

## Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

### Trade Regulations - Services

No.	Regulatory Framework	Link
<b><i>International Trade in Goods and Services</i></b>		
1.	<p>Requiring authorities to provide applicants with reasons for the rejection, suspension, or cancellation of licenses granted in the following service subsectors:</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> </ul>	<p>➤ <a href="#">Cap. 548 Merchant Shipping (Local Vessels) Ordinance</a> and its subsidiary legislation</p>
2.	<p>Service providers or professionals have the right to judicially appeal all regulatory decisions of the responsible administrative authority in the following subsectors affecting international trade in services:</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	<p>➤ Section 24, <a href="#">Cap. 506 Freight Containers (Safety) Ordinance</a></p> <p>➤ Section 66, <a href="#">Cap. 313 Shipping and Port Control Ordinance</a></p> <p>➤ Section 87, <a href="#">Cap. 548 Merchant Shipping (Local Vessels) Ordinance</a></p> <p>➤ Section 6(1)(hg), <a href="#">Cap. 374 Road Traffic Ordinance</a></p> <p>➤ Section 21A, <a href="#">Cap. 81A Port Control (Cargo Working Areas) Regulations</a></p> <p>➤ Section 7(4A), <a href="#">Cap. 59 Factories and Industrial Undertakings Ordinance</a></p>

No.	Regulatory Framework	Link
<b><i>International trade cooperation</i></b>		
3.	A party to any international agreement which includes legally binding commitments on trade in services with China, the United States, OR Japan	<ul style="list-style-type: none"> <li>➤ Hong Kong, China (HKC), together with China, the US and Japan, are Members to the World Trade Organization (WTO) and are subject to binding commitments on trade in services under the WTO <a href="#">General Agreement on Trade in Services (GATS)</a></li> <li>➤ <a href="#">Agreement on Trade in Services under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)</a></li> </ul>
4.	<p>Having mutual binding commitments that facilitate the temporary movement of natural persons for business purposes across borders to provide services with China in the following service subsectors:</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	<ul style="list-style-type: none"> <li>➤ Annex 1 (sub-sectors 11.A, 11.F.b, 11.H.b &amp; c, Table 2) and Annex 2, <a href="#">CEPA Agreement on Trade in Services</a></li> <li>➤ In addition, HKC and China have respectively made certain specific commitments under relevant service sectors under the WTO GATS. Please refer to HKC and China's respective <a href="#">GATS Schedules of Specific Commitments</a> for details.</li> </ul>
5.	<p>Have mutual binding commitments that allow service suppliers to offer services across borders without the necessity of establishing or maintaining a business presence or residency within its territory with China in the following service subsectors:</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> </ul>	<ul style="list-style-type: none"> <li>➤ Annex 1 (sub-sectors 11.A, 11.F.b, Table 2) and Annex 2, <a href="#">CEPA Agreement on Trade in Services</a></li> <li>➤ In addition, HKC and China have respectively made certain specific commitments under relevant service sectors under the WTO GATS. Please refer to HKC and China's respective <a href="#">GATS Schedules of Specific Commitments</a> for details.</li> </ul>

No.	Regulatory Framework	Link
<b><i>Regulatory restrictions for domestic freight transportation and logistics service providers</i></b>		
6.	Not imposing any restrictions on women service providers from providing any type of service within the following service subsectors <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	<ul style="list-style-type: none"> <li>➤ No such requirement under <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></li> <li>➤ No such requirement under <a href="#">Shipping Ordinances</a></li> </ul>
7.	Not imposing any caps on the number of operating licenses issued to service providers in the domestic market in the following service subsectors: <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	
8.	Not imposing any restrictions that apply solely to women service providers when applying for operating licenses in the following service sub-sectors: <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	

No.	Regulatory Framework	Link
9.	<p>Not establishing any price floors or provide pricing guidelines, as set by the government or relevant entities, in the following service subsectors:</p> <ul style="list-style-type: none"> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	<p>➤ No such requirement under <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></p>
10.	<p>Not mandating service providers to employ certified operators when conducting business domestically within the following service subsectors:</p> <ul style="list-style-type: none"> <li>• Customs brokerage</li> </ul>	<p>➤ No such requirement under <a href="#">Cap. 60 Import and Export Ordinance</a></p>

