

## **ANNEX 10-A**

### **SPECIFIC COMMITMENTS ON THE MOVEMENT OF NATURAL PERSONS**

#### **Schedule of Hong Kong, China**

1. Hong Kong, China's commitments under Article 10.3 (Grant of Temporary Entry) are covered wholly and exclusively in this Schedule.
2. This Schedule specifies the conditions and limitations for entry and temporary stay, including the requirements and length of stay, for each category of natural persons included in this Schedule.
3. Hong Kong, China shall grant temporary entry or extension of stay to the extent provided for in the commitments set out in this Schedule to natural persons of Australia, provided that those natural persons:
  - (a) follow prescribed application procedures for the immigration formality<sup>1</sup> sought; and
  - (b) meet all relevant eligibility requirements for temporary entry to or extension of temporary stay in Hong Kong, China.
4. Temporary entry granted by Hong Kong, China to a natural person of Australia pursuant to this Schedule shall not exempt that person from the requirements needed to carry out a profession or activity in accordance with its laws and regulations, and any applicable mandatory codes of practice made pursuant to its laws and regulations, in force in the Area of Hong Kong, China.

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<sup>1</sup> It is understood that "immigration formality" means a visa, permit, pass or other document or electronic authority granting a natural person permission to enter, stay, work or establish commercial presence in the Area of Hong Kong, China. For the purposes of this Schedule, "commercial presence" means any type of business or professional establishment including through: (a) the constitution, acquisition or maintenance of an enterprise; or (b) the creation or maintenance of a branch or a representative office, within the Area of -Hong Kong, China for the purposes of supplying a service.

<p style="text-align: center;"><b>Entry in the following categories only</b></p>	<p style="text-align: center;"><b>Conditions (including duration of stay)</b></p>
<p><b>(A) Business Visitors</b></p> <p><u>Definition:</u> A <b>business visitor</b> means a natural person of Australia:</p> <p>(a) who is seeking temporary entry to Hong Kong, China for the purpose of:</p> <p style="padding-left: 40px;">(i) attending meetings or conferences, or engaging in consultations with business colleagues;</p> <p style="padding-left: 40px;">(ii) taking orders or negotiating contracts for an enterprise but not selling goods or providing services to the general public; or</p> <p style="padding-left: 40px;">(iii) undertaking business consultations concerning the establishment, expansion or winding up of an enterprise or investment in Hong Kong, China;</p> <p>(b) who is not seeking to enter the labour market of Hong Kong, China; and</p> <p>(c) whose principal place of business, actual place of remuneration, and</p>	<p>The commitments shall apply to:</p> <p>(a) all sectors in the Services Sectoral Classification List published by the WTO (WTO document MTN.GNS/W/120 of July 10, 1991); and</p> <p>(b) entry and temporary stay for a period not exceeding 90 days, provided that normal immigration requirements are met.</p>

Entry in the following categories only	Conditions (including duration of stay)
predominant place of accrual of profits remain outside Hong Kong, China.	
<p><u>Note for transparency:</u> Under the existing immigration regime of Hong Kong, China, visitors to Hong Kong, China may make an extension of stay application before the expiry of the limit of stay if they have a special or urgent need. Such applications will be considered on their own merits. Detailed information can be found at <a href="http://www.immd.gov.hk/eng/services/visas/extension_of_stay.html#visitor">http://www.immd.gov.hk/eng/services/visas/extension_of_stay.html#visitor</a>.</p>	
<p><b>(B) Intra-Corporate Transferees</b></p> <p><u>Definition:</u> An <b>intra-corporate transferee</b> means a <b>senior manager</b> or a <b>specialist</b> who is an employee of a service supplier of Australia with commercial presence in Hong Kong, China.</p> <p>A <b>senior manager</b> means a natural person of Australia within an organisation of Australia who:</p> <p>(a) is a senior employee of that organisation with responsibility for the entire organisation's operations, or a substantial part of it, in Hong Kong, China;</p> <p>(b) has proprietary information of the organisation and receives only general supervision or direction from higher level executives or the board of directors or stockholders of the</p>	<p>The commitments:</p> <p>A natural person of Australia seeking entry into Hong Kong, China as a senior manager or a specialist under Hong Kong, China's commitments on intra-corporate transferees shall:</p> <p>(a) be an employee who has been in the prior employment of the concerned service supplier which sponsors their entry into Hong Kong, China for a period of not less than one year immediately preceding the date of application for admission; and</p> <p>(b) during their stay in Hong Kong, China except with the prior approval of the Government of Hong Kong, China, not change employment or employer.</p> <p>The commitments:</p>

