APPENDIX 1 TO ANNEX X

LIST OF COMMITMENTS ON
MOVEMENT OF NATURAL PERSONS OF HONG KONG, CHINA

1. Hong Kong, China's commitments under Article 3.9 of the Agreement are covered wholly and exclusively in this List. Hong Kong, China reserves the right to adopt or maintain any measure in respect of the supply of a service by a service supplier of EFTA States, through presence of natural persons of EFTA States in the Area of Hong Kong, China other than the commitments to grant temporary entry and stay for the purpose of carrying out the specified business activities in relation to the supply of services as set out in this List.

2. This List specifies the conditions and limitations for entry and temporary stay, including the requirements and length of stay, for each category of natural persons included in this List.

3. Hong Kong, China shall grant temporary entry or extension of stay to the extent provided for in the commitments set out in this List to natural persons of EFTA States, provided that those natural persons:

(a) follow prescribed application procedures for the immigration formality[8] sought; and

(b) meet all relevant eligibility requirements for entry to Hong Kong, China.

4. Temporary entry granted by Hong Kong, China to a natural person of EFTA States pursuant to this List does not exempt that person from the requirements needed to carry out a profession or activity according to the domestic law, and any applicable mandatory codes of practice made pursuant to the domestic law, in force in the Area of Hong Kong, China.

Entry in the following categories only	**Conditions (including duration of stay)**
Business visitors Definition : A **business visitor** means a natural person of EFTA States who: (a) is seeking temporary entry to Hong Kong, China for the purpose of: (i) attending meetings or conferences, or engaging in consultations with business colleagues;	The commitments shall apply to all sectors in MTN.GNS/W/120. Entry for a period not exceeding 90 days, provided that normal immigration requirements are met.

[8] It is understood that "immigration formality" means a visa, permit, pass or other document or electronic authority granting a natural person permission to enter, stay, work or establish commercial presence in the Area of Hong Kong, China.

Entry in the following categories only	Conditions (including duration of stay)
(ii) taking orders or negotiating contracts for a juridical person located in Hong Kong, China, but not selling goods or providing services to the general public; or (iii) undertaking business consultations concerning the establishment, expansion or winding up of a juridical person in Hong Kong, China; and (b) who is not seeking to enter the labour market of Hong Kong, China; and (c) whose principal place of business, actual place of remuneration, and predominant place of accrual of profits remain outside Hong Kong, China.	
Intra-corporate transferees Definition: An **intra-corporate transferee** means a senior manager or a specialist who is an employee of a service supplier of EFTA States with a commercial presence in Hong Kong, China. A **senior manager** means a natural person of EFTA States within an organisation of EFTA States who: (a) is a senior employee of that organisation with responsibility for the entire organisation's operations, or a substantial part of it, in Hong Kong, China; (b) has proprietary information of the organisation and receives only general supervision or direction from higher level executives or the board of directors or stockholders of the organisation; and	The commitments: (a) shall only apply to the sectors and sub-sectors in MTN.GNS/W/120 as set out in paragraph 5 and the services as set out in paragraph 6 below; (b) shall only apply to natural persons of EFTA States of service suppliers of EFTA States which have a bona fide business establishment operating in Hong Kong, China. The number of natural persons who may seek entry under these commitments shall be reasonable having regard to the size and the nature of the business operation of the relevant establishment in Hong Kong, China; and (c) are limited to entry and temporary stay. Temporary stay implies that the appropriate prior authority will

Entry in the following categories only	**Conditions (including duration of stay)**
(c) supervises and controls the work of other supervisory, professional or managerial employees. This does not include a first-line supervisor unless the employees supervised are professionals, nor does this include an employee who primarily performs tasks necessary for the provision of the service. A **specialist** means a natural person of EFTA States within an organisation of EFTA States who: (a) possesses knowledge at an advanced level of technical expertise; (b) possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; and (c) is essential to the operation of the concerned service supplier's establishment in Hong Kong, China.	have been applied for and obtained before departure for Hong Kong, China. For senior managers and specialists, temporary stay shall be limited to one year in the first instance, which may be extended up to a total of five years. Natural persons of EFTA States seeking entry into Hong Kong, China as senior manager or specialist under Hong Kong, China's commitments on intra-corporate transferees shall: (a) be employees who have been in the prior employ of the concerned service supplier which sponsors their entry into Hong Kong, China for a period of not less than one year immediately preceding the date of application for admission; and (b) during their stay in Hong Kong, China, except with the prior approval of the Government of Hong Kong, China, not change employment or employers.
Installers or servicers Definition: An **installer or servicer** means a natural person of EFTA States who is an installer or servicer of machinery, equipment or both machinery and equipment, where such installation and/or servicing by the supplying company is a condition of purchase of the said machinery or equipment. An installer or servicer cannot perform services which are not related to the service activity which is the subject of the contract.	The commitments shall only apply to the sectors and sub-sectors in MTN.GNS/W/120 as set out in paragraph 7 below. Entry for a period not exceeding three months in any 12-month period and subject to economic needs tests[9].

