

CHAPTER 13

TRADE IN SERVICES

Article 1

Objectives

The objectives of this Chapter are to:

- (a) facilitate the expansion of trade in services on a mutually advantageous basis;
- (b) improve the efficiency and transparency of the Parties' respective services sectors and competitiveness of their export trade; and
- (c) work toward progressive liberalisation,

while recognising the right of each Party to regulate and introduce new regulations, and to provide and fund public services, in a manner that gives due respect to government policy objectives.

Article 2

Scope

1. This Chapter shall apply to measures adopted or maintained by a Party affecting trade in services.
2. This Chapter shall not apply to:
 - (a) government procurement;
 - (b) services supplied in the exercise of governmental authority;

- (c) subsidies¹⁰ provided by a Party or a state enterprise thereof, including government-supported loans, guarantees and insurance, or to any conditions attached to the receipt or continued receipt of such subsidies, whether or not such subsidies are offered exclusively to domestic services, service consumers or service suppliers, except as provided for in Article 11;
- (d) measures affecting natural persons seeking access to the employment market of a Party; or
- (e) measures regarding citizenship, nationality, residence or employment.

3. This Chapter shall not apply to measures affecting air transport services or related services in support of air services except that this Chapter shall apply to measures affecting:

- (a) aircraft repair and maintenance services;
- (b) the selling and marketing of air transport services; and
- (c) computer reservation system services.

4. The Parties note the multilateral negotiations pursuant to the review of the *GATS Annex on Air Transport Services*. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement, so as to take into account the results of such multilateral negotiations.

¹⁰ Including grants.

Article 3

Definitions

For the purposes of this Chapter:

- (a) **aircraft repair and maintenance services** means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and does not include so-called line maintenance;
- (b) **commercial presence** means any type of business or professional establishment, including through the constitution, acquisition or maintenance of an enterprise, including a representative office, within the Area of a Party for the purpose of supplying a service;
- (c) **computer reservation system services** means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;
- (d) **enterprise** means any entity constituted or organised under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organisation and a branch of an enterprise;
- (e) **enterprise of a Party** means an enterprise which is:
 - (i) organised or constituted under the law of that Party; or
 - (ii) in the case of the supply of a service through commercial presence, owned or controlled by:

- (1) natural persons of that Party; or
 - (2) an enterprise of that Party identified under sub-subparagraph (i);
- (f) **government procurement** means any law, regulation, requirement or procedure of general application governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale;
- (g) **measure** means any measure, whether in the form of a law, regulation, rule, procedure, decision, administrative action or any other form;
- (h) **measures adopted or maintained by a Party** means measures taken by:
- (i) central or local governments and authorities; and
 - (ii) non-governmental bodies in the exercise of powers delegated by central or local governments or authorities.

Such measures include measures in respect of:

- (1) the purchase, payment or use of a service;
- (2) the access to and use of, in connection with the supply of a service, services which are required by a Party to be offered to the public generally;
- (3) the presence, including commercial presence, of persons of a Party for the

supply of a service in the Area of the other Party;

- (i) **monopoly supplier of a service** means any person, public or private, which in the relevant market of the Area of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;
- (j) **natural person** means:
 - (i) with respect to New Zealand, a New Zealand national or permanent resident under its domestic law; and
 - (ii) with respect to Hong Kong, China, a permanent resident of the Hong Kong Special Administrative Region of the People's Republic of China under its domestic law;
- (k) **person** means a natural person or an enterprise;
- (l) **selling and marketing of air transport services** means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services or the applicable conditions;
- (m) **service supplied in the exercise of governmental authority** means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;

- (n) **service supplier of a Party** means a person of a Party that supplies, or seeks to supply, a service¹¹;
- (o) **services** includes any service in any sector except services supplied in the exercise of governmental authority;
- (p) **state enterprise** means an enterprise that is owned or controlled through ownership interests by a Party;
- (q) **supply of a service** includes the production, distribution, marketing, sale and delivery of a service; and
- (r) **trade in services** means the supply of a service:
 - (i) from the Area of one Party into the Area of the other Party (Mode 1);
 - (ii) in the Area of one Party to the service consumer of the other Party (Mode 2);
 - (iii) by a service supplier of one Party, through commercial presence in the Area of the other Party (Mode 3); or
 - (iv) by a service supplier of one Party, through presence of natural persons of that Party in the Area of the other Party (Mode 4).

¹¹ Where the service is not supplied directly by an enterprise but through other forms of commercial presence such as a representative office, the service supplier (i.e. the enterprise) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Chapter. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the Area where the service is supplied.

Article 4

Market Access

Neither Party shall, either on the basis of a regional sub-division or on the basis of its entire Area, adopt or maintain:

- (a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;
- (b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test¹²;
- (d) limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test; and
- (e) measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service.

¹² Subparagraph (c) does not cover measures of a Party which limit inputs for the supply of services.

Article 5

National Treatment

1. Each Party shall accord to services and service suppliers of the other Party, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers¹³.
2. A Party may meet the requirement of Paragraph 1 by according to services and service suppliers of the other Party either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.
3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the Party compared to the like services or service suppliers of the other Party.

Article 6

Local Presence

Neither Party may require a service supplier of the other Party to establish or maintain a representative office or any form of enterprise, or to be resident, in its Area as a condition for the supply of cross-border trade in services.

Article 7

Application of Articles 4, 5, 6 and 12

1. Articles 4, 5, 6 and 12 shall not apply to:

¹³ Obligations assumed under this Article by a Party except as set out in its Schedules to Annexes I and II shall not be construed to require that Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

- (a) any existing non-conforming measure that is maintained by a Party at:
 - (i) the central level of government, as set out by that Party in its Schedule to Annex I; or
 - (ii) a local level of government;
 - (b) the continuation or prompt renewal of any non-conforming measure referred to in subparagraph (a); or
 - (c) an amendment to any non-conforming measure referred to in subparagraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with Articles 4, 5, 6 and 12.
2. Articles 4, 5, 6 and 12 do not apply to any measure that a Party adopts or maintains with respect to sectors, sub-sectors or activities, as set out in its Schedule to Annex II.

Article 8

Review

The Parties shall consult within two years of entry into force of this Agreement and at least every three years thereafter, or as otherwise agreed, to review the implementation of this Chapter and consider other trade in services issues of mutual interest, with a view to the progressive liberalisation of the trade in services between them on a mutually advantageous basis.

Article 9

Domestic Regulation

1. Each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.

2. Each Party shall maintain or institute as soon as practicable judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of and, where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

3. Where authorisation is required for the supply of a service, the competent authorities of a Party shall:

- (a) in the case of an incomplete application, at the request of the applicant, identify all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies within a reasonable timeframe;
- (b) within a reasonable period of time after the submission of an application considered complete under domestic law, inform the applicant of the decision concerning the application;
- (c) at the request of the applicant, provide, without undue delay, information concerning the status of the application; and
- (d) if an application is terminated or denied, to the maximum extent possible, inform the applicant in writing and without delay the reasons for such

action. The applicant will have the possibility of resubmitting, at its discretion, a new application.

4. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards, and licensing requirements and procedures do not constitute unnecessary barriers to trade in services, each Party shall ensure that any such measures that it adopts or maintains are:

- (a) based on objective and transparent criteria, such as competence and the ability to supply the service;
- (b) not more burdensome than necessary to ensure the quality of the service;
- (c) in the case of licensing procedures, not in themselves a restriction on the supply of the service; and
- (d) subject to Paragraph 5 of Annex III, in compliance with the disciplines on domestic regulation in that Annex.

5. In determining whether a Party is in conformity with its obligations under Paragraph 4, account shall be taken of international standards of relevant international organisations¹⁴ applied by that Party.

6. If the results of the negotiations related to Article VI(4) of *GATS* (or the results of any similar negotiations undertaken in other multilateral fora in which the Parties participate) enter into effect, the Parties shall jointly review such results. Where the joint review assesses that the incorporation of such results into this Agreement would improve or strengthen the disciplines contained herein, the Parties shall jointly

¹⁴ The term “relevant international organisations” refers to the international bodies whose membership is open to the Parties.

determine whether to incorporate such results into this Agreement.

7. Nothing in this Article and Annex III shall apply to any measure adopted or maintained by a Party consistent with its Schedules to Annexes I and II.

Article 10

Recognition

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of Paragraph 4, a Party may recognise the education or experience obtained, requirements met, or licences or certification granted in the Area of the other Party.

2. Where a Party recognises, autonomously or by agreement or arrangement, the education or experience obtained, requirements met or licences or certification granted in the Area of a non-Party, nothing in Article 12 shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met, or licences or certifications granted in the Area of the other Party.

