

ASEAN – HONG KONG, CHINA FREE TRADE AGREEMENT

**Specific Commitments¹ of ASEAN Member States (AMS) on
Recreational, Cultural and Sporting Services (other than audiovisual 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	A. Entertainment services (including theatre, live bands and circus services)		
	- Other entertainment services n.e.c. (CPC 96199):	1) None	1) None
	- Cinema theatre services, including cinema projection services	2) None	2) None
		3) None	3) None
		4) Unbound, except as indicated in the horizontal section	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
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
Laos PRD	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
Malaysia	A. Entertainment services (including theatre, live bands and circus services)		
	Other Entertainment Services	1) Unbound due to lack of technical feasibility.	1) Unbound due to lack of technical feasibility.
	Theatrical producer, singer group, band and orchestra entertainment services (CPC 96191)	2) None 3) Entertainment services may be supplied only by a natural person. 4) Unbound except as indicated in 2 (a) in the horizontal section	2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.
	Services provided by authors, composers, sculptors, entertainers and other individual artists (CPC 96192)	1) Unbound due to lack of technical feasibility. 2) None 3) Entertainment services may be supplied only by a natural person. (Only through a Malaysian-controlled corporation acting as the local sponsor) 4) Unbound except as indicated in 2 (a) in the horizontal section	1) Unbound due to lack of technical feasibility. 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.

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. Sporting and other recreational services		
	Sports events promotion services (CPC 96411)	1) Unbound due to lack of technical feasibility. 2) None 3) Only through a Malaysian- controlled corporation acting as the local sponsor. 4) Unbound, except as indicated in the horizontal section	1) Unbound due to lack of technical feasibility. 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.
	Sports events organisation services (CPC 96412)	1) Unbound due to lack of technical feasibility. 2) None 3) Only through a Malaysian- controlled corporation acting as the local sponsor. 4) Unbound, except as indicated in the horizontal section	1) Unbound due to lack of technical feasibility. 2) None 3) None 4) Unbound, except for the categories of natural persons referred to under market access.

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
The 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	C. Libraries, archives, museums and other cultural services		
	C. Library Services (CPC 96311)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal Section	1) None 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
Thailand	A. Entertainment services (including theatre, live bands and circus services)		
	Amusement parks (CPC 1.1:96910**)	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
	B. New agency services		
	Picture supply services (CPC96212)	1) None 2) None 3) As indicated in 3.1 of the horizontal section 4) Unbound	1) None 2) None 3) As indicated in the horizontal section 4) Unbound
	C. Libraries, archives, museums and other cultural services		
	Private library services (CPC 96311**)	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
	D. Sporting and other recreational services		
D. <u>Sporting services</u> (excluding other sporting services)	1) Unbound 2) None	1) Unbound 2) None	

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
	specified in CPC 96419) (CPC 96411 + 96412 + 96413)	3) As indicated in 3.1 of the horizontal section 4) As indicated in the horizontal section	3) As indicated in the horizontal section 4) As indicated in the horizontal section
	<u>Other recreational services</u> (CPC 9649**) Recreation Park and Beach Services (CPC 96491)	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
Viet Nam	A. Entertainment services (including theatre, live bands and circus services)		
	A. Entertainment services (including theatre, live bands and circus services) (CPC 9619)	1) Unbound. 2) None. 3) Unbound except joint ventures with foreign capital contribution not exceeding 49% are permitted. 4) Unbound, except as indicated in the horizontal section.	1) Unbound. 2) None. 3) None. 4) Unbound, except as indicated in the horizontal section.
	D. Other recreational services		
	D. Other - Electronic games business (CPC 964**)	1) Unbound. 2) None. 3) Only through business cooperation contract or joint-venture with Vietnamese partners who are specifically authorized to provide these services. Foreign capital contribution shall not exceed 49% of the legal capital of the joint ventures. 4) Unbound, except as indicated in the horizontal section	1) Unbound. 2) None. 3) None. 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).