Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals

|  | **Status in 1996** | **Status in 2009** | **Status in 2019** | **Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices** |
| --- | --- | --- | --- | --- |
| **1. Tariffs** |  |  |  |  |
| 1. Import-weighted average of MFN applied tariff | 0 | 0 | 0 | HKC maintains zero tariffs on all imports.  The tariff binding ratio has furthered increased to 47.5% of HKC’s tariff lines in 2019. Since 1 July 2016, HKC has bound tariffs on all the 201 information technology products listed in the attachment to the *Ministerial Declaration on the Expansion of Trade in Information Technology Products* at zero, in accordance with the approved implementation schedule.  Our tariff bindings cover a comprehensive range of products, which include all agricultural, fish and fish products; and a wide range of tariff lines from the following sectors: wood, pulp, paper and furniture; textiles and clothing; leather, rubber, footwear and travel goods; metals; chemical and photographic supplies; transport equipment, non-electric machinery; electric machinery; mineral products, precious stones and metals; and miscellaneous manufactured articles. |
| 1. Simple average of MFN applied tariff | 0 | 0 | 0 | Same as above. |
| 1. Tariff average, based on import tariff revenue | 0 | 0 | 0 | Same as above. |
| 1. Zero tariff lines as a percentage of all tariff lines | 100% | 100% | 100% | Same as above. |
| 1. Zero tariff imports as a percentage of all imports | 100% | 100% | 100% | Same as above. |
| 1. Standard deviation for applied tariff | 0 | 0 | 0 | Same as above. |
| 1. Transparency in tariff regime | HKC provided tariff data for the WTO Integrated Database in 1996. | HKC updates tariff data in the WTO Integrated Database on an annual basis. | HKC updates tariff data in the WTO Integrated Database on an annual basis. | HKC has updated our tariff data for the WTO Integrated Database on an annual basis since 1996. |
| **2. Non-Tariff Measures** |  |  |  |  |
| 1. Quantitative import restrictions/ prohibitions | Quantitative restrictions were applied on the import of rice and ozone-depleting substances.  Separately, import of highly endangered species of flora and fauna, certain ozone-depleting substances, and amosite and crocidolite were prohibited. | Rice trade has been fully liberalised.  Quantitative restrictions are applied on the import of ozone-depleting substances.  Separately, import of highly endangered species of flora and fauna, certain ozone-depleting substances, and amosite and crocidolite are prohibited. | Quantitative restrictions are applied on the import of ozone-depleting substances.  Separately, import of highly endangered species of flora and fauna, certain ozone-depleting substances, amosite and crocidolite, and all forms of asbestos and asbestos containing materials are prohibited. | HKC maintains only a few quantitative import restrictions/prohibitions to protect public health, safety, security and the environment, and to fulfil international obligations. HKC keeps the measures under constant review with the objective of facilitating trade as far as possible. |
| 1. Import licensing | Licences/Permits were required for import of the following products:  rice; frozen or chilled meat and poultry; animals, birds, plants, plant pests and soil; textiles and clothing; ozone-depleting substances; pesticides; pharmaceutical products, medicines, and dangerous drugs; sand; radioactive substances and irradiating apparatuses; waste; dutiable commodities; left-hand drive vehicles and outboard engines; and strategic commodities. | Licences/Permits are required for import of the following products:  rice; frozen or chilled meat and poultry; animals, birds, plants, plant pests and soil; textiles and clothing; ozone-depleting substances; pesticides; pharmaceutical products, medicines, and dangerous drugs; controlled chemicals; sand; radioactive substances and irradiating apparatuses; waste; dutiable commodities; motor vehicles; strategic commodities; optical disc mastering and replication equipment; rough diamonds; and non-pesticide hazardous chemicals. | The licensing regime for textiles and clothing has been fully liberalised since 21 November 2014.  Licences/Permits are required for import of the following products:  strategic commodities;  rice; pesticides; rough diamonds; ozone-depleting substances; pharmaceutical products and medicines; proprietary Chinese medicines and 36 Chinese herbal medicines; radioactive substances and irradiating apparatus; dutiable commodities;  controlled chemicals;  optical disc mastering and replication equipment;  sand; frozen or chilled meat and poultry;  live animals and birds;  plants, plant pests, and soil; endangered species of animals and plants;  non-pesticide hazardous chemicals; waste; and motor vehicles. | HKC keeps the import licensing requirements under constant review with the objective of facilitating trade as far as possible.  With effect from 21 November 2014, all textiles and clothing imported into or exported from Hong Kong do not require any licences. |
| 1. Import levies | HKC did not collect levies on imports. | HKC does not collect levies on imports. | HKC does not collect levies on imports. | Being a staunch supporter of free trade, HKC all along has not been collecting levies on imports. |
| 1. Export subsidies | HKC did not maintain any export subsidies scheme. | HKC does not maintain any export subsidies scheme. | HKC does not maintain any export subsidies scheme. | Being a staunch supporter of free trade, HKC all along has not been maintaining any export subsidies scheme. |
| 1. Other non-tariff measures maintained | Health certifications/prior approval for imports were required for the following products:  poultry carcasses or poultry products, and food containing animal, poultry or fish products; game and prohibited meat; and milk, milk beverage and frozen confections. | Health certifications/permissions are required for the following products:  plants, poultry carcasses or poultry products, and food containing animal, poultry or fish products; game and prohibited meat; and milk, milk beverage and frozen confections. | Health certifications/permissions are required for the following products:  plants; meat or meat products; eggs; poultry; hairy crabs; game and prohibited meat; and milk, milk beverage and frozen confections. | The measures are maintained to fulfil the requirements of the importing economies or protecting public health. |
| **3. Services** |  |  |  |  |
| 1. Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the GATS | 18 sectors | Unchanged | Unchanged | *[Comments: We note with concern that the assessments of APEC economies’ achievements towards the Bogor Goals on different trade subjects, e.g. tariff, services and investment, are done on different bases and this may not be conducive to an equitable and consistent comparison across subjects or across economies.*  *Specifically, we note that the achievements in other trade subjects reflect essentially the existing regimes of economies while the assessment on services trade is based only on the GATS Schedules of Specific Commitments, in other words the bound regimes of the economies. We are of the view that the existing regimes of economies are a far more meaningful and pertinent measurement and should also be taken into account in assessing the achievement of the Bogor Goals. For HKC, our WTO legal commitments in services reflect only the outcomes of previous round of multilateral negotiations, and they do not reflect fully our existing open services regime.]*  It is HKC’s long held policy to maintain a liberal services regime. Indeed, our existing services regime is one of the most liberal in the world. Most service sectors are free and open, and foreign service providers generally enjoy national treatment. Most-favoured-nation treatment is applied to all services and all service providers without any exception. Domestic regulations are maintained for legitimate policy objectives or prudential reasons. They are administered in a reasonable, objective, transparent and impartial manner. |
| 1. Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS | 0 | Unchanged | Unchanged | HKC does not maintain any MFN exemptions under the GATS. The MFN principle is the cornerstone of the multilateral trading system and is fundamental to the WTO Agreements. Any departure from the MFN principle derogates from the principle of non-discrimination and potentially undermines the value of any market access opening. We have been advocating the removal, reduction and clarification of MFN exemptions, which is an indispensable element in the overall progress of the WTO services negotiations. |
| 1. Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS | -- | 28 sectors | 28 sectors | See item (1) of this Chapter above. |
| 1. Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS | -- | 0 | 0 | See item (2) of this Chapter above. |
| 1. Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS | 0 | 1 | 8 | The Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) is the first free trade agreement ever concluded by HKC and China. It greatly enhances the already close economic cooperation and integration between the two parties. CEPA adopts a building block approach and the two parties have been working closely to introduce further liberalisation measures continually. CEPA is now a comprehensive and modern free trade agreement, underpinned by four subsidiary agreements signed during 2015-2018 covering four major areas, namely trade in goods, trade in services, investment, and economic and technical cooperation. On trade in services, China has fully or partially opened up 153 sectors to HKC services industry, accounting for 96% of all the 160 services sectors. HKC and China signed the Agreement concerning Amendment to the CEPA Agreement on Trade in Services under the framework of CEPA on 21 November 2019 for implementation from 1 June 2020 to further liberalise trade in services between the two places.  The Free Trade Agreement between Hong Kong, China and Australia was signed on 26 March 2019 and will enter into force on 17 January 2020. The commitments the two sides made to each other far exceed their GATS commitments. Apart from market access and NT commitments, the two sides have agreed on other obligations to facilitate trade in services. They include tariff-free undertaking for all electronic transmissions and other facilitation measures for e-commerce; improvement of transparency of domestic regulations and streamlining of application procedures for authorisation; provision of dedicated disciplines on financial services and telecommunications; and implementation of future work programmes on educational services, professional services and legal services. |
| 1. Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers | 4 sectors *(out of 55 service sectors)* | 4 sectors | 4 sectors | HKC maintains a liberal regime for trade in services. Most service sectors are free and open, and foreign service providers normally enjoy national treatment. The licensing and qualification requirements in place are maintained for legitimate policy objectives or prudential reasons, and are implemented in an objective and impartial manner.  The 4 sectors concerned are: - **Business Services: Legal**, where foreign lawyers would need to pass the examinations prescribed under the Overseas Lawyers (Qualification for Admission) Rules under the Legal Practitioners Ordinance in order to be qualified as Hong Kong solicitors. As in the case of solicitors, foreign lawyers are allowed to be admitted as barristers in Hong Kong subject to certain examination requirements prescribed under the Barristers (Qualification for Admission and Pupillage) Rules; - **Business Services: Other Professional Services**, where in respect of medical practitioners, dentists, pharmacists and nurses, all holders of non-local qualification wishing to register would have to sit and pass the relevant licensing examinations; - **Financial Services**, where an overseas-incorporated applicant for banking services would have to satisfy certain market entry criteria, in addition to the standard prudential criteria; and - **Transport Services: Air**, where in respect of the provision of scheduled services for passenger and freight transportation by air, an airline based outside Hong Kong and designated by the government of the partner concerned would need to obtain an operating permit from the Civil Aviation Department. |
| 1. Measures to improve transparency in services | Hong Kong had all along been taking measures to increase the transparency of government policy initiatives and laws through regular updating and publicity. | Government laws, regulations, policies, guidelines, administrative measures/procedures, performance pledges, etc. are widely publicised at government publications and websites of the relevant government bureaux and departments. Enquiry points are maintained and publicised so as to promptly provide information and respond to comments/questions from any interested parties. | Government laws, regulations, policies, guidelines, administrative measures/procedures, performance pledges, etc. are widely publicised at government publications and websites of the relevant government bureaux and departments. Enquiry points are maintained and publicised so as to promptly provide information and respond to comments/questions from any interested parties. | HKC maintains a high degree of transparency in government laws, regulations, policies and administrative measures/procedures relating to trade in services. Constant review of the development of E-Government is carried out so as to maximise the utilisation of electronic option for the provision of Government services as well as to ensure that laws, regulations, policies, guidelines, administrative measures/procedures, performance pledges, etc. are promptly published or otherwise made available in such a manner as to enable interested persons to become acquainted with them.  “GovHK”, the one-stop access portal of the Government of the Hong Kong Special Administrative Region, was launched in 2007 to provide convenient access to information and services of the public sector frequently sought after by the public. To meet the increasing demand for mobile services, the GovHK portal adopted responsive web design from end-2016 and was revamped in end-2019 to provide more user-friendly interfaces. Leveraging new technologies, artificial intelligence and chatbot functions have been introduced to the GovHK portal in end-2019 to facilitate searching and access of e-Government services by the public. HKC will continue to launch more diverse, advanced and comprehensive electronic services and functions to extend the Government’s outreach to different sectors of the economy. |
