

Annex 2

Macao's Specific Commitments on Liberalisation of Trade in Services for Hong Kong

1. This Annex is set up in accordance with Article 18 (Specific Commitments) of Chapter 8 (Trade in Services) of the Hong Kong Special Administrative Region and Macao Special Administrative Region Closer Economic Partnership Arrangement (referred to as "CEPA" hereafter).
2. Sectoral classification is based on WTO's GATS Services Sectoral Classification List (MTN.GNS/W/120). For the contents of the sectors, reference is made to the Provisional Central Product Classification ("CPC") as set out in Statistical Office of the United Nations Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991.
3. The schedule below sets out the limitations on Market Access, limitations on National Treatment and Additional Commitments in relevant sectors or sub-sectors which Hong Kong's services or services suppliers could provide services in Macao via the four modes of supply for the delivery of services, such as conditions and qualifications applicable to Hong Kong's services or services suppliers. Measures inconsistent with both Articles "Market Access" and "National Treatment" shall be inscribed in the column relating to Article "Market Access". In this case the inscription will be considered to provide a condition or qualification to Article "National Treatment" as well.

MACAO'S SCHEDULE OF SPECIFIC COMMITMENTS TO HONG KONG

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE EXCEPT THOSE AS INDICATED OTHERWISE</p>	<p>4) Unbound except for measures concerning natural persons as follows:</p> <p>(A) Business Visitors</p> <p>(1) Definition A business visitor is a natural person of Hong Kong who is seeking temporary entry to Macao for the purpose as defined below:</p> <p>(i) only limited to attending meetings or conferences; engaging in consultations with business colleagues; taking orders or negotiating contracts for a juridical person located in Macao but not selling goods or providing services to the public;</p> <p>(ii) who is not seeking to enter the labour market of Macao; and</p>		

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(iii) whose principal place of business, actual place of remuneration and predominant place of accrual of profits remain outside Macao.</p> <p>(2) Conditions</p> <p>(i) the commitments shall apply to all sectors and sub-sectors listed in this Schedule of Specific Commitments only; and</p> <p>(ii) business visitor coming to Macao for the aforesaid purpose is allowed to stay for a period not exceeding 90 days.</p> <p>(B) Intra-Corporate Transferees</p> <p>(1) Definition Senior Executives and Senior Managers who are employees of Hong Kong juridical persons that provide services through a branch, subsidiary, corporation or joint venture established in Macao as defined below:</p>		

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(i) Senior Executives: persons within the juridical person who primarily direct the management of the juridical person;</p> <p>(ii) Senior Managers: persons within the juridical person who primarily direct the management of the juridical person, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions (such as promotions or leave authorisations), and exercise discretionary authority over day-to-day operations. The term “Senior Managers” does not include frontline management staff, nor does it include staff who primarily perform tasks necessary for the provision of the service.</p> <p>(2) Conditions The commitments shall only apply to :</p> <p>(i) the sectors and sub-sectors listed in Appendix 1 and</p> <p>(ii) natural persons of Hong Kong of</p>		

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>service suppliers of Hong Kong which have a bona fide business establishment operating in Macao who have been in the prior employment of the concerned service suppliers for a period of not less than one year immediately preceding the date of application for admission. The number of natural persons who may seek entry under these commitments shall be reasonable having regard to the size and nature of the business operation of the establishment in Macao.</p> <p>(C) Personnel Directly Engaged in Establishment</p> <p>(1) Definition A person who has been employed in the immediately preceding year by a Hong Kong juridical person, receiving remuneration from that source, and who occupies a managerial or executive position within that juridical person, and is entering Macao for the purpose of establishing a branch, subsidiary or affiliate.</p>		

