



天達共和律師事務所
East & Concord Partners

2020 ALB CHINA

TOP 15 GENERAL

Outstanding general counsel in China today are no longer just “guardians” of enterprises. They actively participate in enterprise management and business decision-making – using their legal expertise and industry knowledge to help enterprises expand business areas, explore emerging markets, and optimize business models, and meanwhile facilitate research and development.

RANKING BY ASIAN LEGAL BUSINESS, TEXT BY KRISTEN LIU

FENG LIQIONG

冯莉琼

BOE Technology Group
Co., Ltd.
京东方科技集团股
份有限公司

FENG XIAOJU

冯晓炬

Saint-Gobain (China)
Investment Co., Ltd.
圣戈班 (中国)
投资有限公司

GUO XIAOZHOU

郭小舟

Fosun
复星

JIA HONGYI

贾弘毅

Kuaishou
北京快手科技有限公司

ALLEN JIANG

蒋文璐

Sinochem Group Co., Ltd.
(Chemicals Strategic
Business Unit)
中国中化集团有限公
司化工事业部

JEFFY LI

李峻峰

WeBank Co., Ltd.
深圳前海微众银行
股份有限公司

LI ZHAOHUI

李朝晖

China National
Nuclear Corporation
中国核工业集团有限公司

JULIA LIU

刘单单

NetEase
网易集团

LEI OUYANG

欧阳磊

Refinitiv Group
路孚特集团

MICHAEL QIU

仇中强

Procter & Gamble
(China) Ltd.
宝洁 (中国) 有限公司

DANIEL SHIH

石家齐

Walmart (China)
沃尔玛(中国)

SUN BIN

孙龑

Xiaomi
小米集团

PHOEBE TANG

唐斐

Danone
Asia Pacific (Shanghai)
Management Co. Ltd.
达能集团大中华区

TANG NA

唐娜

China Resource
Pharmaceutical
Group Limited
华润医药集团有限公司

WANG XIGANG

王西刚

New China Life
Insurance Company Ltd.
新华人寿保险股份有限公司

COUNSEL 十五佳总 法律顾问

当今中国的杰出总法律顾问们早已不再仅仅是企业的“守护者”。他们活跃地参与到企业管理和商业决策中去，结合法律专长和行业知识，为企业拓展业务领域、开拓新兴市场、优化商业模式、激励企业研发，甚至对行业发展和相关法律制定产生着重要的影响和推进作用。他们不仅实实在在地成为了企业经营管理的重要组成部分，更在全社会范围内贡献出自己的力量。

RANKING BY 《亚洲法律杂志》，作者：刘诗宇

■ The general counsel who made the list this year are from the Internet, food, pharmaceutical, finance and other industries. The rapid development of these industries is driving the accelerated changes in enterprises, and the definition of the role of general counsel is constantly renewed. Feng Liqiong, senior vice president and chief lawyer of BOE Technology Group Co., Ltd., believes that in-house lawyers must change their role from risk manager to operation manager, continue to innovate and develop cross-industry thinking, to create greater value for their companies. She suggests that in-house counsel change their mentalities, and see things from the perspective of business managers, which can help them to better understand the company's strategy, grasp the essence of business, and discover the legal risks at the strategy and business level. Based on that, in-house counsel can design transaction structures and solutions that create the best value for their companies, to realize the "integration of legal services into business solutions."

Providing legal advice to their companies for the business decisions on major projects, helping their companies set up robust compliance systems to identify and avoid risks, and winning favorable rulings for their companies when involved in lawsuits, GCs are doing much more today by serving as their companies' business managers or even leaders. For example, Feng led her team to establish an international compliance system for BOE base on the characteristics of the display industry today, involving elements such as domestic manufacturing, and global buy and sell, which helps BOE effectively respond to compliance risks arising from trade frictions and country-specific import and export controls. Feng has also been actively and deeply involved in the company's senior management, including strategy formulation, management model design and major decision-makings. Feng and her team witnessed and supported the company growing into a large global high-tech company.

Michael Qiu, Global Senior Vice President of Procter & Gamble (China) Ltd., designs and implements a comprehensive and effective anti-bribery and

anti-trust compliance system in P&G Greater China region. He also reshaped the vision and strategies of P&G Greater China government relations to focus on the strategic relationship building with central and local key government stakeholders and high profiling corporate reputation building. Qiu guided P&G Greater China business to navigate through the US-China trade war, proactively engaging with both US government and Chinese government to mitigate risks to business. He led to lobby laws and regulations for favorable policies to protect business and gain competitive advantages in China, and strategized to continuously fuel P&G Greater China business by gaining government financial support.

As general counsel of Danone Asia Pacific (Shanghai) Management Co. Ltd., Phoebe Tang assisted Danone to successfully complete its major M&A projects, and helped the company quickly overcome the challenges after acquiring a U.S. dairy producer Whitewave, by formulating short-term and medium-term solutions for its products to enter the Chinese market, and thus paving the way for new lines of business to enter China. Furthermore, Tang and her team helped three business units of the company to quickly launch a variety of new products in the Chinese market, which not only solved the business continuity issues, but also effectively enhanced the brand awareness and sales volume.