| **4. Investment** |  |  |  |  |
| 1. Restrictions on foreign investment | 2 | 2 | 2 | HKC is committed to achieving the Bogor Goals of free and open investment. HKC continues to maintain one of the world’s most liberal and transparent investment regimes. There are no special legislations, regulations or administrative guidelines governing foreign investment in HKC, except for very limited regulatory requirements concerning investment in the banking and broadcasting sectors where the requirements are on par with international standards. These regulatory requirements are subject to constant review by the Government, and have been progressively relaxed.  There is no restriction on foreign exchange transactions, capital movement or repatriation of capital and returns related to foreign investments. A level playing field is provided for both foreign and local investors in HKC.  Invest Hong Kong (InvestHK), the government’s investment promotion agency, has been adopting a focused and proactive approach in providing solution-oriented advice, facilitation and aftercare services to companies or individuals interested in investing in HKC. Since its establishment in 2000, InvestHK has assisted over 5,500 companies in establishing a presence or expanding its operation in HKC. According to the latest survey, HKC was host to some 9,000 companies with parent companies located outside HKC as at June 2019. The work of InvestHK in promoting inward investment to HKC has been widely recognised. |
| 1. Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements) | 0 | 0 | 0 | Same as (1) above |
| 1. Restrictions on transfers of capital | Not existing | Not existing | Not existing | Same as (1) above |
| 1. Consistency with APEC Non-Binding Investment Principles | Most | Most | Most | HKC’s investment regime is consistent with APEC Non-Binding Investment Principles, except for the two regulatory requirements concerning investment in the banking and broadcasting sectors mentioned in item (1) above. |
| 1. Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation to foreign investment | 11 Investment Promotion and Protection Agreements (IPPAs) signed. (as at end of 1996) | 16 IPPAs signed. | 21 IPPAs signed (as at end 2019).  3 FTAs with NT in investment and 1 FTA with both NT and MFN treatment in investment signed (as at end of 2019). | Since the mid-term stocktake in 2009, HK has signed 6 more IPPAs (the one signed with Australia in 2019 replaced the one signed in 1993). |
| BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment | * Hong Kong / Australia IPPA (no NT provision) * Hong Kong / New Zealand IPPA |  Hong Kong / Australia IPPA (no NT provision)  Hong Kong / New Zealand IPPA  Hong Kong / Japan IPPA  Hong Kong / Republic of Korea IPPA  Hong Kong, China / Thailand IPPA | 1. Investment Agreement under the framework of CEPA signed between HKC and China 2. Hong Kong / Australia IPPA (signed in 2019, to replace the one signed in 1993) 3. Free Trade Agreement between Hong Kong, China and Australia 4. Hong Kong / New Zealand IPPA 5. Hong Kong / Japan IPPA 6. Hong Kong / Republic of Korea IPPA 7. Hong Kong, China / Thailand IPPA 8. ASEAN - Hong Kong, China Investment Agreement 9. Hong Kong / Canada IPPA 10. Hong Kong / Chile FTA (with NT in investment) 11. Hong Kong / Chile Investment Agreement (with both NT and MFN provision) |  |
| 1. Measures to improve transparency in investment | Hong Kong had all along been taking measures to increase the transparency of government policy initiatives and investment-related laws through regular updating and publicity. | HKC’s investment regime is highly transparent. Information on major policy initiatives, government programmes, investment-related laws and services of interest to investors is widely publicised and easily accessible, including provision of such information on the Internet. | HKC’s investment regime is highly transparent. Information on major policy initiatives, government programmes, investment-related laws and services of interest to investors is widely publicised and easily accessible, including provision of such information on the Internet. | HKC maintains a high degree of transparency in government laws, regulations, policies and administrative measures/procedures relating to investment. Constant review of the development of E-Government is carried out so as to maximise the utilisation of electronic option for the provision of Government services as well as to ensure that laws, regulations, policies, guidelines, administrative measures/procedures, performance pledges, etc. are promptly published or otherwise made available in such a manner as to enable interested persons to become acquainted with them.  “GovHK”, the one-stop access portal of the Government of the Hong Kong Special Administrative Region, was launched in 2007 to provide convenient access to information and services of the public sector frequently sought after by the public. To meet the increasing demand for mobile services, the GovHK portal adopted responsive web design from end-2016 and was revamped in end-2019 to provide more user-friendly interfaces. Leveraging new technologies, artificial intelligence and chatbot functions have been introduced to the GovHK portal in end-2019 to facilitate searching and access of e-Government services by the public. HKC will continue to launch more diverse, advanced and comprehensive electronic services and functions to extend the Government’s outreach to different sectors of the economy. |
| **5. Standards and Conformance** |  |  |  |  |
| 1. Number of domestic standards aligned with the target international standards for Voluntary Action Plan (VAP) | APEC Sub-Committee on Standards and Conformance (SCSC) started standards alignment work in priority areas as the Voluntary Action Plan (VAP) in 1995. HKC joined the alignment works under the VAP. | As reported in the 2008 VAP report, HKC has achieved 100% alignment of the 168 target IEC standards. HKC will join the new alignment work for the 2010 VAP Alignment Work. | Of all the target standards we have provided input in the 7th VAP survey report in 2019 (70 target standards), HKC has achieved 100% alignment in the fields of conformity assessment, electrical equipment, textiles, rubber products and management systems related standards.  HKC will join future new VAP alignment work as appropriate. | HKC accepts relevant international standards such as ISO and IEC standards. There is no central standards body developing and issuing domestic standards in Hong Kong. HKC’s policy is to use international standards as far as possible and align domestic standards with international standards where appropriate. |
| 1. Description of conformity assessment process including participation in and implementation of mutual recognition arrangements | There was no plurilateral mutual recognition arrangement on conformity assessment prior to 1996. There was no bilateral mutual recognition arrangement (MRA) on conformity assessment prior to 1996. The Hong Kong Laboratory Accreditation Scheme (HOKLAS) had established MRAs with its counterparts in the US, the UK, Australia, New Zealand, the Netherlands and Singapore. It has also entered into an MRA with the European Co-operation for Accreditation of Laboratories. | HKC has been participating in the development and implementation of the MRA for Conformity Assessment. HKC has participated in or notified its intention to participate in 10 MRAs: APEC Arrangement for the Exchange of Information on Toy Safety;  the umbrella arrangement of APEC Food MRA; APEC Tel MRA; APEC EEMRA Part I; APLAC-MRA; PAC MLA; CIPM MRA; ILAC MRA; IAF MLA,; a bilateral arrangement with multilateral arrangement group of the EA  Since September 1998, HKC has adopted a Hong Kong Telecommunications Equipment Evaluation and Certification Scheme which provides for the regulatory framework for evaluation and certification of wireless and wireline equipment for use in HKC.  HKC has recognised thirteen testing laboratories as conformity assessment bodies (CAB) for telecommunications equipment. Of the 13 recognised testing laboratories, eight are accredited certification bodies in the private sector, local or foreign, are allowed to perform equipment certification and grant certificate to telecommunications equipment which has been evaluated and is in compliance with the relevant technical specification.  For laboratory accreditation, Hong Kong Accreditation Service (HKAS) is a signatory to the Asia Pacific Laboratory Accreditation Cooperation (APLAC) multilateral MRA and the International Laboratory Accreditation Cooperation (ILAC) multilateral MRA. HKAS has also entered into a bilateral arrangement with the multilateral arrangement group of the European Co-operation for Accreditation (EA).  For inspection body accreditation, HKAS is a signatory to the APLAC multilateral MRA. More information can be found at http://www.itc.gov.hk/en/quality/hkas/hkias /agreement.htm.  For quality management system certification body accreditation, HKAS is a signatory to the Pacific Accreditation Cooperation (PAC) multilateral recognition arrangement (MLA) and the International Accreditation Forum (IAF) MLA. More information can be found at http://www.itc.gov.hk/en/quality/hkas/hkcas /agreement.htm. The Standards and Calibration Laboratory of HKC is a signatory to the “MRA for National Measurement Standards and for Calibration and Measurement Certificates issued by National Metrology Institutes” (CIPM Global MRA). More information can be found at http://www.itc.gov.hk/en/quality/scl /activities.htm. | HKC has continued participating in the development and implementation of the MRA/MLA for Conformity Assessment.  HKC has participated in following MRA/MLAs:  APEC Arrangement for the Exchange of Information on Toy Safety;  the umbrella arrangement of APEC Food MRA; APEC Tel MRA; APEC EEMRA Part I;  APAC MRA;  ILAC MRA; IAF MLA; CIPM MRA.  Hong Kong Accreditation Service (HKAS) is a signatory to the MRA of Asia Pacific Accreditation Cooperation (APAC) and International Laboratory Accreditation Cooperation (ILAC) for testing, calibration, medical testing, inspection, and proficiency testing provider; and to the APAC MRA for reference material producer.  For certification as well as validation and verification, HKAS is a signatory to both the APAC MRA and the International Accreditation Forum (IAF) MLA for quality management system certification, environmental management system certification, food safety management system certification, energy management system certification, product certification, and validation and verification; and to the APAC MRA for occupational health and safety management system certification. More information on HKAS’ MRA/MLA can be found at <https://www.itc.gov.hk/en/quality/hkas/agreement.htm>.  The Standards and Calibration Laboratory of HKC is a signatory of the "Arrangement for Mutual Recognition of National Measurement Standards and of Calibration and Measurement Certificates issued by National Metrology Institutes (NMIs)", which was drawn up by CIPM (CIPM MRA). More information can be found at <https://www.itc.gov.hk/en/quality/scl/activities.htm>  APEC Tel MRA facilitates trade in telecommunications equipment among participating APEC economies by removing duplicate conformity assessment which would otherwise cause delays in bringing products to the marketplace and increase in costs to consumers. Reaping the benefits of this trade facilitation measure to the entire telecommunications industry, HKC will continue its cooperation with participating APEC economies in implementing APEC Tel MRA in the years ahead. | With effect from October 2009, accredited local and overseas testing laboratories are recognised to perform conformity assessment of telecommunications equipment for use in HKC. As of end 2019, HKC has recognised 37 overseas testing laboratories as conformity assessment bodies (CABs) for performing testing of telecommunications equipment. Of the 37 recognised testing laboratories, 29 are designated by the US, three by Chinese Taipei, four by Canada and one by Singapore.  APLAC and PAC merged to become one regional accreditation cooperation i.e. the Asia Pacific Accreditation Cooperation (APAC) on 1 January 2019. Signatories of the original PAC MLA and APLAC MRA, including HKAS, became signatories of the newly established APAC MRA as at 1 January 2019. |
| 1. Efforts to raise transparency and objectivity of standards | The website on information on standards and conformance had not been established. | HKC has complied with the WTO Agreements on Technical Barriers to Trade (TBT) and on the Application of Sanitary and Phytosanitary Measures (SPS) in setting up respective notifications and enquiry points in respect of technical regulations, standards and conformity assessment measures. We issue WTO TBT and SPS notifications as and when required Criterion documents of the accreditation schemes under HKAS are available to the public and on its website http://www.itc.gov.hk/en/quality/hkas/publication.htm. A website http://www.itc.gov.hk/en/quality/psis/srca /standards.htm has been established and updated regularly to disseminate HKC’s standards and conformance information (information on standards, technical regulations, conformity assessment requirements and contact points of relevant government departments). Latest information about consumer protection is disseminated through the website http://www.customs.gov.hk/.  HKC has fulfilled the area-specific APEC Leaders’ Transparency Standards on Standards and Conformance. | In addition to continue our efforts mentioned in 2009, we strengthen collaboration between regulatory authorities, and keep abreast of the latest development in best practices through participation in major international and regional standardisation fora. | HKC will continuously enhance the transparency of its standards and conformity assessment measures. |
| **6. Customs Procedures** |  |  |  |  |
