

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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COMMUNICATION FROM HONG KONG

Draft Schedule of Hong Kong Concerning Initial Commitments
Under the General Agreement on Trade in Services

The following communication is circulated at the request of Hong Kong to members of the Group of Negotiations on Services.

Pursuant to the work programme laid down by the Trade Negotiations Committee regarding the negotiations on services, Hong Kong submits its draft schedule concerning initial commitments under the General Agreement on Trade in Services.

This draft schedule is presented on the condition that the overall outcome of the Uruguay Round is acceptable to Hong Kong. Hong Kong also reserves its right to withdraw or modify its draft schedule at any time prior to the conclusion of the Uruguay Round negotiations, depending, inter alia, upon the scope as well as the number of mfn exemptions sought by other participants particularly in financial services and maritime transport services. Hong Kong further reserves its right to make technical changes and to correct any errors, omissions or inaccuracies before finalising its schedule.

HORIZONTAL NOTE ON "PRESENCE OF NATURAL PERSONS"

1. (a) To the extent specific commitments are inscribed in respect of "presence of natural persons", such commitments may 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 task 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 organisation's service, research equipment, techniques, or management and who is essential to the operation of the establishment of that service supplier in Hong Kong.
- (b) Natural persons seeking entry under the commitments made by Hong Kong shall -
- (i) be natural persons of a Member ;
 - (ii) 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
 - (iii) during their stay in Hong Kong, except with the prior approval of the Hong Kong Government, not change employment or employers.
- (c) 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.
- (d) The commitments are limited to entry and temporary stay, i.e. entry without intent to establish permanent residence under Hong Kong immigration laws ; and confers no right of abode in Hong Kong. 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).
- (e) Natural persons entering Hong Kong pursuant to the commitments made by Hong Kong under the Agreement shall observe all Hong Kong laws and regulations related to immigration, the supply of the service in question, labour and conditions of work prevailing at the time. The service suppliers employing such natural persons and the natural persons themselves shall cooperate, upon request, with authorities charged with enforcement of these measures.
2. The interpretation of these conditions by the Hong Kong Government shall be final.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>BUSINESS SERVICES</p> <p><u>Computer and Related Services</u></p> <p>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.</p> <p>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.</p>	<p>(1) None²</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	
	<p>(1) None²</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

² Only for cross-border supply by post, telecommunications and courier

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>BUSINESS SERVICES</p> <p><u>Computer and Related Services</u></p> <p>Data processing and data base services: these are limited to processing or tabulation of data, data base development, data storage, optical character recognition, microfiching and microfilming services.</p>	<p>(1) None ^{2,3}</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

² Only for cross-border supply by post, telecommunications and courier

³ Commitment excludes cross-border supply of international value-added or basic telecommunications services

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>BUSINESS SERVICES</p> <p><u>Real Estate Services</u></p> <p>On a fee or contract basis : these are limited to the provision on a fee or contract basis management services for residential or commercial buildings which in turn consist of cleaning, maintenance and guarding of such buildings.</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>	

(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>BUSINESS SERVICES <u>Rental/Leasing Services without Operators</u> Relating to ships</p>	<p>(1) Unbound (2) None (3) None (4) Unbound</p>	<p>(1) Unbound (2) Unbound (3) None other than that the income derived from international operation of ships registered on the Hong Kong Shipping Register is exempted from Hong Kong's profits tax. (4) Unbound</p>	

(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>BUSINESS SERVICES</p> <p><u>Rental/Leasing Services without Operators</u></p> <p>Relating to other transport equipment (excluding services relating to air transport)</p> <p>Relating to other machinery and equipment (excluding transport equipment)</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>	

(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>BUSINESS SERVICES</p> <p><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>(1) None²</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

² Only for cross-border supply by post, telecommunications and courier

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>BUSINESS SERVICES</p> <p><u>Other Business Services</u></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>(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>	

(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>BUSINESS SERVICES</p> <p><u>Other Business Services</u></p> <p>Management consulting services: these are limited to the provision of advice and guidance to businesses regarding planning, organisation, efficiency and control, and management information.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>BUSINESS SERVICES</p> <p><u>Other Business Services</u></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.</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.</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>	

(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>BUSINESS SERVICES</p> <p><u>Other Business Services</u></p> <p>Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)</p> <p>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.</p> <p>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.</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) 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> <p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

(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>BUSINESS SERVICES</p> <p><u>Other Business Services</u></p> <p>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.</p> <p>Translation services : these are limited to the interpretation of written and spoken languages.</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>	

(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>BUSINESS SERVICES</p> <p><u>Other Business Services</u></p> <p>Exhibition management services: these are limited to activities relating to planning, organising, managing and marketing services for conventions and similar events.</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>	

(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>COMMUNICATION SERVICES</p> <p><u>Courier Services</u></p> <p>Courier services : these are limited to the provision of service 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>	

(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>COMMUNICATION SERVICES</p> <p><u>Telecommunication Services</u></p> <p>Voice telephone services : these are limited to local public community repeater services.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that the supply of such services is subject to radio spectrum frequency availability. Commercial presence must take the form of a company.⁴</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

⁴ "Company" means broadly, a company formed and registered under the Companies Ordinance and includes a company incorporated outside Hong Kong which established a place of business and registered as such in Hong Kong

