

ANNEX I

SCHEDULE OF HONG KONG, CHINA

INTRODUCTORY NOTES

Where an inconsistency arises in relation to the interpretation of an entry, the Description element of the entry shall prevail to the extent of the inconsistency.

I-HKC-1

Sector	BUSINESS SERVICES Professional Services
Industry Classification	CPC 862 Accounting, auditing and bookkeeping services
Obligations Concerned	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	Section 29 (including Section 29A) of the <i>Professional Accountants Ordinance (Cap. 50)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> Provision of statutory auditing services is limited to corporate practices and natural persons licenced as certified public accountants (practising), either as sole proprietors or in partnership. A practising certificate shall not be issued to an applicant unless the person is ordinarily resident in Hong Kong, China and possesses local experience and knowledge of local law and practice.

I-HKC-2

Sector	BUSINESS SERVICES Professional Services
Industry Classification	CPC 8671 Architectural services
Obligations Concerned	National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	Section 13 of the <i>Architects Registration Ordinance (Cap. 408)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> To be registered as a Registered Architect, a person has to have one year's relevant experience in Hong Kong, China before the date of his or her application for registration; and to be ordinarily resident in Hong Kong, China.

I-HKC-3

Sector	BUSINESS SERVICES Professional Services
Industry Classification	CPC 8672 Engineering services CPC 8673 Integrated engineering services
Obligations Concerned	National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	Section 12 of the <i>Engineers Registration Ordinance (Cap. 409)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> To be registered as a Registered Professional Engineer, a person has to have one year's relevant experience in Hong Kong, China before the date of his or her application for registration; and to be ordinarily resident in Hong Kong, China.

I-HKC-4

Sector	BUSINESS SERVICES Professional Services
Industry Classification	CPC 8674 Urban planning and landscape architectural services
Obligations Concerned	National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	Section 12 of the <i>Planners Registration Ordinance (Cap. 418)</i> Section 12 of the <i>Landscape Architects Registration Ordinance (Cap. 516)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> To be registered as a Registered Professional Planner, a person has to have one year's relevant experience in Hong Kong, China before the date of his or her application for registration; and to be ordinarily resident in Hong Kong, China. To be registered as a Registered Landscape Architect, a person has to have one year's relevant experience in Hong Kong, China before the date of his or her application for registration; and to be ordinarily resident in Hong Kong, China.

I-HKC-5

Sector	BUSINESS SERVICES Rental/Leasing Services without Operators
	TRANSPORT SERVICES Maritime Transport Services
Industry Classification	CPC 83103 Rental/Leasing Services without Operators Relating to ships
	CPC 7211 Passenger transportation
	CPC 7212 Freight transportation
	CPC 7213 Rental of vessels with crew
Obligations Concerned	National Treatment (Articles 7.4 and 12.4)
Measures	Section 23B of the <i>Inland Revenue Ordinance (Cap. 112)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> Income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong, China's profit tax.

I-HKC-6

Sector	Fishing BUSINESS SERVICES Other Business Services
Industry Classification	CPC 882 Services incidental to fishing
Obligations Concerned	National Treatment (Article 12.4) Senior Management and Boards of Directors (Article 12.7)
Measures	<i>Fisheries Protection Ordinance (Cap. 171)</i> Section 12 of the <i>Merchant Shipping (Local Vessels) Ordinance (Cap. 548)</i>
Description	<u>Establishment and Related Provisions</u> Under the <i>Fisheries Protection Ordinance (Cap. 171)</i> , certificated local fishing vessels which possess a valid operating licence under the <i>Merchant Shipping (Local Vessels) Ordinance (Cap. 548)</i> can be registered for engaging in fishing activities within the waters of Hong Kong, China. Fishing with the use of non-local fishing vessels within the waters of Hong Kong, China is prohibited. Under the <i>Merchant Shipping (Local Vessels) Ordinance (Cap. 548)</i> , fishing vessels must be certificated. To be certificated as a Local Vessel Class III “fishing vessel” plying within the waters of Hong Kong, China, if the owner of the vessel is an individual, the owner shall be an individual who holds a valid Hong Kong Identity Card and who is ordinarily resident in Hong Kong, China.

I-HKC-7

Sector	Mining BUSINESS SERVICES Other Business Services
Industry Classification	CPC 883, 5115 Services incidental to mining
Obligations Concerned	National Treatment (Article 12.4)
Measures	Section 7(1) of the <i>Mining Ordinance (Cap. 285)</i>
Description	<u>Establishment and Related Provisions</u> When not resident in Hong Kong, China every holder of a prospecting or mining licence and every lessee of a mining lease shall at all times have a duly authorised attorney, approved by the Director of Lands, resident in Hong Kong, China, with full power to represent the holder or lessee in all matters relating to his or her licence or lease.

