

**ASEAN - HONG KONG, CHINA FREE TRADE AGREEMENT  
HONG KONG, CHINA'S SCHEDULE OF SPECIFIC COMMITMENTS**

Where appropriate, Hong Kong, China's commitments are referenced to the *Provisional Central Product Classification* ("CPC") as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 and on the basis of the *Services Sectoral Classification List* WTO document MTN.GNS/W/120.

## HONG KONG, CHINA'S SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply:      1)      Cross-border supply      2)      Consumption abroad      3)      Commercial presence      4)      Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>1), 2), 3), 4) Unbound for any measures with respect to:</p> <p>(a) the provision of public law enforcement, ambulance services, correctional services and fire fighting services; and</p> <p>(b) the following, to the extent that they are social services established for a public purpose:</p> <ul style="list-style-type: none"> <li>i.) health;</li> <li>ii.) education;</li> <li>iii.) housing;</li> <li>iv.) training;</li> <li>v.) transport;</li> <li>vi.) public utilities;</li> <li>vii.) social security; and</li> <li>viii.) social welfare.</li> </ul>		
	<p>4) Unbound except for business visitors and intra-corporate transferees, subject to the following conditions:</p> <p>(a) <u>Business Visitors</u></p> <p style="padding-left: 20px;">I. <u>Definition</u></p> <p style="padding-left: 20px;">A business visitor means a natural person of an ASEAN Member State:</p> <ul style="list-style-type: none"> <li>i.) who is seeking temporary entry to Hong Kong, China for the purpose of: <ul style="list-style-type: none"> <li>(1) attending meetings or conferences, or engaging in consultations with business colleagues;</li> <li>(2) taking orders or negotiating contracts for a juridical person located in Hong Kong, China but not selling goods or providing services to the general public; or</li> <li>(3) undertaking business consultations</li> </ul> </li> </ul>	<p>4) Unbound except as indicated in "Limitations on Market Access"</p>	<p>With respect to entry visas/permits for categories of personnel for which market access/national treatment commitments are made, the following information is available on the website of the visa/permit issuing authority:</p> <ul style="list-style-type: none"> <li>(a) relevant ordinances and regulations;</li> <li>(b) application procedures; and</li> <li>(c) pledge on processing time required on average where applicable.</li> </ul>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>concerning the establishment, expansion or winding up of a juridical person or investment in Hong Kong, China;</p> <p>ii.) who is not seeking to enter the labour market of Hong Kong, China; and</p> <p>iii.) whose principal place of business, actual place of remuneration and predominant place of accrual of profits remain outside Hong Kong, China.</p> <p>II. <u>Conditions (including duration of stay)</u></p> <p>The commitments shall apply to:</p> <p>i.) all sectors in the WTO Services Sectoral Classification List (MTN.GNS/W/120); and</p> <p>ii.) entry and temporary stay for a period not exceeding 90 days, provided that normal immigration requirements are met.</p> <p>(b) <u>Intra-corporate transferees</u></p> <p>I. <u>Definition</u></p> <p>An intra-corporate transferee means a <b>senior manager</b> or a <b>specialist</b> who is an employee of a service supplier of an ASEAN Member State with a commercial presence in Hong Kong, China.</p> <p>A <b>senior manager</b> means a natural person of an ASEAN Member State within an organisation of that ASEAN Member State who:</p> <p>i.) is a senior employee of that organisation with responsibility for the entire organisation's operations, or a substantial part of it, in Hong Kong, China;</p> <p>ii.) has proprietary information of the organisation and receives only general</p>		

