

ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

Specific Commitments¹ of ASEAN Member States (AMS) on Rental/Leasing Services Without Operators

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 | b. Relating to aircraft Rental/leasing services relating to aircraft without operators (CPC 83104) | 1) Aircraft must be certified. Entry to Brunei Darussalam is subject to approval and limitations on the basis of infrastructure capacity. 2) None 3) Unbound except: (a) Only through a representative office; or (b) Only by appointment of a General Sales Agent, that is Bruneian Controlled Company; and (c) Permanent address in Brunei | 1) None 2) None 3) Unbound |

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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|-----|----------------------|---|--|
| | | <p>Darussalam is required with respect to (a).</p> <p>4) Unbound except with respect to (b), one technical post subject to:</p> <ul style="list-style-type: none"> - Local availability test, - Designation of a specified number of Brunei trainees. | <p>4) Unbound except as indicated under horizontal measures (in order to practice a licensed profession in Brunei Darussalam the following conditions must be met:</p> <p>(a) residency;</p> <p>(b) registration).</p> |

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|----------|---|--|--|
| Cambodia | d. Relating to other machinery and equipment | | |
| | Renting and leasing of studio recording equipment (CPC 83109**) | 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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|------------------|-----------------------------|-------------------------------------|--|
| Indonesia | No commitment | Not applicable | Not applicable |

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|---------|----------------------|------------------------------|-----------------------------------|
| Lao PDR | No commitment | Not applicable | Not applicable |

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|-----------------|-----------------------------|-------------------------------------|--|
| Malaysia | No commitment | Not applicable | Not applicable |

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|---------|--|--|--|
| Myanmar | d. Relating to other machinery and equipment | | |
| | Rental and Leasing of Studio Recording equipment (CPC 83109) | 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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|------------------------|----------------------|------------------------------|-----------------------------------|
| The Philippines | No commitment | Not applicable | Not applicable |

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|-----------|----------------------------------|--|---|
| Singapore | a. Relating to ships | | |
| | Relating to ships (CPC 83103) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section | 1) None 2) None 3) None 4) Unbound |

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|----------|---|--|---|
| Thailand | d. Relating to other machinery and equipment | | |
| | Rental and leasing services concerning agricultural machinery, construction machinery, office machinery, other machinery and equipment without operator (CPC 83106-83109) | 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 |
|----------|--|--|---|
| Viet Nam | b. Relating to aircraft | | |
| | Relating to aircraft (CPC 83104) | 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. |
| | d. Relating to other machinery and equipment | | |
| | Relating to other machinery and equipment (CPC 83109) | 1) Unbound, except for industrial machinery and equipment ⁸ : None. 2) None. 3) Unbound. 4) Unbound, except as indicated in the horizontal section. _____ ⁸ Excluding mining and oil field equipment; commercial radio, television and communication equipment. | 1) Unbound, except for industrial machinery and equipment: None. 2) None. 3) Unbound. 4) Unbound, except as indicated in the horizontal section. |

- End -

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).