



**NOTIFICATION OF HONG KONG, CHINA'S PREFERENTIAL TREATMENT TO SERVICES
AND SERVICE SUPPLIERS OF LEAST-DEVELOPED COUNTRIES**

The following notification from the delegation of Hong Kong, China, dated 24 July 2015, is being circulated to the Members of the Council for Trade in Services.

The Permanent Mission of Hong Kong, China to the World Trade Organization in Geneva has the honour to notify the World Trade Organization Council for Trade in Services of the preferential treatment which Hong Kong, China will make available to services and service suppliers of least-developed countries in accordance with the decision made by Ministers at the WTO's Eighth Ministerial Conference on *Preferential Treatment to Services and Service Suppliers of Least-Developed Countries* (WT/L/847), and the decision made by Ministers at the WTO's Ninth Ministerial Conference on *Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries* (WT/L/918).

The preferential treatment is made available in sectors and modes of supply that are of particular export interest to least-developed countries, as set out in *The Collective Request Pursuant to the Bali Decision on the Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least Developed Countries* (S/C/N/356).

The preferential treatment will take effect from 1 August 2015, and is intended to be maintained for the period of the Waiver.

The following preferential treatment is made available with respect to the application of measures described in Article XVI of the General Agreement on Trade in Services.

Unless otherwise stated, all CPC references correspond to the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office.

Business Services

| Sector or subsector | Limitations on market access |
|---|---|
| 1. BUSINESS SERVICES | |
| A. Professional Services | |
| <u>Urban planning and landscape architectural services</u> (CPC 8674) | 1) Unbound 2) None 3) None 4) Unbound |
| B. Computer and Related Services (CPC 84) | 1) None 2) None 3) None 4) Unbound except for intra-corporate transfers of general managers, senior managers and specialists under the conditions set out in the Attachment to this notification |
| F. Other Business Services <u>Placement and supply services of personnel</u> (CPC 872) | 1) None 2) None 3) None 4) Unbound except for intra-corporate transfers of general managers, senior managers and specialists under the conditions set out in the Attachment to this notification |
| <u>Photographic services</u> (CPC 875) | 1) None 2) None 3) None 4) Unbound |
| <u>Packaging services</u> (CPC 876) | 1) Unbound 2) None 3) None 4) Unbound |
| <u>Printing, publishing services</u> (CPC 88442) | 1) None 2) None 3) None 4) Unbound |
| <u>Translation and interpretation services</u> (CPC 87905) | 1) None 2) None 3) None 4) Unbound |
| <u>Specialty design services</u> (CPC 87907) | 1) None 2) None 3) Unbound 4) Unbound |

Tourism and Travel Related Services

| Sector or subsector | Limitations on market access |
|---|---|
| 9. TOURISM AND TRAVEL RELATED SERVICES | |
| A. Hotels and Restaurants | |
| <u>Other lodging services</u> (CPC 64191, 64192, 64194 and 64195) | 1) Unbound 2) None 3) None 4) Unbound |
| B. Travel Agencies and Tour Operator Services | |
| <u>Travel agencies and tour operator services:</u> these are limited to the business of obtaining for clients carriage and/or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning (Part of CPC 7471) | 1) None 2) None 3) None other than that only a company may operate tours and open branch offices ¹ 4) Unbound |

Recreational, Cultural and Sporting Services

| Sector or subsector | Limitations on market access |
|--|---|
| 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES | |
| Entertainment Services (CPC 9619 except 96192, 96194, 96199) | 1) None 2) None 3) None 4) Unbound |

Transport Services

| Sector or subsector | Limitations on market access |
|--|---|
| 11. TRANSPORT SERVICES | |
| A. Maritime Transport Services | |
| <u>Maintenance and repair of vessels:</u> 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 | 1) None 2) None 3) None 4) Unbound |
| <u>Maritime agency services:</u> these are 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 organizing the call of the ship or taking over cargoes when required | 1) None 2) None 3) None 4) Unbound |

¹ "Company" means broadly a company incorporated in Hong Kong, China under the Companies Ordinance, 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.

| Sector or subsector | Limitations on market access |
|---|---|
| Maritime freight forwarding services: these are limited to the activities consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information | 1) None 2) None 3) None 4) Unbound |

ATTACHMENT ON "PRESENCE OF NATURAL PERSONS"

1. Definition

- a. General manager means the chief executive officer or equivalent who leads and directs an establishment in Hong Kong, China of a service supplier of a Member and who is personally responsible for the overall performance of the establishment in Hong Kong, China.
- b. Senior manager means a person who directs the establishment in Hong Kong, China 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, China, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotion or leave authorization) in Hong Kong, China, exercise discretionary authority over day-to-day operations in Hong Kong, China, and be personally responsible to the general manager for the performance of a major part of the establishment in Hong Kong, China. The term 'senior manager' does not include first-line supervisors, unless the employees supervised are professional, nor does it include employees who primarily perform tasks necessary for the production of the service.
- c. Specialist means 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 organization's service, research equipment, techniques, or management and who is essential to the operation of the establishment of that service supplier in Hong Kong, China.

2. Natural persons seeking entry are required

- a. to be employees who have been in the prior employ 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
- b. during their stay in Hong Kong, China, except with the prior approval of the Government of Hong Kong, China, not to change employment or employers.

3. Only natural persons of a service supplier of a Member which have a bona fide business establishment operating in Hong Kong, China will be considered for intra-corporate transfers. The number of natural persons who may seek entry is required to be reasonable having regard to the size and the nature of the business operation of the relevant establishment in Hong Kong, China.

4. Presence of such natural persons is 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. For general managers, senior managers and specialists, temporary stay will be limited to one year in the first instance (which may be extended up to a total of five years).