| 1. Adoption of HS2007 nomenclature | Although Hong Kong was not a member of the International Convention on the Harmonised Commodity Description and Coding System (the HS Convention), Hong Kong had adopted the HS in full in 1992 and implemented the 1996 version of HS on 1 January 1996. | Adopted.   Hong Kong has adopted the HS2007 nomenclature in full for trade declaration purposes.   Based on the HS 2007 nomenclature, the Hong Kong Import and Export Classification List (Classification List) has been revised.   Our Classification List will be updated on a regular basis and published bilingually in Chinese and English. |  Hong Kong has implemented the 2017 edition of the Harmonized System on 1 January 2017.   The Hong Kong Harmonized System (HKHS) complied fully with the HS Convention set out by the WCO. On top of the Convention, two additional digits are applied in Hong Kong for a more in-depth commodity classification. | The HKHS is updated annually to take account of international requirements and significant changes in trade pattern and technology. |
| 1. Conformity with the Revised Kyoto Convention | Hong Kong was in conformity with most of the 1974 Convention. | Not acceded (If not acceded, specify the status of conformity: **Most**)   Accession to the Revised Kyoto Convention (RKC) is under consideration.   The examination by Hong Kong Customs on the relevant legislation and procedures is in progress.   Despite that HKC is not a Contracting Party to the RKC, the cargo clearance measures taken by the Hong Kong Customs are in line with the RKC’s principles of transparency, predictability, consistency and reliability. | Not acceded (If not acceded, specify the status of conformity: **Most)**   Accession to the RKC is under consideration.   RKC is undergoing a comprehensive review since 2018 which is expected to bring changes to the Convention.   Hong Kong Customs will revisit the accession feasibility upon completion of the review scheduled for June 2021. |  |
| (3) Transparency |  Made available publications about Customs information, including Customs laws and regulations.  Followed "Code on Access to Information"- a Governmental guideline on provision of information to the public.  Set up a number of channels for the public to lodge complaints or appeals, including the provision of judicial review in the legislation.  Established public consultation in law making process, including Customs laws and regulations.  Set up liaison groups with the trade to promote mutual understanding and cooperation. |  Makes available Customs information, including Customs laws and regulations, useful telephone numbers and hyperlinks of some international organisations through the website of the Hong Kong Customs. Review and update of the website’s information will be made on a regular basis.   Operates a public enquiry email account (customsenquiry@customs.gov.hk) and sets up a 24-hour one-stop enquiry hotline for public enquiries.   An officer is assigned as Access to Information Officer to ensure that requests for information under the Code on Access to Information are properly dealt with in accordance with the Government guidelines and specified procedures.   Provides the public with sufficient channels for lodging complaints or appeals against Customs decisions (e.g. the Complaints Investigation Group of Hong Kong Customs, the Office of the Commissioner for Administrative Complaints and the Administrative Appeal Board (AAB)).  The AAB also deals with appeals relating to standards of weights and measures; issuance of licences and permits for controlled chemicals and dutiable commodities; refusal/revocation of optical disc manufacturer’s licences; the valuation of motor vehicles; and assessment of duty on dutiable commodities; etc.  The Complaints Investigation and Assessment Panel (CIAP) is in place to review and endorse the findings and recommendations of all public complaint investigations. The Complaints Appeals Committee (CAC), on the other hand, is to examine any appeals against the decision or ruling made by the CIAP. |  Makes available Customs information, including Customs laws and regulations, useful telephone numbers and hyperlinks of some international organisations through the website of the Hong Kong Customs. Review and update of the website’s information will be made on a regular basis. |  |
| 1. Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.) |  Adopted the UN/EDIFACT standard for developing its community Electronic Data Interchange (EDI) system for the exchange of trade-related information between government and the business sector. |  Electronic systems for Import and Export Declaration, Certificate of Origin, Production Notification, Dutiable Commodities Permits, Cargo Manifest (for air, rail, ocean and river modes of transport) and Textiles Notification under the Textile Trader Registration Scheme are in place.  Customs information is posted on the Internet.  A paperless submission scheme is in place for motor vehicle traders to submit removable storage media containing data of applications for First Registration Tax (FRT) assessment.  The local logistics and transportation operators are regularly updated on the latest development of the WCO (World Customs Organization) Data Model.  A technical study on the Corporate Data Model is completed with a view to aligning the data requirements of the systems of Hong Kong Customs by making reference to the WCO Data Model.  Preparation is in full gear for the rollout of a new electronic Customs infrastructure (known as the Road Cargo System (ROCARS)) in the 1st quarter of 2010 to provide for an electronic environment that supports the submission of advance road cargo information electronically, thus enhancing Customs clearance efficiency at the land boundary control points. Hong Kong Customs has adopted the WCO Data Model in developing the ROCARS.  The data format of Import and Export declaration has been standardised with that of ROCARS and a data inheritance function is being developed to help save the data input efforts of traders. |  Same status as in 2009, i.e. electronic systems for Import and Export Declaration, Certificate of Origin, and etc. are in place.   The Customs and Excise Information and Risk Management System (CEIRMS) is implemented to facilitate the department’s investigation of crimes and risk profiling of traders systems for Import and Export.  Currency and Bearer Negotiable Instruments Declaration System (CDS) is implemented to facilitate the making of declarations on Currency and Bearer Negotiable Instruments (CBNIs) electronically.   The Road Cargo System (ROCARS) was officially launched on 17 May 2010 and became mandatory on 17 Nov 2011. ROCARS provides the necessary infrastructure for electronic Customs clearance of road cargoes. ROCARS allows Hong Kong Customs to conduct computer-assisted risk assessment on a pre-shipment basis.   Data Inheritance Facilitation Function is developed for traders to re-use ROCARS data for preparing Import/Export Declarations submission.   The Motor Vehicles First Registration Tax System is well established to provide a fully-fledged e-service for motor vehicle importers to submit applications on-line for assessment of the taxable value of motor vehicles.  Mobile application “Hong Kong Car Tax” is in place to provide information on sales and purchase of motor vehicles before first registration and facilitates members of the public to check the published retail price lists anytime.   HKC has been pressing ahead with preparations on all fronts to implement the Trade Single Window (TSW) in three phases. Phase 1, as a pilot phase, was launched in December 2018 and has been progressively extended to cover a total of 12 documents by end 2019. We are closely monitoring the feedback of users. Further enhancements and extension of the TSW platform to cover more documents under Phase 1 are on-going. | HKC has:   kept the electronic systems under constant review with the objective of facilitating trade as far as possible;  adopted WCO (World Customs Organization) Data Model in the ROCARS; and  launched Phase 1 of the TSW in December 2018 for the lodging of 12 types of trade documents (mainly licences/permits for specific controlled products). |
| 1. Measures to secure trade (e.g. AEO, etc.) |  Adopted risk management techniques in passenger and cargo clearance.  Employed high technology equipment in cargo and passenger processing.  Built capacity on Customs officers.  Cooperated with overseas law enforcement agencies. |  The Intelligence Bureau enables Hong Kong Customs to adopt a more innovative and professional intelligence-led mode of operation.  Adopts advanced risk management techniques and employs more advanced technology and equipment in cargo and passenger processing.  Operates the “Red and Green Channel System” at all air, land and sea entry points.  The Integrity Steering Committee is in place to improve the integrity of Customs officers.  Closely monitors the best practices on the Authorized Economic Operator (AEO) programmes of other Customs administrations and makes reference to their experience before formulating the implementation plan.  Cooperates with the US Customs and Border Protection (CBP) in pursuing the Container Security Initiative (CSI) in order to identify high-risk US bound containers and perform outbound inspections using Non-Intrusive Inspection (NII) equipment. |  Adopts advanced risk management techniques and employs more advanced technology and equipment in cargo and passenger processing.   Operates the “Red and Green Channel System” at all air, land and sea entry points.   Hong Kong Customs formally launched the Hong Kong Authorized Economic Operator (“AEO”) Programme in April 2012, which is fully compliant with the WCO’s SAFE Framework of Standards to Secure and Facilitate Global Trade.   Plans to develop an electronic platform to exchange AEO data with other Customs administrations.   The CEIRMS was introduced in June 2018. The CEIRMS is a centralised repository of case information, investigation findings, intelligence and trader records, etc. to facilitate the intelligence processing and risk profiling works of the department.   The ROCARS was officially launched on 17 May 2010 and became mandatory on 17 Nov 2011. ROCARS enables shippers to submit advance electronic cargo information via a web-based platform or other electronic means for customs clearance of cross-boundary road cargoes. | HKC has:   accredited 60 companies as Hong Kong AEOs as of December 2019 and signed Mutual Recognition Arrangements (“MRAs”) with 11 economies. As a result, accredited traders can enjoy customs facilitation in the form of reduced and prioritised inspection and clearance in Hong Kong as well as other economies with MRAs signed with Hong Kong;  adopted and enhanced risk management techniques in the selection of passengers and cargoes for examination, e.g. Mobile X-ray Vehicle Scanning Systems at container ports and land boundary control points; fixed X-ray Vehicle Scanning Systems and high-tech equipment at land boundary points; and additional X-ray machines and ion scanners;   rolled out the Customs and Excise Information and Risk Management System in June 2018, providing a centralised repository to facilitate analysis of information and risk management works;  published and periodically revised the departmental Code on Conduct and Discipline for staff compliance. The latest version is the 2019 edition;  organised integrity training and various healthy lifestyle activities for staff as an integral part of integrity management; and   fully implemented ROCARS in November 2011, which enables Hong Kong Customs to obtain advanced electronic road cargo information and conduct effective risk profiling. |
| 1. Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.) |  Hong Kong is a tariff-free port, and Advance Classification Ruling System is not applicable. Valuation for assessment of excise duty is also consistent with the spirit of the WTO Valuation Agreement.  The Customs Convention on the ATA (Admission Temporaire/Temporary Admission) Carnet for the Temporary Admission of Goods had been extended to Hong Kong. Hong Kong also became a contracting party to the Istanbul Convention in 1995. Local legislation already gave effect to facilitating the temporary importation of goods covered by Carnets. |  Valuation for assessment of excise duty is consistent with the spirit of the WTO Valuation Agreement.  Follows the principles set out in the WCO Guidelines on express consignment clearance.  Memorandums of Understanding (MOUs) with four regional and local express industry associations are in place to enhance cooperation on clearance of express consignments.  Operates the “Release Goods Before Duty Payment” Scheme to allow express cargo operators to defer duty payment on imported dutiable goods shipments. An electronic payment method is in place to streamline the clearance procedures.  MOUs with business sector are in place to enhance cooperation on customs clearance.  Partners with cargo terminal operators and shipping companies in facilitating one-stop customs clearance for inter-modal transhipment cargoes.  Conducts the Business “Out-reach” Programme to brief staff of the shipping industry on customs clearance procedures and latest information of customs offences.  The measure of Green Customs seal is in place between the China Customs and the Hong Kong Customs. An incoming cross-boundary vehicle affixed with a Green Customs seal indicates that the vehicle has already been examined by the other side. This measure provides a very useful indicator for risk assessment. Customs authority on either side may choose not to re-examine the vehicle, thereby expediting the vehicular traffic at the land boundary.  The implementation of the unified road cargo manifest enables cross-boundary drivers to complete only one set of manifest data for submission to both China Customs and Hong Kong Customs.  The Road Cargo System (ROCARS) is to be rolled out in the 1st quarter of 2010 to further facilitate trade. (Note: Under ROCARS, shippers or their agents will submit advance cargo information electronically to the Hong Kong Customs. Based on the information, the Hong Kong Customs will conduct risk profiling and determine in advance whether inspection on a cross-boundary truck needs to be called for. With the implementation of the ROCARS, all trucks, except those selected for inspection, will enjoy seamless customs clearance at land boundary control points. The system will also facilitate the passage of transhipment cargoes which involve inter-modal transfer.) |  Operates the “Release Goods Before Duty Payment” Scheme to allow express cargo operators to defer duty payment on imported dutiable goods shipments. An electronic payment method is in place to streamline the clearance procedures.  