I-HKC-8

Sector	Manufacture and storage of dutiable commodities BUSINESS SERVICES Other Business Services TRANSPORT SERVICES Services auxiliary to all modes of transport
Industry Classification	CPC 884+885 Services incidental to manufacturing except for 88442 CPC 742 Storage and warehouse Services
Obligations Concerned	National Treatment (Article 12.4)
Measures	Sections 7 and 8A of the <i>Dutiable Commodities Ordinance (Cap. 109)</i> Regulation 22 of the <i>Dutiable Commodities Regulations (Cap. 109A)</i>
Description	<u>Establishment and Related Provisions</u> To apply for a licence for the manufacture or storage of dutiable commodities under the <i>Dutiable Commodities Ordinance (Cap. 109)</i> , the applicant has to appoint a responsible person to be held responsible for the running and management of the premises concerned. The responsible person has to be a Hong Kong resident holding a valid Hong Kong Identity Card.

I-HKC-9

Sector	Manufacture of optical discs and stampers
	BUSINESS SERVICES Other Business Services
Industry Classification	CPC 8847 Manufacture of rubber and plastics products, on a fee or contract basis
	CPC 885 Services incidental to the manufacture of metal products, machinery and equipment
Obligations Concerned	National Treatment (Article 12.4)
Measures	Sections 5(1), 5(2)(c)(v) and 30 of the <i>Prevention of Copyright Piracy Ordinance (Cap. 544)</i>
Description	<u>Establishment and Related Provisions</u> To apply for a licence for the manufacture of optical discs or stampers under the <i>Prevention of Copyright Piracy Ordinance (Cap. 544)</i> , the applicant has to be a Hong Kong resident holding a valid Hong Kong Identity Card.

I-HKC-10

Sector	BUSINESS SERVICES Other Business Services
Industry Classification	CPC 87302-87305 Security services
Obligations Concerned	Market Access (Article 7.3)
Measures	Section 11 of the <i>Security and Guarding Services Ordinance (Cap. 460)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> A service supplier may only provide security services in the form of a company incorporated in Hong Kong, China under the <i>Companies Ordinance (Cap. 622)</i> .

I-HKC-11

Sector	BUSINESS SERVICES Other Business Services
Industry Classification	CPC 8675 Related scientific and technical consulting services
Obligations Concerned	National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	Section 12 of the <i>Land Survey Ordinance (Cap. 473)</i> Section 12 of the <i>Surveyors Registration Ordinance (Cap. 417)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> Certain statutory land boundary survey services are required to be carried out by Authorised Land Surveyors registered under the <i>Land Survey Ordinance (Cap. 473)</i> . To be qualified for registration as an Authorised Land Surveyor, a person has to attain one year local land boundary survey experience in Hong Kong, China. To be registered as a Registered Professional Surveyor under the <i>Surveyors Registration Ordinance (Cap. 417)</i> , a person has to have one year's relevant experience in Hong Kong, China before the date of his or her application for registration; and to be ordinarily resident in Hong Kong, China.

I-HKC-12

Sector	CONSTRUCTION AND RELATED ENGINEERING SERVICES ¹ General construction work for civil engineering Installation and assembly work Building completion and finishing work
Industry Classification	CPC 513 General construction work for civil engineering CPC 514+516 Installation and assembly work CPC 517 Building completion and finishing work
Obligations Concerned	National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	Section 4 of the <i>Buildings Ordinance (Cap. 123)</i> Regulation 3 of the <i>Building (Administration) Regulations (Cap. 123A)</i> Section 13 of the <i>Architects Registration Ordinance (Cap. 408)</i> Section 12 of the <i>Engineers Registration Ordinance (Cap. 409)</i> Section 12 of the <i>Surveyors Registration Ordinance (Cap. 417)</i> Part I of the <i>Buildings Ordinance (Cap. 123)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> (a) Non-exempted construction and building works shall be carried out by statutory building agents, including Authorised Persons (AP), Registered Structural Engineers (RSE), Registered Geotechnical Engineers (RGE), Registered Contractors (RC) and Technically Competent Persons (TCP); and that:

¹ For railway construction and project implementation services, please refer to II-HKC-25 under Hong Kong, China's Schedule to Annex II.

- (i) to register as an AP, a person shall be a Registered Architect (RA), Registered Professional Engineer (RPE) in the relevant disciplines or Registered Professional Surveyor (RPS) and have one year's relevant professional experience in Hong Kong, China;
 - (ii) to register as an RSE or RGE, a person shall be a RPE in the relevant disciplines and have one year's relevant professional experience in Hong Kong, China;
 - (iii) to register as a RA or RPE in the relevant disciplines or RPS, a person shall be ordinarily resident in Hong Kong, China;
 - (iv) to register as a RC, which can be a corporation and include Registered General Building Contractors (RGBCs), Registered Specialist Contractors and Registered Minor Works Contractors (RMWCs), the key personnel of the applicant shall possess adequate working experience, some of which has to be gained in Hong Kong, China; and
 - (v) to be qualified as a TCP, a person shall possess site experience in Hong Kong, China;
- (b) Prescribed inspection of buildings shall be carried out by Registered Inspectors (RIs), while prescribed repair to buildings shall be carried out by RGBCs or RMWCs registered for carrying out minor works items that are relevant to the repair works; and that:
- (i) to register as an RI, a person shall be an AP, RSE, RA, RPE in the relevant disciplines or RPS in the relevant divisions and shall possess adequate relevant working experience, some of which has to be gained in Hong Kong, China; and
- (c) Prescribed inspection of windows shall be carried out by Qualified Persons (QPs), while prescribed repair to windows shall be carried out by RGBCs or RMWCs registered for carrying out minor works items that are relevant to windows; and that:

- (i) to be qualified as a QP, a person shall be an AP, RSE, RI, RGBC or RMWC registered for carrying out minor works items that are relevant to windows.

I-HKC-13

Sector	EDUCATIONAL SERVICES Primary education services Secondary education services Other education services
Industry Classification	CPC 921 Primary education services CPC 922 Secondary education services CPC 929 Other education services
Obligations Concerned	Market Access (Article 7.3) National Treatment (Article 12.4)
Measures	<i>Education Ordinance (Cap. 279)</i>
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> With respect to Mode 3, (a) schools registered under the <i>Education Ordinance (Cap. 279)</i> , whether private or public, are required to be managed by managers. Section 30(1)(a) of the <i>Education Ordinance (Cap. 279)</i> provides that the Permanent Secretary for Education may refuse to register an applicant as manager of a school if it appears to him or her that the applicant is not resident in Hong Kong, China for at least nine months in each year; and (b) an operator of international schools ² which offers non-local curriculum is subject to the administrative requirements which include proving the established demand for such non-local curriculum in the community.

² International schools are schools which follow a non-local curriculum and whose students do not sit local examinations. It generally refers to those schools offering full non-local curricula designed primarily for non-Chinese speaking students and foreign nationals.

I-HKC-14

Sector	EDUCATIONAL SERVICES Higher education services Adult education
Industry Classification	CPC 923 Higher education services CPC 924 Adult education
Obligations Concerned	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5)
Measures	<i>Education Ordinance (Cap. 279)</i> <i>Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)</i>
Description³	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>

With respect to Mode 3, schools registered under the *Education Ordinance (Cap. 279)*, whether private or public, are required to be managed by managers. Section 30(1)(a) of the *Education Ordinance (Cap. 279)* provides that the Permanent Secretary for Education may refuse to register an applicant as manager of a school if it appears to him or her that the applicant is not resident in Hong Kong, China for at least nine months in each year.

With respect to Modes 1 and 3, a person who operates non-local courses which are regulated courses is subject to, *inter alia*, the following: an application for registration requires, *inter alia*, the undertaking of a person who states that he or she undertakes to perform, in relation to the course, the functions imposed on a designated person by the *Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)*. Such person shall be ordinarily resident in Hong Kong, China and the holder of a Hong Kong Identity Card.

³ For these purposes:

- (a) the term “non-local courses” means courses purporting to lead to the award of a non-local qualification; and
- (b) the term “regulated course” bears the meaning given to it in the *Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)*.

A regulated course conducted in collaboration with a local institution of higher education specified under Schedule 1 to the *Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)* can be exempted from registration subject to requirements stipulated in Section 8 of the *Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)*.

I-HKC-15

Sector	EDUCATIONAL SERVICES Higher education services
Industry Classification	CPC 923 Higher education services
Obligations Concerned	Market Access (Article 7.3) National Treatment (Articles 7.4 and 12.4) Local Presence (Article 7.5) Senior Management and Boards of Directors (Article 12.7)
Measures	<i>Post Secondary Colleges Ordinance (Cap. 320)</i>
Description⁴	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u>

With respect to Mode 3, the provision of local courses is subject to the following market access limitation: Section 4(j) of the *Post Secondary Colleges Ordinance (Cap. 320)* requires that a registered post-secondary college should be free from affiliation with or control by any government other than the Government of Hong Kong, China or any organisation outside Hong Kong, China.

⁴ For these purposes, the term “local courses” means courses purporting to lead to the award of a local qualification.

I-HKC-16

Sector	TOURISM AND TRAVEL RELATED SERVICES Travel agencies and tour operators services
Industry Classification	CPC 7471 Travel agencies and tour operators services
Obligations Concerned	Market Access (Article 7.3)
Measures	Section 11 of the <i>Travel Agents Ordinance (Cap. 218)</i> Travel Agents Licence Licencing Guide issued by the Travel Agents Registry
Description	<u>Cross-Border Trade in Services, and Establishment and Related Provisions</u> With respect to Mode 3, only a company may operate tours and open branch offices ⁵ .

⁵ “Company” means a company incorporated in Hong Kong, China under the *Companies Ordinance (Cap. 622)*, or a company incorporated outside Hong Kong, China which establishes a place of business and registered as such in Hong Kong, China under the *Companies Ordinance (Cap. 622)*.