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(2) Conditions The commitments with respect to the Personnel Directly Engaged in Establishment shall only apply to sectors and sub-sectors listed in Appendix 1.</p> <p>(D) General Principles and Reservations</p> <p>(1) Temporary entry granted to a natural person of Hong Kong pursuant to Macao's commitments on Business Visitors, Intra-Corporate Transferees and Personnel Directly Engaged in Establishment does not exempt that person from the requirements needed to carry out a profession or activity according to the internal law, and any applicable mandatory codes of practice made pursuant to the internal law in force in the area of Macao.</p>		

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(2) Intra-Corporate Transferees and Personnel Directly Engaged in Establishment must obtain the authorisation to enter, work and temporarily stay in Macao in pursuance with the relevant laws and application procedures.</p> <p>(3) Macao reserves the rights to impose or maintain any measures with respect to:</p> <p>(i) measures affecting natural persons seeking access to the employment market of Macao; and</p> <p>(ii) measures regarding citizenship, nationality, residence or employment on a permanent basis.</p>		
<p>II. SPECIFIC COMMITMENTS</p>			
<p>1. BUSINESS SERVICES</p>			

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Computer and Related Services</u></p> <p>a. Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>b. Software implementation services (CPC 842)</p> <p>c. Data processing services (CPC 843)</p> <p>d. Data base services (CPC 844)</p> <p>e. Maintenance and repair services of office machinery and equipment including computers (CPC 845) Other computer services (CPC 849)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao.</p> <p>4) Unbound</p>	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Real Estate Services</u></p> <p>a. Involving own or leased property (CPC 821)</p> <p>b. On a fee or contract basis (CPC 822)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao.</p> <p>4) Unbound</p>	
<p>E. <u>Rental/Leasing Services without Operators</u></p> <p>c. Relating to other transport equipment (CPC 83101+83102+83105)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. Relating to other machinery and equipment (CPC 83106-83109) e. Other (CPC 832)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>F. <u>Other Business Services</u></p> <p>c. Management consulting services (CPC 865)</p> <p>e. Technical testing and analysis services (CPC 8676)</p> <p>f. Services incidental to agriculture, hunting and forestry (CPC 881)</p> <p>g. Services incidental to fishing (CPC 882)</p> <p>h. Services incidental to mining (CPC 883+5115)</p> <p>j. Services incidental to energy distribution as stated in Attachment to Energy Services (Appendix 2)</p> <p>k. Placement and supply services of personnel (CPC 872)</p> <p>m. Related scientific and technical consulting services (CPC 8675)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao.</p> <p>4) Unbound</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
o. Building-cleaning services (CPC 874)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound* 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	

* Unbound due to lack of technical feasibility.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>p. Photographic services (CPC 875)</p> <p>q. Packaging services (CPC 876)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao.</p> <p>4) Unbound</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
r. Printing, publishing (CPC 88442)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None other than: (a) The companies that do not have statutory headquarters and their main administration is not in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao; (b) A company in the form of a sole proprietorship, whose proprietor must be a Macao resident; (c) To publish periodicals, newspapers and magazines, the directors must be Macao permanent residents. 4) Unbound	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
t. Others (CPC 8790) - Telephone answering services (CPC 87903) - Duplicating services (CPC 87904)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
- Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
2. COMMUNICATION SERVICES			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Courier Services</u></p> <p>- Intermodal courier services (these are limited to the provision of services on a fee or contract basis for the delivery of correspondences, parcels and postal items, but excluding services stipulated in relevant domestic laws and regulations that are monopolised by the authority) (CPC 75121)</p>	<p>1) Unbound 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Telecommunication Services</u></p> <p>Local & international services:</p> <p>o. Others</p> <ul style="list-style-type: none"> - Mobile radio telephone services (CPC 75213) - Radio paging services (CPC 75291) 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None, subject to economic needs test. 4) Unbound except as indicated in the Horizontal Commitments. 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound 	<p>Macao undertakes the obligations contained in Appendix 3 (Reference Paper on Basic Telecommunications Services) attached hereto.</p>