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	<p>supervision or direction from higher level executives or the board of directors or stockholders of the organisation; and</p> <p>iii.) supervises and controls the work of other supervisory, professional or managerial employees in Hong Kong, China. This does not include a first-line supervisor, unless the employees supervised are professional; nor does it include an employee who primarily performs tasks necessary for the provision of the service.</p> <p>A <b>specialist</b> means a natural person of an ASEAN Member State within an organisation of that ASEAN Member State who possesses knowledge at an advance level of expertise; possesses proprietary knowledge of the organisation's service, research equipment, techniques, or management; and who is essential to the operation of the concerned service supplier's establishment in Hong Kong, China.</p> <p>II. <u>Conditions (including duration of stay)</u></p> <p>Natural persons of ASEAN Member States seeking entry into Hong Kong, China as senior manager or specialist under Hong Kong, China's commitments on intra-corporate transferees shall:</p> <p>i.) be employees who have been in the prior employment of the concerned service supplier which sponsors their entry into Hong Kong, China for a period of not less than one year immediately preceding the date of application for admission; and</p> <p>ii.) during their stay in Hong Kong, China except with the prior approval of the Government of Hong Kong, China, not change employment or employers.</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>The commitments:</p> <ul style="list-style-type: none"> <li>i.) shall only apply to the sectors and sub-sectors as set out in <u>Appendix I</u>;</li> <li>ii.) shall only apply to natural persons of ASEAN Member States of service suppliers of ASEAN Member States which have a bona fide business establishment operating in Hong Kong, China. The number of natural persons who may seek entry under these commitments shall be reasonable having regard to the size and the nature of the business operation of the relevant establishment in Hong Kong, China; and</li> <li>iii.) are limited to entry and temporary stay. Temporary stay implies that the appropriate prior authority will have been applied for and obtained before departure for Hong Kong, China. Temporary stay shall be limited to one year in the first instance, which may be extended up to a total of five years.</li> </ul> <p>Temporary entry granted to a natural person of an ASEAN Member State pursuant to Hong Kong, China's commitments on Business Visitors and Intra-corporate Transferees does not exempt that person from the requirements needed to carry out a profession or activity according to the internal law, and any applicable mandatory codes of practice made pursuant to the internal law, in force in the Area of Hong Kong, China.</p> <p>Hong Kong, China shall grant temporary entry or extension of stay to the extent provided for in the commitments set out in this Schedule to natural persons of ASEAN Member States, provided that those natural persons:</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	i.) follow prescribed application procedures for the immigration formality <sup>1</sup> sought; and  ii.) meet all relevant eligibility requirements for entry into Hong Kong, China.		
<b>II. SECTOR SPECIFIC COMMITMENTS</b>  Commitments made by Hong Kong, China shall not prevent it from adopting or maintaining non-discriminatory measures which restrict or require specific types of legal entity through which a service supplier may supply a service, to achieve a legitimate policy objective.			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>  Accounting, auditing and bookkeeping services: these are limited to auditing and advisory services on matters such as financial management consultancy, company formation and restructuring, raising of capital, debt-rescheduling, receivership and liquidation (Part of CPC 862)	1) Unbound 2) None 3) None other than that the provision of statutory auditing services is limited to corporate practices and natural persons licensed as certified public accountants (practising), either as sole proprietors or in partnership. 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in Horizontal Commitments	

<sup>1</sup> It is understood that “immigration formality” means a visa, permit, pass or other document or electronic authority granting a natural person permission to enter, stay, work or establish commercial presence in the Area of Hong Kong, China.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Taxation services (excluding legal services): these are limited to advisory and consulting services to enterprises or individuals on compilation of tax returns, tax planning, review, assessment and back-duty work (Part of CPC 863)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Architectural services (CPC 8671)	1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None, except that to be registered as a Registered Architect, a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments	
Engineering services (CPC 8672)	1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None, except that to be registered as a Registered Professional Engineer, a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Urban planning and landscape architectural services (CPC 8674)	1) Unbound 2) None 3) None  4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None, except that to be registered as a Registered Landscape Architect or Registered Professional Planner, a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments	
Medical and dental services (CPC 9312)	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	
Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	
B. <u>Computer and Related Services</u> (CPC 84)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	



