

GENERAL AGREEMENT
ON TRADE IN SERVICES

GATS/SC/39
15 April 1994
(94-1037)

HONG KONG

Schedule of Specific Commitments

(This is authentic in English only)

HONG KONG - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access		Limitations on national treatment		Additional commitments
SECTOR-SPECIFIC COMMITMENTS					
BUSINESS SERVICES					
<u>Professional Services</u>					
Accounting, auditing and bookkeeping services: these are limited to auditing and advisory services on matters such as financial management consultancy, company formation and restructuring, raising of capital, debt-rescheduling, receivership and liquidation	1) Unbound 2) None 3) None other than that the provision of statutory auditing services is limited to natural persons licensed as certified public accountants, either as sole proprietors or in partnership 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	1) Unbound 2) Unbound 3) None 4) Unbound			
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	1) Unbound 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	1) Unbound 2) Unbound 3) None 4) Unbound			

HONG KONG (continued)

Modes of supply:									
1)		Cross-border supply		2) Consumption abroad		3) Commercial presence		4) Presence of natural persons	
Sector or subsector		Limitations on market access				Limitations on national treatment		Additional commitments	
<u>Computer and Related Services</u> Consultancy services related to the installation of computer hardware: these are limited to consultancy on type and configuration of hardware with or without associated software and do not include sale or manufacture of hardware Software implementation services: these are limited to activities in connection with analysis, design and programming of systems ready to use, maintenance of existing systems, as well as training of personnel in respect of the use of such systems. Duplicating purchased software developed by other enterprises is not included.		1) None		Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment		1) Unbound			
		2) None				2) Unbound			
		3) None				3) None			
		4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment				4) Unbound			
		1) None		Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment		1) Unbound			
		2) None				2) Unbound			
		3) None				3) None			
		4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment				4) Unbound			

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Data processing and data base services: these are limited to processing or tabulation of data, data base development, data storage, optical character recognition, microfilming and microfilming services	1) None ¹ 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	1) Unbound 2) Unbound 3) None 4) Unbound	
<u>Real Estate Services</u>			
On a fee or contract basis: these are limited to the provision, on a fee or contract basis, of management services for residential or commercial buildings which in turn consist of cleaning, maintenance and guarding of such buildings	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	

1 Commitment excludes cross-border supply of international value-added or basic telecommunications services.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<u>Rental/Leasing Services without Operators</u> Relating to ships	1) Unbound 2) None 3) None	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's profits tax 4) Unbound	
Relating to other transport equipment (excluding services relating to air transport)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Relating to other machinery and equipment (excluding transport equipment)	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
<u>Other Business Services</u>			
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	1) None 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set in the Attachment	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
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	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
Management consulting services: these are limited to the provision of advice and guidance to businesses regarding planning, organization, efficiency and control, and management information	1) Unbound 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional 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.	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None	3) None	
	4) Unbound	4) Unbound	
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.	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None	3) None	
	4) Unbound	4) Unbound	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None	3) None	
	4) Unbound	4) Unbound	

HONG KONG (continued)

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

Sector or subsector	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	1) Unbound 2) Unbound 3) None 4) Unbound	
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	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Public relations services: these are limited to services related to image building and opinion moulding to improve the relations of the clients with the public, the media or others, including through paid advertisements, entertainment, welfare and charity affairs	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None	3) None	
	4) Unbound	4) Unbound	
Translation services: these are limited to the interpretation of written and spoken languages	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None	3) None	
	4) Unbound	4) Unbound	
Exhibition management services: these are limited to activities relating to planning, organizing, managing and marketing services for conventions and similar events	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None	3) None	
	4) Unbound	4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>COMMUNICATION SERVICES</p> <p><u>Courier Services</u></p> <p>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</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<u>Telecommunications Services</u> Value added services: these are limited to public services accessed by its subscribers via, and offered over, circuits provided by public telecommunications transport network services and are limited to electronic mail, on-line information and data base access and retrieval (including data processing or transaction processing), store and forward facsimile services, videotex and teletex, code, protocol and/or format conversion, voice mail and electronic data interchange (only between private companies)	1) Unbound 2) None 3) None other than that commercial presence must take the form of a company ² 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	1) Unbound 2) Unbound 3) None 4) Unbound	

