

Courtesy Translation

Annex 3

Supplements and Amendments to the Mainland's Specific Commitments on Liberalization of Trade in Services for Macao¹

Sectors or sub-sectors	1. Business services
	A. Professional services
	a. Legal services (CPC861)
Specific commitments	Macao registered lawyers providing legal assistance at the request of Mainland law firms on the basis of individual cases will not be required to apply for a Macao legal consultant permit.

¹ Sectoral classification is based on WTO's GATS Services Sectoral Classification List (GNS/W/120). For contents of the sectors, refers to the relevant CPC, United Nations Provisional Central Product Classification.

Sectors or sub-sectors	1. Business services
	A. Professional services
	b. Accounting, auditing and bookkeeping services (CPC862)
Specific commitments	<p>1. To allow consultancy companies in the Mainland established by Macao auditors and accountants that have satisfied the requirements of the Mainland's "Provisional Measures for the Administration of the Provision of Bookkeeping Services" to provide bookkeeping services. Macao auditors and accountants providing bookkeeping services should have obtained the Mainland's accounting qualification certificate. In addition, the person in charge of the bookkeeping services should hold the relevant Mainland's professional qualification (professional title) of accountant or above.</p> <p>2. When Macao auditors and accountants apply for practising licence in the Mainland, the length of auditing experience that they have acquired in Macao is equivalent to the length of auditing experience acquired in the Mainland.</p>

Sectors or sub-sectors	1. Business services
	A. Professional services
	h. Medical and dental services (CPC9312)
Specific commitments	<p>1. Macao permanent residents who are legally eligible to practise western medicine, dentistry and Chinese medicine in the Macao Special Administrative Region are not required to sit the Mainland’s qualification examinations for the purpose of short-term practice in the Mainland.</p> <p>2. To allow Macao permanent residents who are legally eligible to practise western medicine, dentistry in Macao and have practised for 1 completed year to sit the Mainland’s qualification examinations (excluding Chinese medicine practitioners). A “Medical Practitioner’s Qualification Certificate” of the Mainland will be issued to those who pass the examination.</p> <p>3. To allow Macao permanent residents who are legally eligible to practise in Macao and have practised for 5 completed years to open clinics in the Mainland on the condition that they have obtained the Mainland’s “Medical Practitioner’s Qualification Certificate” (medicine practitioner). Matters relating to the application for opening and registration of clinics in the Mainland should be handled in accordance with Mainland regulations.</p>

Sectors or sub-sectors	1. Business services
	B. Computer and related services
	Information technology services
Specific commitments	To allow Macao service suppliers to apply for qualification certification of computer information system integration in accordance with the provisions of relevant regulations and rules of the Mainland.

Sectors or sub-sectors	1. Business services
	F. Other business services
	k. Placement and supply services of personnel (CPC872)
Specific commitments	<p>Job referral agency</p> <p>To allow Macao service suppliers to set up wholly-owned job referral agencies in the Mainland. The minimum registered capital is US\$125,000.</p>
	<p>Job intermediary</p> <p>To allow Macao service suppliers to set up joint venture job intermediaries in the Mainland. The minimum registered capital is US\$125,000. The proportion of Macao service suppliers' shareholding should not exceed 70% and the Mainland partner intermediary must have been established for over 1 year.</p>

Sectors or sub-sectors	2. Communications services
	D. Audiovisual services
	<p>Video distribution services (CPC83202), Sound recording products distribution services</p> <p>Cinema theatre services</p> <p>Chinese language motion pictures and motion pictures jointly produced</p> <p>Technical service of cable television</p> <p>Television drama jointly produced</p>
Specific commitments	<p>Cinema theatre services</p> <p>To allow Macao service suppliers to construct or renovate cinema theatres for the operation of film screening business on a wholly-owned basis.</p>
	<p>Chinese language motion pictures and motion pictures jointly produced</p> <p>1. To allow motion pictures co-produced by the Mainland and Macao to be processed outside the Mainland after obtaining the approval of the relevant authorities in the Mainland.</p>