These outstanding GCs also play an active role in promoting the legislative process and perfecting the legal system. Li Zhaohui is the general counsel of China National Nuclear Corporation. She has participated in the drafting of several legislations as expert team members, and serves as the legal counsel of government regulatory agencies. She has been deeply involved in the drafting and formulation of laws and regulations related to nuclear and energy fields and national defense industries. She also proposes special management requirements of the nuclear industry in a number of comprehensive legislations of the State, making remarkable contributions to China's nuclear legislation work. Moreover, Li accompanied the legislative departments of the NPC and the State

This year's survey, exclusively sponsored by East & Concord Partners, was independently carried out by ALB's research team.

METHODOLOGY

The research was conducted through following aspects:

- Self-nomination from general counsel;
- Survey to private practice lawyers;
- ALB editorial input.

Some of the key qualities that were taken into consideration were:

- Scope and significance of work handled by the general counsel;
- Any significant initiatives launched by the general counsel in his/her current role;
- Feedback of GC's work from business partners and lawyers;
- Years of experience and previous work history;
- Awards and accolades.

今年三月份,《亚洲法律杂志》(ALB)启动了2020 ALB China十五佳总法律顾问评选,这也是ALB连续第六次观察和调研中国法律市场上优秀的总法律顾问,这个榜单在经过数月的调研后出炉,为您呈现15位来自中国不同行业的顶尖的总法律顾问,他们展现了高超的法律技能、对商业战略的深刻理解以及前瞻性的思维,同时也带领着高质量的法务团队为公司的发展保驾护航。

2020 ALB China十五佳总法律顾问榜单由天达共和律师事务所独家赞助,ALB调研团队独立完成。

评选方法

ALB的调研包括以下三个方面:

- 公司总法律顾问提交的材料;
- 向律师发出的调查问卷;
- ALB调研团队对市场的观察和判断

评选标准:

- 总法律顾问工作的难度和重要性;
- 由总法律顾问发起的重大项目;
- 业务部门及外部律师对总法律顾问工作的评价;
- 担任总法律顾问的时长和在法律领域的从业经验;
- 个人获奖经历



守护企业创新，驱动企业发展

——专访网易集团副总裁兼总法律顾问刘单单

Safeguarding innovation and driving development for enterprise

—Interview with Julia Liu, vice president and general counsel of NetEase



刘单单 Julia Liu
网易集团副总裁兼总法律顾问
Vice president and general counsel of NetEase

ALB：目前网易内部已经建立起怎样的合规体系？您是如何领导团队建立起这样的体系的？

刘单单：网易集团建立有完善的法律合规体系，从集团层面的公司治理到日常业务的合规管理，从对诉讼仲裁的争议解决到商业合作的谈判审核，从知识产权的挖掘维护到投资并购业务的项目管理，网易法务部门充分理解中国互联网公司特有的资本结构、行业特点和产品特征，在结构设置上兼顾了资本业务与产品服务的多方面需求，保障公司在跨越不同周期的环境下均有出色的表现。

ALB：在您看来，互联网企业的法务团队必须具备哪些能力，才能更好地服务企业？

刘单单：中国的互联网企业法务团队需要具备跨境分工合作的能力，这是与其它行业法律团队显著的不同。中国的企业管理和产品合规是中国互联网法务工作能力的基石，也是主体部分，在境外主要市场为产品提供法律服务的能力是中国企业出海战略必需的技能，而境外资本市场公司治理和资本类业务对应的法律服务则是考验团队能力可拓展性的标志。一个成熟的法律团队应该在以上维度展现它的能力和价值观。

ALB：除了担任总法律顾问，您还积极参与近年几部涉及互联网业务的主要法律法规的修订工作。近年来，中国互联网行业相关法律法规的制定呈现出怎样的态势？

刘单单：我感受到的特点有两个，一个是重磅法律的陆续出台：在“互联网+”形势下，互联网与各行各业融合发展不断产生新的法律需求，互联网立法相应承载更丰富的社会关系，低位阶规定难以有效解决一些共性问题，所以近年来互联网立法开始以法律、行政法规等高位阶立法为主。在《民法典》中增设了“人格权”编，加强网络环境下的个人信息和隐私保护；颁布了《电子商务法》、在《反不正当竞争法》中增设互联网专条，有效提升互联网治理法治化水平。另一个特点是这些立法或修法的活动都直面解决实践中出现的问题。例如：2019年国家市场监管总局先后在《禁止垄断协议暂行规定》、《禁止滥用市场支配地位行为暂行规定》和《反垄断法》修订过程中加入对数字经济垄断违法行为认定的新考量因素，为强化新经济领域竞争执法提供法律依据。

ALB：未来三到五年，您和您的团队的工作未来将有何规划？

刘单单：未来竞争会持续加剧，我和我的团队将在人才培养和专注产品与创新方面精炼内功，以持续的好奇心和热情投入全方位企业法律工作中。

ALB: How do you describe the current compliance system of NetEase? How did you lead your team to set up such a system?

Julia Liu: NetEase group has a comprehensive legal compliance system, ranging from group-level corporate governance to daily business compliance management, from dispute resolution, litigation and arbitration to reviews of business cooperation negotiations, and from IP mining and maintenance to management of investment and M&A projects. NetEase's legal department knows the unique capital structure, industry characteristics and product characteristics of Chinese Internet companies. We take into account the needs of capital business and product services when setting up the system, to ensure that the company has outstanding performances in different economic cycles.

ALB: In your opinion, what capabilities must the legal team of an Internet company have in order to be able to better serve the company?

