



香港特別行政區政府 工業貿易署

Trade and Industry Department

The Government of the Hong Kong Special Administrative Region

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6 December 2013

Dear Sirs,

Notice to Service Suppliers No. 1/2013

Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)

Application Procedures for Hong Kong Service Supplier (HKSS) Certificate

I. INTRODUCTION

The CEPA, which was signed by the Mainland and Hong Kong in 2003, encompasses liberalization for trade in goods and services as well as trade and investment facilitation. Under the building block approach, both sides subsequently conducted several rounds of consultations and concluded arrangements in the form of Supplements to CEPA in 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012. The latest arrangement, namely, Supplement X to CEPA was signed on 29 August 2013. The latest set of liberalization measures on trade in services will come into force on 1 January 2014.

2. This circular announces the requirements and procedures for application of a Hong Kong Service Supplier Certificate (HKSS certificate) under CEPA and its Supplements. This Notice supersedes, with immediate effect, Notice to Service Suppliers No. 4/2012 issued on 7 December 2012 by the Trade and Industry Department (TID) of the Hong Kong Special Administrative Region (HKSAR).

II. DETAILS

The Mainland's Specific Commitments on Liberalization of Trade in Services under CEPA and its Supplements

3. Under CEPA Supplement X, the Mainland has agreed to further relax the market access conditions for 28 sectors which were already partly liberalized for Hong Kong (i.e. sectors marked with # in paragraph 5 below). Besides, there are additional liberalization measures on duplicating and after-death facilities services (i.e. sub-sectors marked with @ in paragraph 5 below) with effect from 1 January 2014.

4. In addition, for a number of sectors (i.e. sectors/sub-sectors marked with + in

paragraph 5 below), “**contractual service providers**” employed by Hong Kong service suppliers are allowed, in the mode of movement of natural persons, to provide temporary service in the Mainland for the performance of the service contract(s) secured in the Mainland by his/her employer. The “**contractual service provider**” should be a **natural person** holding a HKSAR identity document; whose remuneration during his/her stay in the Mainland will be borne by the employer. The “**contractual service provider**” should possess academic qualification and technical (professional) qualification relevant to the services provided; during his/her stay in the Mainland, he/she should not involve in any service activities irrelevant to the contract. His/her **employer** should be a Hong Kong service supplier without commercial presence in the Mainland. To utilize this liberalization measure, his/her employer should obtain a HKSS certificate. For details of applying for a HKSS certificate, please refer to paragraphs 12 to 19.

5. The 48 services sectors covered by CEPA are set out below:

- | | |
|--|--|
| 1. Accounting | 24. Market research# |
| 2. Advertising | 25. Medical#+ |
| 3. Air transport#+ | 26. Other business services (Specialty design/ Factoring/ After-death services facilities@+) |
| 4. Audiovisual#+ | 27. Patent agency |
| 5. Banking# | 28. Photographic#+ |
| 6. Building-cleaning#+ | 29. Placement and supply services of personnel# |
| 7. Computer and related services#+ | 30. Printing(Printing services+ /Duplicating services@+)# |
| 8. Construction and related engineering# + | 31. Public utility |
| 9. Convention and exhibition#+ | 32. Rail transport |
| 10. Cultural#+ | 33. Real estate#+ |
| 11. Distribution#+ | 34. Related scientific and technical consulting services |
| 12. Education | 35. Research and development |
| 13. Environmental#+ | 36. Road transport#+ |
| 14. Examinations for professional and technical qualification | 37. Securities and futures# |
| 15. Freight forwarding agency#+ | 38. Services incidental to manufacturing |
| 16. Individually owned stores | 39. Services incidental to mining |
| 17. Insurance | 40. Services related to management consulting |
| 18. Interdisciplinary research and experimental development services | 41. Social services #+ |
| 19. Legal# | 42. Sporting #+ |
| 20. Library, museum and other cultural services | 43. Storage and warehousing |
| 21. Logistics | 44. Technical testing, analysis and product testing#+ |
| 22. Management consulting | 45. Telecommunications#+ |
| 23. Maritime transport#+ | 46. Tourism#+ |
| | 47. Trade mark agency#+ |
| | 48. Translation and interpretation#+ |

