

## SECTION 2

### HONG KONG, CHINA'S SCHEDULE

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.

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	<b>Part 1</b>		
	1), 2), 3), 4) Unbound for any measures with respect to:  (a) the provision of public law enforcement, ambulance services, correctional services and fire fighting services; and  (b) the following, to the extent that they are social services established for a public purpose: i.) health; ii.) education; iii.) housing; iv.) training; v.) transport; vi.) public utilities; vii.) social security; and viii.) social welfare.		
	<b>Part 2</b>		
	4) Unbound except for business visitors and intra-corporate transferees, subject to the following conditions:  (a) <u>Business Visitors</u>  I. <u>Definition</u>  A business visitor means a natural person of Chile:	4) Unbound except as indicated in "Limitations on Market Access"	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:

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>i.) who is seeking temporary entry to Hong Kong, China for the purpose of:</p> <p>(1) attending meetings or conferences, or engaging in consultations with business colleagues;</p> <p>(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</p> <p>(3) undertaking business consultations 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:</p> <p>i.) shall apply to all (except financial services) sectors in the <i>Services Sectoral Classification List</i> WTO document (MTN.GNS/W/120); and</p> <p>ii.) are limited to entry and temporary stay for a period not exceeding 90 days, provided that normal immigration requirements are met.</p>		<p>(a) relevant ordinances and regulations;</p> <p>(b) application procedures; and</p> <p>(c) pledge on processing time required on average where applicable.</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>(b) <u>Intra-corporate transferees</u></p> <p>I. <u>Definition</u>  An intra-corporate transferee means a <b>senior manager</b> or a <b>specialist</b> who is an employee of a service supplier of Chile with a commercial presence in Hong Kong, China.</p> <p>A <b>senior manager</b> means a natural person of Chile within an organisation of Chile who:</p> <ul style="list-style-type: none"> <li>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;</li> <li>ii.) has proprietary information of the organisation and receives only general supervision or direction from higher level executives or the board of directors or stockholders of the organisation; and</li> <li>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 this include an employee who primarily performs tasks necessary for the provision of the service.</li> </ul> <p>A <b>specialist</b> means a natural person of Chile within an organisation of Chile who possesses knowledge at an advanced level of technical expertise, possesses proprietary knowledge of the organisation's service, research equipment, techniques, or</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments				
	<p>management; and who is essential to the operation of the concerned service supplier's establishment in Hong Kong, China.</p> <p><u>Conditions (including duration of stay)</u></p> <p>Natural persons of Chile 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 employ 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> <p>The commitments:</p> <p>i.) shall only apply to the sectors and sub-sectors as set out in <u>Appendix I</u>;</p> <p>ii.) shall only apply to natural persons of Chile of service suppliers of Chile 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</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>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.</p> <p>(c) Temporary entry granted to a natural person of Chile 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 domestic law, and any applicable mandatory codes of practice made pursuant to the domestic law, in force in the Area of Hong Kong, China.</p> <p>(d) 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 Chile, provided that those natural persons:</p> <p>i.) follow prescribed application procedures for the immigration formality<sup>1</sup> sought; and</p> <p>ii.) meet all relevant eligibility requirements for entry into Hong Kong, China.</p>						

<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.

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><b>II. SECTOR SPECIFIC COMMITMENTS</b></p> <p>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.</p>			
<p>1. BUSINESS SERVICES</p>			
<p>A. <u>Professional Services</u></p>			
<p>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)</p>	<p>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</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>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)</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		
Architectural services (CPC 8671)	1) Unbound 2) Unbound 3) None		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		4) Unbound except as indicated in Horizontal Commitments				
Engineering services (CPC 8672)	1) Unbound 2) Unbound 3) None		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		4) Unbound except as indicated in Horizontal Commitments				
Urban planning and landscape architectural services (CPC 8674)	1) Unbound 2) None 3) None		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		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		
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
D. <u>Real Estate Services</u> (CPC 821-822)	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
E. <u>Rental/Leasing Services without Operators</u> Relating to ships (CPC 83103)	1) None	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



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		
Relating to other transport equipment (excluding services relating to air transport) (CPC 83101-83102)	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
Relating to other machinery and equipment (excluding transport equipment) (CPC 83106-83109)	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
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 (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

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		
	Commitments			Horizontal Commitments				
Technical testing and analysis services (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
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)	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 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)	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		
Services incidental to manufacturing: these are limited to consulting services only (Part of CPC 884+ 885)	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
Placement and supply services of personnel (CPC 872)	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
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 633, 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

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		
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
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 services (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

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			
Convention services including exhibition management services which are limited to activities relating to planning, organising, 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
2. COMMUNICATION SERVICES								
B. <u>Courier Services:</u>  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)	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

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	
C. <u>Telecommunication Services</u>							Additional commitments on regulatory principles (Details at Appendix II)
<u>Local services</u>							
(a) Voice services	1) None			1) None			
(b) Packet-switched data transmission services	2) None			2) None			
(c) Circuit-switched data transmission services	3) None			3) None			
(d) Telex services	4) Unbound except as indicated in Horizontal Commitments		as indicated in Horizontal	4) Unbound except as indicated in Horizontal Commitments			
(e) Telegraph services							
(f) Facsimile services							
(g) Private leased circuit services							
(o) Other							
<u>Mobile services</u>							
- mobile radio telephone services including Cellular and Personal Communications Services							
- mobile data services							
- radio paging services							
<u>International services</u>							
(a) Voice services (resale based only)	1) None other than:			1) None			
(b) Packet-switched data transmission services	- Public external telephone service <sup>2</sup> is not allowed;						
	- For self-provision of external satellite						