Liu: The legal team of an Internet company in China needs to have the cross-jurisdiction cooperation capability, which is very different from the legal teams of other industries. For legal teams of Chinese Internet companies, domestically speaking, corporate management and product compliance are the foundation and main part of their jobs; in terms of overseas major markets, their jobs are providing product-related legal services, to help Chinese companies successfully realize their going-global strategies; and meanwhile, the capability of providing legal services relating to corporate governance and capital business in overseas capital market is the hallmark of the team's scalability. A mature legal team should demonstrate its capabilities and value in the aforesaid dimensions.

ALB: In addition to serving as the GC, you are also actively involved in the revision of several major laws and regulations related to the Internet business in recent years. What trends do you see in China's Internet-related laws?

Liu: There are two major trends: (1) A series of major laws have been promulgated. In the time of Internet Plus, the integrated development of the Internet with all other industries continues to generate new demands for legislation. The Internet-related legislation is very important to many social relations, and low-level regulations can hardly address some common problems effectively. Therefore, most of Internet-related laws and administrative regulations promulgated in recent years are high-level legislations. In the new civil code, a new chapter "personality right" has been added to strengthen the protection of personal information and privacy in the network environment; the E-commerce Law has been promulgated; and in the Anti-Unfair Competition Law, special stipulations concerning the Internet have been added to improve the level of Internet governance by law. (2) The legislations and law revisions directly address problems encountered in practice. For example, in 2019, the State Administration of Market Regulations (SAMR) amended the Interim Provisions on Prohibiting Monopoly Agreements, the Interim Provisions on Prohibiting Abuses of Dominant Market Positions, and the Anti-Monopoly Law, adding stipulations on the identification of monopoly behaviors in digital economy, to provide the legal basis for strengthening law enforcement concerning competition in the new economy.

ALB: What is your planning for the next three to five years?

Liu: The competition will continue to intensify in the future. My team, as well as myself, will focus on talent training and innovation, and strive for excellence in all aspects of legal work, with continuous curiosity and passion.

Council to conduct in-depth legislative researches in the relevant units of China's nuclear industry, and participated in the revision of the draft Atomic Energy Law and the research work on China's nuclear responsibility system. Meanwhile, Li participated in the drafting, research, formulation and revision of many international conventions as the only legal officer from China. She also participated in the organization of the China-EU and China-U.S. nuclear legal forums and made keynote speeches there.

Lei Ouyang, chief counsel of Refinitiv Group (Mainland China/South Korea/Taiwan), leads Refinitiv's business model optimization project in China, which aims to optimize the existing business models from the legal and commercial perspective, including matters related to contract signing, cloud services, network information security, and data protection. Under his leadership, Refinitiv China's senior management team and overseas business team, through continuous explorations, discussions and negotiations with Chinese regulators, professional intermediaries, local governments and important clients, made significant breakthroughs in some important legal issues related to foreign investments in China, which provide important reference value for legislative progress in the relevant fields.

Meanwhile, Tang spoke for Danone and the entire industry, led her team to participate in the drafting of a number of domestic and foreign laws and regulations, and to provide valuable supports and resources for the government in the legislation related to data collection, overseas legislative data analysis, and market research. Because of their active participation, Danone is recognized as an important industry legislative contributor and a trusted partner, providing relevant Chinese administrative departments with analysis of overseas laws and regulations, and helping the government understand the development of legislation around the world.

While celebrating the contributions of the winners, we spoke to some of them, who shared with us their understanding of general counsel's role in an enterprise, their successful experiences

in addressing industry challenges, and their outlook for the future.

GC: A COMBINATION OF LEGAL AND BUSINESS

Julia Liu, vice president and general counsel of Internet giant Netease, believes that GCs need to grasp the essential business characteristics of the industries, as well as the relevant laws, regulations and policies, and keep abreast of the related changes and updates, to give robust legal supports to their companies while helping the companies to find the best development path. "The goal of a general counsel should be providing driving force to the development of the company, taking business as orientation and law as criterion," says Liu.

Liu's opinion is echoed by Guo Xiaozhou, assistant president and general manager of the legal department of Fosun Group. He says: "Fosun has diversified lines of business and has set up its presence in a wide range of regions, requiring our legal team have industry-specific proficiencies as well as strong comprehensive capabilities. Therefore on the one hand, a GC needs to be like a partner of a law firm, knowing the legal technology and having analytical thinking, project execution capabilities and management capabilities; and on the other hand, we should develop business acumen, and internal coordination and decision-making capabilities, so that we can control risks and meanwhile work together with business departments to contribute to the success of Fosun's business strategy and ecological construction."

Tang stresses the GC's role in safeguarding enterprises and promoting the growth of business. "A GC is one of the important decision-makers concerning business needs and a key driver of the success of the enterprise's strategy. Protecting the company's assets and reputation, paving the way for business expansion, removing barriers to market access, and exploring ways to help the company reach deals, these are our main responsibilities," she points out.