	<p>2. To allow Macao service suppliers to establish wholly-owned companies in pilot areas in the Mainland to engage in distribution of Mainland produced motion pictures after obtaining the approval of the relevant authorities in the Mainland.</p>
	<p>Technical service of cable television</p> <p>To allow Macao companies engaging in the operation of cable television network to provide professional technical services for cable television networks in pilot areas of the Guangdong Province after obtaining the approval of the relevant authorities in the Mainland.</p>
	<p>Television drama jointly produced</p> <p>Television drama co-produced by the Mainland and Macao are permitted to be broadcast and distributed in the same way as Mainland produced television drama after being examined by the relevant authorities in the Mainland.</p>

Sectors or sub-sectors	3. Construction and related engineering services
	CPC511, 512, 513 ¹ , 514, 515, 516, 517, 518 ²
Specific commitments	<p>1. For construction enterprises set up in the Mainland by Macao service suppliers, the construction contract performance of the enterprises both in the Mainland and outside the Mainland is taken into account in assessing the qualification of the construction enterprises in the Mainland. The total managerial and technical staff of the construction enterprises in the Mainland should be based on the actual employed staff in the Mainland for the purpose of proceeding qualification assessment.</p> <p>2. There will be no restriction on the proportion of Macao permanent residents being project managers approved by the qualification administration authorities for construction enterprises in the Mainland set up by Macao service suppliers.</p>

¹ Including dredging services relating to infrastructure construction.

² Coverage is limited only to the rental and leasing services of construction and/or demolition machines (with operators), which are owned and used by foreign construction enterprises in the course of providing services.

	<p>3. Macao service suppliers who have already obtained the certificate of approval for establishment of enterprises with investment of Taiwan, Hong Kong and Macao in the Mainland but have not yet obtained the construction enterprise qualification certificate may apply, before 1 July 2005, for a certificate for undertaking single construction project based on their signed construction contract and “Construction Qualification Certificate for Taiwan, Hong Kong and Macao Enterprise”. Subject to the preliminary vetting and agreement of construction administration department at provincial level, the application will be processed by the Ministry of Construction.</p> <p>4. The residency requirement is waived for Macao permanent residents employed as engineering technical staff and economic managerial staff in construction enterprises in the Mainland set up by Macao service suppliers.</p> <p>5. The commitments in relation to construction and related engineering services stated above shall be implemented from 1 November 2004.</p>
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Sectors or sub-sectors	4. Distribution services
	<p>A. Commission agents' services (excluding salt and tobacco)</p> <p>B. Wholesale trade services (excluding salt and tobacco)</p>
Specific commitments	<p>To allow the commission agent and wholesale trade enterprises, established by Macao service suppliers in the Mainland on a wholly-owned basis, to operate services in respect of books, newspapers, magazines, pharmaceuticals products, pesticides and mulching films with effect from 1 November 2004.¹</p>

¹ The commission agents' and wholesale trade enterprises set up by Macao service suppliers in the Mainland in respect of chemical fertilizers, processed oil and crude oil remain subject to Mainland's commitments to members of the World Trade Organization.

Sectors or sub-sectors	4. Distribution services
	C. Retailing services (excluding tobacco)
Specific commitments	<p>1. To allow retail trade enterprises, established by Macao service suppliers in the Mainland on a wholly-owned basis, to operate services in respect of books, newspapers, magazines, pharmaceutical products, pesticides, mulching films and processed oil with effect from 1 November 2004.¹</p> <p>2. To allow Macao service suppliers to set up, in the form of wholly-owned operations, retail enterprises in the Mainland for motor vehicles in accordance with the relevant motor vehicle distribution rules in the Mainland.² The application qualification requirement for setting up the above enterprises are waived for Macao service suppliers³.</p>

¹ Chain stores with more than 30 outlets remain subject to Mainland's commitments to members of the World Trade Organization. The retailing trade enterprises set up by Macao service suppliers in the Mainland in respect of chemical fertilizers, staple food, vegetable oil, edible sugar, and cotton remain subject to Mainland's commitments to members of the World Trade Organization.

² Chain stores with more than 30 outlets remain subject to Mainland's commitments to members of the World Trade Organization.

³ The application conditions are: the average annual sales value of a Macao service supplier in the preceding 3 years is not less than US\$100 million; the assets in the previous year is not less than US\$10 million; the minimum registered capital for setting up a retail enterprise for motor vehicles in the Mainland is RMB10 million; while the minimum registered capital for setting up a retail enterprise for motor vehicles in the Central and Western Region, is RMB 6 million.