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Value-added services:</p> <p>f. Facsimile services (CPC 75213)</p> <p>h. Electronic mail (CPC 7523**)</p> <p>i. Voice mail (CPC 7523**)</p> <p>j. On-line information and data base retrieval (CPC 7523**)</p> <p>l. Enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)</p> <p>m. Code and protocol conversion (n.a.)</p> <p>n. On-line information and/or data processing (including transaction processing) (CPC 843**)</p>	<p>1) None except services must be provided through a licensed operator.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao.</p> <p>4) Unbound</p>	<p>Macao undertakes the obligations contained in Appendix 3 (Reference Paper on Basic Telecommunications Services) attached hereto.</p>

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
k. Electronic data interchange (EDI) (CPC 7523**)	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) Unbound 4) Unbound	Macao undertakes the obligations contained in Appendix 3 (Reference Paper on Basic Telecommunications Services) attached hereto.
D. <u>Audiovisual Services</u>			
a. Motion picture and video tape production and distribution services (CPC 9611)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b. Motion picture projection service (CPC 9612) e. Sound recording: these are limited to services relating to the provision of sound-track	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
4. DISTRIBUTION SERVICES			
B. <u>Wholesale Trade Services</u> (excluding live food animals, vegetables, eggs, meat and poultry products) (CPC 622 except 62214, 62221 except fruits, 62222 except dairy products, 62223)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Retailing Services</u> (excluding pharmaceutical products) (CPC 631+632, except part of 63211)</p>	<p>1) Unbound except for mail order. 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) Unbound except for mail order. 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound</p>	
<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) Unbound 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound</p>	
<p>5. EDUCATION SERVICES</p>			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Adult Education</u> (CPC 924) E. <u>Other Education Services</u> (CPC 929)	1) Unbound except for distance learning. 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound except for distance learning. 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
6. ENVIRONMENTAL SERVICES			
D. <u>Others</u> - Cleaning services of exhaust gas (CPC 9404) - Noise abatement services (CPC 9405)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
7. FINANCIAL SERVICES			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>All insurance and Insurance-Related Services</u></p> <p>a. Life, accident and health insurance services</p> <p>b. Non-life insurance services</p>	<p>Sectoral commitments in mode 4) of the financial services (including insurance and banking): Unbound except as indicated in the horizontal section and measures for transfer of chief executive, alternative chief executive, directors, financial specialists and other staff who are not available in the local labour market.</p> <p>1) Unbound</p> <p>2) None other than that compulsory insurance, like third party liability in respect of motor vehicles, publicity and propaganda materials, pleasure crafts, employees' compensation, professional liability of travel agencies and lawyers, must be purchased from insurers authorised to operate in Macao.</p> <p>3) None other than that under the Macao Insurance Ordinance, a corporate entity is permitted to conduct insurance business only after obtaining the necessary licence. Commercial presence may be in the form of a locally incorporated subsidiary, branch or representative office. However, a representative office is not permitted to carry on insurance business.</p> <p>4) Unbound except as stated above.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than that the general representative of the branch of an insurer incorporated overseas must be resident in Macao.</p> <p>4) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c. Reinsurance and retrocession	1) None 2) None 3) None other than that under the Macao Insurance Ordinance, a corporate entity is permitted to conduct reinsurance business only after obtaining the necessary licence. Commercial presence of reinsurers may be in the form of a locally incorporated subsidiary, branch or representative office. However, a representative office is not permitted to retain any portion of reinsurance premiums. 4) Unbound except as stated above.	1) None 2) None 3) None other than that the general representative of the authorised reinsurer established in the form of a branch has to be resident in Macao. 4) None	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. Services auxiliary to insurance (including broking and agency services)	<p>1) None other than that insurance intermediaries (agents, salespersons, brokers) need to obtain licence prior to commencement of business in Macao.</p> <p>2) None</p> <p>3) None other than that insurance intermediaries (agents, salespersons, brokers) need to obtain licence prior to commencement of business in Macao.</p> <p>4) None in relation to consultancy services, loss adjusters and other services which do not involve the selling of insurance or carrying on of insurance intermediary business. Unbound for other services in this sector.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than that the individual agent and insurance salesperson, as well as the general representative of a broker firm or corporate agent incorporated overseas has to be resident in Macao.</p> <p>4) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Banking and Other Financial Services</u> (excluding insurance)</p> <p>a. Acceptance of deposits and other repayable funds from the public</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a banking institution. Other than branch or subsidiary, a bank incorporated overseas may apply for authorisation to open a representative office. Such office is prohibited from taking deposits or undertaking any kind of banking business.</p> <p>4) Unbound except as stated above.</p>	<p>1) None</p> <p>2) None</p> <p>3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank incorporated overseas must appoint at least three directors, two of whom must be resident in Macao .</p> <p>4) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>b. Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction</p>	<p>1) Unbound 2) None 3) None other than that commercial presence must take the form of an authorised credit institution. 4) Unbound except as stated above.</p>	<p>1) None 2) None 3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c. Financial leasing	1) Unbound 2) None 3) None other than that commercial presence must take the form of an authorised credit institution, or a locally incorporated financial leasing company. 4) Unbound except as stated above.	1) None 2) None 3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank or a financial leasing company incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d. All payment and money transmission services	1) Unbound 2) None 3) None other than that commercial presence must take the form of: (a) an authorised branch of a bank incorporated overseas or a locally incorporated bank; (b) an authorised locally incorporated cash remittance company; (c) an authorised locally incorporated payment institution (in the form of a “non-bank credit institution” or an “other financial institution”). 4) Unbound except as stated above.	1) None 2) None 3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank incorporated overseas must have at least three directors, two of whom must be resident in Macao; (c) a locally incorporated cash remittance company must appoint one chief executive resident in Macao; (d) a locally incorporated payment institution must appoint at least three directors, two of whom must be resident in Macao 4) None	