3. A Party that is a party to an agreement or arrangement of the type referred to in Paragraph 2, whether existing or future, shall afford adequate opportunity for the other Party, upon request, to negotiate its accession to such an agreement or arrangement or to negotiate a comparable one with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for the other Party to demonstrate that education or experience obtained, requirements met, or licences or certifications granted in that other Party's Area should be recognised.

4. A Party shall not accord recognition in a manner which would constitute a means of discrimination between

countries in the application of its standards or criteria for the authorisation, licensing or certification of service suppliers, or a disguised restriction on trade in services.

5. The Parties agree to facilitate the establishment of dialogue between their regulators and/or relevant industry bodies with a view to the achievement of early outcomes on recognition of qualifications and/or professional registration.

6. Such recognition may be achieved through harmonisation, recognition of regulatory outcomes, recognition of qualifications and professional registration awarded by one Party as a means of complying with the regulatory requirements of the other Party (whether accorded autonomously or by mutual arrangement) or recognition arrangements concluded between the Parties and between industry bodies.

Article 11 Subsidies

Notwithstanding Paragraph 2(c) of Article 2:

- (a) the Parties shall review the issue of disciplines on subsidies related to trade in services in the light of any disciplines agreed under Article XV of *GATS*, with a view to the incorporation of such disciplines into this Agreement; and
- (b) a Party which considers that it is adversely affected by a subsidy of the other Party related to trade in services may request consultations on such matters. The Parties shall enter into such consultations.

Article 12 Most Favoured Nation Treatment

1. Each Party shall accord to services and service suppliers of the other Party treatment no less favourable than

that it accords, in like circumstances, to services and service suppliers of a non-Party.

2. Notwithstanding Paragraph 1, the Parties reserve the right to adopt or maintain any measure that accords differential treatment to non-Parties under any free trade agreement or multilateral international agreement in force or signed prior to the date of entry into force of this Agreement.

3. For greater certainty, Paragraph 2 includes, in respect of agreements on the liberalisation of trade in goods or services or investment, any measures taken as part of a wider process of economic integration or trade liberalisation between the parties to such agreements.

4. The Parties reserve the right to adopt or maintain any measure that accords differential treatment to non-Parties under any international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; and
- (c) maritime matters.

Article 13

Monopolies and Exclusive Service Suppliers

1. Each Party shall ensure that any monopoly supplier of a service in its Area does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Articles 4, 5, 6 and 12 except as set out in its Schedules to Annexes I and II.

2. Where a Party's monopoly supplier of a service competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights, the Party shall ensure that such a supplier does not

abuse its monopoly position to act in its Area in a manner inconsistent with that Party's obligations under Articles 4, 5, 6 and 12 except as set out in its Schedules to Annexes I and II.

3. If a Party has reason to believe that a monopoly supplier of a service of the other Party is acting in a manner inconsistent with Paragraphs 1 or 2, that Party may request the other Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.

4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect, (a) authorises or establishes a small number of service suppliers and (b) substantially prevents competition among those suppliers in its Area.

Article 14

Denial of Benefits

1. Subject to prior notification wherever possible, and in any event subject to notification within ten working days of the decision, a Party may deny the benefits of this Chapter to a service supplier of the other Party where the Party establishes that:

- (a) the service is being supplied by an enterprise that is owned or controlled by persons of a non-Party and the enterprise has no substantive business operations in the Area of the other Party; or
- (b) the service is being supplied by an enterprise that is owned or controlled by persons of the denying Party and the enterprise has no substantive business operations in the Area of the other Party.

2. A Party that denies benefits pursuant to Paragraph 1 shall enter into consultations if requested by the other Party within 30 days following the receipt of the request. Any

consultations conducted pursuant to this Paragraph shall be without prejudice to the rights and obligations of the Parties under Chapter 16 (Dispute Settlement) or under the *WTO Dispute Settlement Understanding*.

Article 15

Miscellaneous Provisions

1. The GATS *Annex on Financial Services* and *Annex on Telecommunications* are incorporated into and made part of this Chapter, *mutatis mutandis*.
2. Additional provisions on education cooperation are set out in Annex IV.
3. Notwithstanding Article 7, Articles 4, 5, 6 and 12 do not apply to any measure affecting the presence of natural persons (Mode 4).
4. In accordance with Article 4 (Grant of Temporary Entry) of Chapter 14 (Movement of Business Persons), commitments in respect of the presence of natural persons (Mode 4) are set out in each Party's Schedule to Annex I of Chapter 14 (Movement of Business Persons).

Article 16

Committee on Trade in Services

1. For purposes of the effective implementation and operation of this Chapter and Chapter 14 (Movement of Business Persons), the Parties hereby establish a Committee on Trade in Services ("Committee on Services") to consider any matter arising under this Chapter and Chapter 14 (Movement of Business Persons).
2. The Committee on Services shall:

- (a) consider any matters related to the implementation of this Chapter and Chapter 14 (Movement of Business Persons);
- (b) review the implementation of this Chapter and Chapter 14 (Movement of Business Persons) and consider other trade in services issues of mutual interest pursuant to Article 8;
- (c) explore measures for the further expansion of trade in services between the Parties; and
- (d) take any other action it decides appropriate for the implementation of this Chapter and Chapter 14 (Movement of Business Persons).

3. The Committee on Services shall meet within the first year of the date of entry into force of this Agreement and subsequently thereafter as mutually determined by the Parties.

4. The Committee on Services may meet in person or via teleconference, video-conference or any other means mutually determined by the Parties. Should the Parties determine to meet in person, the venue for the meetings shall, unless the Parties determine otherwise, alternate between the Parties.

Article 17

Contact Points

1. Each Party shall designate a contact point for trade in services to facilitate communication between the Parties, and shall provide details of such contact point to the other Party.

2. The Parties shall notify each other promptly of any amendments to the details of their contact points.

ANNEX I TO CHAPTER 13 (TRADE IN SERVICES)

Headnote

1. Where appropriate, non-conforming measures are referenced to the Provisional Central Product Classification ("CPC") as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 ("CPC code") and on the basis of the Services Sectoral Classification List WTO document MTN.GNS/W/120.

2. The Schedule of a Party sets out, pursuant to Paragraph 1 of Article 7 (Application of Articles 4, 5, 6 and 12), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 4 (Market Access);
- (b) Article 5 (National Treatment);
- (c) Article 6 (Local Presence); or
- (d) Article 12 (Most Favoured Nation Treatment).

For greater certainty, Article 4 (Market Access) only refers to non-discriminatory measures.

3. Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence need not be reserved against National Treatment.

4. Each entry in a Party's Schedule sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is made;

- (b) **Industry Classification** refers, for the purpose of clarity, and where applicable, to the activity covered by the entry according to the CPC code;
- (c) **Obligations concerned** specifies the obligation(s) referred to in Paragraph 2;
- (d) **Measures** identify measures for which the entry is made. A measure cited in the Measures element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
- (e) **Description** sets out the non-conforming measure to which the entry applies.

5. Where the title “cross-border services” is used in the Description element, the entry shall be read to apply to the cross-border mode (Mode 1), the consumption abroad mode (Mode 2), and the presence of natural persons mode (Mode 4) for supply of services.

6. Where the title “investment” is used in the Description element, the entry shall be read to apply only to the commercial presence mode (Mode 3) for supply of services.

7. Any aspects of such an entry which relate to investment in goods only, are retained solely for transparency purposes.

8. In accordance with Paragraph 1 of Article 7 (Application of Articles 4, 5, 6 and 12), the Articles of this Agreement specified in the Obligations concerned element of an entry do not apply to the measures identified in the Description element of that entry.

9. All elements of the entry shall be considered in their totality for the purposes of its interpretation.

SCHEDULE OF HONG KONG, CHINA

Sector	Business Services Professional Services Accounting, Auditing and Book Keeping Services
Industry Classification	CPC 862 Accounting, Auditing and Book Keeping Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Measure	Section 29 of the Professional Accountants Ordinance (Cap. 50)
Description	<u>Cross-Border Services and Investment</u> Provision of statutory auditing services is limited to corporate practices and natural persons licensed as certified public accountants (practising), either as sole proprietors or in partnership.

Sector	Business Services Professional Services Architectural Services
Industry Classification	CPC 8671 Architectural Services
Obligations concerned	National Treatment (Article 5) Local Presence (Article 6)
Measure	Section 13 of the Architects Registration Ordinance (Cap. 408)
Description	<u>Cross-Border Services and Investment</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 application for registration; and to be ordinarily resident in Hong Kong, China.

Sector	Business Services Professional Services Engineering Services Integrated Engineering Services
Industry Classification	CPC 8672 Engineering Services CPC 8673 Integrated Engineering Services
Obligations concerned	National Treatment (Article 5) Local Presence (Article 6)
Measure	Section 12 of the Engineers Registration Ordinance (Cap. 409)
Description	<u>Cross-Border Services and Investment</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 application for registration; and to be ordinarily resident in Hong Kong, China.