Mainland’s specific commitments on liberalization of trade in services under CEPA (the specific commitments) are clearly set out in Table 1 of Annex 4 to CEPA, Annex 3 of Supplement to CEPA, Annex 2 of Supplement II to CEPA, Annex of Supplement III to CEPA, Annex of Supplement IV to CEPA, Annex of Supplement V to CEPA, Annex of Supplement VI to CEPA, Annex of Supplement VII to CEPA, Annex of Supplement VIII to CEPA, Annex

of Supplement IX to CEPA and Annex of Supplement X to CEPA ^(Note 1) (CEPA and its Supplements). Relevant texts can be downloaded from TID's webpage (http://www.tid.gov.hk/english/cepa/legaltext/cepa_legaltext.html). Separately, the specific commitments in different services sector are available on the following TID webpage:

- http://www.tid.gov.hk/english/cepa/tradeservices/trade_services_requirement.html

Definition of Hong Kong Service Supplier and Related Requirements

6. Unless otherwise stated in CEPA and its Supplements, service supplier in respect of Hong Kong as defined in Annex 5 to CEPA means any person that supplies a service, including:

- (i) "natural person" - a permanent resident of the HKSAR; and
- (ii) "juridical person" - any legal entity duly constituted or otherwise organized under the applicable laws of the HKSAR, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association (business association).

7. A Hong Kong service supplier who wants to apply as a **natural person** to the relevant Mainland's examining authorities for preferential treatment under CEPA and its Supplements is **not required** to apply for a HKSS certificate. However, according to Articles 6.2 and 6.3 of Annex 5 to CEPA, he or she should provide to the relevant Mainland's examining authorities identification of his or her Hong Kong permanent resident status. He or she should also provide his/her Home Visit Permit for Hong Kong and Macau Residents or HKSAR passport if he or she is a Chinese citizen. Copies of the identification documents should be attested by an attesting officer recognized by the Mainland (i.e. China Appointed Attesting Officer^(Note 2)). The Mainland's preferential treatment provided under CEPA and its Supplements for which Hong Kong service suppliers are **not required** to produce a HKSS certificate when making applications to the relevant Mainland's examining authorities are listed in Appendix 1.

8. A Hong Kong service supplier who provides services in the form of a **juridical person** has to fulfill the definition and requirements for Hong Kong service suppliers set out in Annex 5 to CEPA as well as the Supplements to CEPA (see Appendix 2)

^(Note 1) The Annex of "Supplement X to CEPA" is a supplement and amendment to Table 1 of Annex 4 of "CEPA", Annex 3 of "Supplement to CEPA", Annex 2 of "Supplement II to CEPA", Annex of "Supplement III to CEPA", Annex of "Supplement IV to CEPA", Annex of "Supplement V to CEPA", Annex of "Supplement VI to CEPA", Annex of "Supplement VII to CEPA", Annex of "Supplement VIII to CEPA" and Annex of "Supplement IX to CEPA". In the event of conflict with the provisions of the other ten instruments, the provisions of the Annex of "Supplement X to CEPA" shall prevail.

^(Note 2) China Appointed Attesting Officers refer to practising lawyers in Hong Kong registered under the Legal Practitioners Ordinance (Cap. 159) of the HKSAR, who are recognized by the Ministry of Justice of the People's Republic of China. The relevant list is available at the website of the Association of China-Appointed Attesting Officers Ltd. (<http://www.cao.org.hk>) or the Law Society of Hong Kong's website (<http://www.hklawsoc.org.hk>).

in order to apply to the relevant Mainland's examining authorities for provision of relevant services and enjoy preferential treatment under CEPA and its Supplements. In this regard, it should first obtain a HKSS certificate in accordance with the requirements set out in Articles 6.1 and 6.3 of Annex 5 to CEPA (a sample of the HKSS certificate is available at [Appendix 3](#)). Relevant articles in CEPA and its Supplements are available on the following TID's webpage:

- http://www.tid.gov.hk/english/cepa/legaltext/cepa_legaltext.html

9. When applying for the HKSS certificate, the applicant is required to declare the service provided in Hong Kong on the application form (see paragraph 12(i) below). The applicant is also required to complete a copy of the Statutory Declaration (see paragraph 12(ii) below). In declaring the service provided in Hong Kong on the application form and Statutory Declaration, applicants are requested to refer to [Appendix 6](#) to choose a suitable service sector/sub-sector which best describes their substantive business operations in Hong Kong. If the services provided in Hong Kong by the applicant do not belong to the service sector/sub-sector under CEPA (see paragraph 5 above for the webpage on the service sectors/sub-sectors under CEPA), the applicant may refer to [Appendix 6](#) to choose a service sector/sub-sector marked with the symbol “*” to be declared on the application form and the Statutory Declaration. Applicants may also refer to [Appendix 11](#) for information on service sector/sub-sector and the related CPC codes. Normally, information regarding the applicant's services provided in Hong Kong could appear in, amongst others, its audited financial statements, Business Registration Certificate, commercial agreements or invoices.

10. Hong Kong service suppliers holding valid HKSS certificates may apply to the relevant Mainland examining authorities for preferential treatment under CEPA (see paragraphs 24 and 25 below). Hong Kong service suppliers may also apply for CEPA preferential treatment in other service sector/sub-sector and is not limited to the service sector/sub-sector they are currently engaged in Hong Kong. However, service suppliers are reminded to find out and be fully aware of any requirements stipulated in CEPA and its Supplements as well as Mainland rules and regulations that may apply to the service sector/sub-sector they intend to apply for preferential treatment in the Mainland.

11. In addition, under Article 7.2 of Annex 5 to CEPA, when applying to the Mainland authorities for preferential treatment under CEPA, holders of HKSS certificates will also have to abide by the Mainland laws, rules and regulations and be subject to the verifications of the Mainland examining authorities of their HKSS eligibility.

Documentation Requirements for Applications for HKSS Certificate

12. In support of its application for a HKSS certificate lodged with TID, a Hong Kong service supplier should provide the following documents to TID:

- (i) a duly completed application form for HKSS certificate [Form TID 102 (Rev.12/2012)] (proforma at [Appendix 4](#), or downloaded from TID's webpage: <http://www.tid.gov.hk/english/aboutus/form/publicform/cepa/cepa.html>);
- (ii) a copy of Statutory Declaration attested by an attesting officer recognized by the Mainland (i.e. China Appointed Attesting Officer^(Note 2)). The Statutory

Declaration must be made by the applicant's authorized person ^(Note 3) in accordance with the procedures and requirements of the Oaths and Declarations Ordinance (Cap. 11) of the HKSAR. The Statutory Declaration must be completed in Chinese. A proforma of the Statutory Declaration in Chinese is set out in Appendix 5A [Form HKSS 001 Rev.12/2013]. Non-Chinese speakers requiring interpretation of the content of the declaration should use the proforma in Appendix 5B [Form HKSS 002 Rev.12/2013] (also in Chinese). These two proforma can be downloaded from TID's webpage (<http://www.tid.gov.hk/english/aboutus/form/publicform/cepa/cepa.html>);

- (iii) supporting documents applicable to individual service sectors/sub-sectors as well as general supporting documents as detailed in Appendix 6; and
- (iv) if the application involves group of companies, the applicant concerned should follow the requirements as set out in paragraphs 14, 15 and 16 below and provide the required supporting documents.

13. If TID, based on the documents set out in Appendix 6 as provided by the applicant, is unable to verify the authenticity of the service sector/sub-sector of the applicant's substantive business operations in Hong Kong as declared in the application form and the Statutory Declaration, the applicant should, upon request by TID, provide other relevant documents (such as the documents mentioned in paragraph 9 above) for the sake of verifying the information in the application form and the Statutory Declaration. Separately, TID may also request the applicant to supply any other documents to support the application for HKSS certificate.