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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Rental/Leasing Services without Operators</u>  Relating to ships (CPC 83103)  Relating to other transport equipment (excluding services relating to air transport) (CPC 83101-83102)  Relating to other machinery and equipment (excluding transport equipment) (CPC 83106-83109)	1) None 2) None 3) None  4) Unbound except as indicated in Horizontal Commitments  1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments  1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong, China's profits tax. 4) Unbound except as indicated in Horizontal Commitments  1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments  1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. <u>Other Business Services</u>			
Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Market research and public opinion polling services (CPC 864)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	
Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Services related to management consulting, including such services related to Halal food (CPC 866)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Technical testing and analysis services, including such services related to Halal food (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Services incidental to agriculture and forestry: these are limited to the provision of advice and guidance relating to crop, livestock and forestry management. These do not include ownership of farms and farming (Part of CPC 881)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>Services incidental to fishing: these are limited to the provision of advice and guidance relating to marine or freshwater fisheries and fish hatchery services. These do not include ownership of fish ponds and fishing (Part of CPC 882)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>Services incidental to manufacturing, including such services related to Halal food. These are limited to consulting services only (Part of CPC 884+885)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>Placement and supply services of personnel (CPC 872)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Investigation services (CPC 87301)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Security services (CPC 87302–87305)	1) None 2) None 3) None other than that service supplier may only provide the service in the form of a company incorporated in Hong Kong, China under the Companies Ordinance. 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 8861–8866)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	
Building cleaning services (CPC 874)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	

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Packaging services (CPC 876)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Printing, publishing (CPC 88442)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	
Specialty design services (CPC 87907)	1) None 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	
Convention services including exhibition management services which are limited to activities relating to planning, organizing, managing and marketing services for exhibitions, conventions and similar events (Part of CPC 87909)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
<p>B. <u>Courier Services:</u></p> <p>These are limited to the provision of services on a fee or contract basis for the delivery of documents and parcels, but excluding services reserved to the Post Office under the Post Office Ordinance (Part of CPC 7512)</p>	<p>1) Unbound            2) None            3) None            4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) Unbound            2) Unbound            3) None            4) Unbound except as indicated in Horizontal Commitments</p>	<p>Additional commitments on regulatory principles (Details at <u>Appendix II</u>)</p>
<p>C. <u>Telecommunication Services</u></p> <p><u>Local services</u></p> <p>(a) Voice services            (b) Packet-switched data transmission services            (c) Circuit-switched data transmission services            (d) Telex services            (e) Telegraph services            (f) Facsimile services            (g) Private leased circuit services            (o) Other</p> <p><u>Mobile services</u></p> <p>- mobile radio telephone services including Cellular and Personal Communications Services            - mobile data services            - radio paging services</p>	<p>1) None            2) None            3) None            4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None            2) None            3) None            4) Unbound except as indicated in Horizontal Commitments</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>International services</u></p> <p>(a) Voice services (resale based only)</p> <p>(b) Packet-switched data transmission services (resale based only)</p> <p>(c) Circuit-switched data transmission services (resale based only)</p> <p>(f) Facsimile services (resale based only)</p> <p>(o) Other</p> <p>- Self provision of external satellite circuits for a company if the messages originated from or received at the Hong Kong, China end are intended for the company, its holding, subsidiary or affiliated companies; or for an organization if the messages originated from or received at the Hong Kong, China end are intended for the common business or activities of the organization</p> <p>- Virtual private network service (resale based only)</p> <p>- Mobile satellite service</p>	<p>1) None other than:</p> <ul style="list-style-type: none"> <li>- Public external telephone service<sup>2</sup> is not allowed;</li> <li>- For self-provision of external satellite circuits, connection to the public-switched telephone network (PSTN) at the Hong Kong, China end may be restricted;</li> <li>- For virtual private network service, connection to the PSTN at the Hong Kong, China end may be restricted;</li> <li>- For mobile satellite service, gateway station for mobile satellite traffic is not allowed.</li> </ul> <p>2) None</p> <p>3) None other than:</p> <ul style="list-style-type: none"> <li>- Public external telephone service<sup>2</sup> is not allowed;</li> <li>- For self-provision of external satellite circuits, connection to the PSTN at the Hong Kong, China end may be restricted;</li> <li>- For virtual private network service, connection to the PSTN at the Hong Kong, China end may be restricted;</li> <li>- For mobile satellite service, gateway station for mobile satellite traffic is not allowed.</li> </ul> <p>4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	

<sup>2</sup> “External telephone services” only include person to person voice communications with places outside Hong Kong, China.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Value added services</u></p> <p>(h) Electronic mail</p> <p>(i) Voice mail</p> <p>(j) On-line information and data base access and retrieval</p> <p>(k) Electronic data interchange (EDI)</p> <p>(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve</p> <p>(m) Videotex and teletex, code, protocol and/or format conversion</p> <p>(n) On-line information and/or data processing (including transaction processing)</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than that commercial presence must take the form of a company<sup>3</sup>.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	
<p>D. <u>Audiovisual Services</u></p> <p>Radio and television services</p> <p>- Production services of programme content for sale to operators of radio services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	

<sup>3</sup> “Company” means broadly a company incorporated in Hong Kong, China under the Companies Ordinance, or a company incorporated outside Hong Kong, China which establishes a place of business and registered as such in Hong Kong, China under the Companies Ordinance.