No.	Regulatory Framework	Link
11.	<p>Mandating certification AND training requirements for service providers within the following service subsectors:</p> <ul style="list-style-type: none"> <li>Maritime</li> </ul>	<ul style="list-style-type: none"> <li>➤ <a href="#">Cap. 478 Merchant Shipping (Seafarers) Ordinance</a></li> <li>➤ <a href="#">Cap. 478J Merchant Shipping (Seafarers) (Certification of Officers) Regulation</a></li> <li>➤ <a href="#">Cap. 478V Merchant Shipping (Seafarers) (Engine Room Watch Ratings and Electro-technical Ratings) Regulation</a></li> <li>➤ <a href="#">Cap. 478AH Merchant Shipping (Seafarers) (Navigational Watch) Regulation</a></li> <li>➤ <a href="#">Cap. 478AI Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation</a></li> <li>➤ <a href="#">Cap. 478AD Merchant Shipping (Seafarers) (Passenger Ships— Training) Regulation</a></li> <li>➤ <a href="#">Cap.478AJ Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation</a></li> <li>➤ <a href="#">Cap.478AG Merchant Shipping (Seafarers) (Tankers) Regulation</a></li> <li>➤ <a href="#">Cap.478AK Merchant Shipping (Seafarers) (Ships Using Low-flashpoint Fuels) Regulation</a></li> <li>➤ <a href="#">Cap.478AL Merchant Shipping (Seafarers) (Ships Operating in Polar Waters) Regulation</a></li> </ul>

No.	Regulatory Framework	Link
12.	<p>Not specifying any certification or training requirements that apply solely to women service providers in the following service sub-sectors:</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, storage and warehousing</li> <li>• Customs brokerage</li> </ul>	<ul style="list-style-type: none"> <li>➤ No such requirement under <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></li> <li>➤ No such requirement under <a href="#">Shipping Ordinances</a></li> </ul>
13.	<p>Specifying statutory time intervals for the inspection of the equipment used in the following service subsectors</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, storage and warehousing</li> </ul>	<ul style="list-style-type: none"> <li>➤ Reg 83A, <a href="#">Cap. 109A Dutiable Commodities Regulations</a></li> <li>➤ <a href="#">Cap. 295 Dangerous Goods Ordinance</a></li> <li>➤ <a href="#">Cap. 313 Shipping and Port Control Ordinance</a></li> <li>➤ <a href="#">Cap. 369 Merchant Shipping (Safety) Ordinance</a></li> <li>➤ <a href="#">Cap. 413 Merchant Shipping (Prevention and Control of Pollution) Ordinance</a></li> <li>➤ <a href="#">Cap. 415 Merchant Shipping (Registration) Ordinance</a></li> <li>➤ <a href="#">Cap.478 Merchant Shipping (Seafarers) Ordinance</a></li> <li>➤ <a href="#">Cap. 582, Merchant Shipping (Security of Ships and Port Facilities) Ordinance</a></li> <li>➤ <a href="#">Cap. 374 Road Traffic Ordinance</a></li> </ul>

No.	Regulatory Framework	Link
14.	<p>Establishing statutory limits on the maximum number of consecutive working hours allowed within a single day before a mandatory rest period in the following service subsectors</p> <ul style="list-style-type: none"> <li>Maritime</li> </ul>	<p>➤ <a href="#">Cap. 478D Merchant Shipping (Seafarers) (Hours of Rest) Regulation</a></p> <p>➤ <a href="#">Cap. 478AF Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation</a></p>
<b>International trade in services</b>		
15.	<p>Not regulating maritime freight impose any restrictions on the registration of vessels owned or controlled by foreign entities under national flags</p>	<p>➤ No such requirement under <a href="#">Shipping Ordinances</a></p>
16.	<p>Not imposing any quotas or other quantitative restrictions specifically on foreign service providers in the following subsectors:</p> <ul style="list-style-type: none"> <li>Maritime</li> <li>Road freight</li> <li>Cargo handling, Storage and warehousing</li> <li>Customs brokerage</li> <li>Commercial banking</li> <li>Insurance</li> </ul>	<p>➤ No such requirement under <a href="#">Cap. 41 Insurance Ordinance</a>, <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></p> <p>➤ No such requirement under <a href="#">Shipping Ordinances</a></p>