MEETING THE CHALLENGES

The speed of industrial changes means

今年上榜的总法律顾问们横跨多个行业，包括互联网、食品、医药、金融等。这些行业的发展日新月异，推动着企业的脚步不断加快。总法律顾问这一角色的定义也在不断更新。京东方科技股份有限公司高级副总裁、首席律师冯莉琼认为，公司律师必须由风险管理者转变为经营管理者，持续创新，跨界思维，才能为公司创造更大价值。她要求法务必须要转变观念，要站在公司经营管理者的高度，深刻理解公司战略，把握商业本质，从战略、业务出发，全面认识法律风险，设计交易结构，提出能创造最大化价值的解决方案，做到“法商融合”。

从今年上榜总法律顾问们所取得的斐然业绩来看，这一观点无疑受到了广泛认同。除了发挥为企业的重大项目的商务决策提供法律意见、帮助企业建立起科学完善的合规体系、识别并规避风险、为诉讼赢得有利判决等与法律相关的作用，总法律顾问们还作为公司经营、管理和领导者的角色为企业带来更加丰富的价值，例如，冯莉琼女士不仅带领其团队针对显示产业国内生产、全球采购、全球销售的业务特点，建立起以国际贸易类为主线的国际合规体系，有效应对全球经贸摩擦及国别类进出口管制类合规风险，还深度参与了公司战略的制定，公司管理模式设计及公司重大事项决策，与团队共同参与设计了公司的众多项目和交易，见证和支撑公司从起初的在夹缝中求生存的企业，成长为全球化大型高科技公司。

宝洁（中国）有限公司全球高级副总裁仇中强在宝洁大中华区设计并实施了一套全面有效的反贿赂和反垄断合规体系，此外，他还帮助调整了有关宝洁大中华区政府关系的愿景和战略，专注于与中央和地方政府战略关系的建设，建立高质量的企业声誉。在中美贸易战引发的不稳定形势下，仇中强积极与美国政府和中国政府进行接触，制定战略，游说法律法规制定有利政策以保护企业并在中国获得竞争优势，并通过获得政府财政支持继续推动宝洁大中华区业务。

达能集团大中华区总法律顾问唐斐为达能的重大并购项目中提供专业有力的法律支持，并在达能收购美国乳制品生产商Whitewave后，迅速克服挑战，为其找到短期和中期进入中国市场的途径，为新业务进入中国市场铺平道路。不仅如此，在2019年，唐斐及其团队还帮助三项中国业务版块迅速在中国市场推出多种新品，不

仅解决了一些中国业务板块的业务连续性问题，也有力地提升了品牌知名度和销量。

而在企业之外，这些杰出总法律顾问们的力量还在推动着立法进程和法律体系的完善。中国核工业集团有限公司总法律顾问李朝晖女士作为多个法律起草专家组成员、政府主管部门法律顾问，深度参与核及能源领域、国防工业多部法律规定的起草、研讨工作，在国家多部综合性法律中反映核行业特殊管理要求，为中国核立法做出了突出的成绩；她陪同全国人大、国务院立法部门深入核行业有关单位开展立法调研，参加《原子能法》草案的研讨修改以及核责任制度的课题研究工作，推动核法律体系的完善；同时，她还作为中方唯一法律人员参加了多个国际组织的相关专业活动及多项国际公约的起草、研究和制定修订，参与组织中欧、中美核领域法律论坛并做主题发言。

路孚特集团（中国大陆/韩国/台湾）首席法律顾问欧阳磊先生领导路孚特集团在华商业模式优化项目，从

合同签署、云服务、网络信息安全、信息保护等方面对现有商业模式进行法律和商业方面的研究和优化。在他的带领下，中国高级管理团队和海外业务团队与中国监管机构、专业中介机构、地方政府、重要客户进行了反复的沟通、探索、协商和讨论，就多年一直困扰外商在华投资的一些重要法律议题达成了重要突破，为这一领域的立法进展提供了重要参考价值。

唐斐女士为达能乃至整个行业发声，带领团队参与了多项国内外法规的起草工作，并参与了多个立法项目，在数据收集、海外立法资料分析、市场调研等方面为政府提供了宝贵的支持。通过他们的积极参与，达能被公认为是重要的行业立法贡献者和值得信赖的合作伙伴，为中国相关部门提供海外法律法规的分析，帮助政府了解世界各地的立法发展。

在衷心祝贺上榜总法律顾问们取得的成就之余，我们采访了部分上榜者。他们与我们分享了对总法律顾问这一角色的理解、应对行业挑战的成功经验以及对未来的展望。

总法角色：法商结合

在网易集团副总裁兼总法律顾问刘单单看来，总法律顾问需要既能理解所服务的商业实质，又精通相关政策法律的规则，并能在实践中动态更新这些认知、将二者融会贯通，从而为企业的发展在法律维度上提供最佳路径选择和实现保障。”这一角色的目标应该是以业务为导向，以法律为准绳，为企业发展提供驱动力，”她说道。

复星总裁助理、法律事务部总经理郭小舟先生也同意这样的看法，他表示，”由于复星业务的多元、所涉及地域的广泛，法务团队既要有专业的精度，也要有综合能力的宽度。在此背景下，总法律顾问一方面要有律师事务所合伙人的法律技术、分析思维、项目执行能力和管理能力，另一方面又要有企业管理人员的商务意识、内部沟通协调能力和决策能力，从而在控制好风险的前提下，与业务团队并肩作战，助力复星商业战略和生态建设的成功。”

唐斐女士也强调了总法律顾问对企业的保护和促进业务的作用。”总法

FOSUN 复星

Balancing Offense and Defense, Empowering the Business



With its roots in China, Fosun is an innovation-driven consumer group whose mission is to provide high-quality products and services for families around the world in health, happiness and wealth segments. In order to match the requirements arising from the diversification of Fosun's businesses and the width of its geographic coverage, Fosun Legal is equipped with both in-depth professional skillset and comprehensive capability. Fosun Legal is an active, mature and passionate group of legal professionals, and is one of the few in-house teams in China that are able to manage and handle the full life cycle of complicated cross-border transactions.