5. In respect of intra-corporate transferees, the commitments apply only to the following sectors and sub-sectors in MTN.GNS/W/120:

[9] Including economic benefits test and labour market test.

	SECTORS AND SUB-SECTORS	CORRESPONDING CPC
1	BUSINESS SERVICES	Section B
A.	Professional Services	
b.	Accounting, auditing and bookkeeping services	862
c.	Taxation services	863
d.	Architectural services	8671
g.	Urban planning and landscape architectural services	8674
B.	Computer and Related Services	
a.	Consultancy services related to the installation of computer hardware	841
b.	Software implementation services	842
c.	Data processing services	843
d.	Data base services	844
e.	Other	845+849
D.	Real Estate Services	
a.	Involving own or leased property	821
b.	On a fee or contract basis	822
E.	Rental/Leasing Services without Operators	
a.	Relating to ships	83103
c.	Relating to other transport equipment, excluding other land transport equipment	83101+83102
d.	Relating to other machinery and equipment	83106-83109
F.	Other Business Services	
a.	Advertising services	871
b.	Market research and public opinion polling services	864
c.	Management consulting service	865
d.	Services related to management consulting	866
e.	Technical testing and analysis services	8676
f.	Services incidental to agriculture, hunting and forestry	881
g.	Services incidental to fishing	882
i.	Services incidental to manufacturing	884+885 (except for 88442)
k.	Placement and supply services of Personnel	872
l.	Investigation and security	873
n.	Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861-8866
o.	Building-cleaning services	874
p.	Photographic services	875
q.	Packaging services	876
r.	Printing, publishing	88442

	SECTORS AND SUB-SECTORS	CORRESPONDING CPC
s.	Convention services	87909*
t.	Other, excluding credit reporting services; collection agency services; and other business services not elsewhere classified	8790 excluding 87901, 87902 & 87909
2	COMMUNICATION SERVICES	
B.	Courier services (limited to the provision of services on a fee or contract basis for the delivery of documents and parcels, but excluding services reserved to the Post Office under the Post Office Ordinance)	7512**
C.	Telecommunication services	
a.	Voice telephone services	7521
b.	Packet-switched data transmission services	7523**
c.	Circuit-switched data transmission services	7523**
d.	Telex services	7523**
e.	Telegraph services	7522
f.	Facsimile services	7521**+7529**
g.	Private leased circuit services	7522**+7523**
h.	Electronic mail	7523**
i.	Voice mail	7523**
j.	On-line information and data base retrieval	7523**
k.	electronic data interchange (EDI)	7523**
l.	enhanced/value-added facsimile services, including store and forward, store and retrieve	7523**
m.	code and protocol conversion	n.a.
n.	on-line information and/or data processing (including transaction processing)	843**
o.	other	
D.	Audiovisual services	
a.	Motion picture and video tape production and distribution services	9611
b.	Motion picture projection service (limited to motion picture projection services in cinemas)	96121**
e.	Sound recording	n.a.
3	CONSTRUCTION AND RELATED ENGINEERING SERVICES	
B.	General construction work for civil engineering	513

	SECTORS AND SUB-SECTORS	CORRESPONDING CPC
D.	Building completion and finishing work	517**
	- Interior design services (limited to specialised consulting services related to the post-construction design and fitting out of interior living and working spaces)	
E.	Other	
	- Project management services (limited to the supervision and coordination of construction projects but do not cover engineering or architectural services)	
4	DISTRIBUTION SERVICES	
B.	Wholesale trade services, excluding wholesale trade services of live animals (except for live food animals); agricultural raw materials not elsewhere classified (except for animal feed); edible oils and fats; edible offal, preserves and preparations of meat; fishery products; pharmaceutical and medical goods; and surgical and orthopaedic instruments and devices	622**
C.	Retailing services	
	- Food retailing services	631
	- Non-food retailing services, excluding retail sales of pharmaceutical, medical and orthopaedic goods	632 excluding 63211
6	ENVIRONMENTAL SERVICES	
A.	Sewage services	9401
B.	Refuse disposal services	9402
C.	Sanitation and similar services	9403
	Cleaning services of exhaust gases	9404
	Noise abatement services	9405
	Nature and landscape protection services	9406
	Other environmental protection services not elsewhere classified (n.e.c.)	9409
7	FINANCIAL SERVICES (W/120)	
A.	All insurance and insurance-related services	812**
a.	Life, accident and health insurance services	8121
b.	Non-life insurance services	8129
c.	Reinsurance and retrocession	81299*
d.	Services auxiliary to insurance (including broking and agency services)	8140
B.	Banking and other financial services (excl. insurance)	

