

1 July 2024

Ms Maggie Wong
Director-General of Trade and Industry
Trade and Industry Department
Hong Kong, China

Dear Ms Wong,

I have the honour to refer to the Hong Kong, China - New Zealand Closer Economic Partnership Agreement ("Agreement").

I have the further honour to refer to Implementing Arrangement 1 to Annexes I, II, III and IV to Chapter 12 (Government Procurement) of the Agreement dated 5 May 2022 and would like to propose the updates set out in the Appendix to this letter to modify Hong Kong, China's List of Entities in Section A and Covered Goods and Services in Section B and New Zealand's List of Entities in Section A respectively under the List of Entities and Covered Goods and Services in Annex I to Chapter 12 (Government Procurement) of the Agreement.

If the above is acceptable to the Government of Hong Kong, China, I have the honour to propose that this letter and your letter of confirmation in reply will constitute an agreement pursuant to Implementing Arrangement 1 to Annexes I, II, III and IV to Chapter 12 (Government Procurement) of the Agreement dated 5 May 2022, which will enter into effect on 1 July 2024.

Yours sincerely,

Mr Greg Andrews
Division Manager, Trade Policy Engagement and Implementation,
Ministry of Foreign Affairs and Trade
New Zealand

**ANNEX I TO CHAPTER 12 (GOVERNMENT PROCUREMENT)
LIST OF ENTITIES AND COVERED GOODS AND SERVICES**

For New Zealand:

Section A: List of Entities

~~Archives New Zealand~~

Crown Law Office

~~Department of Building and Housing~~

Department of Conservation

Department of Internal Affairs

Department of the Prime Minister and Cabinet

Education Review Office

Government Communications Security Bureau

Inland Revenue Department

Land Information New Zealand

~~Ministry of Agriculture and Forestry~~

Ministry for Culture and Heritage

~~Ministry of Economic Development~~

Ministry of Business, Innovation and Employment

Ministry of Education

Ministry for the Environment

~~Ministry of Fisheries~~

Ministry of Foreign Affairs and Trade

Ministry of Justice

Ministry for Primary Industries

Ministry of Māori Development

~~Ministry of Pacific Island Affairs~~ ***Ministry for Pacific Peoples***

~~Ministry of Research, Science and Technology~~

Ministry of Social Development

~~Ministry of Women's Affairs~~ ***Ministry for Women***

New Zealand Customs Service

~~New Zealand Food Safety Authority~~

Serious Fraud Office

~~State Services Commission~~ ***Public Service Commission***

The Treasury

Section B: Goods and Services

1. Goods

Chapter 12 (Government Procurement) applies to all goods procured by the entities listed in Section A, except in the case of procurements listed in Section C.

2. Services

Chapter 12 (Government Procurement) applies to all services procured by the entities listed in Section A, except in the case of the following:

- (a) procurement of research and development services¹;
- (b) procurement of public health, education and welfare services²; and
- (c) procurements listed in Section C.

3. Construction Services³

Chapter 12 (Government Procurement) applies to all construction services procured by the entities listed in Section A, except in the case of procurements listed in Section C.

Section C: General Conditions

1. Chapter 12 (Government Procurement) shall not apply to procurement of goods or services in respect of contracts for construction, refurbishment or furnishing of chanceries abroad⁴.

2. Subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties where the same conditions prevail or a disguised restriction on trade between the Parties, nothing in Chapter 12 (Government Procurement) shall be construed to prevent New Zealand from adopting or maintaining measures relating to goods or services of not for profit institutions.

1 As defined in WTO document MTN.GNS/W/120 (CPC 851- 853).

2 Refers to procurement, for provision to the public, of services classified in WTO document MTN.GNS/W/120 under the sector headings "Educational Services" (CPC 921, 922, 923, 924, and 929) and "Health Related and Social Services" (Public Health: CPC 931, including 9311, 9312 and 9319; Welfare: CPC 933 and 913).

