

Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Hong Kong, China

	Status in 1996	Status in 2009	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	<p>HKC maintains zero tariffs on all imports.</p> <p>The tariff binding ratio has furthered increased to 44.85% of HKC's tariff lines in 2009. 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.</p>
(2) Simple average of MFN applied tariff	0	0	Same as above.
(3) Tariff average, based on import tariff revenue	0	0	Same as above.
(4) Zero tariff lines as a percentage of all tariff lines	100%	100%	Same as above.
(5) Zero tariff imports as a percentage of all imports	100%	100%	Same as above.
(6) Standard deviation	0	0	Same as above.

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for applied tariff			
(7) 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 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.	As from 1 January 2003, the import quotas on rice have been removed. 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.
(2) 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	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	HKC keeps the import licensing requirements under constant review with the objective of facilitating trade as far as possible. In line with the elimination of textiles quotas as prescribed by the WTO Agreement on Textiles and Clothing, import licensing arrangements for textiles and clothing have been streamlined. Comprehensive import licence was introduced on 1 January 2005 to cover multiple import shipments of generally any kind of textiles products from non-sensitive markets. HKC launched in June 2007 an "Approval-in-Principle

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	dangerous drugs; sand; radioactive substances and irradiating apparatuses; waste; dutiable commodities; left-hand drive vehicles and outboard engines; and strategic commodities.	commodities; optical disc mastering and replication equipment; rough diamonds; and non-pesticide hazardous chemicals.	Arrangement” for bulk users to further streamline strategic commodities licensing processes.
(3) Import levies	HKC did 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.
(4) Export subsidies	HKC did 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.
(5) 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.	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	18 sectors	Unchanged	<i>[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.]</i>

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granted as a result of the commitments in the GATS			<p><i>Specifically, we note that the achievements in other trade subjects reflect essentially the <u>existing</u> regimes of economies while the assessment on services trade is based only on the GATS Schedules of Specific Commitments, in other words the <u>bound</u> 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 more than a decade ago, and they do not reflect fully our existing open services regime.]</i></p> <p>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.</p>
(2) Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the	0	Unchanged	<p>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,</p>

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commitments in the GATS			reduction and clarification of MFN exemptions, which is an indispensable element in the overall progress of the WTO services negotiations.
(3) 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	<p>In our revised offers for further liberalisation of trade in services tabled in mid 2005 in the context of GATS, we have included market access and/or NT commitments for 10 additional services sectors. We have also introduced improvements to almost all the existing specific commitments and given near full commitments in some, for example environmental services. These are all genuine trade opportunities without MFN exemptions, foreign equity caps or numerical quotas.</p> <p>See also item (1) of this Chapter above.</p>
(4) Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS	--	0	See item (2) of this Chapter above.
(5) Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the	0	1	The Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) is the first free trade agreement ever concluded by China and HKC. 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. Following the full

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commitments under the GATS			implementation of the first phase of CEPA on 1 January 2004, the two parties reached agreement on 6 supplements to CEPA from 2004 to 2009. The further liberalisation measures of Supplement VI to CEPA came into force on 1 October 2009. As a result, the total number of services sectors covered by CEPA has been expanded to 42. The two parties have also agreed to enhance financial cooperation and take forward the work on mutual recognition of professional qualifications.
(6) Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers	4 sectors <i>(out of 55 service sectors)</i>	The same 4 sectors; but for 1 out of these 4 sectors (details are given in the next column), the relevant requirements have been eliminated or relaxed since 1996	<p>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.</p> <p>The 4 sectors concerned are:</p> <ul style="list-style-type: none"> - 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 lawyers. As in the case of solicitors, foreign lawyers are allowed to be admitted as barristers in Hong Kong subject to certain examination requirements; - 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

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			<p>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.</p> <p>In 1999 and 2001, we relaxed in phases the branching restrictions imposed on overseas-incorporated banks licensed in or after 1978 and overseas-incorporated restricted licence banks authorized in or after 1990. These institutions are now allowed to operate as many branches as they wish to. In addition, we relaxed in 2002 some market entry criteria for overseas incorporated bank applicants, including the asset size criterion and the requirement to maintain a local representative office for a period of 1-2 years.</p>
(7) 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.	<p>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.</p> <p>“GovHK”, the new 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 ever-changing needs of the public in the digital age, we are</p>

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			striving to enhance GovHK's user experience by exploring new applications, modernising the portal interface, and enriching the existing contents. We 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	<p>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. For example, the voting control by unqualified persons (who are not ordinarily resident in Hong Kong) in broadcasting entities was relaxed in 2000. Moreover, the branching restrictions applicable to banks incorporated outside Hong Kong were completely lifted in November 2001. As a result, these banks are allowed to operate as many branches in Hong Kong as they wish to.</p> <p>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.</p>

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			Invest Hong Kong, 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, Invest Hong Kong has assisted over 1,700 companies in establishing a presence or expanding its operation in HKC. According to the latest survey, HKC was host to some 6,400 companies representing their parent companies located outside HKC as at 1 June 2009. The work of Invest Hong Kong in promoting inward investment to HKC has been widely recognised.
(2) Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements)	0	0	Same as (1) above
(3) Restrictions on transfers of capital	Not existing	Not existing	Same as (1) above
(4) Consistency with APEC Non-Binding Investment Principles	Most	Most	HKC's investment regime is consistent with all APEC Non-Binding Investment Principles, except for the two regulatory requirements concerning investment in the banking and broadcasting sectors mentioned in item (1) above.