Sector	Business Services Professional Services Urban Planning and Landscape Architectural Services
Industry Classification	CPC 8674 Urban Planning and Landscape Architectural Services
Obligations concerned	National Treatment (Article 5) Local Presence (Article 6)
Measure	Section 12 of the Planners Registration Ordinance (Cap. 418) Section 12 of the Landscape Architects Registration Ordinance (Cap. 516)
Description	<u>Cross-Border Services and Investment</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 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 application for registration; and to be ordinarily resident in Hong Kong, China.

Sector	Business Services Other Business Services Services incidental to Fishing
Industry Classification	CPC 882 Services incidental to Fishing
Obligations concerned	Market Access (Article 4) National Treatment (Article 5)
Measure	Section 12 of the Merchant Shipping (Local Vessel) Ordinance (Cap. 548)
Description	<u>Investment</u> 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.

Sector	Business Services	
	Other Business Services	
	Services incidental to Manufacturing	
	Transport Services	
	Services auxiliary to all Modes of Transport	
	Storage and Warehousing Services	
Industry Classification	CPC	Services incidental to Manufacturing
	884+885 except for 88442	
	CPC 742	Storage and Warehousing Services
Obligations concerned	Market Access (Article 4)	
	National Treatment (Article 5)	
Measure	Sections 7 & 8A of the Dutiable Commodities Ordinance (Cap. 109)	
	Regulation 22 of the Dutiable Commodities Regulations (Cap. 109A)	
Description	<u>Investment</u>	
	To apply for a licence for the manufacture or storage of dutiable commodities under the Dutiable Commodities Ordinance (Cap. 109), 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.	

Sector	Business Services Other Business Services Services incidental to Manufacturing	
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	Market Access (Article 4) National Treatment (Article 5)	
Measure	Sections 5(1), 5(2)(c)(v) and 30 of the Prevention of Copyright Piracy Ordinance (Cap. 544)	
Description	<u>Investment</u> To apply for a licence for the manufacture of optical discs or stampers under the Prevention of Copyright Piracy Ordinance (Cap. 544), the applicant has to be a Hong Kong resident holding a valid Hong Kong Identity Card.	

Sector	Business Services Other Business Services Related Scientific and Technical Consulting Services
Industry Classification	CPC 8675 Related Scientific and Technical Consulting Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Measure	Section 12 of the Land Survey Ordinance (Cap. 473) Section 12 of the Surveyors Registration Ordinance (Cap. 417)
Description	<u>Cross-Border Services and Investment</u> Certain statutory land boundary survey services are required to be carried out by Authorised Land Surveyors registered under the Land Survey Ordinance (Cap. 473). 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 Surveyors Registration Ordinance (Cap. 417), a person has to have one year's relevant experience in Hong Kong, China before the date of his application for registration; and to be ordinarily resident in Hong Kong, China.

Sector	Construction and Related Engineering Services ¹⁵
Industry Classification	CPC 513 General Construction Work for Civil Engineering
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Measure	Section 4 of the Buildings Ordinance (Cap. 123) Regulation 3 of the Building (Administration) Regulations (Cap. 123A) Section 13 of the Architects Registration Ordinance (Cap. 408) Section 12 of the Engineers Registration Ordinance (Cap. 409) Section 12 of the Surveyors Registration Ordinance (Cap. 417)
Description	<u>Cross-Border Services and Investment</u> 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”). To register as an AP, RSE or RGE, a person shall be a Registered Architect (“RA”) or 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. To register as a RA or RPE in the relevant disciplines or RPS, a person shall be ordinarily resident in Hong Kong, China.

¹⁵ For railway construction and project implementation services, please refer to II-HKC-25 of Hong Kong, China’s Schedule to Annex II.

To register as a RC, the key personnel of the applicant (which can be a corporation) shall possess adequate working experience, some of which has to be gained in Hong Kong, China.

To be qualified as a TCP, a person shall possess site experience in Hong Kong, China.

Sector	Education Services	
Industry Classification	CPC 921	Primary Education Services
	CPC 922	Secondary Education Services
	CPC 923	Higher Education Services
	CPC 924	Adult Education Services
	CPC 929	Other Education Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)	
Measure	Education Ordinance (Cap. 279) Administrative Requirement	
Description	<u>Investment</u> For the supply of the above services: - Schools (including those providing post-secondary programmes) registered under the Education Ordinance (Cap. 279), whether private or public, are required to be managed by managers. Section 30(1)(a) of 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 that the applicant is not resident in Hong Kong, China for at least nine months in each year. For the supply of primary education and secondary education services: - An operator of international schools 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. 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.	

Sector	Education Services
Industry Classification	CPC 923 Higher Education Services CPC 924 Adult Education Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Measure	Education Ordinance (Cap. 279) Post Secondary Colleges Ordinance (Cap. 320) Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)
Description	<u>Cross-Border Services and Investment</u>

- The provision of local courses and non-local courses at post-secondary level are subject to different registration requirements. Institutions providing local courses at post-secondary level shall be registered under the Post Secondary Colleges Ordinance (Cap. 320) or for provision of courses not leading to the award of a degree under the Education Ordinance (Cap. 279), while non-local courses leading to the award of a non-local higher academic or professional qualification shall be registered under the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493).
- In respect of the provision of local courses, Section 4(j) of 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.

With respect to Modes 1 and 3:

- A person who provides non-local courses which are regulated courses is subject, *inter alia*, to the following measures under Cap. 493:
 - A regulated course conducted in collaboration with a local institution of higher education specified under Cap. 493 can be exempted from registration subject to conditions stipulated in Section 8 of the Ordinance; and

- An application for registration of a regulated course requires, *inter alia*, the undertaking of a person who states that he undertakes to perform, in relation to the course, the functions imposed on a designated person by Cap. 493. Such person shall be ordinarily resident in Hong Kong, China and the holder of an identity card.

For these purposes:

- (i) the term “local courses” means courses purporting to lead to the award of a local qualification;
- (ii) the term “non-local courses” means courses purporting to lead to the award of a non-local qualification; and
- (iii) the term “regulated course” bears the meaning given to it in Cap. 493.

Sector	Transport Services Maritime Transport Services		
Industry Classification	CPC 7211	Passenger Transportation	
	CPC 7212	Freight Transportation	
	CPC 7213	Rental of Vessels with Crew	
	CPC 83103	Rental/Leasing Services without Operators relating to Ships	
Obligations concerned	National Treatment (Article 5)		
Measure	Section 23B of the Inland Revenue Ordinance (Cap. 112)		
Description	<u>Investment</u> Income derived from international operation of ships registered in the Hong Kong Shipping Register is exempted from Hong Kong, China's profit tax.		

SCHEDULE OF NEW ZEALAND

Sector	All Sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5)
Measure	Companies Act 1993 Financial Reporting Act 1993
Description	<u>Investment</u> Overseas companies are required to prepare audited financial statements on an annual basis. Legislation also requires financial statements in relation to an overseas company's New Zealand business. The following companies are required to deliver annual audited financial statements to the Registrar of Companies for registration: (a) issuers – i.e. those which have raised capital from the New Zealand public; (b) overseas companies; (c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; or (d) companies in which 25 percent or more of the shares are held or controlled by: (i) a subsidiary of a company or body corporate incorporated outside New Zealand or a subsidiary of that subsidiary; (ii) a company or body corporate incorporated outside New Zealand; (iii) a person not ordinarily resident in New Zealand.

Sector	Business services
Industry Classification	Services relating to patents
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Measure	S.100(2)(a) of the Patents Act 1953
Description	<u>Cross-Border Services and Investment</u> Registration of patent attorneys who have qualified elsewhere than in New Zealand is restricted to those who satisfy the criteria set out in S.100(2)(a) of the Patents Act 1953, being any person who is a British subject or a citizen of the Republic of Ireland.

Sector	Business services Services incidental to dairy and beef cattle farming
Industry Classification	CPC 8812 Services incidental to animal husbandry
Obligations concerned	National Treatment (Article 5)
Measure	The Dairy Industry Restructuring Act 2001
Description	<u>Cross-Border Services and Investment</u> The Dairy Industry Restructuring Act 2001 ("DIRA") and regulations provide for the New Zealand government to acquire, free of charge, and without condition, a copy of a regulated database held by the Livestock Improvement Corporation Ltd ("LIC") in the event of its demutualisation or certain other events. In addition, the DIRA sets out data reporting obligations to the LIC applying to those engaged in herd testing of dairy cattle herds. The DIRA also provides for conditions for access to that data held by LIC. Pursuant to the DIRA, rules for access to the regulated database provide that applications for access to data may be refused unless they are in the interests of the New Zealand dairy industry. Investment restrictions also apply in the case of the LIC, which requires the approval of the responsible Minister if it wishes to relax the current statutory restriction requiring shareholders to be dairy farmers who buy services from the LIC.