Applications Involving Group of Companies

14. According to Section 2 of the Companies Ordinance (Cap. 32) of the HKSAR, "group of companies" means any two or more companies or bodies corporate one of which is the holding company of the other or others. After detailed consideration, the HKSAR Government and the Central People's Government have agreed that for applicants, which have engaged in substantive business operations in Hong Kong in the form of group of companies as defined in the Companies Ordinance of the HKSAR and which fulfill the requirements as stated in this Notice, should be eligible to apply for provision of the relevant services in the Mainland with preferential treatment under CEPA and its Supplements. In this regard, both sides have agreed to apply the following flexible treatment, which are made according to the requirements of CEPA and its Supplements, to applications for HKSS certificate involving group of companies:

- (i) the applicants have to be incorporated or established pursuant to the Companies Ordinance or other relevant laws of the HKSAR, and have obtained a valid Business Registration Certificate for 3 (or 5) years ^(Note 4) or more prior to the

^(Note 3) The authorized person of a "Hong Kong service supplier" should be the sole proprietor (in the case of sole proprietorship), one of the partners (in the case of partnership), or a director/responsible officer authorized by the Board of Directors (in the case of a limited company) of the applicant.

^(Note 4) For the years of operation required for the respective service sectors, please refer to Note 7 of Appendix 6 of this Notice.

date of lodgement of the applications;

- (ii) if required by law, the applicants or their wholly owned subsidiaries ^(Note 5) should have obtained the licences or permits for providing services concerned;
- (iii) the applicants or their wholly owned subsidiaries are engaging and have engaged in substantive business operations in Hong Kong for 3 (or 5) consecutive years ^(Note 4) or more prior to the date of lodgement of the applications; during the period of substantive business operations in Hong Kong, they should have paid profits tax in accordance with the law;
- (iv) if the applicants fulfill the criteria set out in point (iii) above by their wholly owned subsidiaries, the applicants should prove that, in the required years of operation as stipulated in Article 3 of Annex 5 to CEPA, Article 3 of the Supplement to CEPA and Article 1 of the Supplement IV to CEPA during which that wholly owned subsidiaries have engaged in substantive business operations in Hong Kong, the applicants have maintained holding and subsidiary relation with that wholly owned subsidiaries;
- (v) if the business premises used by the applicants or their wholly owned subsidiaries for their substantive business operations in Hong Kong have not been owned or rented by them, the owners or tenants of that business premises should be either the holding companies or subsidiaries ^(Note 6) of the groups of companies to which the applicants belong, and that the owners/tenants have given permission to the applicants or their wholly owned subsidiaries to use that business premises to engage in the substantive business operations; and
- (vi) if the staff engaged in the substantive business operations in Hong Kong of the applicants or their wholly owned subsidiaries have not been employed by them, that staff should be directly employed by the holding companies or subsidiaries of the groups of companies to which the applicants belong. Moreover, more than 50% of the staff engaged in the substantive business operations in Hong Kong of the applicants or their wholly owned subsidiaries should be residents staying in Hong Kong without limit of stay, and people from the Mainland staying in Hong Kong on One Way Permit.

15. If applicants wish to make use of the flexible treatment set out in paragraph 14 above, please follow the requirements set out in paragraph 12 above and hand in an application form for the HKSS certificate [Form TID 102 (Rev. 12/2012)], an attested copy of Statutory Declaration and the required supporting documents. Moreover, they should also provide a Supplementary Form for Group of Companies Applying for HKSS certificate [Form TID 102A (Rev. 12/2012)] as well as the required supporting documents stipulated therein. A proforma of the aforementioned Supplementary Form is at Appendix 7. The said

^(Note 5) In accordance with the Companies Ordinance (Cap. 32) of the HKSAR, a body corporate shall be deemed to be the wholly owned subsidiary of the applicant if it has no members except the applicant and the applicant's wholly owned subsidiaries and its or their nominees.

^(Note 6) In this Notice, the definition of holding companies and subsidiaries are the same as that in Section 2 of the Companies Ordinance (Cap. 32) of the HKSAR.

form can also be downloaded from TID's webpage: (<http://www.tid.gov.hk/english/aboutus/form/publicform/cepa/cepa.html>).

16. If TID, based on the documents set out in Appendix 6 and the required supporting documents stipulated in the Supplementary Form for Group of Companies Applying for HKSS certificate [Form TID 102A (Rev. 12/2012)] as provided by the applicant, is unable to verify the authenticity of the service sector/sub-sector of the applicant's substantive business operations in Hong Kong as declared in the application form and the Statutory Declaration, the applicant should, upon request by TID, provide other relevant documents (such as the documents mentioned in paragraph 9 above) for the sake of verifying the information in the application form and the Statutory Declaration. Separately, TID may also request the applicant to supply any other documents to support the application for HKSS certificate.