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			HKC's work programme on investment makes reference to the "menu of options" and the Investment Facilitation Action Plan (IFAP) on investment liberalisation and business facilitation, cutting across a broad spectrum of policy measures to enhance transparency, facilitate business, reduce investors' risks and improve regulatory efficiency, etc.
(5) 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.	--
BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment	<ul style="list-style-type: none"> ● Hong Kong / Australia IPPA (no NT provision) ● Hong Kong / New Zealand IPPA 	<ul style="list-style-type: none"> ● 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 	
(6) Measures to improve transparency in investment	Hong Kong had all along been taking measures to increase the transparency of government policy initiatives	HKC's investment regime is highly transparent. Information on major policy initiatives, government programmes, investment-related laws and services of interest to investors is	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

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	and investment-related laws through regular updating and publicity.	widely publicised and easily accessible, including provision of such information on the Internet.	<p>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.</p> <p>“GovHK”, the new 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 ever-changing needs of the public in the digital age, we are striving to enhance GovHK’s user experience by exploring new applications, modernising the portal interface, and enriching the existing contents. We 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.</p>
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	<p>As reported in the 2008 VAP report, HKC has achieved 100% alignment of the 168 target IEC standards¹.</p> <p>HKC will join the new alignment work for the 2010 VAP Alignment Work.</p>	HKC’s policy is to use international standards as far as possible, including ISO and IEC standards where applicable.

¹ In HKC, as far as the Electrical and Mechanical Services Department is concerned, which is HKC’s regulatory authority in the safety of electrical products, compliance with the VAP target IEC standards is deemed to satisfy the relevant safety requirements under the Electrical Products (Safety) Regulation.

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	under the VAP.		
(2) Description of conformity assessment process including participation in and implementation of mutual recognition arrangements	<p>There was no plurilateral mutual recognition arrangement on conformity assessment prior to 1996.</p> <p>There was no bilateral mutual recognition arrangement (MRA) on conformity assessment prior to 1996.</p> <p>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.</p>	<p>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:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>HKC has recognised thirteen testing laboratories as conformity assessment bodies (CAB) for telecommunications equipment. Of the 13 recognised testing laboratories, eight are</p>	<p>Over the period, HKC has recognised 10 more testing laboratories as CAB for telecommunications equipment. Of the 10 recognised testing laboratories, eight are designated by the US, one by Chinese Taipei and one by Canada.</p> <p>Besides, HKC has designated four more testing laboratories as CAB for telecommunications equipment. All of them are recognised by the US.</p> <p>HKC has formulated detailed procedures for Phase II implementation of APEC Tel MRA, available at http://www.ofta.gov.hk/en/tec/apectel_mra.html. and has entered into APEC Tel MRA Phase II with Canada.</p> <p>HKC has recognised one Certification Body (CB) designated by Canada as CAB for telecommunications equipment. HKC may also designate CB for recognition by APEC member economies.</p> <p>With effect from October 2009, the certification of telecommunications equipment is no longer carried out by the government. Instead, 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.</p>

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		<p>designated by the US, three by Chinese Taipei, one by Canada and one by Singapore.</p> <p>HKC has designated six testing laboratories as CAB for telecommunications equipment. Of the six designated testing laboratories, one is recognised by Canada, one by Singapore and four by the US.</p> <p>HKC formulated the detailed Phase II procedures to APEC Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment (APEC Tel MRA) and published them at http://www.ofta.gov.hk/en/tec/apectel_mra.html</p> <p>To date, HKC has entered into APEC Tel MRA Phase II with Canada and the US.</p> <p>HKC has recognised one Certification Bodies (CB) designated by Canada as CAB for telecommunications equipment. HKC may also designate CB for recognition by APEC member economies.</p> <p>With effect from October 2009, the certification of telecommunications equipment is no longer carried out by the government. Instead,</p>	

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		<p>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.</p> <p>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).</p> <p>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.</p> <p>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)</p>	

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		<p>MLA. More information can be found at http://www.itc.gov.hk/en/quality/hkas/hkcas/agreement.htm.</p> <p>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.</p>	
(3) Efforts to raise transparency and objectivity of standards	The website on information on standards and conformance had not been established.	<p>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.²</p> <p>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</p>	HKC will continuously enhance the transparency of its standards and conformity assessment measures.

² In 2009, HKC made four notifications. They are related to the legislation for the implementation of the biosafety protocol, code of practice on energy labelling of products for washing machines and dehumidifiers, voluntary water efficiency labelling scheme on showers for bathing and mandatory building energy code scheme.

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		<p>/publication.htm.</p> <p>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).</p> <p>Latest information about consumer protection is disseminated through the website http://www.customs.gov.hk/.</p> <p>HKC has fulfilled the area-specific APEC Leaders' Transparency Standards on Standards and Conformance.</p>	
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	<p>Adopted.</p> <ul style="list-style-type: none"> ● 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. 	HS has been adopted fully since 1992. HKC published the Hong Kong Harmonized System Handbook in 2003, in both Chinese and English, to assist HS users in using Hong Kong Imports and Exports Classification List.