Sector	Communication Services Telecommunications
Industry Classification	CPC 7521 Public telephone services CPC 7522 Business network services CPC 7523 Data and message transmission services CPC 7525 Interconnection services CPC 7529 Other telecommunications services
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Measure	The Constitution of the Telecom Corporation of New Zealand.
Description	<u>Investment</u> The Constitution of the Telecom Corporation of New Zealand Limited requires New Zealand government approval for the shareholding of any single overseas entity to exceed 49.9 percent. At least half of Board directors are required to be New Zealand citizens.

Sector	Communication Services Audio-visual Services
Industry Classification	CPC 96131 Radio services CPC 96133 Combined programme making and broadcasting services
Obligations concerned	National Treatment (Article 5) Market Access (Article 4) Local Presence (Article 6)
Measure	Radiocommunications Act 1989
Description	<u>Cross-Border Services and Investment</u> The acquisition of licences or management rights to use the radio frequency spectrum, or any interest in such licences or management rights, under the Radiocommunications Act 1989 by foreign governments or agents on behalf of foreign government is subject to the written approval of the Chief Executive of the Ministry of Economic Development.

Sector	Distribution Services Commission agents' services Wholesale trade services	
Industry Classification **	CPC 62111	commission agents' services for agricultural raw materials and live animals
	CPC 62112	commission agents' services for food products, beverages and tobacco
	CPC 62116	commission agents' services for textiles, clothing and footwear
	CPC 62118	commission agents' services for goods not elsewhere classified
	CPC 6221	wholesale trade services for agricultural raw materials and live animals, excluding 62213 for services related to unmanufactured tobacco
	CPC 62221	wholesale trade services for fruit and vegetables
	CPC 62223	wholesale trade services for meat, poultry and game
	CPC 62226	wholesale trade services for beverages
	CPC 62229	wholesale trade services for food products not elsewhere classified
	CPC 62231	wholesale trade services for textiles
	CPC 62234	wholesale trade services for fur articles
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)	
Measure	The Primary Products Marketing Act 1953	
Description	<u>Cross-Border Services and Investment</u> The Primary Products Marketing Act 1953 provides for the establishment of statutory marketing organisations with monopoly or lesser powers over the exporting of products derived from beekeeping; fruit growing; hop growing; deer farming or game deer; or of goats, being the fur bristles or fibres grown by the goat.	

** This reservation only applies to products derived from the activities and goods listed in the Description.

ANNEX II TO CHAPTER 13 (TRADE IN SERVICES)

Headnote

1. Where appropriate, measures are referenced to the Provisional Central Product Classification ("CPC") as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991 ("CPC code") and on the basis of the Services Sectoral Classification List WTO document MTN.GNS/W/120.

2. The Schedule of a Party sets out, pursuant to Paragraph 2 of Article 7 (Application of Articles 4, 5, 6 and 12), the specific sectors, sub-sectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 4 (Market Access);
- (b) Article 5 (National Treatment);
- (c) Article 6 (Local Presence); or
- (d) Article 12 (Most Favoured Nation Treatment).

For greater certainty, Article 4 (Market Access) only refers to non-discriminatory measures.

3. Local Presence and National Treatment are separate disciplines and a measure that is only inconsistent with Local Presence need not be reserved against National Treatment.

4. Each entry in a Party's Schedule sets out the following elements:

- (a) **Sector** refers to the sector in which the entry is made;
- (b) **Industry Classification** refers, for the purpose of clarity, and where applicable, to the activity covered by the entry according to the CPC code;

- (c) **Obligations concerned** specifies the obligation(s) referred to in Paragraph 2;
- (d) **Description** sets out the nature and/or scope of the measures in the sectors, sub-sectors or activities covered by the entry; and
- (e) **Existing measures** are included for transparency purposes. The measures stipulated therein are not exhaustive.

5. Where the title “cross-border services” is used in the Description element, the entry shall be read to apply to the cross-border mode (Mode 1), the consumption abroad mode (Mode 2), and the presence of natural persons mode (Mode 4) for supply of services.

6. Where the title “investment” is used in the Description element, the entry shall be read to apply only to the commercial presence mode (Mode 3) for supply of services.

7. Any aspects of such an entry which relate to investment in goods only, are retained solely for transparency purposes.

8. In accordance with Paragraph 2 of Article 7 (Application of Articles 4, 5, 6 and 12), the Articles of this Agreement specified in the Obligations concerned element of an entry do not apply to the sectors, sub-sectors, and activities identified in the Description element of that entry.

9. 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.

SCHEDULE OF HONG KONG, CHINA

Sector	All Sectors
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to: • the provision of public law enforcement, ambulance services, correctional services and fire fighting services; and • the following, to the extent that they are social services established for a public purpose: - health; - education; - housing; - training; - transport; - public utilities; - social security; and - social welfare.

Sector	Business Services Professional Services Legal Services
Industry Classification	CPC 861 Legal Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to legal services.

Sector	Business Services Professional Services - Medical and Dental Services - Services provided by Midwives, Nurses, Physiotherapists and Para-medical Personnel - Other Professional Services*
Industry Classification	CPC 9312 Medical and Dental Services CPC 93191 Services provided by Midwives, Nurses, Physiotherapists and Para-medical Personnel Other Professional Services*
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above.

* This refers to the services covered by item k. of sub-sector "A. Professional Services" under the Sector "Business Services" of MTN.GNS/W/120.

Sector	Business Services Research and Development Services
Industry Classification	CPC 851-853 Research and Development Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to research and development services.

Sector	Business Services Rental/Leasing Services without Operators (except relating to ships)	
Industry Classification	CPC 83104	Rental/Leasing Services without Operators relating to Aircraft ¹⁶
	CPC 83101, 83102 & 83105	Rental/Leasing Services without Operators relating to other Transport Equipment
	CPC 83106 – 83109	Rental/Leasing Services without Operators relating to other Machinery and Equipment
	CPC 832	Other Rental/Leasing Services without Operators
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to rental/leasing services without operators that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS.	

¹⁶ The reservation on rental/leasing services without operators relating to aircraft is without prejudice to the non-application of this Chapter to these services under Paragraph 3 of Article 2 (Scope).

Sector	Business Services Other Business Services Services incidental to Mining
Industry Classification	CPC 883+5115 Services incidental to Mining
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to services incidental to mining.

Sector	Energy Business Services Manufacturing Distribution Services Storage and Warehouse Services
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measures with respect to energy services ¹⁷ . Activities in the energy services include the importation, generation or manufacture, transmission, distribution, storage, supply, sale and use of energy.

¹⁷ Excluding architectural services (CPC 8671), engineering services (CPC 8672), computer and related services (CPC 84), and general construction work for civil engineering (CPC 513).

Sector	Communication Services Postal Services
Industry Classification	CPC 7511 Postal Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to postal services.

Sector	Communication Services Courier Services
Industry Classification	CPC 7512 Courier Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to courier services that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS.

Sector	Communication Services Telecommunication Services
Industry Classification	(a) Voice Telephone Services (b) Packet-switched Data Transmission Services (c) Circuit-switched Data Transmission Services (d) Telex Services (e) Telegraph Services (f) Facsimile Services (g) Private Leased Circuit Services (o) Other
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS or with its Revised Offers on Services contained in the WTO document TN/S/O/HKG/Rev.1 of 16 June 2005.

Sector	Communication Services Audiovisual Services	
Industry Classification	CPC 9613	Radio and Television Services
	CPC 7524	Radio and Television Transmission Services
		Other Audiovisual Services*
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above.	

* This refers to the services covered by item f. of sub-sector “D. Audiovisual services” under the sector “Communication Services” of MTN.GNS/W/120.

Sector	Construction and Related Engineering Services ¹⁸	
Industry Classification	CPC 512	General Construction Work for Buildings
	CPC 514+516	Installation and Assembly Work
	CPC 517	Building Completion and Finishing Work
	CPC 511+515+518	Other
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS or with its Revised Offers on Services contained in the WTO document TN/S/O/HKG/Rev.1 of 16 June 2005.	

¹⁸ For railway construction and project implementation services, please refer to II-HKC-25 of Hong Kong, China's Schedule to Annex II.

Sector	Education Services	
Industry Classification	CPC 921	Primary Education Services
	CPC 922	Secondary Education Services
	CPC 923	Higher Education Services
	CPC 924	Adult Education Services
	CPC 929	Other Education Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to: • adult education services; • other education services that is inconsistent with Article 4 (Market Access) with respect to Modes 1 to 3; and • the admission of non-local students with respect to education services with respect to Mode 3, except this does not apply to the admission to international schools of non-local students who are natural persons of New Zealand. 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.	