No.	Regulatory Framework	Link
17.	<p>Not granting market access to foreign service providers (including firms) in the following service subsectors subject to an economic needs test</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, Storage and warehousing</li> <li>• Customs brokerage</li> <li>• Commercial banking</li> <li>• Insurance</li> </ul>	<p>➤ No such requirement under <a href="#">Cap. 41 Insurance Ordinance</a>, <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></p> <p>➤ No such requirement under <a href="#">Shipping Ordinances</a></p>
18.	<p>Not imposing specific restrictions concerning the acquisition and use of land and real estate on foreign service providers BUT not applicable to domestic service providers in the following service subsectors</p> <ul style="list-style-type: none"> <li>• Commercial banking</li> <li>• Insurance</li> </ul>	<p>➤ No such requirement in <a href="#">Cap. 41 Insurance Ordinance</a></p>



No.	Regulatory Framework	Link
19.	<p>Not imposing any additional licensing or authorization requirements specifically on foreign service providers BUT not applicable to domestic service providers in the following service subsector:</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, Storage and warehousing</li> <li>• Customs brokerage</li> <li>• Commercial banking</li> <li>• Insurance</li> </ul>	<p>➤ No such requirement under <a href="#">Cap. 41 Insurance Ordinance</a>, <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></p> <p>➤ No such requirement under <a href="#">Shipping Ordinances</a></p>

No.	Regulatory Framework	Link
20.	<p>Not imposing any additional quotas on foreign contractual or independent service providers not applicable to domestic service providers in the following service subsectors</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, Storage and warehousing</li> <li>• Customs brokerage</li> <li>• Commercial banking</li> <li>• Insurance</li> </ul>	<p>➤ No such requirement under <a href="#">Cap. 41 Insurance Ordinance</a>, <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></p> <p>➤ No such requirement under <a href="#">Shipping Ordinances</a></p>

No.	Regulatory Framework	Link
21.	<p>Not requiring labor market tests to be conducted prior to hiring foreign contractual or independent service providers in the following service subsectors</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> <li>• Cargo handling, Storage and warehousing</li> <li>• Customs brokerage</li> <li>• Commercial banking</li> <li>• Insurance</li> </ul>	<ul style="list-style-type: none"> <li>➤ No such requirement under <a href="#">Cap. 41 Insurance Ordinance</a>, <a href="#">Cap. 60 Import and Export Ordinance</a> or <a href="#">Cap. 109 Dutiable Commodities Ordinance</a></li> <li>➤ No such requirement under <a href="#">Shipping Ordinances</a></li> </ul>
22.	<p>No existence on procedural requirements and in practice that impose a cost exceeding 50 USD and a processing time longer than 15 days for obtaining business visas or crew member visas for foreign crew and service providers in the following transport service subsectors</p> <ul style="list-style-type: none"> <li>• Maritime</li> <li>• Road freight</li> </ul>	<ul style="list-style-type: none"> <li>➤ No restrictions on visa processes and no procedural hurdles related to crew member visas and business visas for crew members and service providers in these service subsectors</li> <li>➤ Schedule 2, <a href="#">Cap. 115A Immigration Regulations</a></li> </ul>

## Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

### Trade Regulations - Services

No.	Public Services	Link
<b><i>Transparency and availability of information</i></b>		
1.	<p>Publishing of the licensing criteria for transport services in the following subsectors on any official public agency portal or website(s) of the relevant public agency</p> <ul style="list-style-type: none"><li>• Maritime</li><li>• Road freight</li></ul>	<ul style="list-style-type: none"><li>➤ <a href="#">Marine Department Public Forms</a></li><li>➤ <a href="#">Marine Department Hong Kong Shipping Registry</a></li><li>➤ <a href="#">Transport Department Licences &amp; Permits</a></li></ul>