[CURSORY TRANSLATION]

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e. Guarantees and commitments	1) None 2) None 3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a credit institution. 4) Unbound except as stated above.	1) None 2) None 3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>f. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> - Money market instruments (cheques, bills, certificates of deposits, etc.) - Foreign exchange - Derivative products, including, but not limited to, futures and options - Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc. - Transferable securities - Other negotiable instruments and financial assets, including bullion 	<ul style="list-style-type: none"> 1) Unbound 2) None 3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a credit institution or a financial intermediary. 4) Unbound except as stated above. 	<ul style="list-style-type: none"> 1) None 2) None 3) None other than the following: <ul style="list-style-type: none"> (a) a bank or a financial intermediary incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank or of a financial intermediary incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None 	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>g. Participation in issues of all kinds of securities, including under-writing and placement as agent (whether of service related to such issues publicly or privately) and provision of services related to such issues</p>	<p>1) None 2) None 3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a credit institution or a financial intermediary. 4) Unbound except as stated above.</p>	<p>1) None 2) None 3) None other than the following: (a) a bank or a financial intermediary incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank or of a financial intermediary incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None</p>	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
h. Money broking	1) None 2) None 3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a credit institution. 4) Unbound except as stated above.	1) None 2) None 3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	1) Unbound 2) None 3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a credit institution, or an investment fund, a depository or an investment funds management company incorporated in Macao. 4) Unbound except as stated above.	1) None 2) None 3) None other than the following: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank incorporated overseas must appoint at least three directors, two of whom must be resident in Macao; (c) an investment funds management company must appoint at least two directors who must be resident in Macao. 4) None	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>j. Settlement and clearing services for financial assets, including securities, derivatives products, and other negotiable instruments</p>	<p>1) Unbound 2) None 3) None other than that commercial presence must take the form of a branch or a subsidiary, duly authorised to carry on the activities of a credit institution or a financial intermediary. 4) Unbound except as stated above.</p>	<p>1) None 2) None 3) None other than that: (a) a bank incorporated overseas authorised to open a branch in Macao must appoint a chief executive and at least one alternative chief executive, each of whom must be resident in Macao; (b) a subsidiary of a bank or of a financial intermediary incorporated overseas must appoint at least three directors, two of whom must be resident in Macao. 4) None</p>	
<p>k. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services</p>	<p>1) None 2) None 3) None 4) None</p>	<p>1) None 2) None 3) None 4) None</p>	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. Advisory and other auxiliary financial services on all the activities listed in (a) to (k) above including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
9. <u>TOURISM AND TRAVEL RELATED SERVICES</u>			
A. <u>Hotels and Restaurants</u> (excluding catering) (CPC 641- 643, excl. 64230)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None 4) Unbound	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Travel Agencies and Tour Operator Services</u> (CPC 7471)	1) Unbound 2) None 3) None other than that the operation must take the form of a locally incorporated registered company. 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None 4) Unbound	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Entertainment Services</u> (including theatre, live bands and circus services) (CPC 9619)</p>	<p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments and that the circus and magic performers, art performers shall be granted a stay as stipulated in the terms of contracts concerned, or an initial stay of one year, whichever comes shorter.</p>	<p>1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound</p>	
<p>C. <u>Libraries, Archives, Museums and Other Cultural Services</u> (CPC 963)</p>	<p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound</p>	