In 2019, Fosun took an investment-operation-balanced strategy. To adapt to this two-wheel-driven model, Fosun Legal streamlined its talents across different business units and platforms and started to provide more support on the operation side, as compared to the previous investment-focused positioning. Together with other departments of the extended risk control function, Fosun Legal promoted the establishment of a shared service center to centralize and consolidate their resources, aiming to provide one-stop risk control services to internal clients effectively and efficiently.

Fosun Legal defines itself as not only a "guard" but also a "forward". Identifying and revealing risks is its elementary responsibility, and the more value-added part lies in the proposal of solutions within the regulatory boundaries that maximize the business purposes and the company's security and interests. In this sense, Fosun Legal is playing an active and leading role internally, both protecting and promoting the business. This is an endless journey, and Fosun Legal is on the route.

dynamic challenges to everyone. The GCs share with us how they have successfully dealt with the issues brought about.

Jeffy Li, general manager of Legal & Compliance Department at WeBank Co., Ltd., says that in recent years, risk prevention has been one of the top regulatory concerns for financial industry, and more comprehensive and detailed laws governing bank development have been promulgated, posing higher and stricter requirements for systematic, dynamic and flexible compliance management. As the global economy is slowing down, clients pose new demands; the extensive and thorough application of technology in finance industry has triggered more legal issues, such as legal issues related to effective protection and rational use of customers' information; and digital-only credit services have presented objective requests for re-formulation of procedures; all of these have brought tough challenges to GCs.

To tackle the challenges, Li believes that first, they need to grasp the essential points of financial regulation and have effective communication with financial regulators, and judge the rationality and compliance of new business forms and new financial products based on the principles of fairness and good faith and by taking into account the interests of customers, to help the company design and offer banking products and services that best meet the market needs. Secondly, amid the extensive and thorough application of technologies in banks, such as cloud computing, blockchain, AI and big data, it is very important for GCs to actively learn about new technologies, and evaluate and analyze the connections between the application of new technologies and legal issues, so that they can develop mechanisms for responding to and solving the dynamic problems. Thirdly, given the fact that clients' needs are more diversified and financial products more complex, GCs need to help the business department to find and locate the right products that financially and legally fit the customers' needs, especially those of the customers in the "sinking market", and clearly define responsibilities of the company and customers, thus legally

protecting the interests of the bank and its customers; And finally, in addition to clarifying the civil and commercial legal relations, and managing and controlling convenience services according to law, it is necessary to explore to find more efficient technology-based dispute resolution mechanisms. Moreover, it is important to intensify training and guidance for financial customers in the "sinking market", to improve the satisfaction of financial consumers.

Liu of NetEase notes that technological innovation and content innovation are driving the rapid development of the Internet industry around the world. To maintain a leading position in such a competitive field, the company's leaders must be dedicated and down-to-earth, focus on products and R&D, and have a great leadership. "I lead my team to find and implement a set of scientific management approaches that are in line with product compliance management requirements and meanwhile help to explore new business development, to navigate innovation and help with the company's long-term healthy business development," she says.

The food industry has always been a highly regulated industry. Tang says that the challenges in business innovation and decision-making are mainly because of the increasing unpredictability and uncertainty of the legal and regulatory environment. "On one hand, our product innovation requires a longer delivery time in China; on the other hand, the rules and regulations change frequently, and the interpretations thereof are vague," she says. Faced with these challenges, Tang led her team to actively cooperate with industry associations and work with local and multinational enterprise partners to jointly develop industry action plans, and use industry intelligence and power to understand and influence the regulatory framework; Secondly, Tang and her team work closely with authoritative institutions on legislative programs to help them understand industry trends and collect global market data and regulatory references. In addition, they invited industry leaders to share their opinions on regulatory trends and explanations, and jointly advance the legislative agenda.

法律顾问是企业的重要组成部分，是关键业务需求的决策者之一，也是企业战略的关键驱动因素。总法律顾问应该保护好公司资产和声誉，并为业务扩展铺平道路，消除市场准入的障碍，探索达成交易的各种可能性，"她指出。

勇迎挑战

面对行业的瞬息万变所带来的挑战，几位总法律顾问纷纷分享了各自的成功经验。

深圳前海微众银行股份有限公司总经理李峻峰先生表示，近年来，防范风险是金融监管的主旋律，规范银行发展的监管法规日趋全面、细致，监管窗口指导的常态化和政策法规的频密出台，对法律合规管理的系统化、动态化与敏捷性提出了更高、更严的要求。而业务趋于向更多下沉客户提供服务过程中产生的新诉求与问题，科技广泛、深入运用于金融引发的法律问题，海量客户多元化信息的有效保护和合理使用问题，信贷产品纯线上运营的深刻变化对权益梳理与流程再造的客观要求等，都带来了更多、更严峻的挑战。

面对这样的挑战，李峻峰先生认为，首先，要领悟金融监管的精神实质，与金融监管机构有效沟通，基于公平、诚实信用的法律原则，兼顾维护客户利益、服务好客户为皈依去判断新业务形态、新金融产品的合理性、合规性，不改初心，精准定位，为最贴合市场需求的银行产品与服务提供有力的法律与合规支持。其次，随着云计算、区块链、AI、大数据等技术在银行的深度应用，不仅要有传统金融扎实的法律合规知识和专业功底，熟悉银行、金融领域法律规范，更要主动学习新科技与相关知识，探索、研究、评估和分析新技术运用所关联或映射的法律关系、法律问题，紧跟动态与变化，切入场景，深耕法律实践与问题解决机制，努力培养和提升综合的法律应对与处置能力。第三，基于客户需求的多元化，金融产品日趋复杂化的现实，在满足客户，特别是下沉客户金融需求和金融产品适应方面寻找、定位主要的法律契合点，尊重契约精神，理清适当性义务的边际和责任界定，从法律上为维护银行与普罗大众客户利益做好平衡、纠偏与调节工作。第四，在提供金融服务过程中，特别是在为法律意识淡薄、文化程度不高、人数庞大的社会群体提供金融服务时，除了理清合法



数字银行法律合规发展和建设展望

——专访深圳前海微众银行股份有限公司法律合规部总经理李峻峰

Prospects of development and construction of digital bank's legal & compliance

—Interview with Jeffy Li, General Manager of Legal & Compliance Department of WeBank Co., Ltd.