Sector	Financial Services
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to financial services that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS or with its Revised Offers on Services contained in the WTO document TN/S/O/HKG/Rev.1 of 16 June 2005.

Sector	Health Related and Social Services
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to health related and social services.

Sector	Tourism and Travel Related Services
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to tourism and travel related services that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS or with its Revised Offers on Services contained in the WTO document TN/S/O/HKG/Rev.1 of 16 June 2005.

Sector	Recreational, Cultural and Sporting Services
Industry Classification	CPC 9619 Entertainment Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to entertainment services that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of GATS or with its Revised Offers on Services contained in the WTO document TN/S/O/HKG/Rev.1 of 16 June 2005.

Sector	Recreational, Cultural and Sporting Services
Industry Classification	CPC 963 Libraries, Archives, Museums and other Cultural Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to libraries, archives, museums and other cultural services that is not inconsistent with Hong Kong, China's obligations under Articles XVI, XVII and XVIII of <i>GATS</i> or with its Revised Offers on Services contained in the WTO document TN/S/O/HKG/Rev.1 of 16 June 2005.

Sector	Recreational, Cultural and Sporting Services	
Industry Classification	CPC 962	News Agency Services
		Other Recreational, Cultural and Sporting Services*
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to news agency services and other recreational, cultural and sporting services.	

* This refers to the services covered by sub-sector "E. Other" under the sector "Recreational, Cultural and Sporting Services" of MTN.GNS/W/120.

Sector	Recreational, Cultural and Sporting Services Sporting and other Recreational Services
Industry Classification	CPC 96492 Gambling and Betting Services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to gambling and betting services.

Sector	Transport Services Maritime Services
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to: • cabotage¹⁹ transport; and • provision of certain port services (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 operation, including communications, water and electrical supplies; and emergency repair facilities). However, no measures shall be applied which deny international maritime transport service suppliers reasonable and non-discriminatory access to the above port services.

¹⁹ "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.

Sector	Transport Services Internal Waterways Transport												
Industry Classification	CPC 722, including: <table> <tr> <td>CPC 7221</td><td>Passenger Transportation</td></tr> <tr> <td>CPC 7222</td><td>Freight Transportation</td></tr> <tr> <td>CPC 7223</td><td>Rental of Vessels with Crew</td></tr> <tr> <td>CPC 7224</td><td>Pushing and Towing Services</td></tr> <tr> <td>Part of CPC 745</td><td>Supporting Services for Internal Waterway Transport</td></tr> <tr> <td>Part of CPC 8868</td><td>Maintenance and Repair of Vessels</td></tr> </table>	CPC 7221	Passenger Transportation	CPC 7222	Freight Transportation	CPC 7223	Rental of Vessels with Crew	CPC 7224	Pushing and Towing Services	Part of CPC 745	Supporting Services for Internal Waterway Transport	Part of CPC 8868	Maintenance and Repair of Vessels
CPC 7221	Passenger Transportation												
CPC 7222	Freight Transportation												
CPC 7223	Rental of Vessels with Crew												
CPC 7224	Pushing and Towing Services												
Part of CPC 745	Supporting Services for Internal Waterway Transport												
Part of CPC 8868	Maintenance and Repair of Vessels												
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)												
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to internal waterways transport.												

Sector	Transport Services Air Transport Services or Related Services in Support of Air Services
Industry Classification	Aircraft repair and maintenance services, as defined in Article 3 (Definitions)
Obligations concerned	Market Access (Article 4) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to aircraft repair and maintenance services.

Sector	Transport Services Pipeline Transportation Space Transportation Other Transport Services*	
Industry Classification	CPC 713 CPC 7131 CPC 7139 CPC 733	Pipeline Transportation, including: Pipeline Transportation of Fuels Pipeline Transportation of Other Goods Space transportation Other Transport Services*
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above.	

* This refers to the services covered by sub-sector "I. Other Transport Services" under the sector "Transport Services" of MTN.GNS/W/120.

Sector	Transport Services Rail Transport Services	
	Railway Construction and Project Implementation	
Industry Classification	CPC 7111	Rail Passenger Transportation
	CPC 7112	Rail Freight Transportation
	CPC 7113	Pushing and Towing Services
	Part of CPC 8868	Maintenance and Repair of Rail Transport Equipment
	CPC 743	Supporting Services for Rail Transport Services
	Railway Construction and Project Implementation	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above.	

Sector	Transport Services Road Transport Services										
Industry Classification	CPC 712, including: <table> <tr> <td>CPC 7121+7122</td><td>Road Passenger Transportation</td></tr> <tr> <td>CPC 7123</td><td>Road Freight Transportation</td></tr> <tr> <td>CPC 7124</td><td>Rental of Commercial Vehicles with Operator</td></tr> <tr> <td>CPC 6112+8867</td><td>Maintenance and Repair of Road Transport Equipment</td></tr> <tr> <td>CPC 744</td><td>Supporting Services for Road Transport Services</td></tr> </table>	CPC 7121+7122	Road Passenger Transportation	CPC 7123	Road Freight Transportation	CPC 7124	Rental of Commercial Vehicles with Operator	CPC 6112+8867	Maintenance and Repair of Road Transport Equipment	CPC 744	Supporting Services for Road Transport Services
CPC 7121+7122	Road Passenger Transportation										
CPC 7123	Road Freight Transportation										
CPC 7124	Rental of Commercial Vehicles with Operator										
CPC 6112+8867	Maintenance and Repair of Road Transport Equipment										
CPC 744	Supporting Services for Road Transport Services										
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)										
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to road transport services.										

Sector	Transport Services Services Auxiliary to All Modes of Transport	
Industry Classification	CPC 741	Cargo-handling services
	CPC 742	Storage and warehousing services including distribution centre services and materials handling and equipment services such as container station and depot services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to: • cargo handling services in respect of air²⁰ and rail; and • storage and warehousing services, including distribution centre services and materials handling and equipment services such as container station and depot services, in respect of air²¹ and rail.	

²⁰ The reservation on cargo handling services in respect of air is without prejudice to the non-application of this Chapter to these services under Paragraph 3 of Article 2 (Scope).

²¹ The reservation on storage and warehousing services in respect of air is without prejudice to the non-application of this Chapter to these services under Paragraph 3 of Article 2 (Scope).

Sector	Other Services not Included Elsewhere	
Industry Classification	CPC 95	Services of Membership Organisations
	CPC 97	Other Services
	CPC 98	Private Households with Employed Persons
	CPC 99	Services provided by Extraterritorial Organisations and Bodies
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)	
Description	<u>Cross-Border Services and Investment</u> Hong Kong, China reserves the right to adopt or maintain any measure with respect to the services as set out above.	

SCHEDULE OF NEW ZEALAND

Sector	All Sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5)
Description	<u>Investment</u> New Zealand reserves the right to adopt or maintain any measure that requires the following investment activities to receive prior approval by the New Zealand Government under its overseas investment regime: (a) acquisition or control of 25 per cent or more of any class of shares or voting power in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ\$20 million; (b) commencement of business operations or acquisition of an existing business, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ\$20 million; (c) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as sensitive or require specific approval according to New Zealand's Overseas Investment legislation; and (d) acquisition, regardless of the dollar value, of 25 per cent or more of any class of shares or voting power in a New Zealand entity that owns commercial fishing quota or annual catch entitlement, or the acquisition of commercial fishing quota or annual catch entitlement. New Zealand reserves the right to adopt or maintain any measure that sets out the approval criteria to be applied to the categories of transactions that require approval under New Zealand's overseas investment regime.
Existing measures	Overseas Investment Act 2005 Overseas Investment Regulations 2005 Fisheries Act 1996

Sector	All sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to: • the provision of public law enforcement and correctional services; and • the following, to the extent that they are social services established for a public purpose: - child care; - health; - income security and insurance; - public education; - public housing; - public training; - public transport; - public utilities; - social security and insurance; and - social welfare.

Sector	All sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to water, including the allocation, collection and treatment and distribution of drinking water. This reservation does not apply to the wholesale trade and retail of bottled mineral, aerated and natural water.

Sector	All Sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt and maintain the following measures solely as part of the act of devolving a service, that is provided in the exercise of governmental authority at the time this Agreement enters into force: • restricting the number of service suppliers; • allowing an enterprise, wholly or majority owned by the Government of New Zealand, to be the sole service supplier or one amongst a limited number of service suppliers; • imposing restrictions on the composition of senior management and boards of directors; • requiring local presence; and • specifying the juridical form of the service supplier(s).

Sector	All Sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> Where New Zealand has devolved a service to an enterprise that it wholly-owns or over which it has effective control then New Zealand reserves the right to adopt or maintain any measures regarding the sale of any shares in that enterprise or any assets of that enterprise to any person, including according more favourable treatment to New Zealand nationals.