Sectors or sub-sectors	7. Financial services
	B. Banking and other financial services (excluding insurance and securities)
	<ul style="list-style-type: none"> a. Acceptance of deposits and other repayable funds from the public; b. Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction; c. Financial leasing; d. All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts (including import and export settlement); e. Guarantees and commitments; f. Trading in foreign exchange for own account or for account of customers.
Specific commitments	To allow Mainland branches of Macao banks to conduct insurance agents business after obtaining approval with effect from 1 November 2004.

Sectors or sub-sectors	7. Financial services
	B. Banking and other financial services
	Securities Futures
Specific commitments	To allow intermediary agencies which are registered with the Monetary Authority of Macao and which satisfy the requirements of the China Securities Regulatory Commission to set up joint venture futures brokerage companies in the Mainland. The percentage of shareholding owned by Macao registered intermediaries should not exceed 49% (including shareholding of related parties). Requirements in respect of the scope of business and amount of capital etc. of the joint venture futures brokerage companies shall be the same as those for Mainland enterprises.

Sectors or sub-sectors	10. Recreational, cultural and sporting services
	A. Recreational services (excluding audiovisual services)
Specific commitments	<ol style="list-style-type: none"> 1. To allow Macao service suppliers to set up performing venues in the Mainland on an equity joint venture, contractual joint venture or wholly-owned basis. 2. To allow Macao performing arts agencies to set up branches in the Mainland. 3. To allow Macao service suppliers to set up performance agencies in the Mainland on an equity joint venture or contractual joint venture basis. 4. To allow Macao service suppliers to set up internet culture business units and internet online service premises in the Mainland with the Mainland party holding majority shares. 5. To allow Macao service suppliers to set up art galleries, art shops and art work exhibition units in the Mainland on an equity joint venture, contractual joint venture or wholly-owned basis.

Sectors or sub-sectors	11. Transport services
	A. Maritime transport services H. Auxiliary services
	International transport (freight and passengers) (CPC7211, 7212, less cabotage transport services) Container station and depot services Others
Specific commitments	<p>1. To allow Macao service suppliers to set up wholly-owned shipping companies in the Mainland to provide shipping agency services for vessels owned or operated by the Macao service suppliers themselves, including customs declaration and inspection, and use of common commercial bills of lading or multimodal transport documents for conducting multimodal transport services.</p> <p>2. To allow Macao service suppliers to set up wholly-owned shipping companies in the Mainland to provide regular business services for feeders that they operate between Macao and ports that are opened to foreign vessels in the Mainland, such as shipping undertaking, issuance of bills of lading, settlement of freight rates, signing of service contracts, etc.¹</p>

¹ The requirement that “50%” or more of the ships owned by it, calculated in terms of tonnage, should be registered in Macao” stipulated in Annex 5 to the CEPA is not applicable to the feeder transport service provided by Macao service suppliers.

	<p>3. To allow Macao service suppliers to set up wholly-owned companies in the Mainland to provide supplies services other than fuel and water to vessels owned or managed by the same Macao service supplier.</p> <p>4. To allow Macao service suppliers to set up wholly-owned companies in the Mainland to provide port cargo loading and unloading services.</p>
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Sectors or sub-sectors	11. Transport services
	C. Air transport services
	Airport operation services (excluding cargo handling) (CPC74610) Other supporting services for air transport (CPC74690)
Specific commitments	<p>1. To allow Macao service suppliers to provide, in the form of cross-border supply, contractual joint venture, equity joint venture or wholly-owned operations, contract management services for small and medium airports. The period of validity of the contract should not exceed 20 years.¹</p> <p>2. To allow Macao service suppliers to provide, in the form of cross-border supply, consumption abroad, contractual joint venture, equity joint venture or wholly-owned operations, airport management training and consultation services.²</p> <p>3. To allow Macao service suppliers to provide, in the form of equity joint venture or wholly-owned operations, seven types of air transport ground services in the Mainland, namely, agency services; loading and unloading control, communication, and departure control system services; unit load devices management services; passenger and baggage services; cargo and mail services; ramp services and aircraft services.</p>

¹ In the case if the Macao service suppliers providing airport operation services be affiliated with airlines, the relevant regulations and rules in the Mainland apply.