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	of HS on 1 January 1996.	<ul style="list-style-type: none"> ● Our Classification List will be updated on a regular basis and published bilingually in Chinese and English. 	
(2) Conformity with the Revised Kyoto Convention	Hong Kong was in conformity with most of the 1974 Convention.	<p>Not acceded (If not acceded, specify the status of conformity: Most)</p> <ul style="list-style-type: none"> ● 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. 	An internal working group has been set up to examine the feasibility of accession to the Convention.
(3) Transparency	<ul style="list-style-type: none"> ● 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 	<ul style="list-style-type: none"> ● 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. 	<p>Hong Kong Customs updated the "Best Practices" Handbook of APEC Customs Administrations on dissemination of information to the public jointly with the Singapore Customs and distributed to APEC Sub-Committee on Customs Procedures (SCCP) in 2005.</p> <p>Mediation service provided by the Complaints Investigation Group of Hong Kong Customs for speedy settlement of complaints.</p> <p>Hong Kong Customs has set up the Complaints Investigation and Assessment Panel (CIAP) and the Complaints Appeals Committee (CAC).</p>

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	<p>channels for the public to lodge complaints or appeals, including the provision of judicial review in the legislation.</p> <ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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 	

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		ruling made by the CIAP.	
(4) Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.)	<ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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 	<p>HKC has:</p> <ul style="list-style-type: none"> ● implemented electronic systems for submission of major official trade-related documents; ● adopted WCO (World Customs Organization) Data Model for developing the ROCARS; and ● enhanced the Air Cargo Clearance System with the mobile access feature and extended such feature to other air cargo terminals for efficient clearance of air cargo.

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		<p>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.</p> <ul style="list-style-type: none"> ● 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. 	
(5) Measures to secure trade (e.g. AEO, etc.)	<ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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 	<p>HKC has:</p> <ul style="list-style-type: none"> ● 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; additional X-ray machines and ion scanners; ● rolled out the Customs and Excise Intelligence System by phases (phase 1 in August 2005 and phase 2 in May 2007) to support risk management applications in Customs operations; ● implemented the “Red and Green Channel System” in November 2005 along with the customs cubicles at all air, land and sea entry points to facilitate passenger clearance, enhance revenue protection on dutiable goods and align with international practice on passenger clearance; ● published and periodically revised the departmental Code on

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		<p>administrations and makes reference to their experience before formulating the implementation plan.</p> <ul style="list-style-type: none"> ● 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. 	<p>Conduct and Discipline for staff compliance. The latest version is the 2009 edition;</p> <ul style="list-style-type: none"> ● organised integrity training and various healthy lifestyle activities for staff as an integral part of integrity management; ● rolled out the Electronic Data Interchange (EDI) System for Cargo Manifest (phase-2) in November 2005 for rating the respective risk levels of the sea and rail cargo consignments to strengthen Customs enforcement capability without hampering the smooth flow of legitimate trade; and ● explored and tested further maritime security initiatives in partnership with the US Government such as the implementation of the Secure Freight Initiative (SFI) Pilot Scheme between November 2007 and April 2009.
(6) Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.)	<ul style="list-style-type: none"> ● 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 	<ul style="list-style-type: none"> ● 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 	<p>HKC has:</p> <ul style="list-style-type: none"> ● 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; ● implemented the unified road cargo manifest on 1 January 2005 to enable cross-boundary drivers between HKC and China to fill out only one set of manifest data for submission to both Customs administrations; and ● simplified customs clearance procedures at land boundary control points since 2006 to reduce vehicle clearance time.

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	<p>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.</p>	<p>electronic payment method is in place to streamline the clearance procedures.</p> <ul style="list-style-type: none"> ● 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 transshipment 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 	

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		<p>and Hong Kong Customs.</p> <ul style="list-style-type: none"> ● 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 transshipment cargoes which involve inter-modal transfer.) 	
7. Intellectual Property (IP)			
(1) Ratification and implementation of the major multilateral agreements relating to IP rights	<p>Hong Kong complied with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in its capacity as a member of WTO.</p> <p>The following international IP conventions were extended</p>	<p>HKC complies with the WTO TRIPS Agreement in its capacity as a WTO member.</p> <p>The following international IP conventions have been extended and applied to HKC by the People's Republic of China –</p> <p>(1) the Paris Convention for the Protection of</p>	<p>The WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty were applied to HKC with effect from 1 October 2008. By a major copyright law amendment exercise in 2007, the few remaining requirements of the two treaties (which are on performers' rights and rental rights) were incorporated into the Copyright Ordinance of HKC and came into effect on 25 April 2008. The copyright legislation in HKC is fully in compliance with the international standards enshrined in these treaties.</p>

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	<p>and applied to Hong Kong-</p> <p>(1) the Paris Convention for the Protection of Industrial Property;</p> <p>(2) the Berne Convention for the Protection of Literary and Artistic Works;</p> <p>(3) the Universal Copyright Convention;</p> <p>(4) the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms;</p> <p>(5) the Patent Cooperation Treaty; and</p> <p>(6) the Convention establishing the World Intellectual Property Organization (WIPO).</p>	<p>Industrial Property;</p> <p>(2) the Berne Convention for the Protection of Literary and Artistic Works;</p> <p>(3) the Universal Copyright Convention;</p> <p>(4) the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms;</p> <p>(5) the Patent Cooperation Treaty;</p> <p>(6) the Convention establishing the WIPO;</p> <p>(7) the WIPO Copyright Treaty; and</p> <p>(8) the WIPO Performances and Phonograms Treaty.</p>	
(2) Measures to ensure the expeditious granting of IP rights	<p>Copyright protection has been automatic and did not require registration.</p> <p>Hong Kong maintained cost effective and responsive</p>	<p>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.</p>	<p>HKC provides electronic searching, filing, payment and publication services in respect of registration of trade marks, patents and designs (see https://iponline.ipd.gov.hk).</p>

