

YEAR-END NEWSLETTER

NO. 12/2024



The year **2024** marks the **20th anniversary** of NHQuang&Associates, reflecting the strong adherence to the vision and mission established at its founding; alongside the shared understanding and commitment to the organization's core values by generations of members. Beyond delivering professional, dedicated, and excellent legal solutions that drive responsible business practices for clients, NHQuang&Associates continually enhances the knowledge and capabilities of its team; actively researches and shares insights on substantive legal issues while contributing opinions to improve the quality of legislative documents, aiming to better serve the needs of businesses and the community.

With great pride in this milestone, NHQuang&Associates is delighted to share with the esteemed clients some highlights of our key activities in 2024.

Justitia Statue

Designed by Mr. Nguyen Hung Quang



In this Newsletter

Research activities

In 2024, NHQuang conducted research on a variety of topics which keep up with global trends such as e-transactions, digital transformation, business environment reform and judicial reform.

Academic colloquiums & Comments to Draft legal documents

During the year, NHQuang's lawyers shared several research results and presentations at seminars and workshops on policy, law development and improvement. We also contributed our comments to 6 legal normative documents in different areas, including but not limited to land, social insurance, and business registration.

Corporate & social improvement

In 2024, in addition to a series of activities to celebrate 20 years of establishment of the firm, members of NHQuang&Associates also left their personal imprints in professional and capacity building. Community support activities were also strongly promoted with many notable events.

Press & Media

Following 2023, NHQuang's writers preserved the delivery of sharp and useful legal analysis articles, and at the same time, maintained our participation in various interviews and seminars, covering such topics of interest as the Law on Capital (amended), real estate tax, labor safety assurance, corporate seals, etc.

CONTACT US

- +84 24 3537 6939
- contact@nhquang.com
- www.nhquang.com

2024

EMBLEMATIC FIGURES

- 62** Legal analyses and commentaries
- 09** In-house training sessions
- 13** Presentations by our lawyers at national and international professional seminars
- 20** Interviews & discussions on media channels
- 06** Laws and guiding documents commented, analyzed or assessed their impacts by our lawyers
- 09** New legal research projects
- 29** Articles on national newspapers & journals
- 12** Monthly legal newsletters
- 03** National competitions of law students accompanied by acting as its sponsor, judge, and offering with our professional support



*Phu Quoc Pearl Island - NHQuang's
20th Anniversary Firm Retreat*

RESEARCH ACTIVITIES

In 2024, research continued to be a prominent activity of NHQuang with diverse topics that keep up with global trends. The topics conducted by NHQuang include e-transactions, digital transformation, business environment reform and judicial reform, etc.; and the below are some of our notable studies:



- **“E-contract conclusion in the boom of e-commerce in Vietnam”** is a research conducted by Mr. Nguyen Hung Quang, Managing Partner and Ms. Nguyen Thuy Duong, Senior Associate of NHQuang. This research is a part of Asia-Pacific Contracts Law Project, Vol 1: The Digital World in Context conducted by Professor Ying Khai Liew - Melbourne Law School and Professor Lusina Ho -

The University of Hong Kong. The research was presented by Mr. Quang at the Project’s Workshop at the University of Hong Kong in early January 2025 and is expected to be published in the book on Asia-Pacific Contract Law in the near future.

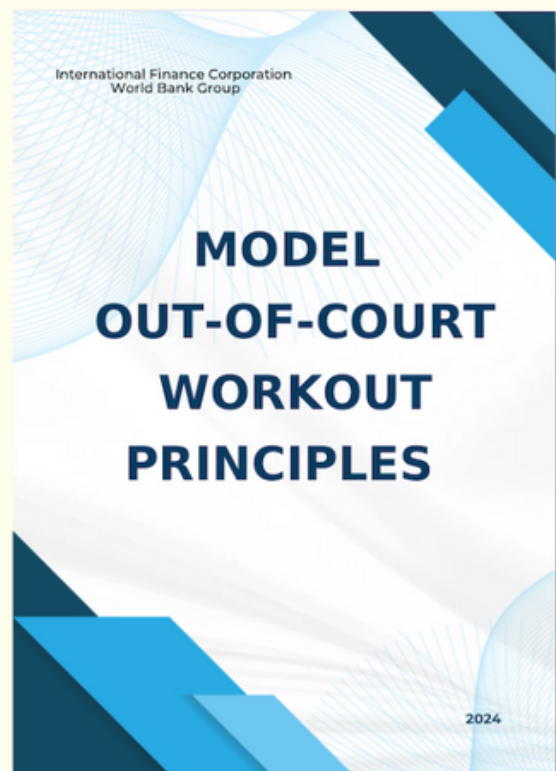
- **“Research on developing a National Database on Enterprises”** by Mr. Nguyen Hung Quang is within the framework of the project “Improving Private Sector Competitiveness” (IPSC) funded by the United States Agency for International Development (USAID); chaired by the Agency for Enterprise Development (AED) under the Ministry of Planning and Investment. This study proposes the establishment of a National Database on Enterprises, which addresses the suitability of establishing a National Database on Enterprises, the assurance of the legal basis for establishing a National Database on Enterprises as well as notes on sharing and connecting the same with other relevant databases. The study focuses on reviewing and analyzing databases in 5 areas including (i) Business and Investment Registration, (ii) Labor and Social Insurance, (iii) Tax, (iv) Intellectual Property, and (v) Credit.





