doubling the size of its operations in China (in Beijing, Hong Kong and Shanghai).

Blake Dawson Waldron advised Shanghai's Baosteel Group on its investment in an iron ore joint venture with Hamersley Iron in Western Australia and was chosen by Beijing Sanyuan Foods Co to advise on their investment partnership with Australia's Challenge Group.

Blake Dawson Waldron are also international specialists in innovative project and infrastructure finance, including the development and operation of sophisticated Build Operate Transfer (BOT) models. The firm has advised the Beijing City Government on developing a BOT water treatment plant.

Minter Ellison Lawyers has been a key player in natural resources and energy projects, and acted as lead counsel on the multi-billion dollar LNG contract between Australia LNG Pty Ltd (a consortium of firms) and China. This deal was the biggest export contract in Australian history.

Law firm Allens Arthur Robinson has worked with China's Ministry of Labor and Social Security on developing regulations for pensions. The firm also advised the People's Bank of China in Shanghai, on developing domestic capital markets and on residential mortgage securitisation.

Hunt & Hunt, who have worked in China for over 15 years, assist Australian companies in setting up operations in China. Recently the firm established a wholly foreign-owned enterprise for architects Cox Architects & Planners which supported their current contract to design the Boating Centre for the 2008 Olympic Games in Beijing. The enterprise assisted Cox Architects & Planners to gain a share of development work in Shanghai.

Finally, the law firm Deacons has provided advice to the China Securities Regulatory Commission and the Shanghai Stock Exchange.