3 This refers to WTO document MTN.GNS/W/120 sector heading "Construction and Related Engineering Services".

4 As regards construction services, this refers to WTO document MTN.GNS/W/120 sector heading "Construction and Related Engineering Services".

For Hong Kong, China:

Section A: List of Entities

1. Agriculture, Fisheries and Conservation Department
2. Architectural Services Department
3. Audit Commission
4. Auxiliary Medical Service
5. Buildings Department
6. Census and Statistics Department
7. Civil Aid Service
8. Civil Aviation Department
9. Civil Engineering and Development Department
10. Companies Registry
11. Correctional Services Department
12. Customs and Excise Department
13. Department of Health
14. Department of Justice
15. Drainage Services Department
16. Electrical and Mechanical Services Department
17. Environmental Protection Department
18. Fire Services Department
19. Food and Environmental Hygiene Department
20. Government Flying Service
21. Government Laboratory
22. Government Logistics Department
23. Government Property Agency
24. Government Secretariat
25. Highways Department
26. Home Affairs Department
27. Hong Kong Monetary Authority
28. Hong Kong Observatory
29. Hong Kong Police Force (including Hong Kong Auxiliary Police Force)
- 30. *Hongkong Post***
- ~~31~~30. Immigration Department
- ~~32~~31. Independent Commission Against Corruption
- ~~33~~32. Information Services Department

3433. Inland Revenue Department
3534. Intellectual Property Department
3635. Invest Hong Kong
3736. Joint Secretariat for the Advisory Bodies on Civil Service and
Judicial Salaries and Conditions of Service
3837. Judiciary
3938. Labour Department
4039. Land Registry
4140. Lands Department
4241. Legal Aid Department
4342. Leisure and Cultural Services Department
4443. Marine Department
45. Office of the Communications Authority
~~44. Office of the Telecommunications Authority~~
4645. Official Receiver's Office
4746. Planning Department
~~47. Post Office~~
48. Public Service Commission
49. Radio Television Hong Kong
50. Rating and Valuation Department
51. Registration and Electoral Office
52. Social Welfare Department
53. ~~Student Financial Assistance Agency~~ **Student Finance Office**
~~54. Television and Entertainment Licensing Authority~~
5455. Trade and Industry Department
5556. Transport Department
5657. Treasury
5758. University Grants Committee Secretariat
5859. Water Supplies Department

Section B: Covered Goods and Services

Goods

Chapter 12 (Government Procurement) applies to all goods procured by the entities listed in Section A.

Services (other than construction services)

The following services, classified according to the United Nations ***Provisional*** Central Product Classification (***CPC***) ~~*Provisional*~~ Code ~~*on*~~ ~~*Goods and Services (CPC)*~~, are covered:

	<u><i>CPC</i></u>
1. <i>Computer and Related Services</i>	
- Data base and processing services	843+844
- Maintenance and repair service of office machinery and equipment including computers	845
- Other Computer Services	849
2. <i>Rental/Leasing Services Without Operators</i>	
- Relating to ships	83103
- Relating to aircraft	83104
- Relating to other transport equipment	83101+83102+83105
- Relating to other machinery and equipment	83106+83109

3.	Other Business Services	
-	Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+8861 - 8866
-	Market Research & Public Opinion Polling Services	864
-	Security Armoured Car Services	87304
-	Building-Cleaning Services	874
-	Advertising Services	871
4.	<i>Courier Services</i>	7512
5.	<i>Telecommunications Services</i>	
-	Value-added telecommunications services	7523, 843
-	Basic telecommunications services	7521, 7529
-	Telecommunications-related services	754
6.	<i>Environmental Services</i>	
-	Sewage services	9401
-	Refuse disposal services	9402

7. *Financial Services* ex 81
(exceptions are set out in Paragraph 3
of “Notes to Sections A and B”)
- All Insurance and Insurance-Related Services
 - Banking and other financial services
8. *Transport Services*
- Air transportation services 731, 732, 734
(excluding transportation of mail)
 - Road transport services 712, 6112, 8867

Construction Services

The following construction services in the sense of Division 51 of the CPC are covered:

All services of Division 51 of the CPC

A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the CPC.