李峻峰 Jeffy Li

深圳前海微众银行股份有限公司法律合规部
总经理

General Manager of Legal & Compliance
Department of WeBank Co., Ltd.

微众银行2014年由腾讯牵头发起设立，是国内首家民营银行、互联网银行。开业5年多来，秉承“科技、普惠、连接”的战略愿景，始终坚守服务小微企业和普罗大众的定位和初心。针对普惠金融需求，依托互联网和金融科技的广泛深入运用，不断拓展服务的广度和深度，连接众多合作伙伴，为广大客户提供了品质优秀、体验良好的银行金融产品，获得了广泛的肯定与赞誉。截至2019年末，微众银行服务的个人客户突破2亿人，法人客户达90万家，管理贷款和资产余额双双突破4400亿元。大众银行、场景银行和直通银行三大业务板块的规模和盈利均实现稳健增长，其中小微企业贷款余额增长超过2倍。国际评级机构穆迪和标普分别给予微众银行“A3”和“BBB+”评级，展望为“稳定”，在国内仅次于六大国有商业银行。

以人为本的发展道路

如果说微众银行前五年的发展是1.0版本，展望未来，微众银行将快速向2.0版迭代——以更智能、更开放、更贴近生活的方式提供优质金融服务。微众银行董事长顾敏指出了微众银行2.0版的关键：未来金融智能化时代的银行变革之路，还需坚持“科技向善、以人为本”的基本方向。在新一轮科技革命和产业变革的背景下，以人工智能、区块链、云计算、大数据为代表的信息技术将与金融业务深度融合；科技与智能化技术嵌入、贯穿银行业务与管理流程，在前、中、后台全面赋能银行业务转型，将为银行发展提供源源不断的创新活力。针对小微企业和普罗大众，微众银行结合场景、快速响应的金融服务，将促使微众银行更加体现以人为本、贴近生活的金融服务理念。微众银行将具备更好的服务展现力、更强的分析洞察力和更优的自我表现力。

法务工作更加智能

李峻峰表示，法务管理与合规工作也要跟上微众银行智能化变革发展的节奏，主动适应、积极作为，在继续夯实管理基础上，不断改善法律与合规风险管理机制，在努力发挥关键性支持保障作用的同时，将人工智能、区块链、云计算、大数据等技术有机应用于法律合规、反洗钱、司法合作与关联交易管理工作中：探索推动AI在法律审核和合规审查的智能化运用，及时提示审核中的风险事项，提升准确度和实效性；广泛实施大数据分析、神经网络深度学习、AI联邦学习技术在反洗钱领域的应用，提升整体反洗钱数据处理能力与时效，提高客户身份识别与可疑交易甄别的准确度；运用区块链技术构建银行与司法机构之间的信任关系，优化诉讼程序和裁决时效，发挥节约司法资源与降低贷后处置成本的双重作用；利用大数据、AI技术搭建精准识别、有效把控的关联交易智能管理系统，及时准确识别关联方和管控关联交易风险，持续提升公司治理智能化、数字化水平。

Webank, led-founded by Tencent in 2014, is China's first private bank and Internet bank. Over the past five years since its establishment, abiding by the strategic vision of "Technology, Inclusion and Connection", it has always been adhering to serving small and micro enterprises and mass customers. In response to the needs for inclusive finance, WeBank explores through extensive and in-depth applications of the Internet and fintech, expands the breadth and depth of services, connects with partners, to provide its customers with quality banking financial products and good experiences, thus gain widespread recognition and praise. By the end of 2019, WeBank had served more than 200 million individual customers, 900,000 corporate customers. WeBank's managed loans balances and asset balances respectively exceeded 440 billion yuan. Three business segments (public bank, scene bank and direct bank) all achieved steady growth in scale and profitability. Among others, the loan balances of small and micro enterprises increased by more than twice. The ratings of WeBank by the international ratings agencies Moody's and Standard & Poor's were respectively A3 and BBB+, with a "stable" outlook, second only to the six state-owned commercial banks in China.

A HUMAN-ORIENTED DEVELOPMENT PATH

If WeBank's development in the first five years is version 1.0, looking into the future, WeBank will quickly evolved into version 2.0 -- providing high-quality financial services in a more intelligent, open and life-oriented way. David Ku, Chairman of Webank, pointed out the key of Webank version 2.0: Adhere to the fundamental principle of "Tech for Social Good, Tech for Human" in bank transformation on the way to the future financial intelligence era. In the emergence of a new wave of technological and industrial revolution, information technologies, particularly, artificial intelligence (AI), blockchain, cloud computing and big data, are being deeply integrated with financial business; intelligent technologies are being embedded into and applied throughout banking businesses and management processes, to empower the transformation of the front, middle and back-office banking business and to inject continuous innovation vitality into bank development. WeBank endeavors to provide scene-based, fast-responding financing services to small and micro enterprises and mass customers, promoting its financial service to further achieve its human- and life-oriented idea. WeBank is committed to better service, greater analytical insight and more excellent performance.