- Policy impact assessment (PIA) is a mandatory step in the procedure of law formulation in Viet Nam to ensure the quality of these documents. Vietnamese laws have established certain requirements for PIA activities in general and the form of PIA Report in particular. ***“The Evaluation Study on PIA Reports and Online Public Consultations in Vietnam”*** is a World Bank-sponsored study with the aim to evaluate the quality of PIA Reports and online public consultations in Viet Nam to provide recommendations on improving the quality of PIA Reports and increasing the efficiency of online public consultations.

- According to international practice, Out-of-Court Workout is a negotiation and mediation method (with the participation of a third party) to restructure the debts involving multiple creditors with a debtor facing financial distress. This mechanism helps indebted enterprises restore their business and avoid bankruptcy, while helping to relieve pressure on the Courts in resolving disputes and bankruptcy cases, contributing to the sustainability of the financial system, promoting economic growth, and reducing the unemployment rate, etc. With those benefits of Out-of-Court Workout, Mr. Nguyen Hung Quang, acting as the National Consultant of the World Bank Group, has developed the ***“Model Out-of-Court Workout principles”*** - a reference document for Vietnamese banks. This document includes a number of contents such as conditions for Out-of-Court Workout implementation, the procedure of Out-of-Court Workout implementation, rights and obligations of the parties when implementing Out-of-Court Workout.



ACADEMIC COLLOQUIUMS

Continuously improving professional capacity and knowledge, in 2024, NHQuang's lawyers also shared numerous legal research results, presentations, and insightful comments related to legal issues at several seminars and workshops. Some notable ones are highlighted below, given by month:

JAN

- Presenting the paper **“International experience on Business Improvement District (BID) and proposal of BID model for Ha Noi”** at the Workshop on “Mechanism for Business Improvement District (BID) to explain, absorb, revise and complete the Draft Law on Capital (amended)” organized by Ha Noi Department of Culture and Sport Facilities.

APR

- Presenting the paper **“Some comments on 2 draft Decrees guiding the Law on Land”** at the Workshop *“Comments on the Draft Decree detailing the implementation of a number of articles of the Law on Land and the Draft Decree regulating land prices”* organized by VCCI in coordination with the Ministry of Natural Resources and Environment.

MAY

- Commenting on the Report **“International cooperation in recovering corrupts assets under the United Nations Convention against corruption and experience for Viet Nam”** at the Workshop of the same name organized by the Central Internal Affairs Committee in coordination with the United Nations Development Programme (UNDP).
- Presenting the paper **“The status quo of commercial mediation in Viet Nam”** at the Workshop *“The status quo and orientation, solutions to improve the law on business and commercial dispute resolution by mediation and arbitration in Viet Nam”* organized by the Judicial Academy.

AUG

- Discussing the **work of urban renovation, embellishment and reconstruction in the historic inner city area** in the Seminar *“Creating a breakthrough in urban conservation and reconstruction”* broadcasted on Ha Noi Radio & Television Broadcasting.





- Attending the Workshop of INSOL International in collaboration with the World Bank Group and the Ministry of Law, Singapore in Singapore with the topic: **Forum on Asian Insolvency Reform (FAIR)**.



- Acting as a speaker at the **Professional training conference, seminar and exchange on Commercial Arbitration and Commercial Mediation** organized by Hung Yen Department of Justice.
- Presenting an overview of the draft **Model Out-of-Court Workout principles** at the meeting between Vietnam Bank's Association (VNBA) and the International Finance Corporation (IFC) under the World Bank Group (WBG).