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Production services of programme content for sale to operators of television services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Motion picture and video tape production and distribution services (CPC 9611)  Motion picture projection services - Motion picture projection services in cinemas (Part of CPC 96121)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments  1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments  1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Sound recording services: these are limited to services relating to the provision of sound-track	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
D. <u>Building Completion and Finishing Work</u>  Interior design services: these are limited to specialized consulting services related to the post-construction design and fitting out of interior living and working spaces (Part of CPC 517)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
E. <u>Other</u> Project management services: these are limited to the supervision and coordination of construction projects but do not cover engineering or architectural services and railway construction and project implementation	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
4. DISTRIBUTION SERVICES			
A. <u>Commission agents' services, including such services related to Halal food (CPC 621) (except for energy products and services)</u>	1) None 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Wholesale trade services, including such services related to Halal food</u> (CPC 622)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
Wholesale trade services of fishery products (CPC 62224)	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	
C. <u>Retailing services, including such services related to Halal food</u>  Retailing services excluding all pharmaceutical, medical, surgical and orthopaedic products (CPC 631-632 except for CPC 63211)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
C. <u>Higher education services</u> (CPC 923)  D. <u>Adult education</u> (CPC 924)	<p>1) None except that the provision of local courses and non-local courses at post-secondary level are subject to different registration requirements. Institutions providing local courses at post-secondary level shall be registered under the Post Secondary Colleges Ordinance (Cap. 320) or for provision of courses not leading to the award of a degree shall be registered under the Education Ordinance (Cap. 279), while non-local courses leading to the award of a non-local higher academic or professional qualification shall be registered under the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493).</p> <p>A person who provides non-local courses which are regulated courses is subject, <i>inter alia</i>, to the following measures under Cap. 493: a regulated course conducted in collaboration with a local institution of higher education specified under Cap. 493 can be exempted from registration subject to conditions stipulated in Section 8 of Cap. 493.</p> <p>2) None            3) Unbound            4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None except that a person who provides non-local courses which are regulated courses is subject, <i>inter alia</i>, to the following measures under Cap. 493: an application for registration of a regulated course requires, <i>inter alia</i>, the undertaking of a person who states that he/she undertakes to perform, in relation to the course, the functions imposed on a designated person by Cap. 493. Such person shall be ordinarily resident in Hong Kong, China and the holder of a Hong Kong identity card.</p> <p>2) None            3) Unbound            4) Unbound except as indicated in Horizontal Commitments</p>	
6. ENVIRONMENTAL SERVICES			
A. <u>Sewage services</u> (CPC 9401)	<p>1) None            2) None            3) None            4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None            2) None            3) None            4) Unbound except as indicated in Horizontal Commitments</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Refuse disposal services:</u> These are limited to collection services of garbage, trash, rubbish and waste from households (Part of CPC 9402)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
C. <u>Sanitation and similar services (CPC 9403)</u>	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
D. <u>Others</u> - Cleaning services of exhaust gas (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental protection services not elsewhere classified (CPC 9409)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
7. FINANCIAL SERVICES  <u>Mode 1/Mode 2</u>  The commitments made with respect to mode 1 (cross-border supply) and mode 2 (consumption abroad) supply of financial services inscribed in this section of the Schedule do not signify a commitment to allow a service supplier from the Area of an ASEAN Member State to solicit business or to conduct marketing in Hong Kong, China.  There is a statutory monopoly on the operation of a stock market in Hong Kong, China.			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>All Insurance and Insurance-Related Services</u>			
Life, accident and health insurance services  Non-life insurance services	1) Unbound 2) None other than that statutory insurances must be purchased from an insurer authorized in Hong Kong, China. 3) None other than that only an incorporated company authorised by the Insurance Authority (IA) or an association of underwriters approved by the IA is permitted to carry on insurance business. In the case of the former, commercial presence must take the form of a subsidiary, branch or representative office, although insurance business shall not be carried out through a representative office. 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None other than that the chief executive appointed by the authorised insurer should normally reside in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments	
Reinsurance and retrocession	1) None, provided that the insurance company is a company incorporated outside Hong Kong, China and has no agent nor place of business in Hong Kong, China. 2) None 3) None other than that only an incorporated company authorised by the Insurance Authority (IA) or an association of underwriters approved by the IA is permitted to carry on insurance business. In the case of the former, commercial presence must take the form of a subsidiary, branch or representative office, although insurance business shall not be carried out through a representative office. 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None other than that the chief executive appointed by the authorised insurer should normally reside in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments	

