

[Cursory Translation]

SUPPLEMENT V TO THE MAINLAND AND HONG KONG CLOSER ECONOMIC PARTNERSHIP ARRANGEMENT

To further enhance the level of economic and trade exchanges and cooperation between the Mainland^① and the Hong Kong Special Administrative Region (hereinafter referred to as “Hong Kong”), and pursuant to:

- the Mainland and Hong Kong Closer Economic Partnership Arrangement (hereinafter referred to as “CEPA”) signed on 29 June 2003 and its Annexes signed on 29 September 2003;
- the Supplement to the Mainland and Hong Kong Closer Economic Partnership Arrangement (hereinafter referred to as “Supplement to the CEPA”) signed on 27 October 2004;
- the Supplement II to the Mainland and Hong Kong Closer Economic Partnership Arrangement (hereinafter referred to as “Supplement II to the CEPA”) signed on 18 October 2005;
- the Supplement III to the Mainland and Hong Kong Closer Economic Partnership Arrangement (hereinafter referred to as “Supplement III to the CEPA”) signed on 27 June 2006;
- the Supplement IV to the Mainland and Hong Kong Closer Economic Partnership Arrangement (hereinafter referred to as “Supplement IV to the CEPA”) signed on 29 June 2007;

the two sides agreed to sign this Supplement V on further liberalization of trade in services in the Mainland for Hong Kong and promoting trade and investment facilitation and mutual recognition of professional qualifications.

① In “CEPA”, the “Mainland” refers to the entire customs territory of China.

I. Trade in Services

1. From 1 January 2009, the Mainland shall further relax the market access conditions in 17 areas, namely, accounting, construction, medical, services incidental to mining, placement and supply services of personnel, related scientific and technical consulting services, printing, convention and exhibition, distribution, environment, banking, social services, tourism, maritime transport, air transport, road transport and individually owned stores on the basis of the commitments on liberalization of trade in services under “CEPA”, “Supplement to the CEPA”, “Supplement II to the CEPA”, “Supplement III to the CEPA” and “Supplement IV to the CEPA”. The specific contents are detailed in the Annex of this Supplement V.

2. The Annex of this Supplement V is a supplement and amendment to Table 1 of Annex 4 of “CEPA” – “The Mainland’s Specific Commitments on Liberalization of Trade in Services for Hong Kong”, Annex 3 of “Supplement to the CEPA”- “Supplements and Amendments to the Mainland’s Specific Commitments on Liberalization of Trade in Services for Hong Kong”, Annex 2 of “Supplement II to the CEPA”- “Supplements and Amendments II to the Mainland’s Specific Commitments on Liberalization of Trade in Services for Hong Kong”, Annex of “Supplement III to the CEPA” - “Supplements and Amendments III to the Mainland’s Specific Commitments on Liberalization of Trade in Services for Hong Kong” and Annex of “Supplement IV to the CEPA” - “Supplements and Amendments IV to the Mainland’s Specific Commitments on Liberalization of Trade in Services for Hong Kong”. In the event of conflict with the provisions of the other five instruments, the provisions of the Annex of this Supplement V shall prevail.

3. “Service suppliers” as referred to in the Annex of this Supplement V shall meet the relevant requirements of Annex 5 of “CEPA” – “Definition of “Service Supplier” and Related Requirements”.

II. Trade and Investment Facilitation

1. The two sides will adopt the following measures to further strengthen cooperation in the area of electronic commerce:

To take forward the pilot run of applications of mutual recognition of electronic signature certificates issued by Guangdong and Hong Kong. A working group is to be set up which will strive to submit within this year

suggestions on a framework for the mutual recognition of electronic signature certificates issued by both places.

2. The two sides will adopt the following measures to further strengthen cooperation in the area of protection of intellectual property:

To further strengthen exchanges and cooperation in the trademark area, the Trademark Office of the State Administration for Industry and Commerce and the Intellectual Property Department of Hong Kong will set up a Trademark Working Coordination Group to serve as a regular communication mechanism for the two sides with a view to strengthening exchanges and cooperation of the two places in areas such as trademark registration and trademark protection.

3. To promote cooperation in the area of branding between the two places, the two sides agree to add cooperation on branding into the area of trade and investment facilitation under “CEPA”. Accordingly:

(1) Paragraph 1 of Article 17 of “CEPA” is amended as follows:

“1. The two sides will promote cooperation in the following areas:

1. trade and investment promotion;
2. customs clearance facilitation;
3. commodity inspection and quarantine, food safety and quality and standardization;
4. electronic business;
5. transparency in laws and regulations;
6. cooperation of small and medium enterprises;
7. cooperation in Chinese traditional medicine and medical products sector;
8. protection of intellectual property;
9. cooperation on branding.”

(2) Article 2 of Annex 6 of “CEPA” is amended as follows:

“2. The two sides agree to cooperate in trade and investment facilitation in nine areas, namely, trade and investment promotion; customs

clearance facilitation; commodity inspection and quarantine, food safety, quality and standardization; electronic business; transparency in laws and regulations; cooperation of small and medium enterprises; cooperation in Chinese traditional medicine and medical products sector; protection of intellectual property; and cooperation on branding. Cooperation in these areas will follow the guidance and coordination of the Joint Steering Committee set up in accordance with Article 19 of the ‘CEPA’.”

(3) An article is added to Annex 6 of “CEPA” as Article 11 and the subsequent articles are renumbered accordingly. Article 11 reads as follows:

“11. Cooperation on branding

The two sides recognize that cooperation on branding plays an important role in advancing economic development and promoting economic and trade exchanges between the two places. The two sides agree to strengthen cooperation in the area of branding.

11.1 Cooperation Mechanism

Under the guidance and coordination of the Joint Steering Committee, the two sides will set up a working group with a view to strengthening cooperation in the area of branding.

11.2 Content of Cooperation

The two sides agree to strengthen cooperation in the following areas:

11.2.1 Strengthen exchange and communication in the area of branding between the two places.

11.2.2 Exchange information relating to the formulation and implementation of laws and regulations in respect of protection of brands.

11.2.3 Strengthen cooperation in areas such as training, visits and publications.

11.2.4 Strengthen promotion of brands of both places through a variety of means such as promotion on websites, at exhibitions and seminars.”

III. Mutual Recognition of Professional Qualifications

The two sides will adopt the following measures to further promote mutual recognition of professional qualifications:

(1) Accounting Sector

Competent authorities or professional bodies of both sides will continue to promote work on the mutual exemption of some of the papers under the Accounting Professional Technician Qualification Examination.

(2) Construction Sector

Competent authorities or professional bodies of both sides will carry on the mutual recognition of qualifications for professionals in disciplines which have mutual recognition agreements signed and well-tested conditions met.

V. Annex

The Annex to this Supplement V forms an integral part of this Supplement V.

VI. Coming into Effect

This Supplement V shall come into effect on the day of signature by the representatives of the two sides.

Signed in duplicate in Hong Kong, this 29th day of July, 2008 in the Chinese language.

Vice Minister of Commerce

Financial Secretary

People's Republic of China

Hong Kong Special
Administrative Region of the
People's Republic of China