Application Procedures for HKSS Certificate

17. As stipulated in paragraphs 12 and 15 above, each application for HKSS certificate shall comprise a duly completed application form (including the supplementary form for group of companies, if applicable), an attested copy of Statutory Declaration and the required supporting documents. Applications for HKSS certificate [except for banking and other financial services (excluding insurance and securities) sector] should be sent **either by post or in person to the Hong Kong Service Supplier Certification Section of TID** (Room 1113, 11/F, Trade and Industry Department Tower, 700 Nathan Road, Kowloon). The opening hours of the Section are:

Mondays & Fridays*	:	8:30 a.m. to 12:30 p.m.
	:	1:30 p.m. to 5:45 p.m.
Tuesdays, Wednesdays & Thursdays*	:	8:45 a.m. to 12:30 p.m.
	:	1:30 p.m. to 5:45 p.m.

(*except for public holidays)

TID will acknowledge receipt of the applications. Applicants of the banking and other financial services (excluding insurance and securities) sector should send their applications for HKSS certificate to TID through the Banking Supervision Department of Hong Kong Monetary Authority (HKMA) (please see Appendix 6). On the basis of the information and documents provided by the applicant, TID will assess whether the applicant meets the eligibility criteria for Hong Kong service supplier as defined in Annex 5 to CEPA and in the Supplements to CEPA. TID may, in the circumstances it considers necessary, entrust other government departments, statutory bodies or any independent professional institutions/personnel to conduct verification/certification of the information provided in the application form and the accompanying documents (including the Statutory Declaration). Moreover, TID reserves at all times the absolute right to request the applicant to provide additional information or further documentary proof to verify its application.

18. Under normal circumstances, TID will complete the processing of an application **within 14 clear working days** from the date of its receipt of the duly completed

application form accompanied by an attested copy of a Statutory Declaration and all necessary supporting documents. TID will then notify the applicant [including applicants of the banking and other financial services (excluding insurance and securities) sector] of the result of application. Applicants who have been assessed by TID as fulfilling the eligibility criteria for Hong Kong service supplier will receive a payment notice of the application fee. A HKSS certificate will be issued to the applicant upon payment of the application fee. Payment can be made by cash or by cheque made payable to "The Government of the Hong Kong Special Administrative Region". The HKSS certificate will be valid for 2 years. If the application form is not properly completed or there are discrepancies in the information declared therein, or the application form is not accompanied by all necessary documents or if there are discrepancies in the information provided in the accompanying documents, the processing time will be longer. If the applicant fails to provide accurate information and/or the necessary documents (including the Statutory Declaration), for example, the applicant is unable, on request of TID, to supply documents to substantiate the service sector/sub-sector of its business operations in Hong Kong as declared in the application form and the Statutory Declaration (for relevant documents, please see paragraph 9 above), its application will be rejected. In addition, if an applicant who knowingly and willfully makes a statement false in a material particular in the Statutory Declaration, such as making a false statement on the nature and scope of its business in Hong Kong, TID will pass the application in question to the relevant law enforcement authorities for further investigations and the applicant may be prosecuted (please see paragraph 32 below for further details).

Application Fee

19. The current application fee for HKSS Certificate is HK\$1,550 per application. Apart from the application fee, applicants should also be responsible for all expenses incurred for the verification or certification of the documents (including the attestation of the Statutory Declaration) as stipulated in paragraphs 12, 13, 15 and 16 above as well as in Appendix 6.

Amendment/Cancellation of Applications

20. The applicant should immediately cancel the application in writing and lodge a fresh application form together with the supporting documents required if there is any substantial change to the information provided in the application form and its accompanying supporting documents concerning its eligibility as a Hong Kong service supplier under CEPA and its Supplements. At the same time, the applicant should also make a fresh Statutory Declaration in accordance with the provisions set out in paragraph 12(ii) above. An attested copy of the Statutory Declaration, together with a new application form and the supporting documents required should be sent to the Hong Kong Service Supplier Certification Section of TID by post or in person. Applicants of the banking and other financial services (excluding insurance and securities) sector should lodge the relevant applications to TID for processing through the Banking Supervision Department of HKMA.