- Discussing new regulations to strengthen environmental protection and improve people's quality of life under the Law on Capital 2024 in the Seminar "**Law on Capital 2024 – some new points in environmental protection**" broadcasted on Hanoi Radio & Television Broadcasting.



- Participating in the executive panel at the Workshop "**The role of Vietnamese and Korean lawyers in supporting investment and business activities of Korean enterprises in Viet Nam**" jointly organized by the Viet Nam Bar Federation and the Korean Bar Association.
- Presenting responsible business practices through consulting activities of lawyers at the "**Forum on sharing experiences promoting responsible business practices in Viet Nam**" organized by the Ministry of Justice in collaboration with the United Nations Development Programme (UNDP).
- Presenting an overview of the draft Model Out-of-Court Workout principles at the Workshop "**Out-of-Court Workout: Insights and Best Practices from the Field**" and participating in coordinating the turnaround exercise for a hypothetical scenario at the Training on "**Out-of-Court Workout and Alternative Methods of Resolving NPLs**" organized by Vietnam Bank's Association (VNBA) and the International Finance Corporation (IFC) under the World Bank Group (WBG).



COMMENTS TO DRAFT LEGAL DOCUMENTS



LAW ON CAPITAL (AMENDED)

The highlights in the comments to the Draft focused on (i) **transit-oriented development (TOD)**, (ii) **urban renovation and beautification**, (iii) **low-emission zones**, (iv) **public-private partnerships in the cultural sector**, (v) **business improvement districts (BIDs)**, and (vi) capital region development.

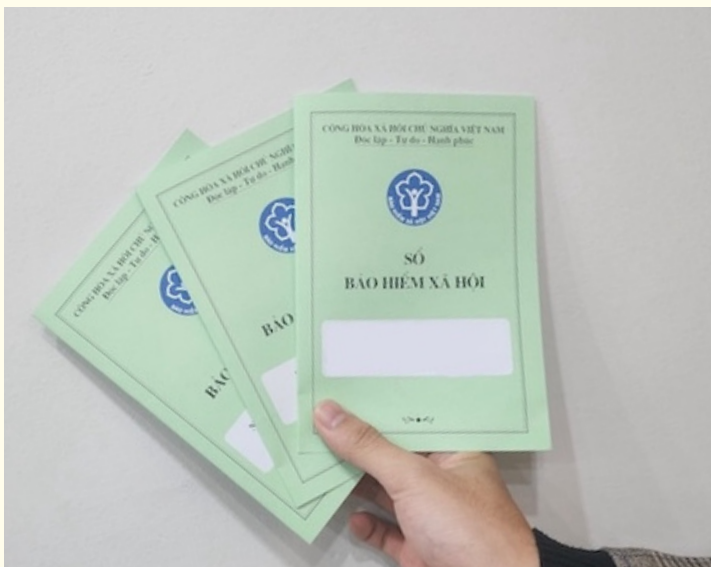
LAW ON LAWYERS

The comments highlighted the perfection of the regulations on (i) **the scope** of the Law on Lawyers; (ii) principles for law practice; (iii) principles of lawyer management and law practice; (iv) **requirements of lawyers**; (v) **rights and obligations** of lawyers; (vi) criteria of lawyers, etc.



LAW ON SOCIAL INSURANCE (AMENDED)

Some of the commented contents included the authority of social insurance agencies; adjustment of the information on participation in compulsory and voluntary social insurance; handling of **late payment**, **evasion of compulsory social insurance**, one-time social insurance; **levels of benefits for maternity, retirement, death**, etc.





SOME RESOLUTIONS GUIDING THE LAW ON CAPITAL

Mr. Nguyen Hung Quang contributed comments to 4 Resolutions of Ha Noi People's Council on the implementation of the Law on Capital, including:

- **Resolution 47/2024/NQ-HDND** stipulating the implementation of low emission zones in Ha Noi City;
- **Resolution 28/2024/NQ-HDND** regulating the use of public assets at public service units under the management of Ha Noi City for the purposes of business, lease, joint venturing, and affiliating; and
- **2 Draft Resolutions** on cultural industrial centers and business improvement districts.

DECREE ON BUSINESS REGISTRATION

The comments addressed a number of issues such as (i) Amendment to the regulations on **recognition of business lines**; (ii) **Declaration of personal information** in enterprise registration procedure; (iii) Enterprise registration dossier for cases of business type conversion, etc.



