

**WORLD TRADE ORGANIZATION**

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22 May 1997

**AGREEMENT ON GOVERNMENT PROCUREMENT  
DONE AT MARRAKESH ON 15 APRIL 1994**

TRANSMISSION OF CERTIFIED TRUE COPY OF  
TERMS OF ACCESSION OF HONG KONG

NOTIFICATION OF ACCEPTANCE

I have the honour to furnish herewith a certified true copy of the Terms of Accession of Hong Kong to the above-mentioned Agreement.

I also have the honour to inform you that on 20 May 1997 the Government of Hong Kong deposited with me an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for Hong Kong on 19 June 1997.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

R. Ruggiero  
Director-General

TERMS OF ACCESSION OF HONG KONG TO THE AGREEMENT  
ON GOVERNMENT PROCUREMENT (1994)

APPENDIX I

ANNEX 1

*Central Government Entities which Procure in Accordance  
With the Provisions of this Agreement*

***Supplies***

*Threshold:*     130,000 SDR for goods and services other than construction services  
                      5,000,000 SDR for construction services

*List of Entities:*

1.     Agriculture and Fisheries Department
2.     Architectural Services Department
3.     Audit Department
4.     Auxiliary Medical Services
5.     Buildings Department
6.     Census and Statistics Department
7.     Civil Aid Services
8.     Civil Aviation Department
9.     Civil Engineering Department
10.    Civil Service Training and Development Institute
11.    Companies Registry
12.    Correctional Services Department
13.    Customs and Excise Department
14.    Department of Health
15.    Drainage Services Department
16.    Education Department
17.    Electrical and Mechanical Services Department
18.    Environmental Protection Department
19.    Fire Services Department
20.    Government Flying Service
21.    Government Laboratory
22.    Government Land Transport Agency
23.    Government Property Agency
24.    Government Secretariat
25.    Government Supplies Department
26.    Highways Department
27.    Home Affairs Department
28.    Hong Kong Monetary Authority
29.    Hospital Services Department
30.    Immigration Department
31.    Independent Commission Against Corruption
32.    Industry Department
33.    Information Services Department
34.    Information Technology Services Department
35.    Inland Revenue Department

36. Intellectual Property Department
37. Judiciary
38. Labour Department
39. Lands Department
40. Land Registry
41. Legal Department
42. Legal Aid Department
43. Marine Department
44. Office of the Commissioner for Administrative Complaints
45. Office of the Telecommunications Authority
46. Official Receiver's Office
47. Planning Department
48. Post Office
49. Printing Department
50. Public Service Commission
51. Radio Television Hong Kong
52. Rating and Valuation Department
53. Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)
54. Royal Observatory
55. Social Welfare Department
56. Secretariat, Independent Police Complaints Council
57. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
58. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
59. Student Financial Assistance Agency
60. Technical Education and Industrial Training Department
61. Television and Entertainment Licensing Authority
62. Territory Development Department
63. Trade Department
64. Transport Department
65. Treasury
66. Secretariat, University Grants Committee
67. Water Supplies Department
68. Management Services Agency
69. Official Languages Agency
70. Registration and Electoral Office

ANNEX 2

*Sub-Central Entities which Procure in Accordance  
With the Provisions of this Agreement*

*Threshold:* 200,000 SDR for goods and services other than construction services  
5,000,000 SDR for construction services

*List of Entities:*

1. Urban Council and Urban Services Department
2. Regional Council and Regional Services Department

ANNEX 3

*All Other Entities which Procure in Accordance  
With the Provisions of this Agreement*

*Threshold:* 400,000 SDR for supplies and services other than construction services  
5,000,000 SDR for construction services

*List of Entities:*

1. Housing Authority and Housing Department
2. Hospital Authority
3. Airport Authority
4. Mass Transit Railway Corporation
5. Kowloon-Canton Railway Corporation

ANNEX 4

*Services*

The following services, classified according to the United Nations Central Product Classification (CPC) Code on Goods and Services, will be covered:

CPC

1. *Computer and Related Services*

- |  |          |
|--|----------|
| - Data base and processing services  | 843+ 844 |
| - Maintenance and repair service of office machinery and equipment including computers | 845      |
| - Other Computer Services  | 849      |

2. *Rental/Leasing Services Without Operators*

- |   |                     |
|---|---------------------|
| - Relating to ships                         | 83103               |
| - Relating to aircraft                      | 83104               |
| - Relating to other transport equipment     | 83101+ 83102+ 83105 |
| - Relating to other machinery and equipment | 83106+ 83109        |

3. *Other Business Services*

Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+ 8861-8866
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Market Research & Public Opinion Polling Services	864
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Security Services	87304
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Building-Cleaning Services	874
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Advertising Services	871
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4. *Courier Services*

5. <i>Telecommunications Services</i>	(Provisions of certain types of service may require licensing under the Telecommunication Ordinance)
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Value-added telecommunications services	7523, 843
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Basic telecommunications services	7521, 7529
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Telecommunications-related services	754
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6. *Environmental Services*

- Sewage services 9401
- Refuse disposal services 9402

7. *Financial Services* ex 81

- All Insurance and Insurance-Related Services (exceptions are set out in paragraph 5 of General Conditions)
- Banking and other financial services

8. *Transport Services*

- Air transportation services 731, 732, 734  
(excluding transportation of mail)
- Road transport services 712, 6112, 8867

## ANNEX 5

### *Construction Services*

#### *Definition:*

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (CPC).