Notes to Sections A and B:

1. Notwithstanding anything in Sections A and B, Chapter 12 (Government Procurement) shall not apply to:
 - (a) all consultancy and franchise arrangements, including build-operate-transfer contracts and public works concession contracts;
 - (b) transportation of mail by air;
 - (c) statutory insurances including third party liability in respect of vehicles and vessels and employer's liability insurance in respect of employees; and
 - (d) purchase of office or residential accommodation by the Government Property Agency.
2. Suppliers of telecommunications services may require licensing under the Telecommunications Ordinance, Chapter 106. Suppliers applying for the licences are required to be established in Hong Kong under the Companies Ordinance, Chapter 32.
3. The following services are excluded from Financial Services under Section B:
 - (a) *CPC 81402*
Insurance and pension consultancy services
 - (b) *CPC 81339*
Money broking
 - (c) *CPC 8119+81323*
Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund

management, custodial depository and trust services.

(d) *CPC 81339 or 81319*

Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.

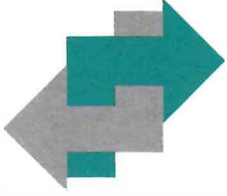
(e) *CPC 8131 or 8133*

Advisory and other auxiliary financial services on all the activities listed in subparagraphs 5(a)(v) to (xvi) in the Annex on Financial Services to the GATS, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

(f) *CPC 81339+81333+81321*

Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

- (i) money market instruments (cheques, bills, certificate of deposits, etc.);
- (ii) foreign exchange;
- (iii) derivative products, including, futures and options;
- (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreement, etc.;
- (v) transferable securities; and
- (vi) other negotiable instruments and financial assets, including bullion.



Trade and Industry Department
The Government of the Hong Kong Special Administrative Region
香港特別行政區政府 工業貿易署

Director-General of Trade and Industry 工業貿易署署長
Trade and Industry Tower, 3 Concorde Road, Kowloon City, Hong Kong
香港九龍城協調道 3 號工業貿易大樓
Tel 電話 : 2398 5301 Fax 圖文傳真 : 2789 2491 Website 網址 : www.tid.gov.hk

1 July 2024

Mr Greg Andrews
Division Manager, Trade Policy Engagement and Implementation,
Ministry of Foreign Affairs and Trade
New Zealand

Dear Mr Andrews,

We have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

"I have the honour to refer to the Hong Kong, China - New Zealand Closer Economic Partnership Agreement ("Agreement").

I have the further honour to refer to Implementing Arrangement 1 to Annexes I, II, III and IV to Chapter 12 (Government Procurement) of the Agreement dated 5 May 2022 and would like to propose the updates set out in the Appendix to this letter to modify Hong Kong, China's List of Entities in Section A and Covered Goods and Services in Section B and New Zealand's List of Entities in Section A respectively under the List of Entities and Covered Goods and Services in Annex I to Chapter 12 (Government Procurement) of the Agreement.

If the above is acceptable to the Government of Hong Kong, China, I have the honour to propose that this letter and your letter of confirmation in reply will constitute an agreement pursuant to Implementing Arrangement 1 to Annexes I, II, III and IV to Chapter 12 (Government Procurement) of the Agreement dated 5 May 2022, which will enter into effect on 1 July 2024."

We have the further honour to confirm that the foregoing is acceptable to Hong Kong, China, and that your letter and this letter in reply will constitute an agreement pursuant to Implementing Arrangement 1 to Annexes I, II, III and IV to Chapter 12 (Government Procurement) of the Hong Kong, China - New Zealand Closer Economic Partnership Agreement dated 5 May 2022, which will enter into effect on 1 July 2024.

Yours sincerely,

Ms Maggie Wong
Director-General of Trade and Industry
Trade and Industry Department
Hong Kong, China