MOUs with business sector are in place to enhance cooperation on customs clearance.   The measure of Green Customs seal is in place between the China Customs and the Hong Kong Customs. An incoming cross-boundary vehicle affixed with a Green Customs seal indicates that the vehicle has already been examined by the other Customs authority. This measure provides a very useful indicator for risk assessment. Customs authority on either side may choose not to re-examine the vehicle, thereby expediting the vehicular traffic at the land boundary.   The implementation of the unified road cargo manifest enables cross-boundary drivers to complete only one set of manifest data for submission to both the China Customs and Hong Kong Customs.  With the enactment of the Import and Export (Electronic Cargo Information) Regulation (Cap. 60L) in November 2009, Hong Kong Customs rolled out the Road Cargo System (“ROCARS”) in May 2010 and the use of ROCARS became mandatory on 17 November 2011.  The Intermodal Transhipment Facilitation Scheme (ITFS) was launched in November 2010 to provide facilitation to air-land and sea-land transhipment cargoes by simplifying the customs clearance process.  The facilitation under ITFS is further extended by formal launching the Single E-lock Scheme (SELS) in March 2016. Under SELS, ITFS of Hong Kong Customs is interconnected with the Speedy Customs Clearance of the Guangdong Customs for streamlining the clearance process and expediting the flow of cross-boundary cargo through application of e-locks and GPS devices.   The implementation of the Free Trade Agreement Transhipment Facilitation Scheme (FTA Scheme) in December 2015 enables cargoes passing through HKC to enjoy preferential tariff under 15 FTAs signed between China and 63 economies. | HKC has:  operated the “Release Goods Before Duty Payment” Scheme to allow express cargo operators to defer duty payment on imported dutiable goods shipments. Introduced an electronic payment method to streamline the clearance procedures;  signed MOUs with business sector to enhance cooperation on customs clearance;  fully implemented ROCARS in November 2011 to enable registered shippers or their authorized agents to submit advanced cargo information of road cargo by electronic means. Under the system, truck drivers can enjoy seamless and speedy Customs  launched SELS in March 2016 to expedite cross-boundary cargo flow, and in turn support the development of logistics industry and in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA). Since May 2019, the number of clearance points in Guangdong had been increased to 52, covering all nine Mainland municipalities within the GBA; and   implemented the FTA Scheme since December 2015 and handled a total of 20,295 applications, facilitating transhipment cargoes passing through HKC with a total trade value of around HK$12.5 billion to enjoy tariff saving of around HK$860 million by end of 2019. |
| **7. Intellectual Property (IP)** |  |  |  |  |
| 1. Ratification and implementation of the major multilateral agreements relating to IP rights | Hong Kong complied with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in its capacity as a member of WTO.  The following international IP conventions were extended and applied to Hong Kong -  (1) the Paris Convention for the Protection of Industrial Property; (2) the Berne Convention for the Protection of Literary and Artistic Works; (3) the Universal Copyright Convention; (4) the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms; (5) the Patent Cooperation Treaty; and (6) the Convention establishing the World Intellectual Property Organization (WIPO). | HKC complies with the WTO TRIPS Agreement in its capacity as a WTO member.  The following international IP conventions have been extended and applied to HKC by the People’s Republic of China –  (1) the Paris Convention for the Protection of Industrial Property; (2) the Berne Convention for the Protection of Literary and Artistic Works; (3) the Universal Copyright Convention; (4) the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms; (5) the Patent Cooperation Treaty; (6) the Convention establishing the WIPO; (7) the WIPO Copyright Treaty; and (8) the WIPO Performances and Phonograms Treaty. | HKC complies with the WTO TRIPS Agreement in its capacity as a WTO member.  The following international IP conventions have been extended and applied to HKC by the People’s Republic of China –  (1) the Paris Convention for the Protection of Industrial Property;  (2) the Berne Convention for the Protection of Literary and Artistic Works;  (3) the Universal Copyright Convention;  (4) the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms;  (5) the Patent Cooperation Treaty;  (6) the Convention establishing the WIPO;  (7) the WIPO Copyright Treaty; and  (8) the WIPO Performances and Phonograms Treaty. |  |
| 1. Measures to ensure the expeditious granting of IP rights | Copyright protection has been automatic and did not require registration.  Hong Kong maintained cost effective and responsive registration systems. The Intellectual Property Department (IPD) maintained the Registries for trade marks and patents. | Since 2003, IPD has been providing electronic-filing services for trademarks, patents and designs applications. The Registers of trade marks, patents and designs are all maintained in electronic format.  IPD has set performance targets for processing applications for registration of trade marks, patent and designs. For details, see http://www.ipd.gov.hk/eng/about\_us /performance\_pledge.htm  IPD also provides guidelines on how to register a trade mark, patent or design in HKC. | HKC provides electronic searching, filing, payment and publication services in respect of registration of trade marks, patents and designs.  In 2019, IPD launched (a) the New Integrated IT System (NIS) for searching, filing, processing and registration of trade marks, patents and designs; and (b) the original grant patent (OGP) system which provides a direct route for applicants to file standard patent applications in HKC. | The NIS launched in 2019 is a fully web-based e-filing solution with enhanced online search functions. More forms including those for opposition and hearing proceedings and more payment options are now available for e-filing. Certain automated system checking and validation are enabled to enhance IPD’s operational efficiency in processing IP applications and granting IP rights.  The OGP system, which runs in parallel with the pre-existing re-registration system under which standard patents are applied for and granted in HKC on the basis of the earlier corresponding patent applications filed with and granted by one of the three designated patent offices (i.e. CNIPA, EPO and UKIPO), enables applicants for standard patents to file their patent applications directly and promptly in Hong Kong, thereby saving their time and costs which otherwise have to be incurred for filing their earlier corresponding applications with a designated patent office outside Hong Kong under the “re-registration” system. |
| 1. Measures to provide for the effective enforcement of IP rights | The specific IP laws and the judicial system provided for the method of protection and enforcement of IP rights. Hong Kong had comprehensive legislation to protect patents, trade marks, copyright, registered designs and layout designs (topographies) of integrated circuits. In addition to civil remedies, criminal sanctions were applied to copyright infringement and counterfeit trade marks.  Hong Kong Customs has been the primary enforcement agency in dealing with criminal enforcement of copyright and trade mark infringement. A dedicated force of 165 officers was responsible for suppressing the manufacture, import, export, distribution and sale of pirated and counterfeit goods. | HKC reviews its IP legislation from time to time to ensure that it meets the prevailing needs and is effective.  Owners of IP rights can also enforce their IP rights through civil proceedings in HKC courts.  The enforcement force of Hong Kong Customs has been further strengthened. A special task force consisting of 150 officers was set up in June 1999 to enhance the enforcement capability against pirated optical discs at the retail level. Manpower in the dedicated force for suppressing IPR crimes also increased from 165 to 250 officers.  To combat internet piracy, two Anti-Internet Piracy Teams were established to conduct online investigations; and a Computer Forensic Laboratory was set up in 2000 to provide technical support to the internet teams. Hong Kong Customs has also deployed dedicated team to investigate complaints of bootlegging activities.  Hong Kong Customs tackles copyright piracy and counterfeit goods through combating the distribution at all levels on one hand, and strangling the financial blood-stream of organised criminal syndicates on the other.  In addition, Hong Kong Customs maintains an effective strategic partnership with the IPR industry.  The collaboration with universities and adoption of technology to tackle internet piracy also solidify the enforcement efficiency of Hong Kong Customs. | HKC reviews its IP legislation from time to time to ensure that it meets the prevailing needs and is effective.  Owners of IP rights can also enforce their IP rights through civil proceedings in HKC courts.  The Hong Kong Customs is the primary enforcement agency in dealing with criminal enforcement of copyright and trade mark infringement. It has adopted, since 2010, a multi-pronged enforcement strategy against IPRs infringing activities, and is committed to combatting counterfeit goods and copyright infringement along the multi-level supply chain.  The Hong Kong Customs is committed to fortifying the Customs-Business partnership and enhancing cooperation with the IPR industry and related associations. | In 2013, the Hong Kong Customs established the Electronic Crime Investigation Centre (ECIC) to strengthen research on the latest cyber technologies and IPRs related crime trends, formulate enforcement strategies and procedures on evidence collection, and conduct training courses on retrieval and preservation of digital evidence for front-line enforcement officers so as to enhance their investigation capabilities for online activities. In 2017, the ECIC was awarded the ISO 9001 2015 accreditation of Quality Management System, which has ascertained the process sustainability, quality and effectiveness of ECIC’s training functions.  Since 2018, the Hong Kong Customs has also implemented the “Big Data Analytics System” (the System) to assist frontline officers in combating the ever-changing and latest modus operandi of online IPR infringements. The System is capable of analysing massive volumes of internet information to identify IPRs crime trends and to identify active cross-platform infringers.  HKC applies the Organized and Serious Crimes Ordinance (“OSCO”) to IPR investigations with a view to dealing a heavy blow to the organised criminal syndicates engaged in piracy and counterfeiting activities. From 2004 to 2019, the Hong Kong Customs has applied OSCO to 14 cases, restraining about HK$133 million worth of financial assets and crime proceeds. One of the defendants was sentenced to imprisonment for 74 months. |
| 1. Measures to harmonise IP rights systems in the APEC region | Hong Kong IP laws provided territorial protection of IP rights. Registration of trade marks and patents granted protection in Hong Kong. Non-registrable IP rights enjoyed automatic territorial protection under the law. | HKC’s IP laws provide territorial protection of IP rights. Trade marks, patents and designs registered in HKC enjoy protection in HKC. Non-registrable IP rights enjoy automatic territorial protection under the law.  As most of the important IP treaties are extended and applied to HKC, our IP system shares a lot of similarities with APEC economies where the IP treaties are also applied. | HKC’s IP laws provide territorial protection of IP rights. Trade marks, patents and designs registered in HKC enjoy protection in HKC. Non-registrable IP rights enjoy automatic territorial protection under the law.  As most of the important IP treaties are extended and applied to HKC, our IP system shares a lot of similarities with APEC economies where the IP treaties are also applied. | The implementation of the OGP system in 2019 has brought HKC’s patent system closer to those adopted by other major economies in the APEC region. HKC is also pressing ahead with implementation of the international trade marks system under the Madrid Protocol, which is also adopted by many major economies in the APEC region. |