2 "Company" means broadly, a company incorporated in Hong Kong under the Companies Ordinance, or a company incorporated outside Hong Kong which establishes a place of business and registered as such in Hong Kong under the Companies Ordinance.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<u>Audiovisual services</u> 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	1) None 2) None 3) None 4) Unbound 1) None 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound 1) Unbound 2) Unbound 3) None 4) Unbound	
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	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
<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	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
<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	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>DISTRIBUTION SERVICES</p> <p><u>Retailing services</u></p> <p>Retailing services: these are limited to the resale (sale without transformation) of certain new and used consumer goods to the general public which are normally used for final personal or household consumption or utilization, by department stores, shops, consumer co-operative and auction houses</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
FINANCIAL SERVICES <u>All Insurance and Insurance-Related Services</u> Life, accident and health insurance services Non-life insurance services Reinsurance and retrocession	1) Unbound 2) None other than that statutory insurances which include third party liability in respect of vehicles and vessels and employer's liability insurance in respect of employees must be purchased from an insurer authorized in Hong Kong 3) None other than that under the Insurance Companies Ordinance, only a company or an association of underwriters 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 may not be carried out through a representative office.	1) Unbound 2) Unbound 3) None other than that an insurer authorized in Hong Kong must appoint a locally-based chief executive	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Services auxiliary to insurance (including broking and agency services)	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	4) Unbound	
	1) Unbound	1) Unbound	
	2) None	2) Unbound	
	3) None unless the supply of any such services can be regarded as carrying on or holding oneself out as carrying on any class of insurance business in or from Hong Kong in which case the limitations as set out under "Life, accident and health insurance services, non-life insurance services, and reinsurance and retrocession" (above) shall apply	3) None	
	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	4) Unbound	

3 Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<u>Banking and Other Financial Services</u> (excluding insurance) Acceptance of deposits and other repayable funds from the public	1) Unbound 2) None 3) None other than that commercial presence must take the form of a subsidiary, branch or representative office, subject to the following: Under the existing authorization criteria, applications for a new full banking licence from banks incorporated outside Hong Kong may be granted for branches only. Such banks may maintain offices to which customers have access for the purpose of any business in only one building ("Office" includes automatic teller machines or similar terminal devices).	1) Unbound 2) Unbound 3) None other than that institutions authorized under the Banking Ordinance must appoint a chief executive and not less than one alternative chief executive, each of whom is subject to a residence requirement in Hong Kong	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>Limited companies incorporated in Hong Kong which have been institutions authorized under the Banking Ordinance for at least ten years and are predominantly beneficially owned by Hong Kong interests or are otherwise closely associated and identified with Hong Kong may also apply for a new full banking licence</p> <p>Banks incorporated overseas may apply for a licence to operate a restricted licence bank or a deposit-taking company. Such restricted licence banks may maintain offices to which customers have access for the purpose of any business in only one building ("Office" includes automatic teller machines or similar terminal devices).</p> <p>Banks incorporated overseas may also set up representative offices in Hong Kong, but such offices are prohibited from taking deposits or from undertaking banking business generally</p> <p>4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment³</p>	<p>4) Unbound</p>	

3 Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction	1) Unbound 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	1) Unbound 2) Unbound 3) None 4) Unbound	
All payment and money transmission services	1) Unbound 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	1) Unbound 2) Unbound 3) None 4) Unbound	

3 Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation.

HONG KONG (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments		
Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise the following: - money market instruments (cheques, bills, certificate of deposits, etc) - foreign exchange - derivative products including futures and options	1) Unbound 2) None 3) None other than the following: Only corporations incorporated in Hong Kong, or natural persons born in Hong Kong or resident in Hong Kong for five of the preceding seven years, or partnerships composed of such persons, may become members of the Stock Exchange of Hong Kong Limited ⁴ Only corporations incorporated in Hong Kong may become members of the Hong Kong Futures Exchange	1) Unbound 2) Unbound 3) None other than that for dealing in securities or commodities futures, there is a residence requirement in Hong Kong in respect of a sole proprietor, or, in the case of a partnership or company, in respect of at least one partner or director, who is registered as a dealer			

4 The residence requirement for memberships can be waived for persons of good reputation with substantial experience of dealing in securities.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<ul style="list-style-type: none"> - exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc. - transferable securities 	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	4) Unbound	
Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues	1) Unbound 2) None 3) None	1) Unbound 2) Unbound 3) None other than that if registration as a dealer is required, as it is in the case of public placements, the limitations as for dealers (above) shall apply	
	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	4) Unbound	

3 Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation.