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Sporting and Other Recreational Services</u></p> <p>- Sporting services (CPC 9641)</p>	<p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in the Horizontal Commitments and that jockeys, vehicle racing drivers, boxers, and ball players shall be granted a stay as stipulated in the terms of contracts concerned, or an initial stay of one year, whichever comes shorter.</p>	<p>1) None 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound</p>	
<p>11. TRANSPORT SERVICES</p>			

[CURSORY TRANSLATION]

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
H. <u>Services Auxiliary to All Modes of Transport</u> (excluding air transport) b. Storage and warehouse services (CPC 7421+7429)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound* 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	
c. Freight transport agency services (CPC 748) d. Other (CPC 749)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None other than companies that do not have statutory headquarters and main administration in Macao must appoint a representative who resides in Macao, and allocate capital to their activities in Macao. 4) Unbound	

The (**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance. The commitments made in respect of that service are not applicable to the other services covered by that same CPC concordance.

* Unbound due to lack of technical feasibility.

APPENDIX 1

The commitments of “Intra-Corporate Transferees” and “Personnel Directly Engaged in Establishment” are applied to the following Sectors or Sub-Sectors:

	<u>Sectors or Sub-Sectors</u>	<u>CPC</u>
1.	BUSINESS SERVICES	
B	<u>Computer and Related Services</u>	
a.	Consultancy services related to the installation of computer hardware	841
b.	Software implementation services	842
c.	Data processing services	843
d.	Data base services	844
e.	Maintenance and repair services of office machinery and equipment including computers	845
	Other computer services	849
F.	<u>Other Business Services</u>	
c.	Management consulting services	865
e.	Technical testing and analysis services	8676
f.	Services incidental to agriculture, hunting and forestry	881
g.	Services incidental to fishing	882
h.	Services incidental to mining	883+5115
j.	Services incidental to energy distribution as stated in Attachment to Energy Services (Appendix 2)	
k.	Placement and supply services of personnel	872
m.	Related scientific and technical consulting services	8675
t.	Others	
	- Translation and interpretation services	87905
2.	COMMUNICATION SERVICES	
B.	<u>Courier Services</u>	
	- Intermodal courier services	75121
C.	<u>Telecommunication Services</u>	
	Local & international services: :	
o.	Others	
	- Mobile radio telephone services	75213

[CURSORY TRANSLATION]

