

ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

Specific Commitments¹ of ASEAN Member States (AMS) on Computer and Related Services

Modes of supply²: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Brunei Darussalam	(a) Consultancy services related to installation of computer hardware (b) Software implementation (c) Data processing services (d) Database services (CPC 841, 842, 843, 844, 845 + 849)	1) None 2) None 3) Commercial presence is permitted only through a company which is registered in Brunei Darussalam. 4) Unbound except as indicated in the horizontal measures.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal measures.

¹ As extracted from the Schedules of Specific Commitments of ASEAN Member States. The full schedules can be found in Trade and Industry Department's website at http://www.tid.gov.hk/english/ita/fta/hkasean/text_agreement.html.

² See explanatory note at Annex.

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Cambodia	(a) Consultancy services related to the installation of computer hardware (CPC 841) (b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) (d) Data base services (CPC 844) (e) Other (CPC 845+849)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Indonesia	No commitment	Not applicable	Not applicable

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Lao PDR	Computer and Related Services (CPC 84)	1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.

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Malaysia	a. Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.
	b. Consultancy services related to software implementation service covering advisory and implementation for customised software (CPC 842)	1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.

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	c. Data processing services (CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.
	d. Data base services (CPC 8440)	1) None 2) None 3) None 4) Unbound except as indicated in 1 (a) and (b) and 2 (a) and (c) in the horizontal section.	1) None 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Myanmar	Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments
	Software implementation Services (CPC 842) (i) System and software consulting Services (CPC 8421) (ii) System analysis services (CPC 8422) (iii) System design services (CPC 8423) (iv) Programming services (CPC 8424) (v) System maintenance services (CPC 8425)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
	Data processing services (CPC 843) (i) Input processing services (CPC 8431) (ii) Data-processing and tabulation services (CPC 8432) (iii) Time-sharing services (CPC 8433) (iv) Other data processing services (CPC 8439)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments
	Data base services (CPC 844)	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
	Other (CPC 845+849) (i) Maintenance and repair services of office machinery (CPC 845) (ii) Other computer services (CPC 849) - Data-processing services (CPC 8491) - Other computer services (CPC 8499) - System integration services - Software development services	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments	1) None 2) None 3) As indicated in the Horizontal Commitments 4) As indicated in the Horizontal Commitments

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Philippines	No commitment	Not applicable	Not applicable

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
Singapore	<p>Computer Services</p> <p>The services covered are:</p> <ul style="list-style-type: none"> - Software development - Systems Integration Services - Data processing - Data base services <p>Commitments in Telecommunication services are recorded in 2.C of the Schedule of Specific Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal Section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>

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Thailand	(a) Consultancy services related to the installation of computer hardware (CPC 84100)	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section
	Hardware consultancy services (CPC Version 1.1:83141**)	1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound	1) None 2) None 3) As indicated in the horizontal section 4) Unbound
	(b) Software implementation services (CPC 84210+84220+84230+84240+84250)	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
	Software consultancy services (CPC Version 1.1:83142**)	1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound	1) None 2) None 3) As indicated in the horizontal section 4) Unbound
	(c) Data processing services (excluding those provided over public telecommunications network) (CPC 84310+84320 +84330+84390)	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section
	Data processing services (excluding those provided over public telecommunications network) (CPC Version 1.1:85960)	1) None 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound	1) None 2) None 3) As indicated in the horizontal section 4) Unbound

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AMS	Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment
	(d) Data base services (excluding those provided over public telecommunications network) (CPC 84400)	1) Unbound 2) None 3) As indicated in 3.2 of the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section
	(e) Other computer services: Software training services for staff of clients (part of CPC 849)	1) Unbound 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) Unbound 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section

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Viet Nam	B. Computer and Related Services (CPC 841-845, CPC 849)	1) None. 2) None. 3) None Branching is allowed. 4) Unbound, except as indicated in the horizontal section.	1) None. 2) None. 3) None, except that the chief of the branch has to be a resident in Viet Nam. 4) Unbound, except as indicated in the horizontal section.

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EXPLANATIONS OF THE FOUR MODES OF SUPPLY FOR TRADE IN SERVICES

Cross Border Supply (Mode 1)

The cross border mode of supply refers to the supply of service from the area of an FTA party into the area of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 1, a service supplier of the other Party of the FTA (i.e. Party B) can supply the service within the area of Party B to service consumers in the area of Party A, without being physically present in the area of Party A. An example is the supply of consultancy service through telecommunications, fax or mail etc.

Consumption Abroad (Mode 2)

The consumption abroad mode of supply refers to the supply of service in the area of an FTA party to the service consumer of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 2, a service supplier of Party B can, within the area of Party B, provide the service to consumers of Party A who are present in the area of Party B. An example is the supply of hotel services.

Commercial Presence (Mode 3)

The commercial presence mode of supply refers to the supply of service by a service supplier of an FTA party, through commercial presence in the area of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 3, a service supplier of Party B can provide the service within the area of Party A through commercial presence in the area of Party A. This covers the presence of juridical persons (e.g. corporations, joint ventures, partnership, sole proprietorship, trust, association) as well as representative offices, branches etc.

Movement of Natural Person (Mode 4)

The movement of natural person mode of supply refers to the supply of service by a service supplier of an FTA party, through the presence of their natural persons in the area of the other FTA party. If Party A of an FTA makes commitment in respect of Mode 4, a service supplier of Party B can provide the service within the area of Party A through the presence of natural persons of Party B. This covers natural persons who are themselves service suppliers, as well as natural persons who are employees of service suppliers (e.g. accountants of accounting firms).