Entry in the following categories only	Conditions (including duration of stay)
<p>organisation; and</p> <p>(c) supervises and controls the work of other supervisory, professional or managerial employees in Hong Kong, China. This does not include a first-line supervisor, unless the employees supervised are professional; nor does it include an employee who primarily performs tasks necessary for the provision of the service.</p> <p>A <b>specialist</b> means a natural person of Australia within an organisation of Australia who possesses knowledge at an advanced level of expertise; possesses proprietary knowledge of the organisation's service, research equipment, techniques, or management; and who is essential to the operation of the concerned service supplier's establishment in Hong Kong, China.</p>	<p>(a) shall only apply to the sectors and subsectors as set out in paragraph 5 below;</p> <p>(b) shall only apply to natural persons of Australia in the employment of service suppliers of Australia which have a bona fide business establishment operating in Hong Kong, China. The number of natural persons who may seek entry under these commitments shall be reasonable having regard to the size and the nature of the business operation of the relevant establishment in Hong Kong, China; and</p> <p>(c) are limited to entry and temporary stay. Temporary stay implies that the appropriate prior authority will have been applied for and obtained before departure for Hong Kong, China. Temporary stay shall be limited to one year in the first instance, which may be extended up to a total of five years.</p>
<p><b>(C) Installers or Servicers</b></p> <p><u>Definition:</u> An <b>installer or servicer</b> means a natural person of Australia who is an installer or servicer of machinery,</p>	<p>The commitments shall only apply to:</p> <p>(a) the sectors and subsectors in the Services Sectoral Classification List published by the WTO (WTO</p>

Entry in the following categories only	Conditions (including duration of stay)
equipment or both machinery and equipment, where such installation or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.	document MTN.GNS/W/120 of July 10, 1991) as set out in paragraph 6 below; and  (b) entry and temporary stay for a period not exceeding three months in any 12-month period and subject to economic needs tests <sup>2</sup> .
<b>(D) Dependants</b>  <u>Definition:</u> A dependant means the spouse or unmarried dependent child under the age of 18 of a natural person of Australia who has been granted entry and temporary stay in Hong Kong, China under category (B) (Intra-Corporate Transferees) of this Schedule for a period of longer than 12 months (the sponsor).	The commitments:  The sponsor may apply to bring in a dependant or dependants during his or her stay in Hong Kong, China, and if approved, the dependant is not prohibited from taking up employment in Hong Kong, China and prior permission from the competent authority is not required. The length of stay granted for such dependant will normally be linked to that of the sponsor.

5. In respect of intra-corporate transferees, the commitments apply only to the following sectors and subsectors<sup>3</sup>:

<sup>2</sup> Including economic benefits test and labour market test.

<sup>3</sup> The sectors and subsectors in this Schedule are listed on the basis of the Services Sectoral Classification List published by the WTO (WTO document MTN.GNS/W/120 of July 10, 1991) and with reference to the Maritime Model Schedule appended as Appendix 2 to the WTO document JOB/SERV/137 of March 7, 2013, where appropriate.