SOME DECREES GUIDING THE LAW ON LAND

The comments focused on a number of issues such as (i) clarification to the scope and regulations on **"vicinity"**; (ii) methods for **determining land prices for underground works** according to the provisions of Article 216 of the Law on Land, (iii) responsibilities of land users when **"force majeure"** occurs to ensure the strictness of the law, etc.



CORPORATE & SOCIAL DEVELOPMENT

NHQUANG&ASSOCIATES' 20TH ANNIVERSARY



The 20th Anniversary of NHQuang&Associates cozily took place in Phu Quoc Pearl Island exactly on its birthday on November 4, 2024. Featured with the theme “Thanksgiving”, the event represented the firm’s sincere thanks to the companions who have been with NHQuang over the years. In the next leg of our journey, NHQuang will surely continue to develop in line with the set orientation, bringing great values for the society.

In mid-year, NHQuang&Associates organized an internal contest **"Creating Brand Positioning Phrases with NHQuang"**. The contest aimed to help the firm members better understand the vision, mission and development strategy of NHQuang&Associates, contributing to repositioning NHQuang brand after 2 decades of development. Nearly 100 brand positioning phrases were generated by NHQuang members, which all show their own imprint and perspective on legal profession and the firm. The final brand positioning phrase and brand identity shall be built and proposed by Richard Moore Associates, the very first strategic brand identity consultant in Viet Nam.



IN-HOUSE TRAINING

In 2024, in-house training sessions of NHQuang&Associates were carried on with focus on negotiation and mediation skills, analyses and discussion of the remarkable new regulations of the Law on Land 2024, etc. In addition to sharing theoretical knowledge, training sessions on negotiation and mediation were organized in form of group discussions for practicing dispute resolution through role-play scenarios under the guidance of experienced Lawyers - Mediators of the firm. In the second half of 2024 and early 2025, under the guidance by Mr. Nguyen Hung Quang, the Managing Partner, the firm members concentrate on legal writing legal analysis skills with contract as the subject matter.



VNLAWFIND

2024 marks the **5-year milestone** of VNLawFind - the site for sharing NHQuang's studies since 2019. VNLawFind brings together all research project reports, articles, and presentations at workshops, seminars as well as briefs of NHQuang's in-house training sessions with the desire to introduce and share legal knowledge to those interested in developing legal studies and policy making in Viet Nam. It is our great delight to see the increasing number of downloads, and we do hope that NHQuang's studies can help for better legal learning, research, and practice.



Typical figures of VNLawFind 5-year operation

Chia sẻ kiến thức - Lan tỏa đam mê - Thúc đẩy luật học
Sharing Knowledge - Inspiring Passion - Promoting Jurisprudence

PERSONAL ACHIEVEMENTS

MR. NGUYEN HUNG QUANG

On the 70th Anniversary of the Capital Liberation Day and Vietnamese Lawyers' Day, NHQuang&Associates was honored to receive the Certificate of Merit as one among 36 agencies with outstanding achievements in consulting and drafting the Law on Capital 2024; at the same time, Mr. Nguyen Hung Quang, Managing Partner of the Firm, was one of 10 individuals representing the awarded recipients to receive the Certificate of Merit from the President of Ha Noi City. The engagement in the formulation of the Law is a pro bono activity conducted by NHQuang&Associates and Mr. Nguyen Hung Quang from 2021 to mid-2024.



MS. NGUYEN THUY DUONG

Another good news we received at the end of the year: Ms. Nguyen Thuy Duong, a Senior Associate of NHQuang, has graduated from the Master of Public Administration Program specializing in Public Policy and Management at the School for Business and Society, University of York (UK), after two years of great efforts in studying and researching. Ms. Duong was the highest achieving student in the 2023/2024 Master of Public Administration program of her specialty, and also awarded the Highest Capstone Project during the academic year. These efforts and achievements exemplify the spirit of continuous learning at NHQuang.



SUPPORT FOR STUDENTS

V-MED

2024 is the third consecutive year that NHQuang&Associates has been the companion sponsor, providing training to competitors, offering advisory support, and acting as the judges for Vietnam Mediation Moot (V-Med). This is a national commercial mediation competition for students with the aim of promoting, disseminating knowledge and skills on dispute resolution through commercial mediation.



SOUL OF LAW & FDI MOOT

In 2024, NHQuang also supported the Soul of Law program held by law students of Ha Noi Foreign Trade University as a professional sponsor and served as the judges in the second round and the final round. The competition is an interesting and useful playground for students passionate about law and also a place to connect, learn and gain inspiration for their professional development, not only in Ha Noi but also across the country.