<sup>4</sup> Commitments on presence of natural persons are confined to businesses regulated under Hong Kong, China's banking, securities, insurance and related legislation.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Services auxiliary to insurance (including broking and agency services)	1) None other than claims settlement services, except for settlement of claims under contracts of goods in transit insurance entered into wholly outside Hong Kong, China in respect of goods consigned to Hong Kong, China. 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound  2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>B. <u>Banking and Other Financial Services</u> (excluding insurance)</p> <p>Acceptance of deposits and other repayable funds from the public</p> <p>Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that                      (a) all authorised institutions (i.e. licensed banks, restricted licence banks and deposit-taking companies) shall maintain a physical presence in Hong Kong, China.                      (b) in the case of an overseas bank seeking to establish a locally incorporated full licensed bank, the bank must:                      (i) have maintained a locally incorporated restricted licence bank or deposit taking company (or any combination thereof) in Hong Kong, China for at least 3 continuous years before they can apply for approval from the Hong Kong Monetary Authority (HKMA) for upgrading to a full licensed bank; or                      (ii) have maintained a branch in Hong Kong, China for not less than three continuous years before they can apply for approval from HKMA to subsidiarise the operation of the branch by transferring the branch operation to a locally incorporated company; and                      (c) in the case of an overseas bank seeking to establish a representative office in Hong Kong, China, such offices are prohibited from taking deposits and undertaking banking business in general.</p> <p>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None other than that all authorised institutions (local or overseas) must appoint a chief executive and not less than one alternative chief executive, each of whom shall be an individual and ordinarily resident in Hong Kong, China.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Financial leasing	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	
All payment and money transmission services	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None other than that all licensees to operate stored value facilities must appoint a chief executive and not less than one alternative chief executive each of whom shall be an individual who is ordinarily resident in Hong Kong, China. 4) Unbound except as indicated in Horizontal Commitments	
Guarantees and commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise the following: - Money market instruments (including cheques, bills, certificate of deposits) - foreign exchange - derivative products including, but not limited to, futures and options - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements - transferable securities	1) Unbound 2) None 3) None other than the following: Only corporations incorporated in Hong Kong, China, may become members of exchange companies recognised under the Securities and Futures Ordinance (in addition, natural persons born in Hong Kong, China or resident in Hong Kong, China for five of the preceding seven years or partnerships composed of such persons may also become members of the Stock Exchange of Hong Kong Limited <sup>5</sup> ). 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None other than that for dealing in securities or commodities futures, there is a residence requirement in Hong Kong, China in respect of a sole proprietor, or, in the case of a partnership or company, in respect of at least one partner or director, who is registered as a dealer. 4) Unbound except as indicated in Horizontal Commitments	
Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None other than that if registration as a dealer is required, as it is in the case of public issues, the limitations as for dealers (above) shall apply. 4) Unbound except as indicated in Horizontal Commitments	
Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments <sup>4</sup>	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	