HONG KONG (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment			Additional commitments
Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services	1) Unbound	1) Unbound			
	2) None	2) Unbound			
	3) None	3) None			
	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	4) Unbound			
Advisory and other auxiliary financial services on all the activities listed in sub-paragraph 5(a)(v) to (xv) of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	1) Unbound	1) Unbound			
	2) None	2) Unbound			
	3) None	3) None			
	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	4) Unbound			

3 Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	1) None ¹ 2) None 3) None 4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment ³	1) Unbound 2) Unbound 3) None 4) Unbound	

1 Commitment excludes cross-border supply of international value-added or basic telecommunications services.

3 Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>TOURISM AND TRAVEL RELATED SERVICES</p> <p><u>Hotels and Restaurants</u> (including catering)</p> <p>Hotel services: these are limited to the provision on a fee-basis of short-term lodging and sale of prepared foods and drinks within the hotel premises</p> <p>Restaurant and catering services: these are limited to the sale of prepared foods and drinks through catering or in restaurants both for consumption on and off the premises</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p> <p>1) Unbound</p> <p>2) Unbound</p> <p>3) None</p> <p>4) Unbound</p>	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<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 and the provision of related services such as the furnishing of travel information, advice and planning	1) Unbound 2) None 3) None other than that only a company may operate tours and open branch offices ² 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	

2 "Company" means broadly, a company incorporated in Hong Kong under the Companies Ordinance, or a company incorporated outside Hong Kong which establishes a place of business and registered as such in Hong Kong under the Companies Ordinance.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
RECREATIONAL, CULTURAL AND SPORTING SERVICES <u>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	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments ⁵
TRANSPORT SERVICES <u>Maritime Transport Services</u> International transport (excluding passenger transport and cabotage transport)	1) None 2) None	1) Unbound 2) Unbound	

⁵ Where the following services are not otherwise covered by the obligation enshrined in Article XXVIII(c)(ii), 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.

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	3) None ⁶	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 for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	4) Unbound	

- 6 "Commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service supplier of other Members 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 the 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.

HONG KONG (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	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) Unbound 2) None 3) None	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's profits tax			
	4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists as set out in the Attachment	4) Unbound			

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<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) Unbound 2) None 3) None 4) Unbound</p>	<p>1) Unbound 2) Unbound 3) None 4) Unbound</p>	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Storage and warehousing services: these are limited to the movement or placing of goods from warehouse to vessels or vice versa	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
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	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector		Limitations on market access		Limitations on national treatment	Additional commitments
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		1) Unbound 2) None 3) None 4) Unbound		1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
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	1) Unbound 2) None 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	

HONG KONG (continued)

Modes of supply:		1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons
Sector or subsector		Limitations on market access				Limitations on national treatment			Additional 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)	Unbound				1)	Unbound	
		2)	None				2)	Unbound	
		3)	None				3)	None	
		4)	Unbound				4)	Unbound	

HONG KONG (continued)

ATTACHMENT ON "PRESENCE OF NATURAL PERSONS"

- (1) To the extent specific commitments are inscribed in respect of "presence of natural persons" in the schedule, such commitments shall include intra-corporate transfer of general managers, senior managers and specialists. General managers, senior managers and specialists shall be defined as -
- i) General manager - the chief executive officer or equivalent who leads and directs an establishment in Hong Kong of a service supplier of a Member and who is personally responsible for the overall performance of the establishment in Hong Kong.
 - ii) Senior manager - a person who directs the establishment in Hong Kong of a service supplier of a Member or a department of that establishment. Such a person would normally supervise and control the work of other supervisory, professional or managerial employees in Hong Kong, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization) in Hong Kong, exercise discretionary authority over day-to-day operations in Hong Kong, and be personally responsible to the general manager for the performance of a major part of the establishment in Hong Kong. The term 'senior manager' does not include first-line supervisors, unless the employees supervised are professional, nor does it include employees who primarily perform tasks necessary for the production of the service.
 - iii) Specialist - a person within an establishment of a service supplier of a Member who possesses knowledge at an advance level of expertise, possesses proprietary knowledge of the organization's service, research equipment, techniques, or management and who is essential to the operation of the establishment of that service supplier in Hong Kong.

HONG KONG (continued)

(2) Natural persons seeking entry under the commitments made by Hong Kong shall -

- i) be employees who have been in the prior employ of the concerned service supplier which sponsors their entry into Hong Kong for a period of not less than one year immediately preceding the date of application for admission; and
 - ii) during their stay in Hong Kong, except with the prior approval of the Hong Kong Government, not change employment or employers.
- (3) The commitments on intra-corporate transfer shall only apply to natural persons of service suppliers which have a bona fide business establishment operating in Hong Kong. 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.
- (4) The commitments 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. For general managers, senior managers and specialists, temporary stay shall be limited to one year in the first instance (which may be extended up to a total of five years).

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