| 1. Public education about IP | Educational talks were conducted on a demand basis as there was no separate budget for publicity.  In 1996, a homepage was launched onto the internet and materials were distributed to schools and young people to enhance public awareness of the importance of IP rights protection.  A visit programme was launched to raise students’ awareness of the importance of protection of IP rights. The Hong Kong Intellectual Property Society, a non-governmental and non-profit making organisation with the principal objective of promoting the awareness of IP rights of the individual and a respect for the rights of others, was established in September 1996. | Since 1997, HKC has developed a wide range of marketing and educational activities aimed at raising public awareness of the importance of IP protection. For more information regarding IP education and promotion efforts, see http://www.ipd.gov.hk/eng/promotion\_edu.htm.  Actions taken up to November 2009 include –  (1) broadly-based promotion and publicity campaigns for the general public such as television advertising, thematic street advertising, posters and leaflets;  (2) sector-based activities such as primary and secondary school visits programme, IP Tutor Programme, participation in exhibitions and seminars for the business sector;  (3) dedicated IPD publicity and promotional briefings or seminars launched as a result of changes in law e.g. the Copyright (Amendment) Ordinance 2007;  (4) promotional campaigns such as “No Fakes Pledge” Scheme (launched since 1998), “I Pledge” campaign (launched since 1999) and activities organised under these themes such as mini-concerts, exhibitions and seminars. For more information, see http://www.ipd.gov.hk/eng/promotion\_edu/no\_fakes.htm,http://www.ipd.gov.hk/eng/promotion\_edu/i\_pledge.htm.  (5) a pilot scheme “Intellectual Capital Management Consultancy Programme” (from March 2009 to January 2010), aiming at helping enterprises, especially Small and Medium Enterprises (SMEs), to apply Intellectual Capital Management tools using an effective IP strategy for protection of enterprise intellectual capital. For more information, see http://www.ipd.gov.hk/eng/icm.htm.  (6) seminars for HKC’s SMEs operating in important economic centers in the Pearl River Delta Region, with the assistance and support of local People’s Governments in the Guangdong Province, China. For more information, see http://www.ipd.gov.hk/eng/ip\_cooperation\_corner.htm.  In 2006, Hong Kong Customs worked together with the IPR industry to establish the “Youth Ambassador Against Internet Piracy” Scheme with participation of 11 local uniform youth groups. Under the Scheme, Hong Kong Customs has recruited 200,000 members from the 11 youth organisations to form a strong alliance to fight against illegal file-sharing activities by using BitTorrent software on the Internet. Since the scheme was established, a total of 1,652 reports from members have been received for Customs investigation. | HKC continued to develop a wide range of marketing and educational activities aimed at raising public awareness of the importance of IP protection. For more information regarding HKC’s IP education and promotion efforts, see https://www.ipd.gov.hk/eng/promotion\_edu.htm.  Actions taken up to end of 2019 include –  (1) broadly-based promotion and publicity campaigns for the general public such as television advertising, thematic street advertising, posters and leaflets;  (2) sector-based activities such as school visits and interactive drama programmes, IP Ambassador Programme, participation in exhibitions and seminars for the business sector;  (3) dedicated IPD publicity and promotional briefings or seminars launched to tie in with on-going enhancement to the IP regime, e.g. the introduction of the original grant patent system; and  (4) promotional campaigns such as the “No Fakes Pledge” Scheme and “I Pledge” campaign.  In addition, HKC has been taking forward various measures to promote IP trading since 2015. In this connection, IPD has conducted public education to promote related services and showcase success stories of IP commercialisation; and has also teamed up with the Department of Justice in promoting arbitration and mediation for resolving IP disputes in Hong Kong. | To evaluate the change in the level of public awareness of IP, IPD conducted benchmark surveys from time to time. As confirmed by the latest survey conducted in 2018, the general public in Hong Kong has a high awareness of IP rights protection and respect for IP rights. 75.8 per cent of the respondents said that they did not buy any pirated or counterfeit goods (up from 70.9 per cent in 2016 as revealed by the previous survey). |
| 1. International cooperation on IP rights | Hong Kong committed, in its 1996 Individual Action Plan, to provide necessary assistance together with other APEC members in taking forward the objective of providing and expanding bilateral technical cooperation as set out in the Osaka Action Agenda.  Hong Kong is a member of the WTO in its own right and is a party to WTO TRIPS Agreement.  Hong Kong Customs coordinated closely with international organisations to protect intellectual property. The department was on the contact-point lists of the World Customs Organization (WCO), WTO and APEC for effective intelligence exchange to facilitate global IPR enforcement efforts. | IPD has maintained close cooperation with various international and regional IP authorities in promoting experience sharing and co-operation in IP rights protection. Events organised/co-organised in 2009 include –  (1) A two-day “APEC Workshop on Effective Implementation of Model Guidelines on Supply Chain Integrity” organised by the U.S. Patent and Trademark Office and with IPD as a co-organiser on 8 to 9 January 2009 in HKC.  (2) A workshop on “Conducting effective IPR Public Education and Awareness campaigns for SMEs” organised by IP Australia, IPD and the Intellectual Property Office of Singapore under the third phase of the APEC Public Education and Awareness Program on 1 to 3 April 2009 in Australia.  (3) WIPO Regional Symposium on Management of Intellectual Capital, Intellectual Assets and Intellectual Property organised by WIPO and the Government of China and hosted by IPD on 29 and 30 October 2009 in HKC. HKC participates in various international fora, including the activities of the WTO Council for TRIPS and conferences at the WIPO.  HKC participates actively in APEC cooperative programmes on IP rights issue, including contribution to the expansion of bilateral technical cooperation by providing necessary assistance together with other APEC members, and sharing experience in the provision of electronic services.  Hong Kong Customs coordinates closely with international organisations, including WCO, WTO and APEC, in IP protection. Regular exchange of information related to detected cases and piracy/counterfeiting trends is also conducted between Hong Kong Customs and overseas law enforcement agencies on bilateral or reciprocal basis. | HKC is a party to the WTO TRIPS Agreement. HKC actively participates in the discussions in the WTO TRIPS Council, including on issues relating to IP and Innovation.  IPD has maintained close cooperation with various international organisations (including APEC, WTO and INTA) and regional IP authorities to promote the protection and commercialisation of IP rights, including organisation and support of events and signing of Memorandum of Understanding on co-operation in the field of IP.  HKC participates actively in APEC cooperative programmes on IP rights issue, including contribution to the expansion of bilateral technical cooperation by providing necessary assistance together with other APEC members.  The Hong Kong Customs worked closely with international organisations, (including WCO, WTO and APEC) to protect IP rights.  Intelligence exchange, sharing of detected case information and joint operation in intercepting counterfeits have been conducted between the Hong Kong Customs and overseas law enforcement agencies, including the US authorities and the EU customs authorities. | IPD and International Trademark Association (INTA) signed a Memorandum of Understanding (MoU) in 2014 in Hong Kong to foster cooperation on trademarks and other related fields. They co-organised a one-day programme (“Unreal Campaign”) in May 2014 to raise awareness about the use of trademarks and harms of counterfeit products among secondary school and tertiary students.  IPD supported WTO in organising the “WTO Regional Workshop on Intellectual Property and its Role in the Generation and Diffusion of Green Technologies” in 2014 in Hong Kong.  IPD signed two MoUs with IP offices of Korea and Mexico in 2015 on co-operation in the field of IP and, in collaboration with these two IP offices, conducted a two-day “APEC Workshop on Promoting Best Practices in Licensing for Creative Industries” in Hong Kong in June 2018. IPD signed in March 2019 an MoU with IP Australia to strengthen mutual co-operation in the IP field.  The Hong Kong Customs worked closely with its counterparts, including those in other APEC economies, to foster cooperation on IP rights enforcement. The Hong Kong Customs jointly organised with Japan Customs an APEC Workshop on IPR Border Enforcement in 2014 in Hong Kong; and with the United States authorities the "Asia Regional Intellectual Property Rights Criminal Enforcement Workshop" in 2017 in Hong Kong. Joint operations were also conducted from time to time. For instance, in May 2018, the Hong Kong Customs took part in a joint operation with APEC member economies against counterfeit electronic products. |
| 1. Measures to promote transparency of IP rights requirement (for example, the APEC Leaders’ Transparency Standards) | All laws and regulations concerning the protection of IP rights in Hong Kong were published in both English and Chinese prior to or upon their taking effect and were available on the Internet for access by the general public.  If there were changes to laws and regulations, the interested parties would be consulted and given opportunities to comment. Proposed legislation would be published in the Gazette which was also posted on the Internet.  The legal regime was under constant review and improvements would be proposed in light of international trends and advancements in technology.  Customer support services (by telephone or email) to handle enquiry on procedural and other IP related matters were provided.  Parties to application or proceedings relating to IP rights were duly notified in writing of any administrative and judicial rulings affecting their case, whether interim or final. The decisions of IPD could be accessed at its website, whilst the decisions of the courts could be found at http://www.hklii.org/ and http://www.judiciary.gov.hk/en/legal\_ref/judgments.htm. | All laws and regulations concerning the protection of IP rights in HKC are published in both English and Chinese prior to or upon their taking effect and are available on the Internet for access by the general public.  If there are changes to laws and regulations, the interested parties will be consulted and given opportunities to comment.  Reasonable opportunity is afforded for comments. Proposed legislation is published in the Gazette which is posted on the Internet.  IPD has uploaded a wide range of information on its websites on copyright, trade mark, patent and designs and other IP rights (see http://www.ipd.gov.hk/eng/home.htm). IPD’s website also contains useful information such as FAQs, application and other forms, decisions on registrability and opposition.  The Trade Marks Registry Work Manual has been uploaded on IPD’s website. The Manual would be updated from time to time to reflect the Registry’s up-to-date practice.  On-line search of applications, issuance and registration of trade marks, patents and designs is available. Guides have been issued by IPD as to how to register a trade mark, patent or design in HKC. The Guides are accessible on IPD’s website.  All communications from the Trade Mark Registry, including reasons for refusal to register a mark and decisions in proceedings, are all in writing. Applicants have opportunities to respond to communications from the Registry, or to attend hearings in respect of applications.  For trade marks, opposition, invalidation and revocation are available. For patents and designs, the validity of the registration can be challenged in the courts. Parties are duly notified of the outcome of such proceedings. Parties to application or proceedings relating to IP rights are duly notified in writing of any administrative and judicial rulings affecting their case, whether interim or final. The decisions of IPD can be accessed at its website, whilst the decisions of the courts can be found at http://www.judiciary.gov.hk/en/index/index.htm.  IPD also provides customer support services (by telephone or email) to handle enquiry on procedural and other IP related matters. | All laws and regulations concerning the protection of IP rights in HKC are published in both English and Chinese and are available on the Internet for access by the general public. Consultation will be conducted for any proposed changes to the IP regime.  Guidelines related to examination and registration of intellectual property rights are also readily accessible at IPD’s website, e.g. the Patents Examination Guidelines which lay down the principles and practice in processing cases under the new patent system.  For the search of electronic registers containing application and registration details of trade marks, patents and designs, the system has been enhanced in 2019 to provide more user-friendly and advanced search facilities which include a combination of search operators and functions for saving and exporting the search results for further/future use.  Apart from the electronic registers, IPD continues to provide a wide range of IP information on its websites and through its Public Service Counter as well as dedicated enquiry hotline and email account. | Major consultations regarding the IP regime conducted in recent years include Consultation on Review of the Patent System in Hong Kong in 2011, Consultation on the Proposed Application of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) to Hong Kong in 2014 as well as Consultation on Review of Copyright Exceptions for Persons with a Print Disability in 2017. Consultation papers were all made public and uploaded onto IPD’s website. Public responses, notably in the form of written submissions, to these consultation papers were duly considered by the Government in formulating the way forward.  HKC has also introduced various promotion and education programmes to promote best practices of IP protection, management and trading. Please refer to “7(5) Public education about IP” for the updates. |
| **8. Competition Policy** |  |  |  |  |
| 1. Development of competition laws and establishment of competition authority | Non-existence of competition law and authority | Non-existence of a general competition law and authority. Yet the Broadcasting Authority (BA) and the Telecommunications Authority (TA) have statutory power to regulate competition matters in the broadcasting sector and the telecommunications sector in HKC respectively. | Existence of a cross-sector competition law and a dedicated and independent statutory authority, i.e. Competition Commission. | On 14 December 2015, a cross-sector competition law, the Competition Ordinance, came into full effect in HKC. The Ordinance prohibits agreements, practices and decisions that prevent, restrict or distort competition, and the abuse of substantial market power in HKC. It also prohibits anti-competitive mergers in the telecommunications sector.  The Ordinance adopts a judicial enforcement model to separate the powers of investigation and enforcement by the Competition Commission, from those of adjudication of alleged contraventions and imposition of penalties by the Competition Tribunal.  The Commission has been actively discharging its statutory functions in full spectrum to promote a competitive environment, and achieved a number of key milestones. Up to December 2019, the Commission had brought 4 cases involving bid-rigging, market sharing and price fixing before the Competition Tribunal. The Tribunal has so far handed down its decisions on two of the cases, ruling in favour of the Commission and against 14 of 15 Respondents concerned.  In addition, the Competition Commission has so far issued a block exemption order and two decisions relating to exclusions and exemptions under the Ordinance, launched education campaigns to raise public awareness and understanding of the Ordinance, advised the Government on various competition issues as well as actively participated in the work of the international competition community. |