<sup>5</sup> The residence requirement for memberships can be waived for persons of good reputation with substantial experience of dealing in securities.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Advisory and other auxiliary financial services on all the activities listed in subparagraph 5(a)(v) to (xv) of the <i>GATS Annex on Financial Services</i>, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy</p> <p>Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p>	<p>1) None other than commodity trading and investment advisory service</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	
<p>8. HEALTH RELATED AND SOCIAL SERVICES</p>			
<p>A. <u>Hospital services</u> (CPC 93110)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p>			
<p>A. <u>Hotels and Restaurants</u> (including catering) Hotel services (CPC 6411)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Motel lodging services (CPC 6412)</p> <p>Other lodging services (CPC 64191, 64192, 64194 and 64195)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>Restaurant and catering services including such services related to Halal food (CPC 642 and 643)</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p><u>B. Travel Agencies and Tour Operator Services</u> Travel agencies and tour operator services: these are limited to the business of obtaining for clients carriage and/or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning (Part of CPC 7471)</p>	<p>1) None 2) None 3) None other than that only a company may operate tours and open branch offices<sup>3</sup> 4) Unbound</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>Entertainment Services</u> (CPC 9619 except 96194, 96199)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
C. <u>Libraries, Archives, Museums and Other Cultural Services</u>  Library and archives services (CPC 9631)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	
D. <u>Sporting and Other Recreational Services</u> (excluding gambling and betting services) (Part of CPC 964)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u> Note: Cabotage transport is excluded by virtue of Article 2 (Scope) of Chapter 8 (Trade in Services).			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
International transport (Passenger) (CPC 7211)	1) None 2) None 3) None <sup>6</sup>  4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong's profits tax. 4) Unbound except as indicated in Horizontal Commitments	Where the following services are not otherwise covered by the obligation enshrined in subparagraph (h)(ii) of Article 1 (Definitions) of Chapter 8 (Trade in Services), they will be made available to international transport service suppliers on reasonable and non-discriminatory terms and conditions: pilotage; anchorage, berth and berthing services; towing and tug assistance; provisioning, fuelling and watering; garbage collecting and ballast waste disposal; port captain's services; navigation aids; shore-based operational services essential to ship operation, including communications, water and electrical supplies; and emergency repair facilities.
International transport (Freight) (CPC 7212)	1) None 2) None 3) None <sup>6</sup>  4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong's profits tax. 4) Unbound except as indicated in Horizontal Commitments	

<sup>6</sup> "Commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service supplier of another Party to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element.

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service supplier with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of *GATS Annex on Telecommunications*);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency; and
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>MARITIME AUXILIARY SERVICES</p> <p>- Rental of vessel with crew: these are limited to services of hiring a vessel with crew under charter party terms for a voyage or period of time</p> <p>- Maritime cargo handling services: these are limited to activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo, and the reception/delivery and safekeeping of cargoes before shipment or after discharge</p>	<p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound except for no limitation on trans-shipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment.</p> <p>2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None other than that the income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong's profits tax.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound except for no limitation on trans-shipment (board to board or via the quay) and/or on use of on-board cargo handling equipment.</p> <p>2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>- Storage and warehousing services: these are limited to the movement or placing of goods from warehouse to vessels or vice versa</p> <p>- Customs clearance services: these are limited to activities consisting of carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity</p> <p>- Container station and depot services: these are limited to activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipment</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>- Maritime agency services: these are limited to activities consisting of representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies for marketing and sales of maritime transport and related services and for acting on behalf of the companies organising the call of the ship or taking over cargoes when required</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>- Maintenance and repair of vessels: these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>- Maritime freight forwarding services: these are limited to the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Preshipment inspection services: these are limited to services performed on a fee or contract basis involved in the verification of quality, quantity, price (including currency, exchange rate and financial terms), and/or the customs classification of goods to be exported. Customs or quarantine inspection is not included	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
<u>F. Road Transport Services</u>  Freight transportation (CPC 7123)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
<u>H. Services auxiliary to all modes of transport</u>  Freight transport agency services (CPC 748)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE			
Spa services (Part of CPC 9702)	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	1) Unbound 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	

Hong Kong, China's Commitments on Intra-corporate Transferees under Mode 4 apply only to the following sectors / sub-sectors:

1. BUSINESS SERVICES

A. Professional Services

Accounting, auditing and bookkeeping services: these are limited to auditing and advisory services on matters such as financial management consultancy, company formation and restructuring, raising of capital, debt-rescheduling, receivership and liquidation (Part of CPC 862)