	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
1.	<u>BUSINESS SERVICES</u>	<u>Section B</u>
A.	<u>Professional Services</u>	
a.	Legal Services (limited to the committed services as set out in II-HKC-8 under Hong Kong, China's Annex II)	861**
b.	Accounting, auditing and bookkeeping services	862
c.	Taxation Services	863
d.	Architectural services	8671
e.	Engineering services	8672
f.	Integrated engineering services	8673
g.	Urban planning and landscape architectural services	8674
i.	Veterinary services	932
B.	<u>Computer and Related Services</u>	
a.	Consultancy services related to the installation of computer hardware	841
b.	Software implementation services	842
c.	Data processing services	843
d.	Data base services	844
e.	Other	845+849
C.	<u>Research and Development Services</u>	
a.	R&D services on natural sciences	851
b.	R&D services on social sciences and humanities	852
c.	Interdisciplinary R&D services	853
D.	<u>Real Estate Services</u>	

<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
b. On a fee or contract basis (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)	822**
<b>E. <u>Rental/Leasing Services without Operators</u></b>	
a. Relating to ships	83103
c. Relating to other transport equipment (excluding services relating to air transport)	83101-83102
d. Relating to other machinery and equipment	83106-83109
<b>F. <u>Other Business Services</u></b>	
a. Advertising services	871
b. Market research and public opinion polling services	864
c. Management consulting services	865
d. Services related to management consulting	866
e. Technical testing and analysis services	8676
f. Services incidental to agriculture, hunting and forestry	881
g. Services incidental to fishing	882
h. Services incidental to mining	883+5115
i. Services incidental to manufacturing	884+885 (except for 88442)
k. Placement and supply services of personnel	872
l. Investigation and security	87301-87305
m. Related scientific and technical consulting services	8675

<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861-8866
o. Building-cleaning services	874
p. Photographic services	875
q. Packaging services	876
r. Printing, publishing services	88442
s. Convention services	87909*
t. Other	8790
2. <u>COMMUNICATION SERVICES</u>	
B. <u>Courier Services</u> (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 <i>Post Office Ordinance (Cap. 98)</i> )	7512**
C. <u>Telecommunication Services</u>	
a. Voice telephone services	7521
b. Packet-switched data transmission services	7523**
c. Circuit-switched data transmission services	7523**
d. Telex services	7523**
e. Telegraph services	7522
f. Facsimile services	7521**+7529**
g. Private leased circuit services	7522**+7523**
h. Electronic mail	7523**
i. Voice mail	7523**
j. On-line information and data base retrieval	7523**
k. electronic data interchange (EDI)	7523**
l. enhanced/value-added facsimile services, including store and forward, store and retrieve	7523**



	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
	m. code and protocol conversion	n.a.
	n. on-line information and/or data processing (including transaction processing)	843**
	o. other	
D.	<u>Audiovisual Services</u> Radio and television services	
	- production services of programme content for sale to operators of radio services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China; and	
	- production services of programme content for sale to operators of television services, provided that such production services are not subject to licensing under the relevant legislation of Hong Kong, China	
	a. Motion picture and video tape production and distribution services	9611
	b. Motion picture projection service	9612
	e. Sound recording	n.a.
E.	<u>Other</u>	
3.	<u>CONSTRUCTION AND RELATED ENGINEERING SERVICES</u>	
	B. <u>General construction work for civil engineering</u>	513
	C. <u>Installation and assembly work</u>	514+516
	D. <u>Building completion and finishing work</u>	517