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	<p>registration systems. The Intellectual Property Department (IPD) maintained the Registries for trade marks and patents.</p>	<p>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</p> <p>IPD also provides guidelines on how to register a trade mark, patent or design in HKC.</p>	
(3) Measures to provide for the effective enforcement of IP rights	<p>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.</p> <p>Hong Kong Customs has been the primary enforcement agency in dealing with criminal enforcement of copyright and trade mark</p>	<p>HKC reviews its IP legislation from time to time to ensure that it meets the prevailing needs and is effective.</p> <p>Owners of IP rights can also enforce their IP rights through civil proceedings in HKC courts.</p> <p>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.</p> <p>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</p>	<p>The Copyright (Amendment) Ordinance 2007 updates the legislative provisions regarding, among others, provision of new civil and criminal liability (including liability relating to circumvention of technological measures applied to copyright works) to enhance protection for copyright owners. The majority of the provisions of the Copyright (Amendment) Ordinance 2007 came into force on 6 July 2007 and 24 April 2008.</p> <p>The Copyright (Amendment) Ordinance 2009 was passed by the Legislative Council in November 2009 to provide for the circumstances in which the copying and distribution offence (added by the Copyright (Amendment) Ordinance 2007) would not apply. The provisions will come into operation on a day to be appointed.</p> <p>As a result of Hong Kong Customs' frequent and vigorous raids, the number of retail outlets selling pirate optical discs dropped significantly from around 1,000 in 1998 to below 30 in 2009. Counterfeiting activity is generally under control.</p> <p>In January 2005, Hong Kong Customs took action against an</p>

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	<p>infringement. A dedicated force of 165 officers was responsible for suppressing the manufacture, import, export, distribution and sale of pirated and counterfeit goods.</p>	<p>team to investigate complaints of bootlegging activities.</p> <p>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.</p> <p>In addition, Hong Kong Customs maintains an effective strategic partnership with the IPR industry.</p> <p>The collaboration with universities and adoption of technology to tackle internet piracy also solidify the enforcement efficiency of Hong Kong Customs.</p>	<p>infringer who, using the BitTorrent (BT) software, uploaded infringing copies of movies on to the Internet for P2P file sharing. He was prosecuted and sentenced to three months' imprisonment.</p> <p>In 2007, Hong Kong Customs in collaboration with the University of Hong Kong rolled out the Lineament Monitoring System to monitor illegal BT activities online round-the-clock.</p> <p>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 2009, Hong Kong Customs has applied OSCO to nine cases, restraining about HK\$113 million worth of financial assets and crime proceeds. One of the defendants was sentenced to imprisonment for 74 months.</p> <p>Hong Kong Customs has established alliances and launched cooperation campaigns jointly with the IPR industry. 49 members from the IPR trade have joined the Intellectual Property Rights Protection Alliance founded by Hong Kong Customs. The “E-auctioning with Integrity Scheme” in collaboration with four local auction site operators is launched to combat the sale of infringing items on the Internet. The “Fast Action Scheme” in collaboration with the Hong Kong Brands Protection Alliance to achieve an infringement-free environment for exhibitions and trade fairs is launched to foster HKC as a famous exhibitions and trade fairs centre.</p>

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(4) 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.	--
(5) 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.	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	To evaluate the change in the level of public awareness of IP, benchmark surveys are conducted. From 1999 up to 2009, a total of seven "Survey on Public Awareness of Intellectual Property Right Protection" were conducted. From 2004 to 2009, a total of four "Survey on Business Attitude to Intellectual Property" were conducted. For the outcome of the surveys conducted in 2005, 2006 and 2008, see http://www.ipd.gov.hk/eng/promotion_edu/survey.htm . The survey results showed the public understanding of IP rights has been improving. The results also provided useful insights for strengthening efforts to promote rights among the business sector. The "Software Asset Management Consultancy Programme" was launched from October 2007 to July 2008 in collaboration with the Business Software Alliance (BSA) and other organisations to

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	<p>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.</p>	<p>exhibitions and seminars for the business sector;</p> <p>(3) dedicated IPD publicity and promotional briefings or seminars launched as a result of changes in law e.g. the Copyright (Amendment) Ordinance 2007;</p> <p>(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.</p> <p>(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.</p> <p>(6) seminars for HKC’s SMEs operating in important economic centers in the Pearl</p>	<p>commission contractors to provide free on-site professional consultancy services to HKC enterprises, mainly SMEs, offering advice on best practices in Software Asset Management, including the use of software audit tools to prevent software piracy in the workplace. For more information, see http://www.ipd.gov.hk/eng/promotion_edu/educational_corner/gbsc.htm.</p> <p>In September 2008, the BSA presented to HKC the “Government Best Practices: Asia Pacific” award for its outstanding achievements in promoting and protecting IP rights, making HKC the first economy in the region to receive this award.</p>

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		<p>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.</p> <p>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.</p>	
(6) 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	<p>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 -</p> <p>(1) A two-day “APEC Workshop on Effective Implementation of Model Guidelines on Supply Chain Integrity” organised by the</p>	<p>HKC, Australia and Singapore jointly organised workshops and activities under the APEC IPR Public Education and Awareness Program, including -</p> <p>(1) A Workshop on “Effective Strategies for IPR Public Education” to share experiences, skills, tools and knowledge on IP protection and promotion for APEC member economies was held in HKC on 8-10 November 2006.</p> <p>(2) The APEC IPR Public Education and Awareness Market</p>

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	<p>Agenda.</p> <p>Hong Kong is a member of the WTO in its own right and is a party to WTO TRIPS Agreement.</p> <p>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.</p>	<p>U.S. Patent and Trademark Office and with IPD as a co-organiser on 8 to 9 January 2009 in HKC.</p> <p>(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.</p> <p>(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.</p> <p>HKC participates in various international fora, including the activities of the WTO Council for TRIPS and conferences at the WIPO.</p> <p>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</p>	<p>Research Best Practices Project was organised. A consulting and research firm was commissioned to develop a set of research tools and research guidelines for APEC member economies to use when planning their domestic IPR public education and awareness programmes and campaigns. A three-day workshop was organised focusing on “Using market research to develop effective IPR campaigns” in mid December 2007 in Singapore to present the research guidelines and tools developed.</p> <p>(3) A workshop on “Conducting effective IPR Public Education and Awareness campaigns for SMEs” was organised on 1-3 April 2009 in Australia.</p> <p>To celebrate the 10th anniversary of the establishment of the Hong Kong Special Administrative Region, the “HK Creativity - Intellectual Property in HKC” exhibition was organised by China and WIPO, and co-organised by IPD. The exhibition was held during the WIPO’s General Assembly at the WIPO’s headquarters at Geneva from 24 September to 12 October 2007 featuring HKC’s achievements in IP protection and its creative industries.</p>

