

## **ANNEX 8-1**

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

The services sectors and sub-sectors in this Schedule of Specific Commitments are set out with reference 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 (UN CPC code), to the Services Sectoral Classification List published by the WTO (WTO document MTN.GNS/W/120 of 10 July 1991), to the Definitions listed in GATS Annex on Financial Services, and to the Maritime Model Schedule appended as Appendix 2 to the WTO document JOB/SERV/137 of 7 March 2013, where appropriate.

**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>I. <u>Definition</u></p> <p>A business visitor means a natural person of Georgia:</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> </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>(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 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 Georgia with a commercial presence in Hong Kong, China.</p> <p>A <b>senior manager</b> means a natural person of Georgia within an organisation of Georgia 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</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>organisation and receives only general 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 Georgia within an organisation of Georgia 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 Georgia 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>		

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>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 Georgia of service suppliers of Georgia 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 Georgia 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 Georgia, provided that those natural persons:</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
	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.		
<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>			
1. BUSINESS SERVICES			
<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>	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.

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>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) 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>Architectural services (CPC 8671)</p>	<p>1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in Horizontal Commitments</p>	<p>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</p>	
<p>Engineering services (CPC 8672)</p>	<p>1) Unbound 2) Unbound 3) None  4) Unbound except as indicated in Horizontal Commitments</p>	<p>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</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>Urban planning and landscape architectural services (CPC 8674)</p> <p>Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)</p>	<p>1) Unbound 2) None 3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p> <p>1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments</p>	<p>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</p> <p>1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments</p>	
<p>B. <u>Computer and Related Services</u> (CPC 84)</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>E. <u>Rental/Leasing Services without Operators</u></p> <p>Relating to ships (CPC 83103)</p>	<p>1) Unbound 2) None 3) None</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	<p>1) Unbound 2) Unbound 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</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
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	

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>F. <u>Other Business Services</u></p> <p>Advertising services: these are limited to creation and placing of advertisements in periodicals, newspapers, radio and television; media representation (i.e. sale of time and space for periodicals, newspapers, radio and television); distribution and delivery of advertising material</p> <p>Market research and public opinion polling services: these are limited to investigation, analysis and advice on collective opinions of the public about political, social and economic issues as well as the collation and presentation of data derived from such investigation and analysis</p> <p>Management consulting services: these are limited to the provision of advice and guidance to businesses regarding planning, organization, efficiency and control, and management information</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) 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>1) Unbound 2) Unbound 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>	

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 related to management consulting (CPC 866)</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 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) 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>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) 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>Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, 8861 – 8866)</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>	

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: these are limited to cleaning of the interiors of buildings of all types, including offices, factories, shops and other business premises and residential buildings	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	
Photographic services: these are limited to commercial and consumer photograph production and processing including portrait photography, but exclude motion picture film and television services and processing	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	
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 services: these are limited to the interpretation of written and spoken languages	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
<p>Exhibition management services: these are limited to activities relating to planning, organizing, managing and marketing services for exhibitions, conventions and similar events (Part of CPC 87909)</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>2. COMMUNICATION SERVICES</p>			
<p>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)</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>C. <u>Telecommunication Services</u>  <u>Local services</u>  (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>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>Additional commitments on regulatory principles (Details at <a href="#">Appendix II</a>)</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><u>Mobile services</u></p> <ul style="list-style-type: none"> <li>- mobile radio telephone services including Cellular and Personal Communications Services</li> <li>- mobile data services</li> <li>- radio paging services</li> </ul>			
<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> <ul style="list-style-type: none"> <li>- 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</li> </ul>	<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.

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
<ul style="list-style-type: none"> <li>- Virtual private network service (resale based only)</li> <li>- Mobile satellite service</li> </ul>			
<p><u>Value added services:-</u></p> <ul style="list-style-type: none"> <li>(h) Electronic mail</li> <li>(i) Voice mail</li> <li>(j) On-line information and data base access and retrieval</li> <li>(k) Electronic data interchange (EDI)</li> <li>(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve</li> <li>(m) Videotex and teletex, code, protocol and/or format conversion</li> <li>(n) On-line information and/or data processing (including transaction processing)</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None other than that commercial presence must take the form of a company<sup>3</sup>.</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ul>	
<p>D. <u>Audiovisual Services</u></p> <p>Motion picture and video tape production and distribution services: these are limited to the production, sale or rental of films and video tapes (excluding any broadcasting services)</p>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) None</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ul>	

<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
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) Unbound 2) Unbound 3) None 4) Unbound except as indicated in Horizontal Commitments	
Dubbing services: these are limited to the translation of the sound-track of motion pictures and video tapes from one language to another	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	
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) Unbound 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) 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
4. DISTRIBUTION SERVICES			
B. <u>Wholesale trade services</u> (CPC 622 except CPC 62224)  Wholesale trade services of fishery products (CPC 62224)	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments  1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 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</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	