	<u>Sectors or Sub-Sectors</u>	<u>CPC</u>
	- Radio paging services	75291
	Value-added services:	
f.	Facsimile services	75213
h.	Electronic mail	7523**
i.	Voice mail	7523**
j.	On-line information and data base retrieval	7523**
l.	Enhanced/value-added facsimile services, incl. store and forward, store and retrieve	7523**
m.	Code and protocol conversion	n.a.
n.	On-line information and/or data processing (including transaction processing)	843**
k.	Electronic data interchange (EDI)	7523**
4.	DISTRIBUTION SERVICES	
B.	<u>Wholesale Trade Services</u> (excluding live food animals, vegetables, eggs, meat and poultry products)	622 except 62214, 62221 except fruits, 62222 except dairy products, 62223
C.	<u>Retailing Services</u> (excluding pharmaceutical products)	631+632, except part of 63211
D.	<u>Franchising</u>	8929
5.	EDUCATION SERVICES	
D.	<u>Adult Education</u>	924
E.	<u>Other Education Services</u>	929
6.	ENVIRONMENTAL SERVICES	
D.	<u>Others</u>	
	- Cleaning services of exhaust gas	9404
	- Noise abatement services	9405
7.	FINANCIAL SERVICES	
A.	<u>All Insurance and Insurance-Related Services</u>	

Sectors or Sub-Sectors

CPC

- a. Life, accident and health insurance services
- b. Non-life insurance services
- c. Reinsurance and retrocession
- d. Services auxiliary to insurance (including broking and agency services)
- B. Banking and Other Financial Services (excl. insurance)
 - a. Acceptance of deposits and other repayable funds from the public
 - b. Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction
 - c. Financial leasing
 - d. All payment and money transmission services
 - e. Guarantees and commitments
 - f. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
 - Money market instruments (cheques, bills, certificates of deposits, etc.)
 - Foreign exchange
 - Derivative products, including, but not limited to, futures and options
 - Exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc.
 - Transferable securities
 - Other negotiable instruments and financial assets, including bullion
 - g. Participation in issues of all kinds of securities, including under-writing and placement as agent (whether of service related to such issues publicly or privately) and provision of services related to such issues
 - h. Money broking

[CURSORY TRANSLATION]

<u>Sectors or Sub-Sectors</u>	<u>CPC</u>
i. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services	
j. Settlement and clearing services for financial assets, including securities, derivatives products, and other negotiable instruments	
k. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services	
l. Advisory and other auxiliary financial services on all the activities listed in (a) to (k) above including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)	
A. <u>Entertainment Services</u> (including theatre, live bands and circus services)	9619
C. <u>Libraries, Archives, Museums and Other Cultural Services</u>	963
D. <u>Sporting and Other Recreational Services</u>	
- Sporting services	9641

APPENDIX 2

Attachment to Energy Services

Services incidental to electricity transmission and distribution include:

- a. System control: The control-area operator functions that schedule generation and transactions before the fact and that control some generation in real-time to maintain generation/load balance;
- b. Reactive supply and voltage control: The injection or absorption of reactive power from generators to maintain transmission-system voltages within required ranges;
- c. Regulation: The use of generation equipped with governors and automatic-generation control to maintain minute-to-minute generation/load balance within the control area to meet control-performance standards;
- d. Dynamic scheduling: Real-time metering, telemetering, and computer software and hardware to electronically transfer some or all of a generator's output or a customer's load from one control area to another;
- e. Network-stability services: Maintenance and use of special equipment, including testing, (e.g., power-system stabilizers and dynamic-braking resistors) to maintain a secure transmission system.

APPENDIX 3

Reference Paper on Basic Telecommunications Services

I. SCOPE

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

II. DEFINITIONS

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

(a) are exclusively or predominantly provided by a single or limited number of suppliers; and

(b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

(a) control over essential facilities; or

(b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

(a) engaging in anti-competitive cross-subsidisation;

(b) using information obtained from competitors with anti-competitive results;

and

- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or

- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Macao has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Macao.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.