21. If an applicant would like to cancel its application for HKSS certificate, it should immediately lodge a cancellation request in writing to the Hong Kong Service Supplier Certification Section of TID by post or in person. Applicants of the banking and

other financial services (excluding insurance and securities) sector should lodge their written cancellation request to TID through the Banking Supervision Department of HKMA.

Application Procedures for Amendment/ Replacement/ Certified True Copy (CTC)/ Cancellation of a HKSS Certificate

22. Holders of valid HKSS certificate(s) may apply for the amendment/replacement/certified true copy (CTC)/cancellation of their valid HKSS certificate(s) under specific circumstances. Respective application requirements and procedures are set out in the latest relevant Notice to Service Suppliers issued by TID which is available on the following TID webpage:

- http://www.tid.gov.hk/english/aboutus/tradecircular/ntss/ss_maincontent.html

Renewal arrangement for HKSS Certificates

23. HKSS certificate is valid for two years. To facilitate holders of HKSS certificates in extending the validity of their certificates, TID provides voluntary renewal services for HKSS certificates. Relevant renewal arrangement and application procedures are set out in the Notice to Service Suppliers No. 2/2012 issued on 24 February 2012 as well as the latest relevant Notice to Service Suppliers issued from time to time by TID. Eligible holders of HKSS certificates can send their renewal applications to TID within the period of 60 days before and 180 days after the date of expiry of their HKSS certificates.

Procedures for Application for the Provision of Services in the Mainland with Preferential Treatment under CEPA and its Supplements

24. After obtaining a HKSS certificate from TID, Hong Kong service suppliers wishing to provide the relevant services with the preferential treatment under CEPA and its Supplements, should, during the validity period of the HKSS certificate, apply to the relevant Mainland's examining authorities according to the procedures stipulated in Article 7 of Annex 5 to CEPA (see [Appendix 8](#)). For Hong Kong service suppliers who have already been providing the relevant services in the Mainland but do not have the relevant HKSS certificate, they should first obtain a HKSS certificate from TID in accordance with the procedures and requirements as set out in this Notice if they wish to obtain the preferential treatment under CEPA and its Supplements. Upon TID's approval of the applications for HKSS certificate, the service suppliers can then apply to the relevant Mainland's examining authorities according to the procedures stipulated in Article 7 of Annex 5 to CEPA.

25. The HKSARG has been in close contact with the relevant Mainland's authorities for provision of information relating to the application procedures/requirements for providing services in the Mainland under CEPA and its Supplements. Latest information available can be found at TID's webpage (http://www.tid.gov.hk/english/cepa/tradeservices/trade_services_requirement.html).

Handling of Information

26. TID is committed to ensuring all personal data provided in the applications for HKSS certificate and in all the accompanying supporting documents (including the Statutory Declaration) are handled in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486) of the HKSAR. In this regard, the personal data provided in the above documents will be used by TID or its authorized persons/institutions for activities relating to the processing and verification of applications for HKSS certificate, and related statistical and research work.

27. TID will keep the personal data provided in the applications and their accompanying documents in strict confidence. However, TID may disclose such data to other government departments, or to third parties within or outside Hong Kong under certain circumstances. Such circumstances may include: TID is of the view that the disclosure is necessary to facilitate the Mainland's examining authorities to verify the applications for obtaining the preferential treatment under CEPA and its Supplements (see paragraph 24 above) or for the purposes mentioned in paragraph 26 above; the disclosure is authorized or required by law; or explicit consent to the disclosure is given by the applicant/data subject. If necessary, TID will contact other government departments or specified independent institutions or persons to verify the personal data provided in the applications with those held by them.

28. Applicants and data subjects whose data are collected by TID may request access to such data under the Personal Data (Privacy) Ordinance of the HKSAR. Such requests should be made on the Data Access Request Form (No. OPS003) issued by the Privacy Commissioner, which is available at the Information Counter on G/F of TID or can be downloaded from the webpage of TID: <http://www.tid.gov.hk/english/aboutus/form/publicform/others/index.html>. The duly completed Request Form should be sent to the Hong Kong Service Supplier Certification Section at Room 1113, 11/F of the Trade and Industry Department Tower at 700 Nathan Road, Kowloon. A charge will be made to cover the cost of photocopying. In addition, if the data subject considers that the data supplied to TID is inaccurate, a request for correction of the data may be made in writing after a data request has been complied with.