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>COMMUNICATION SERVICES</p> <p><u>Telecommunication Services</u></p> <p>Mobile data services : these are limited to local public mobile data services.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that the supply of such services is subject to radio spectrum frequency availability. Commercial presence must take the form of a company.⁴</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

⁴ "Company" means broadly, a company formed and registered under the Companies Ordinance and includes a company incorporated outside Hong Kong which established a place of business and registered as such in Hong Kong

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>COMMUNICATION SERVICES</p> <p><u>Telecommunication Services</u></p> <p>Value added services : these refer to local 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). Services may only be provided locally.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that commercial presence must take the form of a company.⁴</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

⁴ "Company" means broadly, a company formed and registered under the Companies Ordinance and includes a company incorporated outside Hong Kong which established a place of business and registered as such in Hong Kong

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>COMMUNICATION SERVICES</p> <p><u>Audiovisual Services</u></p> <p>Motion picture and video tape production and distribution services</p> <p>Sound recording services : these are limited to services relating to the provision of sound-track.</p> <p>Dubbing services : these are limited to the translation of the sound-track of motion pictures and video tapes from one language to another.</p>	<p>(1) None⁵</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p> <p>(1) None⁵</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound</p> <p>(1) None⁵</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> <p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

(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>CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p><u>Building Completion and Finishing Work</u></p> <p>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.</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>	

(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>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>	

(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>FINANCIAL SERVICES</p> <p><u>All Insurance and Insurance-Related Services</u></p> <p>Life, accident and health insurance services</p> <p>Non-life insurance services</p> <p>Reinsurance and retrocession</p>	<p>(1) Unbound</p> <p>(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 authorised in Hong Kong.</p> <p>(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.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None other than that an insurer authorised in Hong Kong must appoint a locally-based chief executive.</p>	

(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 for intra-corporate transfer of general managers, senior managers and specialists. ^{1,6}	(4) Unbound	

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

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

⁶ Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>FINANCIAL SERVICES</p> <p><u>All Insurance and Insurance-Related Services</u></p> <p>Services auxiliary to insurance (including broking and agency services)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(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.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p>	

(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 for intra-corporate transfer of general managers, senior managers and specialists. ^{1,6}	(4) Unbound	

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

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

⁶ Commitments on presence of natural persons are confined to businesses regulated under Hong Kong banking, securities, insurance and related legislation

FINANCIAL SERVICES

Banking and Other Financial Services (excl insurance)

Offer under reconsideration pending the outcome of mfn exemptions sought by other participants in respect of these services

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>TOURISM AND TRAVEL RELATED SERVICES</p> <p><u>Hotels and Restaurants</u> (incl. 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) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

(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>TOURISM AND TRAVEL RELATED SERVICES</p> <p><u>Travel Agencies and Tour Operator Services</u></p> <p>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.</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) None other than that only a company may operate tours and open branch offices.⁴</p> <p>(4) Unbound</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound</p>	

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

⁴ "Company" means broadly, a company formed and registered under the Companies Ordinance and includes a company incorporated outside Hong Kong which established a place of business and registered as such in Hong Kong

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p><u>Libraries, Archives, Museums and Other Cultural Services</u></p> <p>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.</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>	

(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 ¹²
<p>TRANSPORT SERVICES <u>Maritime Transport Services</u> International transport (excl. passenger transport and cabotage transport)</p>	<p>(1) None (2) None (3) None¹¹</p>	<p>(1) Unbound (2) Unbound (3) None other than that the income derived from international operation of ships registered on the</p>	

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

¹²

Where the following services are not otherwise covered by the obligation enshrined in Article XXIV(c), they will be made available to international transport service suppliers on reasonable and non-discriminatory terms and conditions : pilotage ; anchorage, berth and berthing services ; towing and tug assistance ; provisioning, fuelling and watering ; garbage collecting and ballast waste disposal ; port captain's services ; navigation aids ; shore-based operational services essential to ship operations, incl. communications, water and electrical supplies ; emergency repair facilities.

¹¹

"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 telecommunication);
- (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;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<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>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p> <p>(1) Unbound</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound except for intra-corporate transfer of general managers, senior managers and specialists.¹</p>	<p>Hong Kong Shipping Register is exempted from Hong Kong's profits tax.</p> <p>(4) Unbound</p> <p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None other than that the income derived from international operation of ships registered on the Hong Kong Shipping Register is exempted from Hong Kong's profits tax.</p> <p>(4) Unbound</p>	

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

¹ Conditions set out in horizontal note on "Presence of Natural Persons"

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>TRANSPORT SERVICES</p> <p><u>Maritime Auxiliary Services</u></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 organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of the loading/discharging of cargo to/from a ship ; the lashing/unlashing of cargo, and the reception/delivery and safekeeping of cargoes before shipment or after discharge.</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>	

(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>TRANSPORT SERVICES</p> <p><u>Maritime Auxiliary Services</u></p> <p>Storage and warehousing services : these are limited to the movement or placing of goods from warehouse to vessels or vice versa.</p> <p>Customs clearance services : these are limited to activities consisting in 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) 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>	

(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>TRANSPORT SERVICES</p> <p><u>Maritime Auxiliary Services</u></p> <p>Container station and depot services : these are limited to activities consisting in 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 in representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies for marketing and sales of maritime transport and related services and for acting on behalf of the companies organising the call of the ship or taking over cargoes when required.</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>	

(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>TRANSPORT SERVICES</p> <p><u>Maritime Auxiliary Services</u></p> <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) 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>	

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