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		<p>electronic services.</p> <p>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.</p>	
(7) Measures to promote transparency of IP rights requirement (for example, the APEC Leaders' Transparency Standards)	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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</p>	<p>The interactive services for renewal and change of name/address for trade marks, patents and designs were rolled out in November 2005 and February 2006 respectively.</p> <p>The IP legal regime is under constant review which is a continuously on-going process. Various initiatives are identified from time to time.</p> <p>Public consultations and discussions with stakeholders would be conducted for comments on changes to IP laws.</p>

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	<p>The legal regime was under constant review and improvements would be proposed in light of international trends and advancements in technology.</p> <p>Customer support services (by telephone or email) to handle enquiry on procedural and other IP related matters were provided.</p> <p>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.</p>	<p>FAQs, application and other forms, decisions on registrability and opposition.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	

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		<p>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.</p> <p>IPD also provides customer support services (by telephone or email) to handle enquiry on procedural and other IP related matters.</p>	
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.	<p>HKC is fully committed to the promotion of free trade and competition. The Competition Policy Advisory Group (COMPAG), which was established in 1997, provides a dedicated and high-level forum to review competition-related policy issues and examine the extent to which the Government, the wider public sector, as well as the private sector, should seek to introduce more competition to enhance economic efficiency and free trade.</p> <p>To ensure that the Government's competition policy keeps pace with the times and continues both to serve the public interest and to facilitate a business-friendly environment, the Government announced on 1 June 2005 the appointment of a Competition Policy Review Committee (CPRC) by COMPAG to review the composition and functions of COMPAG and to make</p>

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			<p>recommendations on the future direction of our competition policy. The CPRC completed its review and published a report in June 2006, recommending that the Government introduce a cross-sector competition law to be enforced by an independent Competition Commission.</p> <p>In November 2006, the Government launched a three-month public consultation on the way forward for HKC's competition policy. Feedback from the public showed a high level of support for the introduction of a cross-sector competition law, although some stakeholders in the business sector expressed concern that the new law might adversely affect normal business operations, in particular those of small and medium enterprises. To address these concerns, in May 2008 we published a consultation paper outlining detailed proposals for a competition law. Over 170 written submissions were received from individuals and business organisations, which indicated general support for the proposals in the consultation document, although in certain areas respondents have put forward additional proposals ranging from detailed and technical legal points to recommendations on how we might enhance the clarity of the law and explain its likely effect to the public.</p> <p>In view of the broad community support for new legislation, HKC is committed to introducing a cross-sector competition law. The Government is now preparing the draft legislation and aims to introduce the Competition Bill into the Legislative Council within the 2009-2010 legislative session.</p>

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(2) Consistency with APEC Principles to Enhance Competition Policy and Deregulation and efforts to become consistent with the Principles	All	All	<p>HKC has long subscribed to the basic economic philosophy of minimum government intervention and free play of market forces, which it regards as the best formula for nurturing competition for the purpose of enhancing economic efficiency and free trade, thereby benefiting consumers. Where necessary, the Government will use appropriate and pragmatic measures to address unfair business practices, safeguard competition and protect consumer interests.</p> <p>Since 1998, we have an overarching policy framework to guide sector-specific efforts to promote competition, as promulgated in the Statement on Competition Policy (“the Statement”) by COMPAG. To supplement the Statement and encourage all sectors to proactively implement HKC’s competition policy, COMPAG developed in consultation with 30 chambers of commerce, trade and industry organisations, as well as the Consumer Council a set of guidelines in 2003 to provide pointers with objective benchmarks and principles to assess HKC’s overall competitive environment; define and tackle anti-competitive practices; as well as to ensure consistent application of HKC’s competition policy across sectors.</p> <p>We consider public engagement as the key to successful structural reform, like the making of a new competition law. Effective public engagement would also help promote transparency and accountability for regulatory reform, the two important principles as endorsed by APEC.</p>

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			<p>Following the competition policy review during 2005-2006 and the CPRC's recommendation of introducing a cross-sector competition law, the Government conducted two rounds of public consultation on the way forward for HKC's competition policy and the detailed proposals for a competition law respectively with the objective of gauging the views of the community. We also conducted briefings for the Legislative Council Panel on Economic Development, political parties, chambers of commerce and other interested parties, and took part in public fora and programmes organised by the electronic media to explain the proposed competition law framework and to listen to the views of stakeholders. Bearing in mind the complexity of the legislation, we will remain open-minded as we prepare the detailed provisions of the new law.</p> <p>We will continue to strive to achieve consistency with the APEC-endorsed principles, especially that concerning implementation of competition policy/law, upon establishment of the proposed Competition Commission and enactment of the new competition law.</p>
(3) 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	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	<p>Two professors from the Hong Kong Polytechnic University were nominated as speakers at the APEC Seminar on "Best Practices in Regulation and Promotion of Efficiency in Transport Infrastructure Facilities" organised by Peru in August 2008 to share HKC's successful experience in port regulatory policy and efficiency.</p> <p>We had also contributed to the formulation process of the model measures on Competition Policy, which was endorsed at the 2008</p>