<sup>2</sup>“External telephone services” only include person to person voice communications with places outside 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	
(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 organisation 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  <u>Value added services:</u> (h) Electronic mail (i) Voice mail		circuits, connection to the public-switched telephone network (PSTN) at the Hong Kong, China end may be restricted; - For virtual private network service, connection to the PSTN at the Hong Kong, China end may be restricted; - For mobile satellite service, gateway station for mobile satellite traffic is not allowed. 2) None 3) None other than: - Public external telephone service <sup>2</sup> is not allowed; - For self-provision of external satellite circuits, connection to the PSTN at the Hong Kong, China end may be restricted; - For virtual private network service, connection to the PSTN at the Hong Kong, China end may be restricted; - For mobile satellite service, gateway station for mobile satellite traffic is not allowed. 4) Unbound except as indicated in Horizontal Commitments		2) None 3) None  4) Unbound except as indicated in Horizontal Commitments  1) None 2) None 3) None			

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
(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)	4) Unbound except as indicated in Horizontal Commitments	4) Unbound except as indicated in Horizontal Commitments	
<u>D. Audiovisual Services</u>  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	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	



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)	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
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
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

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		
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES								
D. <u>Building Completion and Finishing Work</u>								
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)	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	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

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
construction and project implementation			
4. DISTRIBUTION SERVICES			
A. <u>Commission agents' services</u> (CPC 621) (except for energy products and services)	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	
B. <u>Wholesale trade services</u> (CPC 622 except CPC 62224)	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	

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Sector or Sub-sector	Limitations on Market Access			Limitations on National Treatment		Additional Commitments		
C. <u>Retailing services</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
5. EDUCATIONAL SERVICES								
C. <u>Higher education services</u> (CPC 923)								
D. <u>Adult education</u> (CPC 924)								
	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).	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.		2) None	3) Unbound	4) Unbound except as indicated in Horizontal Commitments		
	2) None	3) Unbound	4) Unbound except as indicated in Horizontal Commitments	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.	2) None	3) Unbound	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
<b>6. ENVIRONMENTAL SERVICES</b>			
A. <u>Sewage services</u> (CPC 9401)	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	
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</u> (CPC 9403)	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	

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		
9. TOURISM AND TRAVEL RELATED SERVICES								
A. <u>Hotels and Restaurants</u> (including catering)								
Hotel services (CPC 6411)	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
Motel lodging services (CPC 6412)	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
Other lodging services (CPC 64191, 64192, 64194 and 64195)	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
Restaurant and catering services (CPC 642-643)	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

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. <u>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)	1) None 2) None 3) None other than that only a company may operate tours and open branch offices <sup>3</sup> 4) Unbound	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
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	

<sup>3</sup> "Company" means 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			
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> (excluding cabotage <sup>4</sup> transport)								

<sup>4</sup>“Cabotage” covers transportation of passengers or goods between a point in Hong Kong, China and another point in Hong Kong, China, as well as traffic originating and terminating in the same point in Hong Kong, China, provided that this traffic remains within the waters of 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				
International transport (Passenger) (CPC 7211)	1) None	2) None	3) None <sup>5</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 Article 11.2.1(c), 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>5</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>5</sup>“Commercial presence for the supply of international maritime transport services” means the ability for international maritime transport service supplier of the other 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	
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		1) None 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's profits tax 4) Unbound except as indicated in Horizontal Commitments			
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		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 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments		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 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	
after discharge.							
Storage and warehousing services	1) None	2) None	3) None	4) Unbound except as indicated in Horizontal Commitments	1) None	2) None	3) None other than that to apply for a licence for the manufacture or storage of dutiable commodities under the Dutiable Commodities Ordinance (Cap. 109), the applicant has to appoint a person to be held responsible for the running and management of the premises concerned; and the responsible person has to be a Hong Kong resident holding a valid Hong Kong Identity Card.
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	1) Unbound	2) None	3) None	4) Unbound except as indicated in Horizontal Commitments	1) Unbound	2) None	3) None
Container station and depot services: these are limited to activities consisting of storing containers, whether in port areas or inland,	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			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		
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	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
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	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
Maritime freight forwarding services: these are limited to the activities consisting of	1) None	2) None	3) None	4) Unbound except as indicated in Horizontal	1) None	2) None	3) None	4) Unbound except as indicated in

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
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.	Commitments	Horizontal 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	

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			
F. <u>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
H. <u>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

## APPENDIX I

Hong Kong, China's Commitments on Intra-corporate Transferees 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)

#### B. Computer and Related Services (CPC 84 except for CPC 845 and CPC 8499)

#### F. Other Business Services

Advertising services (CPC 871)

Management consulting services (CPC 865)

Services related to management consulting (CPC 866)

Placement and supply services of personnel (CPC 872)

### 2. COMMUNICATION SERVICES

#### 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 organisation 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

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

11. TRANSPORT SERVICES

A. Maritime Transport Services

International transport (excluding passenger transport and cabotage<sup>6</sup> transport) (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

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<sup>6</sup>“Cabotage” covers transportation of passengers or goods between a point in Hong Kong, China and another point in Hong Kong, China, as well as traffic originating and terminating in the same point in Hong Kong, China, provided that this traffic remains within the waters of Hong Kong, China.

## APPENDIX II

### 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.