MORE INTELLIGENT LEGAL WORK

Li said that legal management and compliance work should also keep up with the pace of WeBank's intelligent transformation, adapt initiatives and act actively. Aside from strengthening management—continuously improving legal and compliance risk management, contributing to business support and safeguard, we should apply AI, blockchain, cloud computing, big data technologies to legal and compliance, anti-money laundering, judicial cooperation and connected transaction management, including exploring and promoting the application of AI in legal review and compliance assessment, to promote the timeliness, accuracy and effectiveness in alerting risks; leveraging big data analysis and hierarchical data integration, neural networks and deep learning, AI federal learning technologies, to improve the capability and timeliness in anti-money laundering data processing and the accuracies in KYC and suspicious transaction identification; utilizing blockchain technologies in building the trust between banks and judicial bodies, to optimize litigation and adjudication proceedings and to achieve both of judicial resources saving and post-loan disposal costs reducing; exerting big data and AI technologies to build a smart connected transaction management system capable of precise identification and effective control, to timely identify connected parties and control risks of connected transactions, and to continuously improve the intelligence and digitalization of corporate governance.

FUTURE OUTLOOK


Talking about the development plans for the next three to five years, Liu predicts that the competition will continue to intensify in the future. She and her team will focus on talent training and innovation, and strive for excellence in all aspects of legal work.

Guo says that due to impact of the economic downturn and this year's pandemic, enterprises will likely change their ways of thinking and business strategies. The pressure will be transmitted to in-house counsel, posing higher requirements on their comprehensive competency and problem-solving ability. "Our legal team will continue to make progress, with the focus on product power, rate of return, competitive edge and brand power, and make efforts to realize value creation and performance improvement, and finally achieve the goal of industry empowerment," he shares.

The health and nutrition food industry has become more prosperous after the pandemic, and the entire industry expects more consumer demands and higher quality requirements, while the regulatory environment is becoming more stringent, Tang says. In this context, Danone's legal team will build a larger talent pool to enhance its ability to cope with future expansion and challenges. Meanwhile, they will make more efforts to integrate legal services into business solutions by exploring to find internal and external stakeholders and forecasting regulatory and industrial trends, to help the company find the best business solutions. "We are not just business partners; we are part of business," Tang stresses.

Li of WeBank cites a slogan as his vision, "banking everywhere, never at a bank." He explains: "in the next three to five years, banks will shift their way of service delivery from traditional branches or OTC services to online services, while the WeBank's goal is to be a smarter and more open bank, providing the mass with services tailored to their needs."

Li has a plan that covers three aspects. First, regarding the work mechanisms and systems, the legal team must align themselves with the company's philosophy and values, make continuous

efforts to improve the legal and compliance management systems in line with the industry requirements and standards, and keep abreast of new laws and new rules and help the company with the implementation of those laws and rules. The team should also know company's business well, so that they could help the company with the legal and compliance management and risk assessment and control, and effectively protect the company's IPs and other legitimate rights and interests. They will also cultivate a compliance corporate culture to standardize employees' behaviors, to provide robust legal support for the implementation of the company's strategy and make contribution to the healthy and rapid development of various lines of business. Secondly, they will invest in the management tools, integrating cutting-edge technologies and advantages such as blockchain, AI and big data into the tools for the management of legal compliance, anti-money laundering, and related-party transactions. For example, using AI technology in legal review and compliance review to improve the accuracy and efficiency; using big data and AI learning technology to upgrade the anti-money laundering database, and improve the accuracy customer's identity verification and suspicious transactions identification. It is also important to build a trust relationship with judicial institutions based on blockchain technology, to optimize litigation procedures, shorten the time for dispute resolution, save judicial resources, and reduce the cost of post-loan disposal, and use big data and AI technology to build a smart system to accurately and effectively control related-party transactions. And finally, talent training is an ongoing effort. "We'll encourage our team member to learn new things and continuously help them improve their knowledge application ability, such as how to apply the civil law and other major laws in handling civil and commercial legal relations in the banking business. We want to help our team members to extend their reach – knowing the business while understanding laws – to find a balance between legal risk prevention and business innovation," says Li. 

有效的民商事法律关系，思考从法律管控上便捷服务，并逐步探索更高效的基于技术的纠纷解决机制之外，更应基于服务普罗大众的基本理念，兼顾金融服务的社会效果和金融消费者的满意度，通过强化线上或互联网方式做好这些下沉金融消费者的培训与指导工作。

作为互联网巨头企业的总法律顾问，刘单单女士分享道，在全球范围内，技术革新和内容创新驱动着互联网行业的高速发展。想在这样一个充满竞争的领域里保持领先的地位，企业的领导人必须具有踏实肯干，沉下心来，专注产品和研发的专注力，以及带领团队付诸实践的能力。“我所做的是带领公司法律团队在日常法务工作中找到一套既能坚守产品合规管理要求，又能探索支持新业务发展的科学管理方法，为创新保驾护航，使公司的业务可以长期健康发展。”她说道。