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	enhance mutual understanding of issues pertaining to competition policy/laws.	competition issues.	Meeting of APEC Ministers Responsible for Trade. Moreover, HKC has been continuously attending the training courses run by APEC on an annual basis since 2005, which address selected aspects of competition policy. For instance, HKC sent a representative to attend the 5th APEC Training Course on Competition Policy focusing on vertical restraints held in Chinese Taipei on 17-19 August 2009.
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.	<p>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.</p> <p>Specific information on procurement opportunities is published in the Government Gazette, newspapers as well as homepages maintained by relevant government bureaux and departments.</p> <p>Normally, government bureaux and departments would adopt open tendering for invitation of</p>	<p>HKC continues to update regularly information on government procurement policies, practices, procedures, regulations, contact points, etc. on government procurement homepages on the Internet.</p> <p>HKC continues to update regularly the “Guide to Government Procurement” to provide a ready reference to those interested in bidding government procurement contracts.</p> <p>HKC continues to publicise all government tender notices and tender information on the Internet.</p> <p>The Electronic Tendering System, which was launched in 2000, allows tenderers to download tender documents and submission of tender offers through the internet for all types of tenders issued by the Government Logistics Department. We have been enhancing the user-friendliness of the system.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>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.</p> <p>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</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		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.	
(2) Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers	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.
(3) Reciprocity requirements in providing access to government procurement markets	Not existing	Not existing	<p>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.</p> <p>HKC has acceded to the WTO Agreement on Government</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			Procurement (GPA) in 1997. For procurement subject to this Agreement, the procedures laid down in SPR and relevant Financial Circulars are fully consistent with the provisions of WTO GPA. Therefore, the benefits of WTO GPA are available to all economies irrespective of whether they are signatories to the Agreement.
(4) Consistency with the APEC Non-binding Principles on Government Procurement	All	All	<p>The review conducted by APEC Government Procurement Experts Group in September 2000 concluded that our government procurement system was fully consistent with all the APEC Non-Binding Principles on Government Procurement.</p> <p>In addition, according to the Individual Action Plan Peer Review conducted in January 2007, it was concluded that HKC's regime was fully consistent with APEC Non-binding Principles of transparency, value for money, open and effective competition, fair dealing, accountability and due process and non-discrimination.</p>
(5) Introduction of electronic means for government procurement	Not introduced	Introduced	An Electronic Tendering System was launched in April 2000 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. We have been enhancing the user-friendliness of the system.
10. Deregulation/ Regulatory Reform			
(1) Reviews of existing regulations	Some	Some	HKC has continued to cut red tape and simplify regulations under its business facilitation programme and implemented various measures to make it easier to do business in HKC. Under the steer of the Business Facilitation Advisory Committee (BFAC) and its Task Forces with representatives from the business and other

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>relevant sectors, HKC has been conducting sector-specific reviews on the regulatory activities affecting the real estate development, retail, food business and entertainment sectors with a view to eliminating outdated or burdensome regulations on business and reducing regulatory impact and compliance cost to business. Through these regulatory reviews, HKC has come up with various useful ideas which help streamline licensing processes, remove unnecessary regulatory controls and improve our business environment. Both the business community and the public have benefited from the improvement measures.</p> <p>As a new regulatory reform initiative, HKC has launched the “Be the Smart Regulator” Programme in early 2007. The Programme aims at improving the efficiency, transparency and customer-friendliness of our business licensing processes with a view to reducing compliance costs to business while safeguarding public interest. Through measures such as business liaison groups, business impact assessment, business consultation e-platform, business process reengineering and wider user of information technology and e-government, good progress has been made to improve the overall licensing environment for doing business in HKC, particularly the food business and the hospitality business.</p>
(2) Reviews of new or proposed regulations	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. As a new initiative under the “Be the Smart Regulator” Programme, HKC has developed a Business Impact Assessment (BIA) Framework which

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>bureaux/departments concerned could deploy in assessing the implications of their regulatory proposals on the trades. With the structured analysis of the trade's views/concerns and impact assessment findings, bureaux/departments could avoid the introduction of any unreasonable regulatory requirements and refine their regulatory proposals to make them as business-friendly as possible.</p> <p>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.</p>
(3) Consistency with APEC Principles to Enhance Competition and Regulatory Reform	All	All	<p>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.</p>
(4) 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	<p>To improve the transparency of its regulatory regimes, HKC has implemented various measures under the "Be the Smart Regulator" Programme. Major ones include –</p> <p>(1) a business consultation e-platform has been set up under the GovHK Portal (http://www.gov.hk/bizconsult) to provide an additional channel for the business community to access</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>relevant business consultation information on new regulations, administrative measures and procedures that would impact business and to provide their comments on the proposals direct to the bureaux/departments concerned;</p> <p>(2) business liaison groups for major business sectors have been established to enhance communication between bureaux/departments and the business community regarding licensing and regulatory issues; and</p> <p>(3) inter-departmental application tracking facilities have been set up for more effective communication among relevant departments in processing licensing applications and opened up to applicants for their on-line checking of their application status.</p> <p>HKC has continued with its efforts to cultivate a business facilitation and smart regulation culture within the Civil Service.</p>
11. WTO Obligation/ Rules of Origin			
(1) WTO/UR Agreements not yet fully implemented	<p>Nil</p> <p>We have met all our commitments under various WTO/UR Agreements, many of which have been implemented well ahead of the agreed timetable.³</p>	Same as that in 1996	<p>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.</p> <p>We acceded to the WTO Agreement on Government Procurement (GPA) in May 1997. As procedures laid down in our domestic procurement regulations are fully consistent with the WTO GPA,</p>

