

CHAPTER 18

GENERAL PROVISIONS

Article 1

Application of Agreement to Local²⁸ Government and Authorities

1. Each Party is fully responsible for the observance of all provisions in this Agreement and shall take such reasonable measures as may be available to it to ensure their observance by local government and authorities.
2. Chapter 16 (Dispute Settlement) may be invoked in respect of measures affecting the observance of this Agreement taken by local government or authorities within the Area of a Party. When an arbitral tribunal established under Chapter 16 (Dispute Settlement) has ruled that a provision of this Agreement has not been observed, the responsible Party shall take such reasonable measures as may be available to it to ensure its observance by the relevant local government or authority within its Area. The provisions of Chapter 16 (Dispute Settlement) relating to the suspension of the application of benefits of equivalent effect shall apply in cases where it has not been possible to secure such observance.
3. This Article does not apply to Chapter 12 (Government Procurement).

Article 2

Disclosure of Information

Nothing in this Agreement shall be construed to require either Party to furnish or allow access to information the disclosure of which it considers:

²⁸ In the case of New Zealand, references to local governments and authorities include regional government and authorities.

- (a) would be contrary to any of its domestic law, including those protecting personal privacy or the financial affairs and accounts of individual customers of financial institutions;
- (b) would impede law enforcement;
- (c) would prejudice legitimate commercial interests of particular enterprises, public or private;
- (d) would be contrary to the public interest as determined by its domestic law; or
- (e) at the time of the disclosure of the information, would be for the purpose of judicial proceedings.

Article 3

Obligations under other International Agreements

Nothing in this Agreement shall derogate from the existing rights and obligations of either Party under the *WTO Agreement* or any other international agreement to which it is a party or which is applicable to its Area. In the event of any inconsistency between this Agreement and any other international agreement to which the Parties are party or which is applicable to the Parties' Areas, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution in accordance with customary rules of public international law.

Article 4

Labour and Environmental Cooperation

The Parties shall enhance their communication and cooperation on labour and environment matters through both the *Hong Kong, China - New Zealand Environment Cooperation Agreement* and the *Memorandum of Understanding on Labour Cooperation between*

Hong Kong, China and New Zealand concluded between the Parties separately from but alongside this Agreement.

Article 5
Succession of Treaties or International Agreements

Any reference in this Agreement to any other treaty or international agreement shall be made in the same terms to its successor treaty or international agreement to which a Party is party or which is applicable to a Party's Area.

Article 6
Confidentiality

Where a Party provides information to the other Party in accordance with this Agreement and designates the information as confidential, the other Party shall maintain the confidentiality of the information. Such information shall be used only for the purposes specified, and shall not be otherwise disclosed without the specific written permission of the Party providing the information, except to the extent that it may be required to be disclosed in the context of judicial proceedings.

Article 7
Financial Provisions

Any cooperative activities envisaged or undertaken under this Agreement shall be subject to the availability of resources and to the domestic laws and policies of the Parties. Costs of cooperative activities shall be borne in such manner as may be mutually determined from time to time between the Parties.