

LPA ASIA NEWSLETTER | NOVEMBER 2020

Tokyo | Shanghai | Hong Kong | Singapore

ENTRY-BAN AND TRAVEL RESTRICTIONS IN ASIA – LATEST STATUS

In response to the surge in the number of COVID-19-related infections in the wake of the (often timid) relaxations that were implemented through Asia during the summer, governments have been compelled to maintain or strengthen their border control policies, drastically restricting traffic especially from/to non-Asian countries.

With a few minor local exceptions (See below), the policies currently in force in Japan, mainland China, Hong Kong and Singapore are mostly similar and may be summarized as follows:

1. **Resident foreigners** still having valid residence permit are generally admitted to re-enter the country subject to obtaining a re-entry permit.
2. **Non-resident foreigners** (regardless of nationality) are generally not admitted to enter the country, except on a case by case basis generally limited to business or diplomatic purposes and subject, in any case, to obtaining a specific visa. Tourism and visit of relatives is generally not permitted in any of the countries.

Besides, certain sanitary measures apply that, if not fully abode with, will prevent any entry into either country notwithstanding the holding of a valid visa or re-entry permit. Especially:

1. Boarding into a flight or boat (or other means of transportation as the case may

- be) is generally permitted only upon show of a negative COVID-19 PCR test result (PCR test) and full statement of absence of illness or symptoms.
2. Arrival and exit from airport or port (or other place of arrival as the case may be) is generally permitted only upon the carrying out by the local authorities of a new PCR test showing negative result.
3. At-home or in-hotel quarantine for a period being usually 14 days is generally compulsory (any breach thereof amounting to possible criminal liability).

Lastly, travelers are strongly encouraged to opt for direct transportation only as transits via a third country (i.e. non-direct flights, etc.) are generally prohibited for entry regardless of the duration and conditions of such transit.

In a context of constant and fast changing of legal regulations, international travelers are recommended to refer to the latest applicable measures in the country of their destination before departing. Especially, current special arrangements that are in place between certain Asian countries (especially PRC-Singapore and PRC-Hong Kong) to alleviate the complexities of obtaining specific visas or re-entry permits may not remain in effect in case of worsening in either such countries of the epidemic situation and are likely to be suspended or cancelled upon short notice.

JAPAN

→ Re-entry into Japan of foreigners who are Japanese residents

Foreigners who are Japanese residents can re-enter Japan provided that (i) they have a valid residence card, (ii) they hold a re-entry permit and (iii) they have obtained a negative PCR test certificate within 72 hours of their departures.

They are required to undergo a PCR test and a 14-day quarantine upon arrival in Japan.

→ Entry into Japan of foreigners who are not Japanese residents

The following 2 frameworks are available for business travellers coming from countries who have concluded bilateral treaties with Japan:

- **Business track** (Singapore, Vietnam and South Korea): this framework allows cross-border travellers to enter Japan and enables limited business activities during the 14-day stay at home period immediately after arrival, provided that travellers accept to provide a schedule of activity. This framework is intended mainly for short-term business travelers.
- **Residence Track** (10 Asian countries): this framework allows cross-border travellers to enter Japan but requires them to stay at home for 14 days. This framework is intended mainly for long-term residents by dispatch or rotation within business personnel.

In addition, Japan has established a special quota to permit the holders of Japanese visa (who are not residents yet) and cross border business travelers of all countries to enter Japan under some conditions.

In any case, a negative PCR test certificate needs to be obtained within 72 hours prior departure and a PCR test is carried out upon arrival in Japan.

CHINA [mainland]

→ Re-entry into China of foreigners who are Chinese residents

The re-entry ban has recently been relaxed by the Chinese government: starting on 28 September 2020, foreigners holding certain residence permits (for work, private affairs or reunion) are allowed to re-enter China subject to undergoing a 14-days quarantine in a hotel room designated by the local authorities (in certain provinces, such as in Shanghai, it is possible to do an in-hotel quarantine of 7 days followed by a at-home quarantine of another 7 days). It must be noted however that nationals of countries having a high number of COVID-19 infections (such a French and British citizens) are currently generally denied re-entry.

→ Entry into China of foreigners who are not Chinese residents

Currently, only the following persons are granted easy access (fast-track process) to China territory:

- Holders of diplomatic passports or C visas (international transportation crew); and
- Singaporean citizens doing business in China, who can enter and travel within China without undergoing a 14-days quarantine provided that they obtain a visa and that they can show twice a negative PCR test result (one before arrival and one upon arrival); please note that in practice the visa is generally granted to employees of major companies only.

Other foreigners may also be allowed to enter China on a case by case basis if they can obtain an official invitation letter to visit China for necessary economic, trade, scientific or technological activities. In that case they must apply for a visa that will be issued subject to discretionary review by the Chinese authorities of the necessity of the visit. Invitation letters issued by local governments or major domestic or global companies are more likely to lead to a visa.

