

[Cursory Translation]

Agreement Concerning Amendment to the
Agreement on Trade in Services of the Mainland and
Hong Kong Closer Economic Partnership Arrangement

To further enhance the level of the Agreement on Trade in Services of the Mainland and Hong Kong Closer Economic Partnership Arrangement (hereinafter referred to as the Agreement on Trade in Services), to deepen the liberalisation of trade in services between the Mainland^① and the Hong Kong Special Administrative Region (hereinafter referred to as the “two sides”), as well as to strengthen the bilateral economic and trade exchanges and cooperation, the two sides decided to amend the Agreement on Trade in Services signed on 27 November 2015 in the Hong Kong Special Administrative Region (hereinafter referred to as “Hong Kong”) as follows:

1. The amendments to the main text of the Agreement on Trade in Services are as follows:
 - (i) Paragraph 1 of Article 3 (Obligations) of Chapter 3 (Obligations and Disciplines) of the Agreement on Trade in Services is amended to:

^① The “Mainland” refers to the entire customs territory of China.

“1. The specific measures applied by the Mainland to services and service suppliers of Hong Kong are set out in Annex 1 of this Agreement. In respect of the implementation of the specific commitments set out in Table 2 of Annex 1 of this Agreement, apart from applying the provisions of this Agreement, the relevant laws and regulations, and administrative regulations of the Mainland should also be applicable.”

- (ii) Footnote 6 to Chapter 4 (Commercial Presence) of the Agreement on Trade in Services is deleted.
- (iii) Footnote 7 to Chapter 5 (Cross-border Services) of the Agreement on Trade in Services is deleted.
- (iv) Article 11 (Telecommunications Services) of Chapter 6 (Telecommunications) and Article 12 (Cultural Services) of Chapter 7 (Cultural Services) of the Agreement on Trade in Services are deleted.
- (v) Chapter 8 (Requirement on Special Procedures and Information), Chapter 9 (Investment Facilitation) and Chapter 10 (Other Provisions) of the Agreement on Trade in Services are renumbered as Chapter 6, Chapter 7 and Chapter 8 respectively; Article 13 to Article 16 are renumbered as Article 11 to Article 14 respectively.

- (vi) Article 12 (Investment Facilitation) of Chapter 7 (Investment Facilitation) (i.e. the original Article 14 of Chapter 9) of the Agreement on Trade in Services is amended to:

“1. To enhance the level of investment facilitation, the Mainland agrees, with respect to Hong Kong service suppliers investing in the Mainland in sectors of trade in services as liberalised for Hong Kong under this Agreement, to adopt filing administration, in lieu of prior approval, of contracts and articles of association for establishment and change of enterprises. After filing, the related procedures will be processed in accordance with the relevant regulations of the Mainland. This Article does not apply to the following two situations:-

- (i) The reserved restrictive measures under Article 9 of Chapter 4 and the establishment and change of a financial institution will be processed in accordance with the provisions of the prevailing foreign investments laws and regulations and related regulations; or
- (ii) The establishment and change of commercial presence other than in the form of a company will be processed in accordance with the relevant prevailing regulations.

2. The Mainland may adjust the above arrangements in accordance with the law to further enhance the level of investment facilitation for Hong Kong service suppliers.”

2. To further increase the openness of services sectors of the Mainland to Hong Kong, Table 1 (Reserved Restrictive Measures under Commercial Presence (Negative List)) of Annex 1 (The Mainland’s Specific Commitments on Liberalisation of Trade in Services for Hong Kong) to the Agreement on Trade in Services is shortened and amended. The amendments are detailed in Table 1 of the Annex to this Agreement. In respect of the cross-border services, the Mainland introduced new liberalisation measures for Hong Kong. The amendments to Table 2 (Liberalisation Measures under Cross-border Services (Positive List)) of Annex 1 to the Agreement on Trade in Service are detailed in Table 2 of the Annex to this Agreement. Table 3 (Liberalisation Measures under Telecommunications (Positive List)) and Table 4 (Liberalisation Measures under Cultural Services (Positive List)) of Annex 1 to the Agreement on Trade in Services are consolidated and incorporated into Table 1 and Table 2 of the Annex to this Agreement according to the modes of commercial presence and cross-border services respectively. Table 1 and Table 2 of the Annex to this Agreement replace Table 1 and Table 2 of Annex 1 to the Agreement on Trade in Services respectively.

3. For clarity and avoidance of doubt, the provisions of the Agreement on Trade in Service not amended by this Agreement are still valid and shall continue to be implemented, and the other provisions shall continue to be implemented in accordance with the original provisions until the implementation of this Agreement.

This Agreement shall come into effect on the day of signature by the representatives of the two sides, and shall be implemented on 1 June 2020. This Agreement is signed in duplicate in the Chinese language. The Annex to this Agreement forms an integral part of this Agreement.

This Agreement is signed on 21 November 2019 in Hong Kong.

Vice Minister of Commerce
People's Republic of China

Financial Secretary
Hong Kong Special
Administrative Region of the
People's Republic of China

(Signature)

(Signature)