**ANNEX 13-A**

**SCHEDULE OF HONG KONG, CHINA**

**Section A: Central Government Entities**

*Thresholds*

1. This Chapter shall apply to central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 13.2, to equal or exceed:

(a) for procurement of goods and services, 130,000 Special Drawing Rights (SDRs); and

(b) for procurement of construction services, 5,000,000 SDRs.

2. The monetary thresholds set out in paragraph 1(a) and paragraph 1(b) shall be adjusted in accordance with Section H (Threshold Adjustment Formula) of this Schedule.

*List of Entities*

1. Agriculture, Fisheries and Conservation Department

2. Architectural Services Department

3. Audit Commission

4. Auxiliary Medical Service

5. Buildings Department

6. Census and Statistics Department

7. Chief Executive’s Office (Note to Section A refers)

8. Civil Aid Service

9. Civil Aviation Department

10. Civil Engineering and Development Department

11. Companies Registry

12. Correctional Services Department

13. Customs and Excise Department

14. Department of Health

15. Department of Justice

16. Drainage Services Department

17. Electrical and Mechanical Services Department

18. Environmental Protection Department

19. Fire Services Department

20. Food and Environmental Hygiene Department

21. Government Flying Service

22. Government Laboratory

23. Government Logistics Department

24. Government Property Agency

25. Government Secretariat

26. Highways Department

27. Home Affairs Department

28. Hong Kong Monetary Authority

29. Hong Kong Observatory

30. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)

31. Hongkong Post

32. Immigration Department

33. Independent Commission Against Corruption

34. Independent Police Complaints Council

35. Information Services Department

36. Inland Revenue Department

37. Intellectual Property Department

38. Invest Hong Kong

39. Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service

40. Judiciary

41. Labour Department

42. Land Registry

43. Lands Department

44. Legal Aid Department

45. Leisure and Cultural Services Department

46. Marine Department

47. Office of the Communications Authority

48. Office of the Ombudsman

49. Official Receiver's Office

50. Planning Department

51. Public Service Commission

52. Radio Television Hong Kong

53. Rating and Valuation Department

54. Registration and Electoral Office

55. Secretariat, Commissioner on Interception of Communications and Surveillance

56. Social Welfare Department

57. Student Finance Office

58. Trade and Industry Department

59. Transport Department

60. Treasury

61. University Grants Committee Secretariat

62. Water Supplies Department

**Note to Section A:**

This Chapter shall not cover the procurement of the following services, which are identified in accordance with the *Provisional Central Product Classification* (CPC), by the Chief Executive’s Office.

|  |  |  |
| --- | --- | --- |
|  | | *CPC* |
| 1. | Armoured car services | 87304 |
| 2. | Telecommunications and Related Services | 752, 754 |

**Section B: Sub-Central Government Entities**

Hong Kong, China has no Section B entities.

**Section C: Other Entities**

*Thresholds*

1. This Chapter shall apply to other covered entities listed in this Section where the value of the procurement is estimated, in accordance with Article 13.2, to equal or exceed:

(a) for procurement of goods and services, 400,000 SDRs; and

(b) for procurement of construction services, 5,000,000 SDRs.

2. The monetary thresholds set out in paragraph 1(a) and paragraph 1(b) shall be adjusted in accordance with Section H (Threshold Adjustment Formula) of this Schedule.

*List of Entities*

1. Airport Authority

2. Hospital Authority

3. Housing Authority and Housing Department

4. Kowloon-Canton Railway Corporation

5. MTR Corporation Limited

**Section D: Goods**

This Chapter shall apply to all goods procured by the entities listed in Sections A (Central Government Entities) and C (Other Entities) of this Schedule, unless otherwise provided in this Chapter.