Taxation services (excluding legal services): these are limited to advisory and consulting services to enterprises or individuals on compilation of tax returns, tax planning, review, assessment and back-duty work (Part of CPC 863)

Architectural services (CPC 8671)

Engineering services (CPC 8672)

Urban planning and landscape architectural services (CPC 8674)

Veterinary services (CPC 932)

B. Computer and Related Services (CPC 84)

E. Rental/Leasing Services without Operators

Relating to ships (CPC 83103)

Relating to other transport equipment (excluding services relating to air transport) (CPC 83101-83102)

Relating to other machinery and equipment (excluding transport equipment) (CPC 83106-83109)

F. Other Business Services

Advertising services (CPC 871)

Market research and public opinion polling services (CPC 864)

Management consulting services (CPC 865)

Services related to management consulting, including such services related to Halal food (CPC 866)

Technical testing and analysis services, including such services related to Halal food (CPC 8676)

Services incidental to agriculture and forestry: these are limited to the provision of advice and guidance relating to crop, livestock and forestry management. These do not include ownership of farms and farming (Part of CPC 881)

Services incidental to fishing: these are limited to the provision of advice and guidance relating to marine or freshwater fisheries and fish hatchery services. These do not include ownership of fish ponds and fishing (Part of CPC 882)

Services incidental to manufacturing, including such services related to Halal food. These are limited to consulting services only (Part of CPC 884+885)

Placement and supply services of personnel (CPC 872)

Investigation services (CPC 87301)

Security services (CPC 87302–87305)

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 8861–8866)

Building cleaning services (CPC 874)

Photographic services (CPC 875)

Packaging services (CPC 876)

Printing, publishing (CPC 88442)

Translation and interpretation services (CPC 87905)

Convention services including exhibition management services which are limited to activities relating to planning, organizing, managing and marketing services for exhibitions, conventions and similar events (Part of CPC 87909)

## 2. COMMUNICATION SERVICES

B. Courier Services (these are limited to the provision of services on a fee or contract basis for the delivery of documents and parcels, but excluding services reserved to the Post Office under the Post Office Ordinance (Part of CPC 7512))

### C. Telecommunication Services

#### Local services

- (a) Voice services
- (b) Packet-switched data transmission services
- (c) Circuit-switched data transmission services
- (d) Telex services
- (e) Telegraph services
- (f) Facsimile services
- (g) Private leased circuit services
- (o) Other

#### Mobile services

- mobile radio telephone services including Cellular and Personal Communications Services
- mobile data services
- radio paging services

#### International services

- (a) Voice services (resale based only)
- (b) Packet-switched data transmission services (resale based only)
- (c) Circuit-switched data transmission services (resale based only)

- (f) Facsimile services (resale based only)
- (o) Other

- Self provision of external satellite circuits for a company if the messages originated from or received at the Hong Kong, China end are intended for the company, its holding, subsidiary or affiliated companies; or for an organization if the messages originated from or received at the Hong Kong, China end are intended for the common business or activities of the organisation
- Virtual private network service (resale based only)
- Mobile satellite service

Value added services

- (h) Electronic mail
- (i) Voice mail
- (j) On-line information and data base access and retrieval
- (k) Electronic data interchange (EDI)
- (l) Enhanced/value-added facsimile services, including store and forward, store and retrieve
- (m) Videotex and teletex, code, protocol and/or format conversion
- (n) On-line information and/or data processing (including transaction processing)

D. Audiovisual Services

Radio and television services

- Production services of programme content for sale to operators of radio services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China
- Production services of programme content for sale to operators of television services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China

Motion picture and video tape production and distribution services (CPC 9611)

Motion picture projection services

- Motion picture projection services in cinemas (Part of CPC 96121)

Sound recording services: these are limited to services relating to the provision of sound-track

3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

D. Building Completion and Finishing Work

Interior design services: these are limited to specialised consulting services related to the post-construction design and fitting out of interior living and working spaces (Part of CPC 517)

E. Other

Project management services: these are limited to the supervision and coordination of construction projects but do not cover engineering or architectural services and railway construction and project implementation