Please note that with the exception of Singaporean citizens, any person entering China is subject to mandatory PCR test upon arrival in China followed by a 14-days quarantine in a hotel room designated by the local government at his/her own expenses. Any violation of anti-epidemic measures may lead to administrative or even criminal liability.



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OUR INVOLVEMENT

- Lionel Vincent has been appointed by the Prime Minister as a member of the working group on Foreign Direct Investment in Japan, the purpose of which is to assist the Japanese Government in the elaboration of a mid-long term Japan strategic plan to increase the volume of Foreign Direct Investments in Japan.
- Mina Ishikawa, President of the Young Professional Committee, organized an event on 1 September 2020 with Mr. Norbert Leuret, President of LVMH Japan, who shared his experience about the retail business in Japan and the recent development and trends of the luxury goods market. [\[Article in French\]](#)



SHANGHAI OFFICE



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OUR INVOLVEMENT

- Fanny Nguyen held a conference for «Formation Formatex Business France » on 22 October 2020 regarding e-commerce in China.
- Our Shanghai office assisted Aden Services in launching a joint venture with TOTAL EREN and EREN INDUSTRIES in the field of renewable energy and energy optimization. [\[Article in French\]](#)
- Our Shanghai office assisted Unither Pharmaceuticals (world leading enterprise in sterile unit doses) in the acquisition of a leading Chinese pharmaceutical company in Nanjing

HONG KONG

→ Entry into Hong Kong from mainland China, Macao or Taiwan

Travelers from mainland China, Macao or Taiwan (irrespective of whether or not they are Hong Kong residents) are subject to mandatory testing on arrival in Hong Kong plus a quarantine of 14 days at home.

→ Re-entry into Hong Kong of Hong Kong residents

Hong Kong residents who have spent time abroad in the 14 days prior to their arrival in Hong Kong are subject to mandatory testing on arrival in Hong Kong and a quarantine of 14 days at a hotel. If they have visited specified high risk places in the 14 days prior to boarding their flight, they must provide a negative PCR test certificate prior to the flight. The list of high risk places is updated regularly and now includes, amongst others, France, Belgium, Germany, the UK, the US, Turkey and Russia.

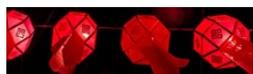
Some people are exempted from the above rules, such as cross-boundary vehicle drivers, crew members of aircraft and vessels, government officials carrying out governmental duties, and accountants carrying out audit work for listed companies.

Persons in quarantine are prohibited from leaving Hong Kong and have to stay at the place of quarantine at all times. Quarantine measures only apply to persons who enter Hong Kong and not to transit passengers who do not pass through immigration control.

→ Entry into Hong Kong of foreigners who are not Hong Kong residents

Persons who are not Hong Kong residents are denied entry into Hong Kong:

- if they are travelling from abroad to Hong Kong by plane; and
- if they arrive from the mainland China, Macao and Taiwan and have visited foreign countries in the 14 days prior to their arrival.



HONG KONG OFFICE



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OUR INVOLVEMENT

- Nicolas Vanderchmitt was invited to speak about the role of Hong Kong within the new Chinese business model at a webinar organized by DEFI on 27 October 2020 [[Article in French](#)]
- Nicolas Vanderchmitt shared his views as well as tips and pitfalls to structure investments in Vietnam from Hong Kong at a webinar co-organized by LPA-CGR and Audier & Partners on 16 November 2020 [[Article in English](#)]

SINGAPORE

→ Re-entry into Singapore of foreigners who are Singaporean residents

With the exception of Singapore citizens and permanent residents, all foreigners residing in Singapore (including workers who do not hold a permanent residence permit) are denied entry in Singapore unless they have obtained an entry approval.

Depending on where they are arriving from, all returning residents are required to serve between 7- and 14-days quarantine in a hotel room designated by the local government at their own expense, followed by a mandatory PCR test.

→ Entry into Singapore of foreigners who are not Singaporean residents

Entry approvals will not be granted to short-term visitors, except for citizens from Australia, Brunei, China, New Zealand and Vietnam, who can apply for a free (at no charge) "Air Travel Pass" for entry into Singapore subject to undergoing a PCR test at the airport upon arrival in Singapore and will only be able to carry out their activities in Singapore after the PCR test upon arrival is proved negative. Further discussions are ongoing with several countries and territories to potentially open "travel bubbles" allowing residents to travel freely from one territory to another (with compulsory PCR testing on the outbound and return journeys).

The first such "travel bubble" should have opened with Hong Kong on the 22nd of November but has been deferred for two weeks due to the rise in Hong Kong's Covid-19 cases. If successful, this model could be then transposed in the future for other destinations which are considered safe.



SINGAPORE OFFICE



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OUR INVOLVEMENT

- Arnaud Bourrut-Lacouture talked about Vietnam and the opportunities of investment in the country from Singapore at a webinar co-organized by LPA-CGR and Audier & Partners on 16 November 2020 [[Article in English](#)]
- Our Singapore office team has shared [series of videos](#) introducing the practices of its lawyers, notably on cross border acquisitions, multi-jurisdictional commercial transactions, and global mobility.