³ For example, our UR tariff commitments were implemented in one go from 1 January 1995 instead of in five consecutive stages as agreed under the UR; and our

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	We have also made all requisite notifications under the WTO Agreements.		<p>the benefits of the WTO GPA are available to all economies irrespective of whether they are signatories to the Agreement.</p> <p>We bound our tariffs on all products covered by the Information Technology Agreement in one go on 1 July 1997 instead of in four stages.</p>
(2) Ensuring application of rules of origin in an impartial, transparent and neutral manner	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>HKC is a signatory to the Closer Economic Partnership Arrangement (CEPA) with China.</p>	<p>To ensure transparent application of rules of origin in a fashion consistent with the Osaka Action Agenda for implementation of the Bogor Declarations, our latest non-preferential rules of origin were notified to WTO under Article 5.2 of the Agreement on Rules of Origin in 2008. A comprehensive account of our origin rules system can be found in the APEC Compendium on Rules of Origin.</p> <p>Further to our notification to WTO on the signing, the text version and the Rules of Origin of the Closer Economic Partnership Arrangement (CEPA) between HKC and China in December 2003, we have notified WTO of all supplements to CEPA.</p> <p>In addition, to further enhance transparency, accessibility and facilitation to the trade, our non-preferential rules of origin and the Rules of Origin of CEPA are both promulgated in our official website (http://www.tid.gov.hk/).</p> <p>HKC administers its rules of origin in a manner consistent with the WTO Agreement on ROO. We have been actively participating</p>

intellectual property legal framework has been fully compatible with all our obligations under the TRIPS Agreement since December 1996, which was three years ahead of the year 2000 deadline.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		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.	in the WTO's Harmonisation Work Programme (HWP) as well as the Committee on ROO.
12. Dispute Mediation			
Dispute mediation methods, process and bodies are available to foreign businesses	<ul style="list-style-type: none"> ● 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 	<ul style="list-style-type: none"> ● 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 	<p>HKC has signed 16 bilateral IPPAs with its major economic partners (as at Nov 2009). These IPPAs provide, among other things, that the contracting parties may settle any disputes through bilateral consultation or arbitration under international rules.</p> <p>The Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap 597) came into operation on 1 August 2008. The Ordinance seeks to give effect to the <i>Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of China and of Hong Kong, China (HKC) pursuant to Choice of Court Agreements between Parties Concerned</i> made between the Supreme People's Court of China and the HKC (as amended from time to time), and for that purpose to make provisions for the enforcement in HKC of judgments in civil or commercial matters that are given in China and for facilitating the enforcement in China of judgments in civil or commercial matters that are given in HKC.</p> <p>The Arbitration Bill is being scrutinised by the Legislative Council</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>Hong Kong provides the legislative framework for arbitration)</p> <ul style="list-style-type: none"> ● 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. 	<p>HKIAC and HKMC.</p> <ul style="list-style-type: none"> ● 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. 	<p>with the assistance of the Government of HKC. The Bill seeks to establish a unitary regime for arbitration in HKC, abolishing the distinction between the two existing regimes (i.e. domestic arbitration and international arbitration) under the current Arbitration Ordinance (Cap 341). The proposed unitary regime will be based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration as adopted by the United Nations Commission on the International Trade Law on 21 June 1985 and as amended by that Commission on 7 July 2006.</p> <p>HKMC ran a Commercial Mediation Pilot Scheme from July 2007 to December 2008. This has now evolved into the Commercial Mediation Scheme with an aim to satisfactorily resolving commercial disputes in a reasonable time frame with minimal costs and inconvenience. The rules and procedures governing the mediation of commercial disputes have been kept simple and transparent to facilitate access to mediation.</p> <p>The Judiciary introduced mediation into civil cases through the Civil Justice Reforms. The rules of courts stipulate that one of their underlying objectives is to facilitate the settlement of disputes. The court has the duty as part of active case management to further that objective by encouraging the parties to use an alternative dispute resolution (ADR) procedure if the court considers that appropriate and facilitating its use. Practice Direction 3.3 on Mediation will take effect from 1 January 2010.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			The Judiciary intends to turn the pilot scheme for voluntary mediation in petitions regarding unfair prejudice under section 168A of the Companies Ordinance (Cap. 32) and petitions for winding up of companies on the just and equitable ground under section 177(1)(f) of Cap. 32 into a permanent feature.
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.	HKC has: <ul style="list-style-type: none"> ● reviewed visa arrangements regularly and made improvements where appropriate with a view to enhancing the mobility of business people; ● adopted a liberal approach in issuing multiple-journey visit visas to visa-required nationals with validity up to 24 months to genuine businessmen; and
Visa free or visa waiver arrangements with APEC member economies	<ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 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 	<ul style="list-style-type: none"> ● lifted the visa requirement in respect of the Russian Federation in July 2009 so that Russian nationals may visit HKC visa-free for a stay of up to 14 days.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	15. Thailand 16. The USA	15. Singapore 16. Thailand 17. The USA	
(2) Participation in the APEC Business Travel Card scheme	No	Yes	<p>HKC has:</p> <ul style="list-style-type: none"> ● informed some 2,000 local APEC Business Travel Card (ABTC) holders by mail in October 2008 and invited them to participate in the ABTC client satisfaction survey by completing the online survey form; ● implemented the extended facilitation at control points and priority processing in June and November 2008 respectively; and ● finalised majority of the applications and pre-clearance requests within the two-week period as laid down in the guidelines under the ABTC Operating Framework.
(3) Other efforts to facilitate mobility of business people than the above	(A) 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.	(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.	<p>HKC has:</p> <ul style="list-style-type: none"> ● extended the Frequent Visitor Card (FVC) Scheme, which was implemented in 2004 at the Hong Kong International Airport to facilitate entry clearance of FVC holders (i.e. bona fide frequent visitors) at the designated counters, to minors of age 12 or below in April 2006; ● introduced measure in June 2006 to facilitate visitors from Chinese Taipei holding "Mainland Travel Permits for Taiwan Residents" (MTP) with a valid entry/exit endorsement for China so that they may visit HKC for a maximum stay of 7 days regardless of whether they have valid entry permit for HKC; ● dispensed with the requirement for holders of MTP to hold a valid entry/exit permit for China since April 2009 so that MTP