7. FINANCIAL SERVICES

Mode 1/Mode 2

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 Georgia 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
<p>A. <u>All Insurance and Insurance-Related Services</u></p> <p>Life, accident and health insurance services</p> <p>Non-life insurance services</p>	<p>1) Unbound</p> <p>2) None other than that statutory insurances must be purchased from an insurer authorized in Hong Kong, China.</p> <p>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.</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 the chief executive appointed by the authorized insurer should normally reside in Hong Kong, China.</p> <p>4) Unbound except as indicated in Horizontal Commitments</p>	

<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
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 authorized insurer should normally reside in Hong Kong, China. 4) Unbound except as indicated in Horizontal 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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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</p> <p>(a) all authorised institutions (i.e. licensed banks, restricted licence banks and deposit-taking companies) shall maintain a physical presence in Hong Kong, China.</p> <p>(b) in the case of an overseas bank seeking to establish a locally incorporated full licensed bank, the bank must:</p> <p>(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 banks; or</p> <p>(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 subsidiarize the operation of the branch by transferring the branch operation to a locally incorporated company; and</p> <p>(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 authorized 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
<p>Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise the following:</p> <ul style="list-style-type: none"> <li>- Money market instruments (including cheques, bills, certificate of deposits)</li> <li>- foreign exchange</li> <li>- derivative products including, but not limited to, futures and options</li> <li>- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements</li> <li>- transferable securities</li> </ul>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>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>)</li> <li>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ol>	
<p>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</p>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>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.</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ol>	
<p>Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Horizontal Commitments<sup>4</sup></li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) None</li> <li>4) Unbound except as indicated in Horizontal Commitments</li> </ol>	

<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 subparagraphs 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>9. TOURISM AND TRAVEL RELATED SERVICES</p>			
<p>A. <u>Hotels and Restaurants</u> (including catering) Hotel services (CPC 6411)</p> <p>Other lodging services (CPC 64191, 64192, 64194 and 64195)</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) Unbound</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> <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
Restaurant and catering services (CPC 642 and 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	
<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)	1) None 2) None 3) None other than that only a company may operate tours and open branch offices <sup>3</sup> . To obtain a travel agent licence, any person must be a member of the Travel Industry Council of Hong Kong. 4) Unbound except as indicated in Horizontal Commitments	1) None 2) None 3) None 4) Unbound except as indicated in Horizontal Commitments	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
<u>C. Libraries, Archives, Museums and Other Cultural Services</u> Library and archives services: these are limited to the maintenance, sequencing and storage of publications, documents, etc. for record and future reference and related consulting services	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
11. TRANSPORT SERVICES			
A. <u>Maritime Transport Services</u> (excluding cabotage <sup>6</sup> transport)			
International transport (Passenger) (CPC 7211)	1) None 2) None 3) None <sup>7</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 (g)(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
International transport (Freight) (CPC 7212)	1) None 2) None 3) None <sup>7</sup>	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	

<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.

<sup>7</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, organizing 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
	4) Unbound except as indicated in Horizontal Commitments	4) Unbound except as indicated in Horizontal Commitments	emergency repair facilities.
<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 organized independently of the stevedoring or terminal operator companies. The activities covered include the organization 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) None 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 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
<p>- Storage and warehousing services</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>1) None 2) None 3) None</p> <p>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 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.</p> <p>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>- 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>- 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 organizing 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>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
<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>	
<p>- 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</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
<p>H. <u>Services auxiliary to all modes of transport</u></p> <p>Freight transport agency services (CPC 748)</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>	

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)

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: these are limited to creation and placing of advertisements in periodicals, newspapers, radio and television; media representation (i.e. sale of time and space for periodicals, newspapers, radio and television); distribution and delivery of advertising material

Market research and public opinion polling services: these are limited to investigation, analysis and advice on collective opinions of the public about political, social and economic issues as well as the collation and presentation of data derived from such investigation and analysis

Management consulting services: these are limited to the provision of advice and guidance to businesses regarding planning, organization, efficiency and control, and management information

Services related to management consulting (CPC 866)

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)

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, 8861 – 8866)

Building cleaning services: these are limited to cleaning of the interiors of buildings of all types, including offices, factories, shops and other business premises and residential buildings

Photographic services: these are limited to commercial and consumer photograph production and processing including portrait photography, but exclude motion picture film and television services and processing

Packaging services (CPC 876)

Printing, publishing (CPC 88442)

Translation services: these are limited to the interpretation of written and spoken languages

Exhibition management services: these 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

Motion picture and video tape production and distribution services: these are limited to the production, sale or rental of films and video tapes (excluding any broadcasting services)

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

Dubbing services: these are limited to the translation of the sound-track of motion pictures and video tapes from one language to another

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 (CPC 622 except 62224)

C. Retailing services

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

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)

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

Restaurant and catering services (CPC 642 and 643)

B. Travel Agencies and Tour Operator Service

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)

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

C. Libraries, Archives, Museums and Other Cultural Services

Library and archives services: these are limited to the maintenance, sequencing and storage of publications, documents, etc. for record and future reference and related consulting services

11. TRANSPORT SERVICES

A. Maritime Transport Services (excluding cabotage transport)

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 organized independently of the stevedoring or terminal operator companies. The activities covered include the organization 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
- 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 organizing 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

H. Services auxiliary to all modes of transport

Freight transport agency services (CPC 748)

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-subsidization;
- (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.