SECTORS AND SUB-SECTORS	CORRESPONDING CPC
a. Acceptance of deposits and other repayable funds from the public	81115-81119
b. Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction	8113
c. Financial leasing	8112
d. All payment and money transmission services	81339**
e. Guarantees and commitments	81199**
f. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	
- money market instruments (cheques, bills, certificate of deposits, etc.)	81339**
- foreign exchange	81333
- derivative products including, but not limited to, futures and options	81339**
- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc.	81339**
- transferable securities	81321*
g. Participation in issues of all kinds of securities, including under-writing and placement as agent (whether publicly or privately) and provision of service related to such issues	8132
i. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services	8119**+81323*
k. Advisory and other auxiliary financial services on all the activities listed in Article 1B of MTN.TNC/W/50, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	8131 or 8133
l. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	8131
9 TOURISM AND TRAVEL RELATED SERVICES	
A. Hotels and restaurants (incl. catering)	
- Hotel lodging services	6411
- Other lodging services (limited to children's holiday camp services; holiday centre and holiday home services; youth hostel and mountain shelter services; and camping and caravanning site services)	64191, 64192, 64194 & 64195
- Restaurant and catering services	642 & 643

SECTORS AND SUB-SECTORS	CORRESPONDING CPC
B. Travel agencies and tour operators services (limited to the business of obtaining for clients carriage and/or accommodation outside Hong Kong, China and the provision of related services such as the furnishing of travel information, advice and planning)	7471**
10 RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)	
A. Entertainment services (including theatre, live bands and circus services)	
- Theatrical producer, singer group, band and orchestra entertainment services	96191
- Ancillary theatrical services n.e.c.	96193
- Ballroom, discotheque and dance instructor services	96195
C. Libraries, archives, museums and other cultural services	
- Library and archive services	9631
11 TRANSPORT SERVICES	
A. Maritime Transport Services (excluding cabotage)[10]	
b. Freight transportation	7212
c. Rental of vessel with crew (limited to services of hiring a vessel with crew under charter party terms for a voyage or period of time)	7213**
d. Maintenance and repair of vessels (limited to businesses related to maintenance and repair of ocean going vessels at anchor or alongside and maintenance and repair of local vessels)	8868**
H. Services auxiliary to all modes of transport	
a. Cargo-handling services (except those of rail and air)	741**
b. Storage and warehouse services (except those of rail and air)	742**
c. Freight transport agency services	748
d. Other	749

6. The commitments on intra-corporate transferees also apply to the following maritime auxiliary services:

[10] Cabotage is assumed to cover 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.

- Customs clearance services (limited to activities consisting of carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity);

- Container station and depot services (limited to activities consisting of storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipment);

- Maritime agency services (limited to activities consisting of representing, within a given geographic area, as an agent the business interest of one or more shipping lines or shipping companies for marketing and sales of maritime transport and related services and for acting on behalf of the companies organising the call of the ship or taking over cargoes when required); and

- Preshipment inspection services (limited to services performed on a fee or contract basis involved in the verification of quality, quantity, price (including currency, exchange rate and financial terms), and/or the customs classification of goods to be exported. Customs or quarantine inspection is not included).

7. In respect of installers or servicers, the commitments apply only to the following sectors and sub-sectors in MTN.GNS/W/120[11]:

SECTORS AND SUB-SECTORS	CORRESPONDING CPC
1 BUSINESS SERVICES	Section B
B. Computer and Related Services	
a. Consultancy services related to the installation of computer hardware	841
b. Software implementation services	842
c. Data processing services	843
d. Data base services	844
F. Other Business Services	
i. Services incidental to manufacturing, limited to the following field of activities: Machinery and equipment for chemical manufacturing Machinery and equipment for manufacturing of automotive parts Machinery and equipment for metal working Machinery and equipment for pharmaceutical manufacturing Machinery and equipment for textile manufacturing	884+885, except 88442**

[11] In implementing this commitment, the sectors and segments listed under this paragraph shall be construed by reference to the field of activity of the supplying company.

	Measuring equipment Precision equipment	
2	COMMUNICATION SERVICES	
C.	Telecommunication services	
h.	Electronic mail	7523**
i.	Voice mail	7523**
j.	On-line information and data base retrieval	7523**
k.	Electronic data interchange (EDI)	7523**
l.	Enhanced / value-added facsimile services, including store and forward, store and retrieve	7523**
m.	Code and protocol conversion	n.a.
n.	On-line information and / or data processing (including transaction processing)	843**
6	ENVIRONMENTAL SERVICES	
A.	Sewage services	9401
B.	Refuse disposal services	9402
C.	Sanitation and similar services	9303
	Cleaning services of exhaust gases	9404
	Noise abatement services	9405
	Nature and landscape protection services	9406
	Other environmental protection services n.e.c.	9409
8	HEALTH RELATED AND SOCIAL SERVICES	
B.	Other Human Health Services	
	Other human health services n.e.c. – limited to the following field of activity: Medical equipment	93199**
11	TRANSPORT SERVICES	
H.	Services auxiliary to all modes of transport	
a.	Cargo-handling services (except those of air and rail)	741**
b.	Storage and warehouse services (except those of air and rail)	742**

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.

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