

## ANNEX 13-A

### SCHEDULE OF HONG KONG, CHINA

#### Section A: Central Government Entities

##### *Thresholds*

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

- (a) for procurement of goods and services, 130,000 Special Drawing Rights (SDRs); and
- (b) for procurement of construction services, 5,000,000 SDRs.

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

##### *List of Entities*

- 1. Agriculture, Fisheries and Conservation Department
- 2. Architectural Services Department
- 3. Audit Commission
- 4. Auxiliary Medical Service
- 5. Buildings Department
- 6. Census and Statistics Department
- 7. Chief Executive's Office (Note to Section A refers)
- 8. Civil Aid Service
- 9. Civil Aviation Department
- 10. Civil Engineering and Development Department
- 11. Companies Registry
- 12. Correctional Services Department
- 13. Customs and Excise Department
- 14. Department of Health
- 15. Department of Justice
- 16. Drainage Services Department
- 17. Electrical and Mechanical Services Department
- 18. Environmental Protection Department
- 19. Fire Services Department
- 20. Food and Environmental Hygiene Department
- 21. Government Flying Service
- 22. Government Laboratory
- 23. Government Logistics Department

24. Government Property Agency
25. Government Secretariat
26. Highways Department
27. Home Affairs Department
28. Hong Kong Monetary Authority
29. Hong Kong Observatory
30. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
31. Hongkong Post
32. Immigration Department
33. Independent Commission Against Corruption
34. Independent Police Complaints Council
35. Information Services Department
36. Inland Revenue Department
37. Intellectual Property Department
38. Invest Hong Kong
39. Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service
40. Judiciary
41. Labour Department
42. Land Registry
43. Lands Department
44. Legal Aid Department
45. Leisure and Cultural Services Department
46. Marine Department
47. Office of the Communications Authority
48. Office of the Ombudsman
49. Official Receiver's Office
50. Planning Department
51. Public Service Commission
52. Radio Television Hong Kong
53. Rating and Valuation Department
54. Registration and Electoral Office
55. Secretariat, Commissioner on Interception of Communications and Surveillance
56. Social Welfare Department
57. Student Finance Office
58. Trade and Industry Department
59. Transport Department
60. Treasury
61. University Grants Committee Secretariat
62. Water Supplies Department

**Note to Section A:**

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

the Chief Executive's Office.

	<i>CPC</i>
1. Armoured car services	87304
2. Telecommunications and Related Services	752, 754

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

Hong Kong, China has no Section B entities.

## **Section C: Other Entities**

### *Thresholds*

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

- (a) for procurement of goods and services, 400,000 SDRs; and
- (b) for procurement of construction services, 5,000,000 SDRs.

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

### *List of Entities*

- 1. Airport Authority
- 2. Hospital Authority
- 3. Housing Authority and Housing Department
- 4. Kowloon-Canton Railway Corporation
- 5. MTR Corporation Limited

## **Section D: Goods**

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

## Section E: Services

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

		<i>CPC</i>
1.	<i>Computer and Related Services</i>	
-	Data base and processing services	843, 844
-	Maintenance and repair service of office machinery and equipment including computers	845
-	Other computer services	849
2.	<i>Rental/Leasing Services Without Operators</i>	
-	Relating to ships	83103
-	Relating to aircraft	83104
-	Relating to other transport equipment	83101, 83102, 83105
-	Relating to other machinery and equipment	83106, 83109
3.	<i>Other Business Services</i>	
-	Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633, 8861- 8866
-	Market research & public opinion polling services	864
-	Armoured car services	87304
-	Building-cleaning services	874
-	Advertising services	871
-	Services incidental to forestry and logging	8814
-	Services incidental to mining	883
4.	<i>Courier Services</i>	7512
5.	<i>Telecommunications and Related Services</i>	(Note 1 to Section E refers)
-	Telecommunications services	752
-	Telecommunications-related services	754
6.	<i>Environmental Services</i>	
-	Sewage services	9401
-	Refuse disposal services	9402
-	Sanitation and similar services	9403

-	Cleaning services of exhaust gases	9404
-	Nature and landscape protection services	9406
7.	<i>Financial Services</i>	ex 81 (exceptions are set out in Note 2 to Section E)
-	All insurance and insurance-related services	
-	Banking and other financial services	
8.	<i>Transport Services</i>	
-	Air transport services (excluding transportation of mail)	731, 732, 734
-	Road transport services	712, 6112, 8867

#### **Notes to Section E:**

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

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

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



following:

- (i) money market instruments (cheques, bills, certificate of deposits, etc.);
- (ii) foreign exchange;
- (iii) derivative products including, but not limited to, futures and options;
- (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreement, etc.;
- (v) transferable securities; and
- (vi) other negotiable instruments and financial assets, including bullion.

## **Section F: Construction Services**

1. This Chapter shall apply to all construction services listed in Division 51 of the CPC.
2. A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the CPC.

## **Section G: General Notes**

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

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

## **Section H: Threshold Adjustment Formula**

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

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