	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING</u> <u>CPC</u>
E.	<u>Other</u> - project management services (limited to the supervision and coordination of construction projects but do not cover engineering or architectural services)	
4.	<u>DISTRIBUTION SERVICES</u>	
A.	<u>Commission agents' services</u>	621
B.	<u>Wholesale trade services</u>	622
C.	<u>Retailing services</u>	631+632; 6111+6113+6121
D.	<u>Franchising</u>	8929
E.	<u>Other</u>	
5.	<u>EDUCATIONAL SERVICES</u>	
A.	<u>Primary education services</u>	921
B.	<u>Secondary education services</u>	922
C.	<u>Higher education services</u> (limited to courses regulated under <i>Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)</i> )	923**
E.	<u>Other education services</u>	929
6.	<u>ENVIRONMENTAL SERVICES</u>	
A.	<u>Sewage services</u>	9401
B.	<u>Refuse disposal services</u>	9402
C.	<u>Sanitation and similar services</u>	9403
D.	<u>Other</u> - Cleaning services of exhaust gases	9404

<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
- Noise abatement services	9405
- Nature and landscape protection services	9406
- Other environmental protection services not elsewhere classified	9409

7.

FINANCIAL SERVICES

Insurance and insurance-related services

- (a) direct insurance (including co-insurance):
  - (i) life; and
  - (ii) non-life
- (b) reinsurance and retrocession
- (c) insurance intermediation, such as brokerage and agency
- (d) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

Banking and other financial services (excluding insurance)

- (e) acceptance of deposits and other repayable funds from the public
- (f) lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transactions
- (g) financial leasing
- (h) all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts
- (i) guarantees and commitments

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- (j) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
  - (i) money market instruments, including cheques, bills, certificates of deposits
  - (ii) foreign exchange
  - (iii) derivative products including, but not limited to, futures and options
  - (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements
  - (v) transferable securities
- (k) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of service related to such issues
- (l) money broking
- (m) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services
- (o) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services
- (p) advisory and other auxiliary financial services on all the activities listed in subparagraphs (e) through (o) of Annex 8-A of Chapter 8 (Financial Services), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
9.	<u>TOURISM AND TRAVEL RELATED SERVICES</u>	
A.	<u>Hotels and restaurants (including catering)</u>	
	- Hotel lodging services	6411
	- Motel lodging services	6412
	- Other lodging services	64191+64192+ 64194+64195
	- Restaurant and catering Services	642+643
B.	<u>Travel agencies and tour operator services</u> (limited to the business of obtaining for clients carriage or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning)	7471**
10.	<u>RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)</u>	
A.	<u>Entertainment services</u>	
	- Theatrical producer, singer group, band and orchestra entertainment services	96191
	- Services provided by authors, composers, sculptors, entertainers and other individual artists	96192
	- Ancillary theatrical services not elsewhere classified	96193
	- Ballroom, discotheque and dance instructor services	96195

	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING</u> <u>CPC</u>
C.	<u>Libraries, archives, museums and other cultural services</u>	
	- Library and archive services	9631
D.	<u>Sporting and other recreational services</u>	
	- Sporting and other recreational services (excluding gambling and betting services)	964**
11.	<u>TRANSPORT SERVICES</u>	
A.	<u>Maritime Transport Services (excluding Cabotage)<sup>4</sup></u>	
a.	Passenger transportation	7211
b.	Freight transportation	7212
c.	Rental of vessels with crew	7213
d.	Maintenance and repair of vessels	8868**
e.	Pushing and towing services	7214

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<sup>4</sup> “Cabotage” covers transportation of passengers or goods between a point in Hong Kong, China and another point in Hong Kong, China, as well as traffic originating and terminating in the same point in Hong Kong, China, provided that this traffic remains within the waters of Hong Kong, China.

### Maritime Auxiliary Services

- Customs clearance services (limited to activities consisting of carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity);
- Container station and depot services (limited to activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipment);
- Maritime agency services (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 organising the call of the ship or taking over cargoes when required);
- Preshipment inspection services (limited to services performed on a fee or contract basis involved in the verification of quality, quantity, price (including currency, exchange rate and financial terms), and/or the customs classification of goods to be exported. Customs or quarantine inspection is not included); and
- Maritime freight forwarding services (limited to the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services,

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preparation of documentation and provision of business information).