| 1. Consistency with [APEC Principles to Enhance Competition Policy and Deregulation](https://www.apec.org/Meeting-Papers/Leaders-Declarations/1999/1999_aelm/attachment_apec.aspx) and efforts to become consistent with the Principles | All | All | All | HKC applies the APEC Principles concerned. In particular, the Competition Ordinance, which came into full effect in December 2015, prohibits anti-competitive agreements, practices and conduct irrespective of where the parties to such agreements, practices or conduct are based. Also, the application of the Ordinance strictly follows the non-discrimination principle endorsed by APEC. |
| 1. International cooperation on Competition law/policy | Hong Kong had no co-operation arrangements or agreements with other APEC economies on competition policy. This notwithstanding, we did participate in competition policy dialogues among APEC economies to enhance mutual understanding of issues pertaining to competition policy/laws. | HKC has not entered into any arrangements or agreements with other APEC economies on competition policy. Nonetheless, we participate constructively in the discussions/activities on trade and competition in various international fora to share our domestic experience in promoting competition and express our views on various international competition issues. | The Competition Commission of HKC has signed a Memorandum of Understanding with the competition authority in Canada, a member economy of APEC, with the purpose of enhancing cooperation, coordination and information sharing between the two agencies on competition issues of mutual concern.  The Commission has started a discussion with its counterpart in another member economy of APEC to further deepen their partnership through a memorandum of understanding. | The Competition Commission of HKC has been an active participant in the international competition community. In 2018, the Commission was appointed as the co-chair of the Advocacy Working Group of the International Competition Network (ICN) for a three-year term. The Commission has since then taken the lead of the Group’s work together with the other two co-chairs, the authorities of Singapore and Norway, with a view to promoting a competition culture through non-enforcement means.  In November 2018, the Commission organised its inaugural international conference, Hong Kong Competition Exchange, to facilitate sharing of best practices, insights and experiences on competition law and policy. It was well participated by over 300 representatives from the business sector, legal community, Government departments, academic institutions and overseas competition agencies. In August 2019, the Commission co-organised the Competition Enforcers and Academics Summit, which brought together 45 distinguished scholars and enforcers from 13 jurisdictions, to foster idea and experience-sharing on competition issues, and to discuss ways and areas in which academic institutions and competition law enforcement agencies can strengthen partnership and collaboration.  The Commission’s enforcement and advocacy work have drawn interests from agencies in Asia-Pacific, with the Commission staff invited to share experiences with other competition authorities in the region, such as those of Indonesia and the Philippines, on issues in relation to enforcement and agency effectiveness.  In addition, the Commission has been building stronger ties through various bilateral and multilateral meetings and training with overseas enforcers, and international bodies such as OECD and UNCTAD. |
| **9. Government Procurement** |  |  |  |  |
| 1. Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners | All government tender notices and tender information were published on the Internet. | HKC maintains a common entry point for access to information on government procurement policies, practices, regulations, procedures and contact points, etc, on the Internet. General information on the government procurement system is published in the “Guide to Government Procurement”, which is accessible at http://www.fstb.gov.hk/tb/eng/procurement/tender04.html.  Specific information on procurement opportunities is published in the Government Gazette, newspapers as well as homepages maintained by relevant government bureaux and departments.  Normally, government bureaux and departments would adopt open tendering for invitation of tenders. All interested tenderers are free to submit tenders. Where the nature of the contract dictates that tenders have to be invited from qualified suppliers/contractors, selective or pre-qualified tendering may be used. Under selective tendering procedures, tenderers are required to meet certain qualification criteria or technical assessment to ensure suitability. Applications for inclusion may be submitted at any time. Up-to-date lists and method of application for inclusion in the lists are published in the Gazette annually and are reviewed regularly.  All information required for suppliers to prepare a responsive offer is set out in tender documents. If necessary, we will organise pre-tender briefings and potential tenderers may take such opportunity to seek clarification from the procuring departments. Tender specifications and assessment criteria are stipulated in the tender documents. Tenders are evaluated against the tender specifications and the assessment criteria laid down in the tender documents. Award of contracts is based on the result of the evaluation process. We notify tenderers of the tender results and publish the outcome of the tenders including the name of the successful supplier or contractor, the contract price and the date of award of the contract in the Gazette and on the Internet. We also inform the unsuccessful tenderers of the outcome of the bid evaluation. | HKC maintains a common entry point for access to information on government procurement policies, practices, regulations, procedures and contact points, etc, on the Internet. General information on the government procurement system is published online.  Normally, government bureaux and departments would adopt open tendering for invitation of tenders. All interested tenderers are free to submit tenders. Tender notices for open tenders covered by WTO Agreement on Government Procurement (GPA) will be published in the Government Gazette. In addition, tender notices may be published on the Internet as well as local and/or international press.  Where the nature of the contract dictates that tenders have to be invited from qualified suppliers/contractors, selective or pre-qualified tendering may be used. Under selective tendering procedures, tenderers are required to meet certain qualification criteria or technical assessment to ensure suitability.  Applications for inclusion may be submitted at any time. Up-to-date lists and method of application for inclusion in the lists are published in the Gazette annually and are reviewed regularly.  All information required for suppliers to prepare a responsive offer is set out in tender documents. If necessary, we will organise pre-tender briefings and potential tenderers may take such opportunity to seek clarification from the procuring departments. Tender specifications and assessment criteria are stipulated in the tender documents. Tenders are evaluated against the tender specifications and the assessment criteria laid down in the tender documents. Award of contracts is based on the result of the evaluation process. We notify tenderers of the tender results and publish the outcome of the tenders including the name of the successful supplier or contractor, the contract price and the date of award of the contract in the Gazette and on the Internet. We also inform the unsuccessful tenderers of the outcome of the bid evaluation.  As for measures specific to public works procurement, since 2014, the tender evaluation methods have been updated to place more emphasis on the contract specific attributes of tenders than the corporate general attributes of tenderers with a view to enhancing competition on the technical quality of tenders, particularly on safety, innovation and creativity, productivity and constructability. The evaluation criteria are outlined in a circular, which is accessible at the Internet. | HKC continues to update regularly information on government procurement policies, practices, procedures, regulations, contact points, etc. on government procurement homepages on the Internet. |
| 1. Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers | None | None | None | HKC is committed to providing equal opportunities for domestic and foreign suppliers and service providers, participating or competing in Government procurement. Open and fair competition is one of our guiding principles. We do not discriminate between products on the basis of their countries of origin. In drawing up tender specifications for the goods or services to be procured, we ensure that the characteristics laid down for the goods or services will not create unnecessary obstacles to international trade. We also ensure that all potential tenderers are given the same information for them to prepare their bids. All qualified tenderers, irrespective of local or overseas, are free to submit their bids. |
| 1. Reciprocity requirements in providing access to government procurement markets | Not existing | Not existing | Not existing | HKC’s government procurement system is open and non-discriminatory. The objective of the government procurement policy is to ensure a fair and competitive environment. HKC’s government procurement process is governed by the Stores and Procurement Regulations (SPR) made by the Financial Secretary under the Public Finance Ordinance. These Regulations are supplemented by Financial Circulars issued by the Secretary for Financial Services and the Treasury from time to time.  The Revised WTO Agreement on Government Procurement (“Revised GPA”) entered into force on 6 April 2014 for HKC. For procurement subject to this Revised GPA, the procedures laid down in SPR and relevant Financial Circulars are fully consistent with the provisions of the Revised GPA. Therefore, the benefits of the Revised GPA are available to all economies irrespective of whether they are signatories to the Agreement. |
| 1. Consistency with the APEC Non-binding Principles on Government Procurement | All | All | All |  |
| 1. Introduction of electronic means for government procurement | Not introduced | Introduced | Introduced | We have been enhancing the user-friendliness of the system. An e-Tender Box has been implemented since 2010 to replace the Electronic Tendering System to allow for downloading of tender documents from and submission of tender offers through the Internet for all types of tenders issued by the Government Logistics Department and goods tenders issued by all bureaux/departments. By end of 2017, the e-Tender Box was enhanced to post tender notices for all stores/general services/revenue tenders issued by all bureaux and departments. |
| **10. Deregulation/ Regulatory Reform** |  |  |  |  |
| 1. Reviews of existing regulations | Some | Some | Some | The “Be the Smart Regulator” Programme launched in 2007 aims at improving the efficiency, transparency and customer-friendliness of business licences with a view to reducing compliance costs to business while safeguarding public interest.  Under the steer of Business Facilitation Advisory Committee (BFAC) and its three task forces, the Programme has been implemented for over ten years and is well received by the trades. Through continuous efforts of the licensing agencies, the improvement measures introduced over the years have helped improve the overall licensing environment for doing business in HKC. Both the business community and the public have also benefited from the improvement measures. |
| 1. Reviews of new or proposed regulations | Some | Some | Some | In HKC, government bureaux/departments are encouraged to carefully assess the impact of any new or proposed regulations on the business sector before they are introduced. With the guidance of a business impact assessment (BIA) framework developed to facilitate assessing the business impact of regulatory proposals, government bureaux/departments can conduct BIA studies to understand the potential impact of their proposed regulation on the business sector with a view to minimising the effect of their regulation on business.  With the structured analysis of the trade’s views/concerns and impact assessment findings, bureaux/departments could avoid the introduction of unnecessary regulatory requirements and refine their regulatory proposals to make them as business-friendly as possible.  To help refine new regulatory proposals and minimise the regulatory impact on business while meeting the policy objectives, the BFAC and its Task Forces as well as the business liaison groups have been providing an effective platform for bureaux/departments concerned to consult the relevant business sectors on new regulations and thrash out their implementation details. |
| 1. Consistency with [APEC Principles to Enhance Competition and Regulatory Reform](https://www.apec.org/Meeting-Papers/Leaders-Declarations/1999/1999_aelm/attachment_apec.aspx) | All | All | All | HKC maintains an effective, transparent and fair regulatory regime on par with international standards. All legislation is available via the Internet for free access. It is a standing practice in HKC for the government and regulatory authorities to consult stakeholders during the formulation of policies, rules and regulations.  Regulatory reviews are conducted in consultation with the trades concerned. |
