

ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

Specific Commitments¹ of ASEAN Member States (AMS) on Environmental 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	No commitment	Not applicable	Not applicable

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.

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
Cambodia	<p>A. Sewage services (CPC 9401)</p> <p>B. Refuse disposal services (CPC 9402)</p> <p>C. Sanitation and similar services (CPC 9403)</p> <p>D. Other services</p> <ul style="list-style-type: none"> - Cleaning of exhaust gases (CPC 9404) - Noise abatement services (CPC 9405) - Nature and landscape protection services (CPC 9406) - Other environmental services not included 	<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, except as indicated in the horizontal section</p>

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
	elsewhere (CPC 9409)		

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
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	ENVIRONMENTAL SERVICES⁹ Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators. <hr style="width: 20%; margin-left: 0;"/> ⁹ Environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.		
	A. Wastewater management (part of CPC 9401) B. Waste management (part of CPC 9402 and 9403) C. Protection of ambient air and climate (part of CPC 9404) D. Remediation and cleanup of soil and water (part of CPC 9406) E. Noise and vibration abatement (part of CPC 9405)	1) Unbound, except related consulting services. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.	1) Unbound, except related consulting services. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.

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
Malaysia	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
Myanmar	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
<p>The Philippines</p>	<p>Sewerage Services (CPC 9401)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed.</p> <p>For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made.</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>

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
		<p>For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following:</p> <ul style="list-style-type: none"> a. Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements/arrangements with the LWDs. b. In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/ 	

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		<p>arrangements that may be entered into will be with local government unit/s concerned.</p> <p>4) Unbound</p>	<p>4) Unbound</p>
<p>Unbound*: means unbound due to lack of technical feasibility.</p>			

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	C. Sanitation and similar services (CPC 9403)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section	1) Unbound* 2) None 3) None 4) Unbound
	D. Cleaning services of exhaust gases (CPC 9404)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section	1) Unbound* 2) None 3) None 4) Unbound

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
	D. Noise abatement services (CPC 9405)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal Section	1) Unbound* 2) None 3) None 4) Unbound
Unbound*: means unbound due to lack of technical feasibility.			

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
Thailand	A. Sewage Services		
	Environmental consultancy on sewage system, refuse disposal, hazardous waste management, air pollution and noise management, sanitation and other environmental management services (CPC 9401**)	1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section
	Environmental protection and environmental abatement services (CPC 9401**)	1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	1) None 2) None 3) As indicated in the horizontal section 4) As indicated in the horizontal section

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
	Sewage Services (including industrial waste water treatment system) (CPC 9401**)	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
B. Refuse Disposal Services			
	Refuse disposal services (including hazardous waste management and incinerator) (CPC 9402)	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

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
	Hazardous waste treatment and disposal services (CPC Version 1.1:94222)	1) Unbound* 2) None 3) As indicated in 3.2 of the horizontal section 4) Unbound	1) Unbound* 2) None 3) As indicated in the horizontal section 4) Unbound
C. Sanitation and similar services			
	C. Sanitation and similar services (CPC 9403)	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

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
	Beach Cleaning services and drain unblocking services (CPC 1.1: 94390**)	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
D. Other			
	Cleaning services of exhaust gases (including industrial emission abatement) (CPC 9404) Noise abatement services (CPC 9405) Nature and landscape protection services (CPC 9406)	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

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
	Other environmental protection services (CPC 9409)		
Unbound*: means unbound due to lack of technical feasibility.			

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	Additional Commitments
Viet Nam	Access to certain geographic areas may be restricted for national security reasons ²⁴ .			
	²⁴ For greater transparency, this commitment allows the maintenance or adoption of limitations or restrictions for national security reasons that would be justified under Article XIV and Article XIV bis of the GATS.			
	A. Sewage Services			
	A. Sewage Services (CPC 9401)	1) Unbound, except related consulting services. 2) None. 3) None, except: Confirming that services supplied in the exercise of governmental authority as defined in Article 1(a) of Chapter 8 may be subject to public monopolies or exclusive rights granted to	1) Unbound, except related consulting services. 2) None. 3) None.	Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).

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		<p>private operators.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>4) Unbound, except as indicated in the horizontal section.</p>	
	B. Refuse disposal services			
	<p>B. Refuse disposal services (CPC 9402)²⁵</p> <p>²⁵ Import of refuse is forbidden by</p>	<p>1) Unbound, except related consulting services.</p> <p>2) None.</p> <p>3) None, except:</p> <p>Confirming that services supplied in the exercise of governmental authority as defined in 1(a) of Chapter 8 may be subject to public monopolies or exclusive rights granted to private operators.</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p>	<p>Foreign companies are allowed to do business activities in Viet Nam in the form of build-operate-transfer (BOT) and build-transfer-operate (BTO).</p>

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

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	law. Treatment and disposal of hazardous waste is regulated by Law.	<p>For the purpose of ensuring public welfare, foreign-invested enterprises are restricted from collecting refuse directly from households. They are only permitted to provide services at the refuse collection points as specified by local municipal and provincial authorities.</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) Unbound, except as indicated in the horizontal section</p>	
D. Other				
	<p>D. Other services</p> <p>- Cleaning services of exhaust gases (CPC 94040) and</p>	<p>1) Unbound, except related consulting services.</p> <p>2) None.</p>	<p>1) Unbound, except related consulting services.</p> <p>2) None.</p>	

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

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	noise abatement services (CPC 94050)	<p>3) None, except:</p> <p>Confirming that services supplied in the exercise of governmental authority as defined in Article 1(a) of Chapter 8 may be subject to public monopolies or exclusive rights granted to private operators.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	
	- Environmental impact assessment services (CPC 94090*)	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal</p>	<p>1) None.</p> <p>2) None.</p> <p>3) None.</p> <p>4) Unbound, except as indicated in the horizontal</p>	

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		section.	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).