Sector	All Sectors
Industry Classification	
Obligations concerned	Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> Except in the sectors set out below, New Zealand reserves the right to adopt or maintain any measure that is not inconsistent with New Zealand's obligations under Article XVI of GATS²²: <u>Professional Services</u> CPC 8673 Integrated Engineering Services CPC 8674** Consultancy related to Urban Planning & Landscape Architecture <u>Computer and Related Services</u> CPC 845 Maintenance and Repair of office machinery and equipment including computers CPC 849 Other Computer Services <u>Other Business Services</u> CPC 865 Management consulting services CPC 866 Services related to Management consulting CPC 8812 Services incidental to animal husbandry CPC 872 Placement and supply of Personnel CPC 875 Photographic Services

²² This means that, except as set out in this entry, the stipulation in Paragraph 1(c) of Article 7 (Application of Articles 4, 5, 6 and 12) not to decrease the conformity of the measure as it existed immediately before the amendment, does not apply with respect to the Market Access entries in New Zealand's Schedule to Annex I.

CPC 87901 Credit Reporting Services
 CPC 87902 Collection Agency Services
 CPC 87909* Convention Services

Environmental Services

CPC 9401 Waste water management
 CPC 9402 Waste management (Refuse disposal services)
 CPC 9403 Waste management (Sanitation and similar services)
 CPC 9404 Protection of ambient air & climate
 CPC 9405 Noise & vibration abatement
 CPC 9406** Remediation & clean up of soil & water
 CPC 9406** Protection of biodiversity & landscape
 CPC 9409 Other environmental services (including indoor environmental services)

Maritime Auxiliary Services

To the same extent as set out in the corresponding entries in WTO document TN/S/O/NZL/Rev.1 of 17 June 2005 for:

Customs Clearance Services
 Container Station and Depot Services
 Maritime Agency Services

The (*) indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in MTN.GNS/W/120.

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

Sector	All sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure regarding the control, management or use of: • protected areas, including resources on land, interests in land or water, that are set up for heritage management purposes (both historic and natural heritage), public recreation, and scenery preservation; or • species owned under enactments by the Crown or that are protected by or under an enactment.
Existing measures	Conservation Act 1987 and the enactments listed in Schedule 1 of the Conservation Act 1987 Resource Management Act 1991 Local Government Act 1974 and subsequent amendments

Sector	All sectors
Industry Classification	This reservation applies to all sectors, except the following: 51 Construction Work 52 Constructions 53 Land 61 Sale, maintenance and repair services of motor vehicle; sales of related parts 75 post and telecommunication services 81 financial intermediation and auxiliary services 82 real estate services 83 leasing or rental services without operators 84 computer and related services 86** legal, accounting, auditing, book keeping, taxation, market research, public opinion polling, management consulting, architectural, engineering and other technical services' 87** business services not elsewhere classified 89 intangible assets 95 services of membership organisations 96** recreational, cultural and sporting services ** CPC 8676 (technical testing), CPC 876 (packaging), 96194 (circuses), 96321 (museums) and 96331 (botanical and zoological services) are subject to the reservation.
Obligations concerned	National Treatment (Article 5) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any nationality or residency measures in relation to: • animal welfare; and • the preservation of plant, animal and human life and health; including in particular:

- food safety of domestic and exported foods;
- animal feeds;
- food standards;
- biosecurity and
- biodiversity; and
- certification of the plant or animal health status of goods.

Nothing in this reservation shall be construed to derogate from the obligations of Chapter 7 (Sanitary and Phytosanitary Measures), or the obligations of the *Agreement on the Application of Sanitary and Phytosanitary Measures*, which is part of the *WTO Agreement*.

Nothing in this reservation shall be construed to derogate from the obligations of Chapter 8 (Technical Barriers to Trade), or the obligations of the *Agreement on Technical Barriers to Trade*, which is part of the *WTO Agreement*.

Sector	All Sectors
Industry Classification	
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to maintain or adopt any measure made by or under an enactment in respect of the foreshore and seabed, internal waters as defined in international law (including the beds, subsoil and margins of such internal waters) territorial sea, the Exclusive Economic Zone; and for the issuance of maritime concessions in the continental shelf.
Existing measures	Resource Management Act 1991 Foreshore and Seabed Act 2004 Resource Management (Foreshore and Seabed) Amendment Act 2004

Sector	Business Services Legal Services
Industry Classification	CPC 861
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to the provision of publicly funded legal services.

Sector	Business Services Fire Services
Industry Classification	CPC 91260* fire fighting services *Public administrative, operational and supervision services for fire protection affairs as well as administrative and operational services for fire-fighting and fire prevention by regular and auxiliary fire brigades.
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to the provision of fire fighting services, excluding aerial fire fighting services.

Sector	Business Services Research and Development
Industry Classification	CPC 8510 Research and experimental development services on physical sciences and engineering CPC 8520 Research and experimental development services on social sciences and humanities CPC 8530 Interdisciplinary research and experimental development services
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to: • Research and Development services carried out by State Funded tertiary institutions or by Crown Research Institutes when such research is conducted for a public purpose; and • Research and experimental development services on physical sciences, chemistry, biology, engineering and technology, agricultural sciences, medical, pharmaceutical and other natural sciences i.e. CPC 8510. For the avoidance of doubt, the reservation in respect of the Most Favoured Nation Treatment obligation does not apply to the entry on Research and Development services carried out by State Funded tertiary institutions or by Crown Research Institutes when such research is conducted for a public purpose.

Sector	Business Services Technical testing and analysis services
Industry Classification	CPC 86751 Geological, geophysical and scientific prospecting CPC 86761 Composition and purity testing and analysis services CPC 86764 Technical inspection services CPC 86769 Other technical testing and analysis services
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measures in respect of: • composition and purity testing and analysis services; • technical inspection services; • other technical and analysis services; and • drug testing services.

Sector	Business Services Services related to fisheries and aquaculture
Industry Classification	Services related to stocks of fish and marine living resources; operational services related to aquaculture hatcheries or farms; and manufacturing services where these relate to fish or marine living resources processed at sea.
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to control the activities of foreign fishing, including fishing landing, first landing of fish processed at sea, and access to New Zealand ports (port privileges) consistent with the provisions of the <i>United Nations Convention on the Law of the Sea</i> .
Existing Measures	For greater transparency, examples of existing measures contained in the Fisheries Act 1996 and the Aquaculture Reform Act 2005 include: • no vessel owned or operated by an overseas person may be registered to carry out commercial fishing or fish carrying activities without the permission of the Minister of Fisheries, and subject to any conditions that he or she thinks fit to impose; • foreign fishing vessels or fish carriers are required to obtain the approval of the Minister of Fisheries before entering New Zealand internal waters. If the Minister of Fisheries is satisfied that the vessel has undermined international conservation and management measures he or she may deny the vessel approval to enter New Zealand internal waters; • ministerial approval is required before any overseas person may be allocated, purchase or own any provisional catch history, quota, or annual catch entitlement;

- as set out in S.296B the Fisheries Act 1996, certain specified functions, duties or powers can only be transferred to approved service delivery organisations that comply with specified criteria; and
- foreign research vessels require the permission of the Minister of Fisheries to take fish, seaweed or aquatic life within the New Zealand Exclusive Economic Zone.

Sector	Business Services Energy Manufacturing Wholesale trade Retail
Industry Classification	
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt any measure in order to prohibit, regulate, manage or control the production, use, distribution or retail of nuclear energy, including setting conditions for any person to do so.

Sector	Business Services
Industry Classification	CPC 8830+5115 Services Incidental to mining
Obligations concerned	National Treatment (Article 5) Most-Favoured-Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to services incidental to mining.

Sector	Business Services Immigration services
Industry Classification	
Obligations concerned	Market Access (Article 4) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt any measures, with respect to licensing requirements and the enforcement of those requirements, including through information sharing, in respect of natural persons who provide immigration advice, to a person in regards to any immigration matter relating to New Zealand. For greater transparency, this entry only applies in respect of the Most Favoured Nation Treatment obligation to the extent that New Zealand enters into a reciprocal agreement about information sharing or enforcement of New Zealand's licensing requirements within the country with whom the agreement is made. This reservation does not apply to a natural person of Hong Kong, China who is authorised to practice law in New Zealand.

Sector	Communication Services Postal
Industry Classification	CPC 7511 postal services
Obligations concerned	Market Access (Article 4) National Treatment (Article 5) Most Favoured Nation Treatment (Article 12)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to the supply of postal services.