| 1. Improving transparency in regulatory regimes | Business consultation e-platform has not been established | Establishment of a business consultation e-platform to strengthen consultation on regulatory proposals with business impact and setting up business liaison groups to address regulatory and licensing issues | Setting up the “case officer” system, devising reasonable performance pledges for the licensing process, providing comprehensive and up-to-date licensing guides and expanding the online status tracking facilities. | To improve the transparency of its regulatory regimes, HKC has implemented various measures under the “Be the Smart Regulator” Programme including setting up the “case officer” system, devising reasonable performance pledges for the licensing process, provision of comprehensive and up-to-date licensing guides and expanding the online status tracking facilities.  The existing business consultation e-platform and business liaison groups have continued to provide effective channels for the business community to access relevant business consultation information on new regulations and to communicate with the government on licensing/regulatory issues. HKC has continued with its efforts to cultivate a business facilitation and smart regulation culture within the Civil Service. |
| **11. WTO Obligation/ Rules of Origin** |  |  |  |  |
| 1. WTO/UR Agreements not yet fully implemented | Nil  We have met all our commitments under various WTO/UR Agreements, many of which have been implemented well ahead of the agreed timetable.We have also made all requisite notifications under the WTO Agreements. | Same as that in 1996 | Same as that in 1996 | On top of the UR commitments, we have met all our commitments under the extended track of negotiations on basic telecommunications and on financial services which were concluded in February and December 1997 respectively.  The Revised GPA entered into force on 6 April 2014 for HKC. Under the Revised GPA, we have provided new commitments in covered entities and services, without any party-specific discriminatory and reciprocity provisions. As procedures laid down in our domestic procurement regulations are fully consistent with the Revised GPA, the benefits of the Revised GPA are available to all economies irrespective of whether they are signatories to the Agreement.  HKC had actively participated in the negotiation on expansion of product coverage of the Information Technology Agreement (ITA), which subsequently led to the formal endorsement of the *Ministerial Declaration on the Expansion of Trade in Information Technology Products (ITAII)* on 16 December 2015 at the margin of the Tenth WTO Ministerial Conference held in Nairobi. Under ITAII, tariff on 201 additional IT products shall be eliminated by 1 July 2019. As akin to the implementation of ITA, HKC bound our tariffs on all products covered by the ITAII in one go on 1 July 2016 instead of in four stages.  HKC accepted the WTO Agreement on Trade Facilitation (TFA) on 8 December 2014 and fully implemented all relevant provisions of the TFA upon its entry into force on 22 February 2017. |
| 1. Ensuring application of rules of origin in an impartial, transparent and neutral manner | We imposed no origin requirement on imported goods. Our rules of origin were devised and administered to facilitate customs clearance. The same origin requirement was also applied for other purposes like origin marking and trade statistics.  Our basic principles for determining origin were in conformity with international practices and standards. We had notified our rules of origin to WTO under Articles 5.1 and 5.2 of the Agreement on Rules of Origin in 1995 and 1996. | HKC does not impose tariff on imports and hence there is no origin requirement on imported goods for enjoying zero tariff. Our non-preferential rules of origin are devised and administered to provide origin certification services for exports. The same origin requirement is also applied for other purposes like origin marking and trade statistics.  Our basic principles for determining origin are in conformity with international practices and standards. We have notified our latest non-preferential rules of origin to WTO under Article 5.2 of the Agreement on Rules of Origin (ROO) in 2008. A comprehensive account of our origin rules system can be found in the APEC Compendium on Rules of Origin.  HKC is a signatory to the Closer Economic Partnership Arrangement (CEPA) with China. The Arrangement establishes a set of preferential origin rules for HKC origin goods for claiming preferential treatment. It is established with the purpose of facilitating trade between the two sides. As at 1 July 2009, goods classified under a total of 1,565 tariff codes of China are eligible under the Agreement in accordance with 2009 classification. | HKC does not impose tariff on imports and hence there is no origin requirement on imported goods for enjoying zero tariff. Our non-preferential rules of origin are devised and administered to provide origin certification services for exports. The same origin requirement is also applied for other purposes like origin marking and trade statistics.  Our basic principles for determining origin are in conformity with international practices and standards.  The Agreement on Trade in Goods (the Agreement) under the framework of CEPA with China entered into force on 1 January 2019. Through the updated commitments on liberalisation and the enhanced arrangement for ROOs, the Agreement set out preferential origin rules for all HKC origin goods for claiming zero-tariff treatment.  In addition to the CEPA signed with China, HKC has also signed Free Trade Agreements (FTAs) with New Zealand, the Member States of the European Free Trade Association (EFTA), Chile, Macao, the Association of Southeast Asian Nations (ASEAN), Georgia and Australia by end of 2019. Each trade agreement establishes a set of preferential origin rules for HKC origin goods. | HKC administers its rules of origin in a manner consistent with the WTO Agreement on ROO. We have been actively participating in the WTO Committee on ROO. Our latest non-preferential rules of origin were notified to WTO under Article 5.2 of the Agreement on Rules of Origin in 2012.  In addition, to further enhance transparency, accessibility and facilitation to the trade, our non-preferential rules of origin and the Rules of Origin for our trade agreements/arrangements are promulgated in our official website (http://www.tid.gov.hk/). |
| **12. Dispute Mediation** |  |  |  |  |
| Dispute mediation methods, process and bodies are available to foreign businesses |  WTO dispute settlement procedures   Application of the International Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID)   Application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention)   Dispute resolution by arbitration (The Arbitration Ordinance, Cap. 341 of the Laws of Hong Kong provides the legislative framework for arbitration)   Hong Kong International Arbitration Centre (HKIAC) provides arbitration, mediation and conciliation services and facilities. Foreign firms can use its institution rules and facilities in the Central Business District to conduct arbitration, mediation and conciliation.   The Hong Kong Mediation Council (HKMC) is a division of the HKIAC and was formed in 1994. Its aims include the promotion of the development and use of mediation through education and training.  Judicial process before the courts of HKC. |  WTO dispute settlement procedures.   The Review Body on Bid Challenges for bid challenges on alleged breaches of the WTO Agreement on Government Procurement (GPA).   Application of the International Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID).   Application of the Convention on the Recognition & Enforcement of Foreign Arbitral Awards (New York Convention).   Dispute resolution by arbitration (The Arbitration Bill was gazetted on 26 June 2009 to reform the legislative framework for arbitration currently provided by the Arbitration Ordinance, Cap 341).   Arbitration, mediation and conciliation services and facilities provided by the HKIAC and HKMC.   The International Chamber of Commerce (ICC) opened a Branch of the Secretariat of the International Court of Arbitration in HKC in 2008 to administer ICC arbitrations in the region.   Mediation being incorporated into Civil Law Judicial process before Hong Kong Courts.   Mediation Information Office in High Court Building to assist with information on mediation.   Successful campaign to business community including Chambers of Commerce and companies to sign the “Mediate First” Pledge in 2009 by the Public Education and Publicity Sub-group of the Working Group on Mediation chaired by the Secretary for Justice. Launch of a “Mediate First” website and mediation handbook in Chinese for the business community.   Judicial process before the courts of HKC. |  WTO dispute settlement procedures which are applicable to WTO Members.   The Review Body on Bid Challenges for bid challenges on alleged breaches of the WTO Agreement on Government Procurement (GPA) and relevant Free Trade Agreements.   Application of the International Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID).   Application of the Convention on the Recognition & Enforcement of Foreign Arbitral Awards (New York Convention).   Dispute resolution by arbitration (The Arbitration Ordinance, Cap. 341 was repealed by the Arbitration Ordinance, Cap. 609, which came into effect in June 2011. The new arbitration legislation is a unitary regime based on the 2006 amended version of the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration).   Arbitration, mediation and conciliation services and facilities provided by the HKIAC, ICC International Court of Arbitration (Asia Office) and HKMC.   China International Economic and Trade Arbitration Commission (CIETAC) set up its Hong Kong Arbitration Center in 2012.   China Maritime Arbitration Commission (CMAC) opened its Hong Kong Arbitration Center in 2014.   Hong Kong Maritime Arbitration Group (HKMAG), originally formed in 2000 as a division of the HKIAC, became an independent organisation in 2019.   eBRAM International Online Dispute Resolution Centre was set up in 2018.   Preparation for the opening of the South China International Arbitration Center (HK) (expected to be in 2020) is underway.   To foster the development of mediation in Hong Kong, the Steering Committee on Mediation was set up, currently comprising members from different sectors of the community including legal professionals, medical practitioners, academics and officers.   Dispute resolution by mediation (the Mediation Ordinance was enacted in 2012 and came into operation in 2013).   To avoid escalation of disputes and facilitating amicable resolution, the Apology Ordinance was enacted in July 2017 and came into operation on 1 December 2017.   Codification of the mediation rules (The Hong Kong Mediation Code was promulgated in 2010).   Regulating the accreditation of mediators (Hong Kong Mediation Accreditation Association Limited was set up in 2012 with the Hong Kong Bar Association, the Law Society of Hong Kong, the Hong Kong International Arbitration Centre, and the Hong Kong Mediation Centre as the founder members).   The United Nations Convention on International Settlement Agreements Resulting from Mediation was open for signature on 7 August 2019. HKC will continue to follow closely on the development of the legal framework for the enforcement of the international settlement agreements resulting from mediation. | A host country agreement between the Central People’s Government of the People’s Republic of China and the Permanent Court of Arbitration (PCA) and a related memorandum of administrative arrangements between the PCA and the Government of the Hong Kong Special Administrative Region were signed in January 2015 to facilitate the conduct of PCA-administered arbitration in HKC.  The Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of Mainland and of the Hong Kong Special Administrative Region (Interim Measures Arrangement) was signed in April 2019 and came into force on 1 October 2019. The signing of the Interim Measures Arrangement is a major breakthrough to the benefit of HKC under “one country, two systems”, signifying that HKC has become the first and, to date, the only jurisdiction outside China where, as a seat of arbitration, parties to arbitral proceedings administered by the designated arbitral institutions would be able to apply to the courts in China for interim measures in order to ensure that the arbitral proceedings can be carried out effectively.  The CEPA Investment Agreement concluded on 28 June 2017 provides a Mediation Mechanism for Investment Disputes for settlement of cross-border investment disputes. The mediation institutions and mediators designated by China and Hong Kong respectively, together with the mediation rules for the designated mediation institutions and mediators for each side, were announced on 14 December 2018.  The *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the HKSAR*, signed in January 2019, establishes a bilateral legal mechanism with greater clarity and certainty for recognition and enforcement of civil and commercial judgments between Hong Kong and China. It is comprehensive in scope, covering monetary and non-monetary judgments. The *Arrangement* goes beyond the existing Hong Kong/China arrangement for reciprocal recognition and enforcement of judgments made pursuant to choice of court agreements as well as the scope of the Hague Judgments Convention concluded in July 2019 particularly in terms of the coverage of certain judgments relating to intellectual property. The *Arrangement* will take effect when the implementing measures in both sides are in place. |
| **13. Mobility of Business People** |  |  |  |  |
| 1. Number of visa free or visa waiver arrangements | Nationals of about 170 foreign countries and territories may come for business, social or pleasure visits visa-free. | Nationals of about 170 countries and territories may come for business, social or pleasure visits visa-free. | Nationals of about 170 countries and territories  may come for business, social or pleasure visits  visa-free. | HKC has:  reviewed visa arrangements regularly and made improvements where appropriate with a view to enhancing the mobility of business people; and  adopted a liberal approach in issuing multiple-journey visit visas to visa-required nationals with validity up to 24 months to genuine businessmen. |