**Section E: Services**

This Chapter shall cover the following services, which are identified in accordance with the CPC:

|  |  |  |
| --- | --- | --- |
|  | | *CPC* |
| 1. | *Computer and Related Services* |  |
| - | Data base and processing services | 843, 844 |
| - | Maintenance and repair service of office machinery and equipment including computers | 845 |
| - | Other computer services | 849 |
| 2. | *Rental/Leasing Services Without Operators* |  |
| - | Relating to ships | 83103 |
| - | Relating to aircraft | 83104 |
| - | Relating to other transport equipment | 83101, 83102, 83105 |
| - | Relating to other machinery and equipment | 83106, 83109 |
| 3. | *Other Business Services* |  |
| - | Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) | 633, 8861-8866 |
| - | Market research & public opinion polling services | 864 |
| - | Armoured car services | 87304 |
| - | Building-cleaning services | 874 |
| - | Advertising services | 871 |
| - | Services incidental to forestry and logging | 8814 |
| - | Services incidental to mining | 883 |
| 4. | *Courier Services* | 7512 |
| 5. | *Telecommunications and Related Services* | (Note 1 to Section E refers) |
| - | Telecommunications services | 752 |
| - | Telecommunications-related services | 754 |
| 6. | *Environmental Services* |  |
| - | Sewage services | 9401 |
| - | Refuse disposal services | 9402 |
| - | Sanitation and similar services | 9403 |
| - | Cleaning services of exhaust gases | 9404 |
| - | Nature and landscape protection services | 9406 |
| 7. | *Financial Services* | ex 81  (exceptions are set out in Note 2 to Section E) |
| - | All insurance and insurance-related services |  |
| - | Banking and other financial services |  |
| 8. | *Transport Services* |  |
| - | Air transport services (excluding transportation of mail) | 731, 732, 734 |
| - | Road transport services | 712, 6112, 8867 |

**Notes to Section E:**

1. Suppliers of telecommunications and related services may require licensing under the *Telecommunications Ordinance (Cap. 106)*. Suppliers applying for licences are required to be established in Hong Kong, China under the *Companies Ordinance (Cap. 622)*.

2. This Chapter shall not cover the following Financial Services:

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | *CPC* |
| (a) | Insurance and pension consultancy services | | 81402 | |
| (b) | Money broking | | 81339 | |
| (c) | Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services | | 8119, 81323 | |
| (d) | Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments | | 81339 or 81319 | |
| (e) | Advisory and other auxiliary financial services on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the *GATS Annex on Financial Services*, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. | | 8131 or 8133 | |
| (f) | Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: | | 81339, 81333, 81321 | |
|  | (i) | money market instruments (cheques, bills, certificate of deposits, etc.); |  | |
|  | (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 agreement, etc.; |  | |
|  | (v) | transferable securities; and |  | |
|  | (vi) | other negotiable instruments and financial assets, including bullion. |  | |

**Section F: Construction Services**

1. This Chapter shall apply to all construction services listed in Division 51 of the CPC.

2. A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the CPC.

**Section G: General Notes**

Notwithstanding Hong Kong, China’s commitments in this Schedule, this Chapter shall not apply to:

* 1. any consultancy and franchise arrangements, including build-operate-transfer contracts and public works concession contracts;
  2. transportation of mail by air; and
  3. statutory insurances including third party liability in respect of vehicles and vessels and employer's liability insurance in respect of employees.

**Section H: Threshold Adjustment Formula**

1. The thresholds for the procurement of goods and services by entities listed in Sections A (Central Government Entities) and C (Other Entities) of this Schedule, and the thresholds for procurement of construction services by entities listed in Sections A (Central Government Entities) and C (Other Entities) of this Schedule shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of the first even-numbered year after the date of entry into force of this Agreement.

2. The adjustments shall be based on the average of the daily conversion rates of the Hong Kong dollar in terms of the SDR, published by the International Monetary Fund in its monthly “International Financial Statistics” over the two-year period preceding October 1 or November 1 of the year prior to the thresholds in the Hong Kong dollar becoming effective which will be from January 1.