C. Air Transport Services or Related Services in Support of Air Services

- selling and marketing of air transport services
- computer reservation system services
- airline representation services
- passenger handling services
- ramp handling services



	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING CPC</u>
E.	<u>Rail Transport Services</u> (exclude those services relating to cross boundary train services (including Intercity Passenger Services and Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link))	
	c. Pushing and towing services	7113
	d. Maintenance and repair of rail transport equipment	8868**
	e. Supporting services for rail transport services	743
F.	<u>Road Transport Services</u>	
	b. Freight transportation	7123
	Rental services of commercial freight vehicles with operator	71240
	d. Maintenance and repair of road transport equipment	6112+8867
G.	<u>Pipeline Transport</u>	
	a. Transportation of fuels	7131
	b. Transportation of other goods	7139
H.	<u>Services auxiliary to all modes of transport</u>	
	a. Cargo-handling services (except those of air (except in respect of ramp handling services) and rail)	741**
	b. Storage and warehouse services (except those of air (except in respect of ramp handling services) and rail)	742**
	c. Freight transport agency services	748
	d. Other	749

	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING</u> <u>CPC</u>
12.	OTHER SERVICES NOT INCLUDED ELSEWHERE	
	Spa services	9702**

6. In respect of installers or servicers, the commitments apply only to the following sectors and subsectors in the Services Sectoral Classification List published by the WTO (WTO document MTN.GNS/W/120 of July 10, 1991)<sup>5</sup>:

	<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING</u> <u>CPC</u>
1.	<u>BUSINESS SERVICES</u>	<u>Section B</u>
	<u>B. Computer and Related Services</u>	
	a. Consultancy services related to the installation of computer hardware	841
	b. Software implementation services	842
	c. Data processing services	843
	d. Data base services	844
	<u>F. Other Business Services</u>	
	Services incidental to manufacturing, limited to the following field of activities:	884**+885** (except 88442)
	- Machinery and equipment for chemical manufacturing	
	- Machinery and equipment for manufacturing of automotive parts	

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<sup>5</sup> In implementing this commitment, the services listed under this paragraph shall be construed by reference to the field of activity of the supplying company.

<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING</u> <u>CPC</u>
- Machinery and equipment for metal working	
- Machinery and equipment for pharmaceutical manufacturing	
- Machinery and equipment for textile manufacturing	
- Measuring equipment	
- Precision equipment	
2. <u>COMMUNICATION SERVICES</u>	
C. <u>Telecommunication services</u>	
h. Electronic mail	7523**
i. Voice mail	7523**
j. On-line information and data base retrieval	7523**
k. electronic data interchange (EDI)	7523**
l. enhanced / value-added facsimile services, including store and forward, store and retrieve	7523**
m. code and protocol conversion	n.a.
n. on-line information and/or data processing (including transaction processing)	843**
6. <u>ENVIRONMENTAL SERVICES</u>	
A. <u>Sewage services</u>	9401
B. <u>Refuse disposal services</u>	9402
C. <u>Sanitation and similar services</u>	9403
D. <u>Other</u>	
- Cleaning services of exhaust gases	9404
- Noise abatement services	9405
- Nature and landscape protection services	9406
- Other environmental protection services not elsewhere classified	9409

<u>SECTORS AND SUBSECTORS</u>	<u>CORRESPONDING</u> <u>CPC</u>
8. <u>HEALTH RELATED AND SOCIAL SERVICES</u>	
B. Other Human Health Services	
Other human health services n.e.c. – limited to the following field of activity:	93199**
- Medical equipment	
11. <u>TRANSPORT SERVICES</u>	
H. Services auxiliary to all modes of transport	
a. Cargo-handling services (except those of air (except in respect of ramp handling services) and rail)	741**
b. Storage and warehouse services (except those of air (except in respect of ramp handling services) and rail)	742**

The (\*) indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in paragraph 5 of this Schedule.

The (\*\*) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.