III. IMPORTANT NOTES

29. It is the responsibility of the applicant to complete the application form fully and truthfully and provide the supporting documents as required (including the Statutory Declaration). Failing to provide accurate and complete information may affect the consideration and processing of the applications, and may result in their being deferred or rejected.

30. After granting of a HKSS certificate, if there is any change in the relevant particulars of the applicant that would affect its eligibility as a Hong Kong service supplier, the applicant must immediately notify TID in writing of such a change. If it is found that the applicant has obtained its HKSS certificate by means of any misrepresentation or omission of information, or by any other fraudulent means, or in the case that the applicant is no longer

fulfilling the eligibility criteria for Hong Kong service supplier as stipulated in Annex 5 to CEPA and in the Supplements of CEPA, TID may cancel the application concerned or revoke any HKSS certificate issued.

31. During the validity period of the HKSS certificates, if more than 50% of the equity interest of the holders of the HKSS certificates has been owned by way of merger or acquisition by service suppliers not from the Mainland or Hong Kong, TID may revoke the HKSS certificates for which renewal is sought, as well as all other HKSS certificates held by the service suppliers in question. The above-mentioned service supplier may, however, make a fresh application for a HKSS certificate one year after 50% of its shares being acquired by service suppliers not from the Mainland or Hong Kong.

32. According to the Crimes Ordinance (Cap. 200) of the HKSAR, any person who knowingly and willfully makes (otherwise than on oath) a statement false in a material particular, such statement being made in a statutory declaration shall be liable on conviction upon indictment to imprisonment for 2 years and to a fine.

33. If the application, the supporting documents and/or the attested copy of the Statutory Declaration are sent by post, TID will not accept the responsibility for any loss of documents in transit.

IV. ENQUIRIES

34. If you have any questions relating to the supporting documents mentioned in Appendix 6, please contact the relevant parties as set out in Appendix 9.

35. For enquiries relating to the application procedures or details of applying for a HKSS certificate, please contact the Hong Kong Service Supplier Certification Section of TID at:

Address : Room 1113, 11/F, Trade and Industry Department Tower,
700 Nathan Road, Kowloon
Tel : 3403 6428
Fax : 3525 0988
E-mail : hkss@tid.gov.hk

Yours faithfully,

(Ms Betty LEUNG)
for Director-General of Trade and Industry

Appendices to Notice to Service Suppliers No. 1 /2013

- Appendix 1 The Mainland’s Specific Commitments on Liberalization of Trade in Services for Hong Kong under CEPA and its Supplements – Commitments which do **NOT** Require the Support of a HKSS Certificate for Hong Kong Services Suppliers
- Appendix 2 Extracts of CEPA and its Supplements - Definition of “Service Supplier” and Related Requirements
- Appendix 3 Specimen of Hong Kong Service Supplier (HKSS) Certificate
- Appendix 4 Proforma of Application Form for Hong Kong Service Supplier (HKSS) Certificate [TID 102 (rev. 12/2012)]
- Appendix 5A Proforma of Statutory Declaration [HKSS 001 (rev. 12/2013)]
- Appendix 5B Proforma of Statutory Declaration [HKSS 002 (rev. 12/2013)] (where interpretation is needed)
- Appendix 6 Supporting Documents Required for Application for Hong Kong Service Supplier (HKSS) Certificate
- Appendix 7 Proforma of Supplementary Form for Group of Companies Applying for Hong Kong Service Supplier (HKSS) Certificate [TID 102A (rev. 12/2012)]
- Appendix 8 Extract of Annex 5 to CEPA (Article 7 and Amendments to Article 6)
- Appendix 9 Useful Contacts for Making Enquiries Concerning the Supporting Documents Required in Applying for a HKSS Certificate
- Appendix 10A Proforma of Declaration on Ultimate Beneficial Ownership of Ships [HKSS 003 (rev. 12/2005)]
- Appendix 10B Proforma of Declaration on Ultimate Beneficial Ownership of Ships [HKSS 004 (rev. 10/2008)] (where interpretation is needed)
- Appendix 11 Services Sectoral Classification List