

GENERAL AGREEMENT ON TARIFFS AND TRADE

ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

ACUERDO GENERAL SOBRE ARANCELES ADUANEROS Y COMERCIO

GPR/74/Add.5

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AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

Attached is a copy of Hong Kong's Annexes<sup>1</sup> to Appendix I of the Agreement on Government Procurement.

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ACCORD RELATIF AUX MARCHES PUBLICS

Addendum

On trouvera ci-joint copie des annexes de Hong Kong<sup>1</sup> figurant à l'Appendice I de l'Accord relatif aux marchés publics.

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ACUERDO SOBRE COMPRAS DEL SECTOR PÚBLICO

Addendum

Adjuntos figuran los anexos<sup>1</sup> del Apéndice I del Acuerdo sobre Compras del Sector Público correspondientes a Hong Kong.

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<sup>1</sup>English only/Anglais seulement/Inglés solamente.

Hong Kong reserves the right to make technical changes to this offer and to correct any errors, omissions or inaccuracies prior to 15 April 1994.

General Notes

1. Notwithstanding anything in these Annexes, 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.
2. Provision of external circuits for telecommunication services, subject to direction by the Governor in Council, and provision of certain external services is exclusively reserved to Hong Kong Telecommunications International Ltd (HKTI) until 30 September 2006.
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. Nothing in these Annexes shall oblige the Hong Kong Government 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 Annex 4: Financial Services
  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 and all the activities listed in Article 1B of MTN.TNC/W/50, 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

ANNEX 1

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

HONG KONG

Supplies

Threshold: 130,000 SDR

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. City and New Territories Administration
8. Civil Aid Services
9. Civil Aviation Department
10. Civil Engineering Department
11. Civil Service Training Centre
12. Companies Registry
13. Correctional Services Department
14. Customs and Excise Department
15. Department of Health
16. Drainage Services Department
17. Education Department
18. Electrical and Mechanical Services Department
19. Environmental Protection Department
20. Fire Services Department
21. Government Flying Service
22. Government Laboratory
23. Government Land Transport Agency
24. Government Property Agency
25. Government Secretariat
26. Government Supplies Department
27. Highways 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. Registry of Trade Unions
54. Royal Hong Kong Police Force (including Royal Hong Kong Auxiliary Police Force)
55. Royal Observatory
56. Senior Staff Course Centre
57. Social Welfare Department
58. Secretariat, Police Complaints Committee
59. Secretariat, Standing Commission on Civil Service Salaries and Conditions of Service
60. Secretariat, Standing Committee on Disciplined Services Salaries and Conditions of Service
61. Student Financial Assistance Agency
62. Technical Education and Industrial Training Department
63. Television and Entertainment Licensing Authority
64. Territory Development Department
65. Trade Department
66. Transport Department
67. Treasury
68. University and Polytechnic Grants Committee
69. Water Supplies Department

#### Services

Threshold:      Other services:      130,000 SDR  
                         Construction services: 5,000,000 SDR

#### List of Entities which procure the services specified in Annex 4:

Same as the "Supplies" section.

#### Note

In addition to the General Notes, this Agreement shall not apply to the purchase of office or residential accommodation by the Government Procurement Agency

**ANNEX 2**

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

**HONG KONG**

**Threshold:**      200,000 SDR for supplies and 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

HONG KONG

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.      Provisional Airport Authority (Airport Authority)
4.      Mass Transit Railway Corporation
5.      Kowloon Canton Railway Corporation



**ANNEX 4**  
**Services**  
**HONG KONG**

Those items of the Universal List of Services (MTN.GNS/W/120) as specified below:

**List of Services Included**

	<b><u>CPC</u></b>
1. <b><u>Computer and Related Services</u></b>	
-     Data base and processing services	843+844
-     Maintenance and repair services of office machinery and equipment including computers	845
-     Other Computer Services	849
2. <b><u>Rental/Leasing Services Without Operators</u></b>	
-     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. <b><u>Other Business Services</u></b>	
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861-8866
Market Research & Public Opinion Polling Services	864
Security Services	87304
Building-Cleaning Services	874
Advertising Services	871
4. <b><u>Courier Services</u></b>	
5. <b><u>Telecommunication Services</u></b>	
(Hong Kong intends to submit an offer in this sector before 15 April 1994)	
6. <b><u>Environmental Services</u></b>	
-     Sewage services	9401
-     Refuse disposal services	9402

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|----|---|--|
| 7. | <u>Financial Services</u>   | ex 81  |
| -  | All Insurance and Insurance-Related Services                      | (exceptions are set out in note 5 of the General Notes to these Annexes) |
| -  | Banking and other financial services                              |  |
| 8. | <u>Transport Services</u>   |  |
| -  | Air transportation services<br>(excluding transportation of mail) | 731, 732, 734  |
| -  | Road transport services   | 712, 6112, 8867  |

ANNEX 5

Construction Services

HONG KONG

Specification on covered 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

Threshold: 5,000,000 SDR