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>(B) Maintained a liberal policy for granting short-term business entry.</p> <p>(C) Maintained a policy to attract talents and professionals by granting entry and temporary stay of natural persons for employment in Hong Kong.</p> <p>(D) Coordinated technical cooperation and training arrangements were not in place.</p> <p>(E) Maintained regular contacts with business sectors with a view to understanding and serving their needs better.</p>	<p>(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.</p> <p>(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).</p> <p>(D) Implemented a pilot system, e-CPoint, for advance passenger processing in November 2005. To date, three airlines have participated in the pilot run.</p> <p>(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.</p>	<p>holders may visit HKC for not more than 7 days, regardless of whether their MTP bears an entry/exit permit for China;</p> <ul style="list-style-type: none"> ● conducted the “Workshop on Biometric Technology in Machine Readable Travel Documents” in July 2006 with the participation of 18 economies; ● extended self-service immigration clearance (i.e. e-Channel service) to certain categories of non-permanent residents, including persons admitted for employment as professionals and investment (to establish/join in business), in September 2006; ● extended self-service immigration clearance (i.e. e-Channel service) at the Hong Kong International Airport to enrolled frequent visitors holding Travel Pass, APEC Business Travel Card (granted pre-clearance by HKC) and FVC (multiple-journey visit visas required for visa-required nationals) in May 2008. Further extended the service to enrolled visitors holding Frequent Flyer Programme Membership Card issued by airlines which have joined this arrangement in September 2009; ● introduced a new set of application form/guidebook for entry for employment as professionals in May 2008 and put in place streamlined procedures in respect of these applications so that the requirement on supporting documents is minimised. During the process of devising the said application form/guidebook, chambers of commerce and business bodies were consulted; ● introduced new sets of application form/guidebook for entry for visit/transit and investment (to establish/join in business) in

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>December 2008 to provide greater convenience to the applicants;</p> <ul style="list-style-type: none"> ● extended the period of stay granted to visitors from Chinese Taipei holding iPermit or Multiple Entry Permit from 14 days to 30 days since January 2009; ● extended the application of the Face Recognition System for use at immigration control points, investigation and visa offices for verifying the identity of suspects; and ● finalised 98% of the applications for intra-company transfer of executives and senior managers within 3 to 4 weeks as against the agreed target of 30 days (Jan-Oct 2009).
(4) Average time to approve for short term business visit visa	Pledged to finalise 70% of the entry visa applications for visit within 6 weeks.	<p>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.</p> <p>While HKC pledges to finalize 100% of visit visa applications within 4 weeks, majority of</p>	<p>HKC has:</p> <ul style="list-style-type: none"> ● fully implemented the Application and Investigation Easy System which provides a digitalised environment for the processing of visa applications and streamlines visa processing procedures in December 2008; and ● conducted ongoing business process reengineering with a view to enhancing the performance on visa processing.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		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.	
14. Trade Facilitation			
(1) Consistency with APEC Principles on Trade Facilitation	--	All	Please refer to Chapter 5 (Standards and Conformance), Chapter 6 (Customs Procedures), Chapter 10 (Deregulation/Regulatory Reform) and Chapter 13 (Mobility of Business People).
(2) 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.	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.	While HKC is a staunch supporter of the multilateral trading system and is committed to the primacy of the system, we have an open-mind in the negotiation of FTAs with our trading partners, so long as these are in our interests, are consistent with WTO principles and provisions, and can contribute to multilateral trade liberalization.--
RTAs/FTAs concluded/signed with APEC member	--	<ul style="list-style-type: none"> ● Mainland and Hong Kong Closer Economic Partnership Arrangement signed between China and HKC ● Hong Kong, China - New Zealand Closer 	The Hong Kong, China - New Zealand Closer Economic Partnership Agreement was signed on 29 March 2010.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
economies		Economic Partnership Agreement concluded between HKC and New Zealand.	
(2) Number of RTAs/FTAs under negotiation	--	--	HKC would commence FTA negotiations with the European Free Trade Association in early 2010.
RTAs/FTAs being negotiated with APEC member economies	--	--	--
(3) Consistency with APEC Model Measures for RTAs and FTAs	--	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)	<p>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.</p> <p>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.</p> <p>The existing regimes of economies are the most meaningful and pertinent measurement of the achievement of the Bogor Goals.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>An approach based on existing regimes will link the assessment to the real benefits to the business sector and our community.</p> <p>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.</p> <p>We believe member economies should include qualitative assessment of progress where quantitative indicators fall short.</p> <p>As confirmed in the Peer Review of our Individual Action Plans (IAP) for 2006, HKC has long maintained a free-market economy and a liberal trade and investment regime. In relation to the Bogor Goals, HKC has made remarkable progress in a number of IAP areas, and is glad to note that the IAP Study Report confirmed that HKC has established itself as a "model member economy" in trade and investment liberalisation and facilitation.</p> <p>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</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>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."</p> <p>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.</p>