食品行业一直是一个受到高度管制的行业。唐斐女士表示近几年来，业务创新和商业决策的挑战主要体现在法律和监管环境变得越来越不可预见和不稳定。“一方面，我们的产品创新在中国需要更长的交付时间；另一方面，规章制度经常改变，解释非常模糊。”她说道。面对这样的难题，唐斐女士带领达能的法务团队积极与行业协会合作，与本土和跨国企业合作伙伴共同关注并制定行业行动计划。利用行业情报和力量来理解并影响监管框架；其次，作为市场领导者，唐斐女士及其团队在立法计划上与权威机构紧密合作，帮助他们了解行业趋势，收集全球市场数据和法规参考；同时，他们还积极邀请行业领袖分享其对监管趋势和解释的意见，并共同推进立法议程。

未来展望

聊及未来三到五年的发展规划，刘单单女士认为，未来竞争会持续加剧，因此，她和团队将在人才培养和专注产品与创新方面精炼内功，以持续的好奇心和热情投入全方位企业法律工作中。

郭小舟先生表示，经济下行叠加疫情的影响，会促使企业思维方式、运营逻辑作出改变。企业的承受的压力，会传导到法务，对法务人员的综合素质、解决问题能力提出更高的要求。“复星法务团队将不断自我驱动、持续进化，围绕产品力、回报率、竞争力、品牌力，助力和实现价值创造、业绩提升。配合复星业务的双轮



模式，我们专业能力上投资、运营并重，通过条线组织架构的顶层设计，实现产品线支持、组织机构、人员管理的‘到边到底’全覆盖。最终，达成法务‘攻守兼备，产业赋能’的目标。”他分享道。

唐斐女士指出，虽然在疫情之后，健康和营养食品行业变得比以前更加繁荣。整个行业都期望有更多的消费者需求和更高的质量要求。但是，监管环境将更加严厉和苛刻。在这样的预期下，达能的法务团队需要建立更大的人才库，以增强应对未来扩张和挑战的能力；同时，要继续丰富法律在商业决策和经营中的作用；另外，要深入挖掘内外部利益相关者，积极预测监管和行业趋势，预警风险，制定业务解决方案。唐斐女士尤其强调：“我们不仅仅是商业伙伴，我们也是商业本身的一部分。”

李峻峰先生对未来的愿景则体现在一句颇有深意的口号里：“处处皆服务，恰恰非银行”。他解释道：“未来三到五年银行提供金融服务将会更多的从线下网点或柜台业务转移到线

上化、无人化。微众银行的目标是做更智能、更开放和更贴近老百姓生活的银行，积极推进前沿科技将在金融领域应用，实现业务线上化、无人化和数字化，金融服务趋向于客户定制化，将实现能让客户随时随地、无处不在的获得金融服务。”

要实现这样的目标，李俊峰先生认为应该从三方面着手。首先，工作机制方面，团队必须在思想认识上与企业理念和价值高度契合，坚定执行决策层和管理层要求，通过法律与合规管理体系的持续专业化、规范化、系统化和精细化建设，研究、关注新法新规，流程化实施解读、制度配套与落地实施；紧贴产品业务与经营管理，聚焦法律与合规风险评估管控，做好知识产权与诉讼管理，维护合法权益；保持良好的监管关系；培育合规内控文化，规范员工行为，积极为微众银行战略实施、各项业务健康发展提供强有力的法律合规保障和支持，最大限度地创造价值、做出贡献。其次，在管理工具建设方面，将区块链、AI技术、大数据等前沿技术

和优势用于搭建法律合规、反洗钱、关联交易的管理工具中。例如，探索AI技术在法律审核和合规审查的智能化运用，提升审核的准确度和实效性；实施大数据整合、深度学习AI联邦学习技术在反洗钱领域的应用，不断升级反洗钱数据库技术，提高客户身份识别与可疑交易的准确度。通过区块链技术构建金融业务与司法机构之间的信任关系，优化诉讼程序，缩短纠纷裁决时效，节约司法资源，降低贷后处置成本；利用大数据、AI技术搭建精准识别、有效把控的关联交易智能管理系统，及时准确识别关联方和管控关联交易，提升公司治理智能化、数字化水平。第三，在人才培养方面，需要不断锤炼团队成员的专业能力，持续提升专业学习能力和知识的应用能力，认真领悟和执行好民法典等重大法律在银行业务中对民商事法律关系的运用，开阔团队成员的视野，培养更为专业的精神和冷静应对突发或危机事件的能力，懂法更要懂业务，在法律风险防范和业务创新中寻找平衡。



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We are not only business partner; we are part of Business!

Danone is playing in health and nutrition sector, which is highly regulated in China. E.g. for infant formula product, from formula design, manufacturing, import and sales, every step is strictly ruled by relevant regulation. GC and the team are closely involved in almost every business project guiding the business team to the right direction and proving pragmatic solutions. In the meanwhile, the team actively participated in government's legislation, and support the legislators to shape the regulatory framework for the industry.

Apart from usual in-house work, like contracts review, advertising review, brand protection, litigation, M&A projects. Phoebe's team focuses more on how to drive the business development and make direct contributions to topline growth. With this objective, the team drives the registration of new products engine in China in order to introduce most advanced products to Chinese consumers, realizes finished products registration to pave the way for market access, and advises the business on most cutting-edge business models, e.g. cross-boarder e-commerce.

Phoebe's team has cozy and caring culture. The entire team works as a family supporting and loving each other. In the meanwhile "business excellence" is a core value of the team. The team is highly recognized by both global and China management team and frequently receive all kinds of rewards from the company.