#### *List of Division 51 CPC*

All services of Division 51 of the CPC

*Threshold:* 5,000,000 SDR

GENERAL CONDITIONS APPLICABLE TO ENTITIES AND SERVICES  
SPECIFIED IN ANNEXES 1 TO 5

1. Notwithstanding anything in the Annexes 1-5, the Agreement shall not apply to:
  - All consultancy and franchise arrangements
  - Transportation of mail by air
  - Statutory insurances including third party liability in respect of vehicles and vessels and employer's liability insurance in respect of employees
  - Purchase of office or residential accommodation by the Government Property Agency.
2. Hong Kong's commitments on telecommunications services are subject to the terms of the licence held by Hong Kong Telecommunications International Ltd. (HKTI) until 30 September 2006 for the exclusive provision of external telecommunications circuits and certain external telecommunications services. The exclusive services covered by the licence are listed below.
  - (a) Circuits by radio for the provision of external public telecommunications services.
  - (b) The operation of circuits by submarine cable for the provision of external public telecommunications services.
  - (c) External and internal Public Telegram Service.
  - (d) External and internal Public Telex Service.
  - (e) External public telephone services to subscribers to the Public Switched Telephone Network by radio, submarine cable and such overland cables as are authorized.
  - (f) External dedicated and leased telephone circuit services by radio, submarine cable and such overland cables as are authorized.
  - (g) External dedicated and leased circuits for -
    - telegraph
    - data
    - facsimile.
  - (h) Hong Kong coast stations and coast earth stations of the Maritime Mobile service and Maritime Mobile - Satellite Service.
  - (i) Hong Kong Aeronautical Stations of the Aeronautical Mobile Service and Aeronautical Mobile - Satellite Service for radio communications services between aircraft operating agencies and their aircraft in flight.
  - (j) International telecommunications services routed in transit via Hong Kong.
  - (k) Except to the extent that the Governor-in-Council may from time to time otherwise in writing direct, external television and voice programme transmission services to and from Hong Kong.

3. Operators of telecommunications services may require licensing under the Telecommunication Ordinance. Operators applying for the licences are required to be established in Hong Kong under the Companies Ordinance.
4. Hong Kong Government shall not be obliged to permit the supply of such services cross-border, or through commercial presence or the presence of natural persons.
5. The following services are excluded from the Financial Services under Annex 4
  1. *CPC 81402*  
Insurance and pension consultancy services
  2. *CPC 81339*  
Money broking
  3. *CPC 8119+ 81323*  
Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services.
  4. *CPC 81339 or 81319*  
Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.
  5. *CPC 8131 or 8133*  
Advisory and other auxiliary financial services on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services in the General Agreement on Trade in Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.
  6. *CPC 81339+ 81333+ 81321*  
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 (cheques, bills, certificate of deposits, etc.)
    - 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 agreement, etc.
    - transferable securities
    - other negotiable instruments and financial assets, including bullion.

APPENDIX II

**HONG KONG**

*Annex 1*

Hong Kong Government Gazette  
Daily Press

*Annex 2*

Hong Kong Government Gazette  
Daily Press

*Annex 3*

Hospital Authority	-	Hong Kong Government Gazette
	-	Daily Press
Housing Authority	-	Hong Kong Government Gazette
	-	Daily Press
Kowloon-Canton Railway Corporation	-	to be notified
Mass Transit Railway Corporation	-	Daily Press
Airport Authority	-	Daily Press

APPENDIX III

**HONG KONG**

*Annex 1*

Hong Kong Government Gazette

*Annex 2*

Hong Kong Government Gazette  
Daily Press

*Annex 3*

Hospital Authority	-	Hong Kong Government Gazette
Housing Authority	-	Hong Kong Government Gazette
Kowloon-Canton Railway Corporation	-	to be notified
Mass Transit Railway Corporation	-	Not applicable
Airport Authority	-	Not applicable

APPENDIX IV

**HONG KONG**

*Annex 1*

Hong Kong Government Gazette

*Annex 2*

Hong Kong Government Gazette

*Annex 3*

Hospital Authority	-	Hong Kong Government Gazette
Housing Authority	-	Hong Kong Government Gazette
Kowloon-Canton Railway Corporation	-	to be notified
Mass Transit Railway Corporation	-	provided to potential suppliers upon issuance of invitations to participate
Airport Authority	-	provided to potential suppliers upon issuance of invitations to participate

Certified true copy:

Director-General