² Same as aforementioned.

Sectors or sub-sectors	11. Transport services
	F. Road transport services
	Freight transportation by road in trucks or cars (CPC7123) Road passenger transportation (CPC7121, 7122)
Specific commitments	<p>1. To allow passenger transport companies operating franchised bus services and companies operating non-franchised bus services (Guangdong-Macao cross-boundary coach services) in Macao to set up joint venture enterprises in Guangdong, Guangxi, Hunan, Hainan, Fujian, Jiangxi, Yunnan, Guizhou and Sichuan to provide “Direct Passenger Bus Services” between Macao and the above nine provinces.¹</p> <p>2. To allow passenger transport companies operating franchised bus services in Macao to set up wholly-owned enterprises in Mainland cities at the municipal level to provide passenger public transport and car rental services at those cities.</p>

¹ “Direct Passenger Bus Services” means direct road transport services between the Mainland and Macao. In this sector, Macao service suppliers supplying direct passenger bus services must be enterprise juridical persons.

Sectors or sub-sectors	11. Transport services
	H. Services auxiliary to all modes of transport
	Freight forwarding agency services (CPC748, 749, excluding freight inspection)
Specific commitments	To allow freight forwarding agency enterprises in the Mainland established by Macao services suppliers to set up branch offices upon full payment of registered capital.

Sectors or sub-sectors	Service sectors (sectors not elsewhere classified in GNS/W/120)
	Professionals and technicians qualification examinations
Specific commitments	<p>To allow eligible Macao residents to sit the following qualification examinations for professionals and technicians in the Mainland: registered architect, registered structural engineer, registered civil engineer (geotechnical), construction supervising engineer, cost engineer, registered town planner, real estate agent, certified safety engineer, registered nuclear safety engineer, constructor, registered public facility engineer, registered chemical engineer, registered civil engineer (harbour and waterway), registered facility supervising engineer, cost evaluator, enterprise legal consultant, cotton quality examiner, auctioneer, pharmacist, environmental impact assessment engineer, real estate appraiser, registered electrical engineer, certified tax accountant, certified public valuer, prosthetist and orthotist, mining rights assessor, registered consulting engineer (investment), international business personnel, land registration agent, gemstone quality examiner; and in professional areas of quality, translation computing technology and software, auditing, health, economics, statistics, accounting, etc. A qualification certificate will be issued to those who pass the examination.</p>

Sectors or sub-sectors	Service sectors (sectors not elsewhere classified in GNS/W/120)
	Trade mark agency
Specific commitments	To allow Macao service suppliers to conduct, after registering with the Administration for Industry and Commerce at the provincial level and acquiring the statutory operating body qualification, trade mark agency business in the Mainland.

Sectors or sub-sectors	Service sectors (sectors not elsewhere classified in GNS/W/120)
	Patent agency
Specific commitments	<p>1. To allow eligible Macao permanent residents with Chinese citizenship to sit the National Qualification Examination for Patent Agents in the Mainland. A “Patent Agent Qualification Certificate” will be issued to those who pass the examination.</p> <p>2. Macao permanent residents with Chinese citizenship who have obtained the “Patent Agent Qualification Certificate” may practise in patent agencies that are approved for establishment in the Mainland. Those who meet the prescribed requirements may join to become partners or shareholders of patent agencies that are approved for establishment in the Mainland.</p>

Sectors or sub-sectors	Service sectors (sectors not elsewhere classified in GNS/W/120)
	Individually owned stores
Specific commitments	<p>To allow Macao permanent residents with Chinese citizenship to set up, in accordance with the relevant Mainland laws, regulations and administrative regulations, individually owned stores in all provinces, autonomous regions, municipalities directly under the Central Government in the Mainland, without being subject to the approval procedures applicable to foreign investments. The scope of business for individually owned stores, excluding franchising, includes retailing services, food and beverage services, as well as hair dressing services, beauty and health treatment services, bathing services, repair services for household electric appliances and goods for daily uses under the category of residents services and other services. The number of employees for each store shall not exceed 8 persons and the business area shall not exceed 300 square metres.</p>