4. DISTRIBUTION SERVICES

B. Wholesale trade services, including such services related to Halal food (CPC 622)

C. Retailing services, including such services related to Halal food

Retailing services excluding all pharmaceutical, medical, surgical and orthopaedic products (CPC 631-632 except for CPC 63211)

6. ENVIRONMENTAL SERVICES

A. Sewage services (CPC 9401)

B. Refuse disposal services: these are limited to collection services of garbage, trash, rubbish and waste from households (Part of CPC 9402)

C. Sanitation and similar services (CPC 9403)

D. Others

- Cleaning services of exhaust gas (CPC 9404)
- Noise abatement services (CPC 9405)
- Nature and landscape protection services (CPC 9406)
- Other environmental protection services not elsewhere classified (CPC 9409)

7. FINANCIAL SERVICES

A. All insurance and insurance-related services

Life, accident and health insurance services

Non-life insurance services

Reinsurance and retrocession

Services auxiliary to insurance (including broking and agency services)

B. Banking and other financial services (excluding insurance)

Acceptance of deposits and other repayable funds from the public

Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction

Financial leasing

All payment and money transmission services

Guarantees and commitments

Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise the following:

- Money market instruments (including cheques, bills, certificate of deposits)
- foreign exchange
- derivative products including, but not limited to, futures and options
- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements

- transferable securities

Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues

Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services

Advisory and other auxiliary financial services on all the activities listed in subparagraph 5(a)(v) to (xv) of *GATS Annex on Financial Services*, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services

## 9. TOURISM AND TRAVEL RELATED SERVICES

### A. Hotels and Restaurants (including catering)

Hotel services (CPC 6411)

Motel lodging services (CPC 6412)

Other lodging services (CPC 64191, 64192, 64194 and 64195)

Restaurant and catering services including such services related to Halal food (CPC 642 and 643)

### B. Travel Agencies and Tour Operators Services

Travel agencies and tour operators services: these are limited to the business of obtaining for clients carriage and/or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning (Part of CPC 7471)

## 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)

### A. Entertainment Services (CPC 9619 except 96194, 96199)

### C. Libraries, Archives, Museums and Other Cultural Services

Library and archives services (CPC 9631)

### D. Sporting and Other Recreational Services (excluding gambling and betting services) (Part of CPC 964)

## 11. TRANSPORT SERVICES

### A. Maritime Transport Services

International transport (Passenger) (CPC 7211)

## International transport (Freight) (CPC 7212)

### MARITIME AUXILIARY SERVICES

- Rental of vessel with crew: these are limited to services of hiring a vessel with crew under charter party terms for a voyage or period of time
- Maritime cargo handling services: these are limited to activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo, and the reception/delivery and safekeeping of cargoes before shipment or after discharge
- Storage and warehousing services: these are limited to the movement or placing of goods from warehouse to vessels or vice versa
- Customs clearance services: these are limited to activities consisting of carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity
- Container station and depot services: these are limited to activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipment
- Maritime agency services: these are limited to activities consisting of representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies for marketing and sales of maritime transport and related services and for acting on behalf of the companies organising the call of the ship or taking over cargoes when required
- Maintenance and repair of vessels: these are limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels
- Maritime freight forwarding services: these are limited to the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information
- Preshipment inspection services: these are limited to services performed on a fee or contract basis involved in the verification of quality, quantity, price (including currency, exchange rate and financial terms), and/or the customs classification of goods to be exported. Customs or quarantine inspection is not included

## F. Road Transport Services

Freight transportation (CPC 7123)

## H. Services auxiliary to all modes of transport

Freight transport agency services (CPC 748)

## 12. OTHER SERVICES NOT INCLUDED ELSEWHERE

Spa services (Part of CPC 9702)



**Additional Commitments on Regulatory Principles**

**Scope**

The following are definitions and principles on the regulatory framework for basic telecommunications services.

**Definitions**

**Users** mean service consumers and service suppliers.

**Essential facilities** mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

**A major supplier** is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. **Competitive safeguards**

1.1 **Prevention of anti-competitive practices in telecommunications**

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 **Safeguards**

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

### 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known,

to an independent domestic body, which may be a regulator as referred to in paragraph 5, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Hong Kong, China has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Hong Kong, China.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulator is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.