In addition, NHQuang&Associates preserved the role of the Gold Sponsor of the 2024 National Foreign Direct Investment International Law Moot Competition. The team winning this competition would represent Viet Nam in the regional round.

Globalized Era Scholarship (GES)

Another annual activity of NHQuang in the persistent support to law students is to accompany GES as a sponsor. During the 14 years of establishment and development of the fund, as a sponsor, NHQuang has also provided GES students with academic guidance, hosting for workshops, and other support activities.

PRESS AND MEDIA



🔊 Nghị định 96 quy định chi tiết một số điều của Luật kinh doanh Bất động sản

(VOV5) - Các cá nhân, và doanh nghiệp, bao gồm cả người Việt Nam ở nước ngoài, có hoạt động đầu tư, kinh doanh tại Việt Nam, nên lưu ý tới...

Our legal newsletters continue to receive positive feedbacks from our clients and significant attention from the media. Numerous of our articles have been published, cited on newspapers, and also featured on columns on legal regulations for businesses, policy research or relied on in our clients' operations. In particular, several articles that draw strong interest of overseas Vietnamese have been broadcasted on **Legal Policy Section - VOV5**, the Voice of Vietnam.

Following 2023, Mr. Nguyen Hung Quang attended further discussion on the Draft Law on Capital (amended) as well as the implementation and enforcement of this Law, namely the interview with VTV1 "**Draft Law on Capital (amended)**", the interview "**Implementing the Law on Capital (amended): Launch pad for Ha Noi to conduct urban renovation and reconstruction**" on Hanoimoi Newspaper, or the program "**Law on Capital (amended): Vision for Capital development**" broadcasted on Ha Noi Radio & Television Broadcasting.

Triển khai Luật Thủ đô (sửa đổi): Bộ phóng để Hà Nội chỉnh trang, tái thiết đô thị

Hà Phong | 07/07/2024 - 12:13

Công tác cải tạo, chỉnh trang, tái thiết đô thị gắn với bảo tồn, phát huy giá trị không gian lịch sử văn hóa, truyền thống tại khu vực nội đô lịch sử là vấn đề được đặt ra trong nhiều chính sách, giải pháp của chính quyền các cấp Thủ đô Hà Nội những năm qua. Dù có nhiều cố gắng nhưng đến nay, kết quả chưa được như mong muốn.

Trao đổi với phóng viên Báo HàNộimới, luật sư Nguyễn Hưng Quang, Phó Chủ tịch Hội Luật Quốc tế Việt Nam cho rằng, Luật Thủ đô (sửa đổi) là tiền đề, bộ phóng để Hà Nội giải quyết những bất cập chưa có lời giải.



In his article "**Real estate tax imposition, difficult or not?**" on The Saigon Times Online, Mr. Nguyen Tien Lap, Senior Executive Partner of NHQuang, discussed the proposal on formulation of two new real estate related taxes, namely (i) property tax or ownership tax on the second and additional real estate property, and (ii) real estate anti-speculation tax, their feasibility and matters that may arise when applying such taxes.

In practice, there are many cases where contracts and transactions are concluded by corporate representatives but not stamped with corporate seals, leading to many disputes. To deal with this practical situation, Ms. Tran Thi Thanh Huyen provided some legal analyses and recommendations for businesses regarding the legal value of corporate seals as well as the use of seals in transactions and contracts, especially with foreign partners in the discussion about **“Dispute over validity of contracts for sale of goods without corporate seal”** in the Business and Law Program, VTV2 of Vietnam Television.



In 2024, Mr. Phung Quang Cuong participated in many programs and interviews related to ensuring labor safety. In Business and Law Program (VTV2) with the theme **“Ensuring labor safety”** and the interview **“Ensuring labor safety - Legal responsibility of both businesses and employees”** with Tienphong online, Mr. Cuong discussed the disputes related to work accidents and gave some advice to minimize work accidents and to respond to disputes and conflicts arising between businesses and employees.

Please visit us at:



Ha Noi Office:
Villa B23, Trung Hoa - Nhan Chinh
Nguyen Thi Dinh Street, Nhan Chinh Ward
Thanh Xuan District, Ha Noi, Viet Nam
Tel 84 24 3537 6939
Fax 84 24 3537 6941
Web: www.nhquang.com

Ho Chi Minh City Branch:
First floor, Harmony Tower, No. 47-49-51
Phung Khac Khoan Street, Da Kao Ward
District 1, Ho Chi Minh City, Viet Nam
Tel 84 28 3822 6290
Fax 84 28 3822 6290
Email: contact@nhquang.com