Sector	Communication Services Audio-visual and other Services
Industry Classification	CPC 9611 Motion picture and video production and distribution services CPC 9612 Motion picture services CPC 9613 Radio and television services CPC 7524 Programme transmission services CPC 753 Radio and television cable services
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
Existing Measures	For greater transparency, S.18 New Zealand Film Commission Act 1978 limits Commission funding to films with a “significant New Zealand content”. This criterion is deemed to be satisfied if made pursuant to a co-production agreement or arrangement with the partner country in question.

Sector	Communication Services Audio-visual and other Services
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure made by or under any enactment with respect to the promotion of local content on public radio and public television.

Sector	Distribution Services Commission agents' services Wholesale trade services
Industry Classification	CPC 221 Processed liquid milk and cream CPC 229 Other dairy products
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Investment</u> New Zealand reserves the right to adopt or maintain any measures with respect to: the holding of shares in the co-operative dairy company arising from the amalgamation authorised by section 7(1)(a) of the Dairy Industry Restructuring Act 2001 (or any successor body); and the disposition of assets of that company or its successor bodies.
Existing Measures	Dairy Industry Restructuring Act 2001 and subsequent regulations.

Sector	Distribution Services Wholesale trade services
Industry Classification	CPC 62221** services relating to fruit and vegetables ** This reservation only applies to kiwifruit
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measures with respect to the export marketing of fresh kiwifruit to all markets other than Australia.
Existing Measures	The Kiwifruit Industry Restructuring Act 1999 and Regulations.

Sector	Distribution Services Wholesale trade and distribution services
Industry Classification	
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measures with respect to: • specifying the terms and conditions for the establishment and operation of any government endorsed allocation scheme for the rights to the distribution of export products falling within the HS categories covered by the <i>WTO Agreement on Agriculture</i> to markets where tariff quotas, country-specific preferences or other measures of similar effect are in force; and • the allocation of distribution rights to wholesale trade service suppliers pursuant to the establishment or operation of such an allocation scheme. This reservation is not intended to have the effect of prohibiting all investment in the provision of wholesale trade and distribution services relating to goods in the HS chapters covered by the <i>WTO Agreement on Agriculture</i>. The entry applies in respect of investment to the extent that the services sectors specified in this reservation are a subset of agricultural products subject to tariff quotas, country-specific preferences or other measures of similar effect.

Sector	Distribution Services Commission agents' services Wholesale trade services
Industry Classification	
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to maintain or adopt any measures necessary to give effect to the establishment or the implementation of mandatory marketing plans (also referred to as "export marketing strategies") for the export marketing of products derived from: • agriculture; • beekeeping; • horticulture; • arboriculture; • arable farming; and • the farming of animals where there is support within the relevant industry that a mandatory collective marketing plan should be adopted or activated. For the avoidance of doubt, mandatory marketing plans, in the context of this reservation exclude measures limiting the number of market participants or limiting the volume of exports.
Existing Measures	New Zealand Horticulture Export Authority Act 1987

Sector	Education Services
Industry Classification	CPC 923 Higher education services CPC 924 Adult education services n.e.c.
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to the use of statutorily protected educational terms and titles.
Existing Measures	In the interests of greater transparency such terms include: “university”, “college of education”, “polytechnic” and “institute of technology” as set out in S.292 and S.294 of the Education Act 1989

Sector	Financial Services
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to financial services as defined in the <i>GATS Annex on Financial Services</i> that is not inconsistent with New Zealand's obligations under Articles XVI, XVII and XVIII of <i>GATS</i> .

Sector	Health and Social services Social services
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to all modes for the supply of adoption services.

Sector	Health and Social services Health services
Industry Classification	CPC 9311* Hospital services CPC 93191** Deliveries and related services, nursing services, physiotherapeutic and para-medical services CPC 93199 Other Human Health Services * This is not intended to apply to services provided by nurses, physiotherapists and para-medical personnel in a hospital setting. ** This includes services such as supervision during pregnancy and child birth and the supervision of the mother after birth.
Obligations concerned	Most Favoured Nation Treatment (Article 12) Market Access (Article 4) National Treatment (Article 5) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure not inconsistent with Articles 4 (Market Access) and 12 (Most Favoured Nation Treatment) with respect to the following services to the extent that they are provided by the private sector: • hospital services; and • maternity deliveries and related services, including services provided by midwives. New Zealand reserves the right to adopt or maintain any measure with respect to pharmaceutical services to the extent that they are provided by the private sector.

Sector	Recreation, cultural and sporting
Industry Classification	CPC 96492 Gambling and betting services CPC 96499 Other recreational services n.e.c.
Obligations concerned	National Treatment (Article 5) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to gambling, betting and prostitution services.
Existing Measures	Gambling Act 2003 Gaming and Lotteries (Licensed Promoters) Regulations 1978 Gambling (Class 4 Net Proceeds) Regulations 2004 Gambling (Infringement Notices) Regulations 2004 Gambling (Harm Prevention and Minimisation) Regulations 2004 Gambling (Problem Gambling Levy) Regulations 2004 Prostitution Reform Act 2003 Racing Act 2003

Sector	Recreation, cultural and sporting services Library, archive, museum and other cultural services
Industry Classification	CPC 96311 Library services CPC 96312 Archives services CPC 9632 Museum services including the preservation services of historical sites and buildings.
	An indicative list of services or investment activities that would come within in the scope of “cultural heritage of national value” includes: ethnological, archaeological, historical, literary, artistic, scientific or technological heritage, as well as collections that are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4) Local Presence (Article 6)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measures in respect of: • cultural heritage of national value; including ethnological, archaeological, historical, literary, artistic, scientific or technological heritage, as well as collections that are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions; • public archives; • library and museum services; and • services for the preservation of historical or sacred sites or historical buildings.

Sector	Transport Maritime Services
Industry Classification	
Obligations concerned	National Treatment (Article 5) Most Favoured Nation Treatment (Article 12) Market Access (Article 4)
Description	<u>Cross-Border Services and Investment</u> New Zealand reserves the right to adopt or maintain any measure with respect to: • the carriage by sea of passengers and/or cargo between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port in New Zealand (“maritime cabotage”); • provision of certain Port Services (pilotage, towing and tug assistance provisioning, fuelling and watering, garbage collecting and ballast waste disposal, port captains’ services, navigation aids, emergency repair facilities, anchorage, other shore-based operational services essential to ship operations, including communications, water and electrical supplies). However no measures shall be applied which deny international maritime transport suppliers reasonable and non-discriminatory access to the above port services; • the establishment of registered companies for the purpose of operating a fleet under the New Zealand flag; • the registration of vessels in New Zealand; and • the regulation and entry of ships crews to New Zealand through the presence of natural person mode of supply.

ANNEX III TO CHAPTER 13 (TRADE IN SERVICES)

DISCIPLINES ON DOMESTIC REGULATION

Introduction

1. The purpose of the disciplines in this Annex is to facilitate trade in services by ensuring that measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards do not constitute unnecessary barriers to trade in services. In applying the disciplines in this Annex, the Parties shall also comply with the criteria set out in Paragraphs 4(a) to (c) of Article 9 (Domestic Regulation).

2. The Parties recognise the right of each Party to regulate, and to introduce new regulations to support government policy objectives.

Definitions

3. For the purposes of this Annex:

- (a) **licensing requirements** are substantive requirements, other than qualification requirements, with which a natural person or an enterprise is required to comply in order to obtain, amend or renew authorisation to supply a service;
- (b) **licensing procedures** are administrative or procedural rules that a natural person or an enterprise, seeking authorisation to supply a service, including the amendment or renewal of a licence, must adhere to in order to demonstrate compliance with licensing requirements;
- (c) **qualification requirements** are substantive requirements relating to the competence of a natural person to supply a service, and which are

required to be demonstrated for the purpose of obtaining authorisation to supply a service;

- (d) **qualification procedures** are administrative or procedural rules that a natural person must adhere to in order to demonstrate compliance with qualification requirements, for the purpose of obtaining authorisation to supply a service; and
- (e) **technical standards** are measures that lay down the characteristics of a service or the manner in which it is supplied. Technical standards also include the procedures relating to the compliance with and enforcement of such standards.

General Provisions

4. The disciplines in this Annex apply to measures adopted or maintained by the Parties relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards affecting trade in services.

5. Nothing in this Annex shall apply to any measure adopted or maintained by a Party consistent with its Schedules to Annexes I and II.

6. The Parties shall ensure that measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards are not formulated, introduced, implemented, administered or applied with a view to creating unnecessary barriers to trade in services.

7. The Parties shall ensure that measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards shall be pre-established, based on objective and transparent

criteria and relevant to the supply of the services to which they apply.

8. Nothing in these disciplines prevents either Party from exercising its right to introduce or maintain regulations in order to ensure provision of universal service, in a manner consistent with its obligations and commitments under this Chapter.