| Visa free or visa waiver arrangements with APEC member economies | 1. Australia 2. Brunei Darussalam 3. Canada 4. Chile 5. Indonesia 6. Japan 7. Republic of Korea 8. Malaysia 9. Mexico 10. New Zealand 11. Papua New Guinea 12. Peru 13. The Philippines 14. Singapore 15. Thailand 16. The USA | 1. Australia 2. Brunei Darussalam 3. Canada 4. Chile 5. Indonesia 6. Japan 7. Republic of Korea 8. Malaysia 9. Mexico 10. New Zealand 11. Papua New Guinea 12. Peru 13. The Philippines 14. Russia 15. Singapore 16. Thailand 17. The USA | 1. Australia 2. Brunei Darussalam 3. Canada 4. Chile 5. Indonesia 6. Japan 7. Republic of Korea 8. Malaysia 9. Mexico 10. New Zealand 11. Papua New Guinea 12. Peru 13. The Philippines 14. Russia 15. Singapore 16. Thailand 17. The USA | Since June 2013, nationals of Russia holding a valid APEC Business Travel Card (ABTC) with the economy code “HKG” may visit HKC visa-free for up to 60 days and may enrol for e-Channel service. They may also use “Resident” counters for immigration clearance where available. |
| 1. Participation in the APEC Business Travel Card scheme | No | Yes | Yes | HKC has finalised majority of the applications for ABTC and pre-clearance requests within the relevant timeframe as laid down under the ABTC Operating Framework. |
| 1. Other efforts to facilitate mobility of business people than the above | 1. Participated in the survey of APEC members’ regulations and requirements relating to short-term business travel, which led to the publication of the APEC Business Travel Handbook in November 1996. Information on Hong Kong visa and entry requirements could also be found on the Internet. 2. (B) Maintained a liberal policy for granting short-term business entry.   (C) Maintained a policy to attract talents and professionals by granting entry and temporary stay of natural persons for employment in Hong Kong.  (D) Coordinated technical cooperation and training arrangements were not in place.  (E) Maintained regular contacts with business sectors with a view to understanding and serving their needs better. | (A) Post policies, eligibility criteria, application procedures and forms and performance pledge in respect of entry applications on HKC government and APEC Business Mobility Group (BMG) websites and update the information promptly upon introduction of changes.  (B) Adopt a liberal visa policy so that people from about 170 countries and territories may come to HKC visa-free for visits ranging from 7 to 180 days.  (C) Lifted the employment restriction for dependants of persons admitted for, amongst others, employment as professionals and investment (to establish/join in business) in May 2006. Relaxed the dependant policy in June 2007 by allowing spouses and unmarried children under the age of 18 from China to apply for residence as dependants of persons admitted for, amongst others, employment as professionals and investment (to establish/join in business).  (D) Implemented a pilot system, e-CPoint, for advance passenger processing in November 2005. To date, three airlines have participated in the pilot run.  (E) Continued to maintain periodic contacts with business sectors through meetings to gather their views. Meetings and seminars with business sectors were also held periodically to explain policies/procedures relating to mobility of business people. | (A) Post policies, eligibility criteria, application procedures and forms and performance pledge in respect of entry applications on HKC government websites and update the information promptly upon introduction of changes.  (B) Adopt a liberal visa policy so that people from about 170 countries and territories may come to HKC visa-free for visits ranging from 7 to 180 days.  (C) A person permitted to enter HKC as a visitor may generally engage in the following business-related activities: concluding contracts or submitting tenders; examining or supervising the installation/packaging of goods or equipment; participating in exhibitions or trade fairs (except selling goods or supplying services direct to the general public, or constructing exhibition booths); settling compensation or other civil proceedings; participating in product orientation; and attending short-term seminars or other business meetings. Besides, a person permitted to enter HKC as a visitor may also attend an event to deliver speech(es)/presentation(s) subject to the following conditions being met: (a) he/she will not be remunerated for speaking/presenting at the event (other than provision of accommodation, passage, meals, etc. relating to the event, or the reimbursement of such expenses); (b) the duration of the whole event should be no longer than seven days; and (c) he/she can only attend one such event to deliver speech(es)/presentation(s) during each period of permitted stay.    (D) Continued to maintain periodic contacts with business sectors through meetings to gather their views. Meetings and seminars with business sectors were also held periodically to explain policies/procedures relating to mobility of business people. | HKC has:   * extended self-service immigration clearance (i.e. e-Channel service) since April 2012 to visitors (i) holding a valid travel document which is not required to have entry visa/permit for entering HKC; (ii) having made visits to the HKC via the Hong Kong International Airport for no fewer than 3 times in the past 12 months immediately before the enrolment; and (iii) having no adverse record in HKC; * introduced non-stamping immigration clearance service for visitors since March 2013 to shorten the clearance processing time; * implemented the mutual use of automated immigration clearance with the Republic of Korea since December 2013, with Singapore since September 2014, with Germany since November 2014, with Australia since June 2016 and with Thailand since September 2018. Under the arrangements, eligible Hong Kong Special Administrative Region Passport holders can enrol for the automated immigration clearance service of the participating countries/territories whilst eligible passport holders of the participating countries/territories can enrol for the e-Channel service in HKC; * enhanced the existing admission schemes by implementing a series of measures since May 2015. Among others, the duration of initial stay for entrants admitted for employment as professionals and for investment (to establish/join in business) have been relaxed from one year to two years. Also, the extension pattern has been changed from 2-3-3 years pattern to the current 3-3 years pattern. Top-tier entrants, subject to fulfilling specified criteria, may be granted a six-year extension on time limitation without other conditions of stay upon application; * launched self-service departure for visitors at the Hong Kong International Airport since October 2017 and other control points of HKC since December 2017, allowing eligible visitors holding electronic travel documents to perform self-service departure clearance through Smart Departure e-Channels without prior enrolment; * two new control points, namely the Express Rail Link West Kowloon Control Point and the Hong Kong-Zhuhai-Macao Bridge Control Point, were commissioned in September 2018 and October 2018 respectively, further enhancing the overall passenger handling capacity of control points; * relaxed the requirement for enrolment for automated clearance service for Singapore since December 2018. The required number of visits paid by eligible Singaporean passport holders to Hong Kong prior to enrolment has been relaxed from no fewer than three times within 12 months to no fewer than two times within 24 months. A reciprocal arrangement has also been offered to HKSAR passport holders visiting Singapore; and * finalised majority of the applications for intra-company transfer of executives and senior managers in 2019 within 3 to 4 weeks. |
| 1. Average time to approve for short term business visit visa | Pledged to finalise 70% of the entry visa applications for visit within 6 weeks. | Nationals from about 170 countries/territories may enter HKC visa-free from 7 to 180 days. Business people from these countries/territories may during their visit in HKC engage in the following business-related activities: concluding contracts or submitting tenders; examining or supervising the installation/packaging of goods or equipment; participating in exhibitions or trade fairs (excluding the direct sale of goods or supplying of services to the general public); settling compensation or other civil proceedings; participating in product orientation; and attending short-term seminars or other business meetings. While HKC pledges to finalize 100% of visit visa applications within 4 weeks, majority of applications can be finalized within 3 weeks. Besides, HKC will exercise flexibility to expedite the processing of urgent applications. In justified cases, the applications can be finalized within a few days. | * Pledged to finalise 100% of the entry visa and permit applications for visit within 4 weeks. * HKC will exercise flexibility to expedite the processing of urgent applications. In justified cases, the applications can be finalized within a few days. * Nationals from about 170 countries/territories may enter HKC visa-free from 7 to 180 days. | HKC has conducted ongoing business process reengineering with a view to enhancing the performance on visa processing. |
| **14. Trade Facilitation** |  |  |  |  |
| 1. Consistency with APEC Principles on Trade Facilitation | -- | All | All | Please also see Chapter 5 (Standards and Conformance), Chapter 6 (Customs Procedures), Chapter 10 (Deregulation/Regulatory Reform) and Chapter 13 (Mobility of Business People). |
| 1. Implementation of Trade Facilitation Action and Measures (approved in 2002) | 65 items were implemented as of 2004 out of the 67 items selected by HKC in early 2003. | All 67 selected items were implemented. | All 67 selected items were implemented. | Same as (1) above |
| **15. Promotion of High-Quality RTAs/FTAs** |  |  |  |  |
| 1. Number of RTAs/FTAs concluded/signed | 0 | 1 FTA signed and 1 FTA concluded. | 8 FTAs signed and 1 FTA concluded. | Since the mid-term stocktake in 2009, HKC has signed 7 more FTAs. The agreements are comprehensive in scope, covering reduction of tariffs and non-tariff measures, services, investment, etc. The commitments therein are also of high quality. HKC’s FTAs will help enhance regional economic integration and contribute to multilateral liberalisation efforts. |
| RTAs/FTAs concluded/signed with APEC member economies | -- |  Mainland and Hong Kong Closer Economic Partnership Arrangement signed between China and HKC   Hong Kong, China - New Zealand Closer Economic Partnership Agreement concluded between HKC and New Zealand. |  Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) signed between HKC and China   Hong Kong, China - New Zealand Closer Economic Partnership Agreement concluded between HKC and New Zealand   Hong Kong, China and Chile FTA   ASEAN - Hong Kong, China Free Trade Agreement   Free Trade Agreement between Hong Kong, China and Australia |  |
| 1. Number of RTAs/FTAs under negotiation | -- | -- | -- | -- |
| RTAs/FTAs being negotiated with APEC member economies | -- | -- | -- | -- |
| 1. Consistency with [APEC Model Measures for RTAs and FTAs](http://mddb.apec.org/Documents/2008/MM/AMM/08_amm_013.pdf) | -- | Broadly consistent with APEC Model Measures. | Broadly consistent with APEC Model Measures. | -- |
| **16. Voluntary Self-Reporting** |  |  |  |  |
| 1. Other Efforts in Support of the Bogor Goals: General Comments | (Description of illustrative measures) | (Description of illustrative measures) | (Description of  illustrative measures) | HKC considers that this analysis on achievement of the Bogor Goals should be objective, without a priori exclusion of scenarios or presumed outcome; based on facts and data as evidence; and adopt a mix of quantitative and qualitative approaches.  Most importantly, actual and commercially meaningful progress towards free and open trade and investment made by APEC member economies since the Bogor Declaration should be measured.  The existing regimes of economies are the most meaningful and pertinent measurement of the achievement of the Bogor Goals. An approach based on existing regimes will link the assessment to the real benefits to the business sector and our community.  HKC fully appreciates the lack of data to present in a clear and simple manner the extent of liberalisation and facilitation under the existing regimes in many key areas such as services, investment, standards and conformance, and intellectual property rights (IPR). We notice that this template has used various indicators as a fallback to try to measure as fully as possible the progress towards the Bogor Goals. We should be mindful of the limitations of such indicators, for example, in terms of its relevance to the existing regimes of member economies and to the achievement of Bogor Goals and the objectives laid down in the Osaka Action Agenda.  We believe member economies should include qualitative assessment of progress where quantitative indicators fall short.  As confirmed in previous Bogor Goals assessment reports, HKC has long maintained a free-market economy and a liberal trade and investment regime. HKC has made remarkable progress in a number of Individual Action Plans (IAP) areas, and is glad to note that the 2007 IAP Study Report confirmed that HKC has established itself as a "model member economy" in trade and investment liberalisation and facilitation.  HKC has long supported the multilateral trading system by maintaining an extremely liberal trade and investment regime. HKC currently applies no tariffs at all on imported products. No quantitative restrictions are imposed, and licensing schemes only apply sparingly to a handful of items to protect public health, safety, security and the environment, and to fulfil international obligations only. The investment regime is highly transparent, and trade in services is extremely liberal. HKC has shown remarkable progress in the areas of trade facilitation as well, making the economy one of the best places to do business and with which to trade. The IAP Study Report highlighted that "overall, HKC can be considered the APEC member economy that is closest to achieving the Bogor Goals at that moment".  Despite these achievements, further progress towards free and open trade and investment has been made since the IAP Peer Review, as set out in this template, not least in the two areas where the IAP Study Report suggested that further improvements would be desirable, namely the IPR and competition policy. |