Transparency

9. Each Party shall ensure that measures of general application relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards, as well as detailed information regarding these measures, are promptly published through printed or electronic means, or otherwise. Where publication is not practicable, such information shall be made publicly available. This information shall include:

- (a) whether any authorisation, including application and/or renewal where applicable, is required for the supply of a service;
- (b) the official titles, addresses and contact information of relevant competent authorities;
- (c) applicable licensing requirements and criteria, terms and conditions of licences, and licensing procedures and fees;
- (d) applicable qualification requirements, criteria and procedures for verification and assessment of qualifications, including fees;
- (e) applicable technical standards;
- (f) procedures relating to appeals or reviews of applications;

- (g) monitoring, compliance or enforcement procedures, including notification procedures for non-compliance;
- (h) where applicable, how public involvement in the licensing process, such as hearings and opportunity for comment, is provided for;
- (i) exceptions, derogations or changes to measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards; and
- (j) the normal timeframe for processing of an application.

10. Each Party shall maintain or establish appropriate mechanisms for responding to enquiries from any service suppliers regarding any measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards. Such enquiries may be addressed through the contact points established under Article 5 (Contact Points) of Chapter 15 (Transparency).

Licensing Requirements

11. Where residency requirements for licensing exist, each Party shall consider whether less trade restrictive means could be employed to achieve the purposes for which these residency requirements were established.

Licensing Procedures

12. Each Party shall ensure that licensing procedures, including application procedures and, where applicable, renewal procedures, are as simple as possible, are not more burdensome than necessary to ensure that applicants fulfil or

comply with the licensing requirements, and do not in themselves constitute a restriction on the supply of services.

13. Each Party shall ensure that the procedures used by, and the decisions of, the competent authority in the licensing process ("competent authority") are impartial with respect to all applicants. The competent authority should be operationally independent of and not accountable to any supplier of the services for which the licence is required.

14. An applicant should be required to approach only one competent authority for an application for a licence.

15. An applicant should be permitted to submit an application at any time, except where licences are limited in numbers, including in public tendering. Where specific time periods for applications exist, an applicant shall be allowed a reasonable period for the submission of an application. The competent authority shall initiate the processing of an application without undue delay. Where possible, applications should be accepted in electronic format under the same conditions of authenticity as paper submissions.

16. The competent authority shall, within a reasonable period of time after receipt of an application which it considers incomplete, inform the applicant and, to the extent feasible, identify the additional information required to complete the application, and, where appropriate, provide the opportunity to correct deficiencies.

17. The competent authority shall, where appropriate, accept copies of documents authenticated in accordance with its domestic law in place of original documents.

18. If an application for a licence is rejected by the competent authority, the applicant shall be informed in writing and without undue delay. In principle, the applicant shall, upon request, also be informed of the reasons for rejection of the application and of any rights of review of, or appeal

against, the decision, including the timeframe for review or appeal. An applicant should be permitted, within reasonable time limits, to resubmit an application.

19. Each Party shall ensure that the processing of an application for a licence, including reaching a final decision, is completed within a reasonable timeframe from the submission of a complete application. Each Party shall endeavour to establish the normal timeframe for processing of an application.

20. Each Party shall ensure that a licence, once granted, enters into effect without undue delay in accordance with the terms and conditions specified therein.

21. Each Party shall ensure that any licensing fees²³ are determined with regard to the administrative costs involved. This shall not preclude the recovery of any additional costs of administering licensing requirements and any other administrative activities related to the regulation of the relevant services.

Qualification Requirements

22. Where a Party imposes qualification requirements for the supply of a service, it shall ensure that adequate procedures exist for the verification and assessment of qualifications held by service suppliers of the other Party. In verifying and assessing qualifications, the competent authority shall, where appropriate, give due consideration to relevant professional experience of the applicant as a complement to educational qualifications. Where membership in a relevant professional association in the Area of another Party is indicative of the level of competence

²³ Licensing fees do not include payments for auction, tendering or other non-discriminatory means of awarding concessions, or mandated contributions to universal service provision.

or extent of experience of the applicant, such membership shall also be given due consideration.

23. Provided an applicant has presented all necessary supporting evidence of qualifications, the competent authority, in verifying and assessing qualifications, shall, to the extent possible, identify any deficiency and inform the applicant of requirements to meet the deficiency. Such requirements may include course work, examinations, training, and work experience. Where appropriate, each Party shall provide the possibility for applicants to fulfil such requirements in the home, host or any third jurisdiction.

24. Residency requirements, other than those consistent with a Party's Schedules to Annexes I and II shall not be a pre-requisite for assessing and verifying the competence of a service supplier of the other Party.

25. Each Party shall ensure that a service supplier is informed without undue delay when qualification requirements have been fulfilled.

Qualification Procedures

26. Each Party shall ensure that qualification procedures are as simple as possible, are not more burdensome than necessary to ensure that applicants meet the qualification requirements, and do not in themselves constitute a restriction on the supply of services.

27. An applicant should be required to approach only one competent authority for qualification procedures.

28. An applicant should be permitted to submit an application at any time. The competent authority shall initiate the processing of an application without undue delay.

29. Where examinations are required, each Party shall ensure that they are scheduled at reasonably frequent

intervals. Applicants for examinations shall be allowed a reasonable period to submit applications.

30. The competent authority shall, within a reasonable period of time after receipt of an application which it considers incomplete, inform the applicant and, to the extent feasible, identify the additional information required to complete the application, and, where appropriate, provide the opportunity to correct deficiencies.

31. The competent authority shall, where appropriate, accept copies of documents authenticated in accordance with its domestic law in place of original documents.

32. If an application for verification and assessment of qualification is rejected by the competent authority, the applicant shall be informed in writing and without undue delay. In principle, the applicant shall, upon request, also be informed of the reasons for rejection of the application and of any rights of review of, or appeal against, the decision, including the timeframe for review or appeal. An applicant should be permitted, within reasonable time limits, to resubmit an application.

33. Each Party shall ensure that the processing of an application, including verification and assessment of a qualification, is completed within a reasonable timeframe from the submission of a complete application. Each Party shall endeavour to establish the normal timeframe for processing of an application.

34. Each Party shall ensure that any fees charged for qualification procedures are determined with regard to the administrative costs involved. This shall not preclude the recovery of any additional costs of administering qualification requirements and any other administrative activities related to the regulation of the relevant services.

Technical Standards

35. Each Party shall ensure that technical standards are not prepared or adopted with a view to creating unnecessary obstacles to trade in services. For this purpose, each Party shall ensure that such technical standards are based on objective and transparent criteria and are relevant to meet specific government policy objectives.

36. Each Party shall ensure that any measures relating to the application, monitoring, compliance and enforcement of technical standards are not more burdensome than necessary to ensure that a service conforms with the relevant technical standards, taking into account the risks that non-fulfilment would create.

37. The Parties shall encourage maximum transparency of relevant processes relating to the development and application of domestic and international standards by non-governmental bodies.

38. Where technical standards are required and relevant international standards are applicable or their completion is imminent, the Parties should take them or the relevant parts of them into account in formulating their technical standards, except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of specific government policy objectives.

ANNEX IV TO CHAPTER 13 (TRADE IN SERVICES)

EDUCATION COOPERATION

Introduction

1. The objectives of this Annex are to:
 - (a) strengthen bilateral relations between the Parties in the field of education;
 - (b) reflect the importance of education as a factor of social and economic development as well as a means for facilitating a closer economic partnership between the Parties; and
 - (c) recognise that cooperation in the field of education benefits both economies,

while respecting the autonomy of higher education institutions of the Parties in carrying out any collaborative activities and in admission of students in accordance with their relevant policies and regulations.

General Provisions

2. In accordance with the domestic laws in force in their Areas, the Parties shall promote mutual cooperation in education.
3. The Parties shall encourage and facilitate, as appropriate, the development of contacts and cooperation between government agencies, educational institutions, organisations and other entities of Hong Kong, China and New Zealand, and the conclusion of arrangements between such bodies for the conduct of cooperative activities.

Education Cooperation

4. The Parties shall:

- (a) encourage their respective academic and vocational accreditation authorities to enter into discussions and dialogue with the purpose of developing greater understanding of and confidence in each others' quality assurance and qualifications recognition processes; and
- (b) enter into an Arrangement to be between the Education Bureau of Hong Kong, China and the Ministry of Education of New Zealand which will provide the framework to achieve the following goals:
 - (i) facilitate the exchange of publicly-available expertise, knowledge and experience in the field of education;
 - (ii) promote cooperation in areas of interest in vocational education;
 - (iii) encourage the development of joint programmes with institutions of educational excellence that will mutually benefit the Parties;
 - (iv) promote exchanges of staff between education agencies and institutions in relation to programmes that will mutually benefit the Parties; and
 - (v) undertake other forms of cooperation as may be mutually determined.