

**A**s the initiator of CEPA, HKGCC has closely monitored related liberalisation measures and their implementation since the arrangement's inception in 2003. In 2011, the Central Government announced that full liberalisation of trade in services between the Mainland and Hong Kong should be basically achieved through CEPA by the end of 2015.

Based on views collected from HKGCC member companies, the Chamber compiled a wish list, which was submitted to the Hong Kong and Mainland governments in August, with the focus being on implementing a concise "negative list" as soon as possible.

The distribution sector, including freight forwarding, logistics and transportation, as well as other non-sensitive sectors such as exhibitions, trade and tourism, have enjoyed access to the Mainland market under CEPA for many years. However, to clearly show what other sectors foreign businesses can engage in, we suggested that the Central Government adopt a "negative list" system on a pilot basis.

Sectors not included on the list could then be exempted from applying for permits or approval documents before a business licence is issued. The "negative list" issued by the Shanghai free-trade zone is long, which defies its objective. If the "negative list" system is to be adopted under the new supplement, we suggest that it be concise and clear. A more concise "negative list" implies a higher degree of liberalization, which will accelerate liberalization of trade in services between the two places.

### National treatment

National treatment is a basic principle under the WTO, which means allowing foreign goods and services to receive the same treatment as locals. For this to become reality, the Chamber believes that Hong Kong enterprises should be treated the same as Mainland enterprises in areas such as market access, setting-up procedures, business scope, shareholding ratio, licence management and investment, so that they are not subjected to a separate legal system.

### Implementation of CEPA policies

While some sectors are opening, businesses complain that the problem of "big doors are open but small doors are not yet open" persists. For example, foreign enterprises in China have to go through a complicated and time-consuming registration process. Added to that, businesses are required to submit documents proving they are renting commercial premises at the very start of

# CE Continues to

the application process. As they cannot open their business before registration is completed, they have to bear additional rental costs during the registration process.

We propose simplifying the process for Hong Kong enterprises applying for a business licence. This will allow them to obtain a licence after submitting necessary documents to related authorities, similar to the new commercial registration system. This "post-examination and approval" system should be implemented across the country under CEPA.

Other challenges include the need for concrete and clear guidelines to facilitate policy implementation; the rise of regionalism with additional requirements imposed by local governments; and different interpretations of laws and regulations by government officials leading to prolonged application process. We believe close supervision and training will be able to address these obstacles.

### Looking forward to a breakthrough

Over the past decade, CEPA has broadened and deepened economic cooperation between Hong Kong and the Mainland. As of August 2013, 11 agreements (the main agreement and its 10 supplements) have been signed, covering a total of 403 liberalisation measures for trade in services. With 149 service sectors open to Hong Kong, it constitutes 93.1% of all the 160 service sectors categorized by the WTO.

According to data from the Trade and Industry Department, at the end of July 2013, Hong Kong companies had saved over RMB3.6 billion in tariffs, as the export value of zero tariff goods was HK\$52.4 billion. With the upcoming 12th agreement, the Chamber hopes for greater breakthroughs in liberalization of trade in services between Hong Kong and the Mainland. ✿

# PA Open Doors

# 繼續 開放

**香**港總商會是最早提出CEPA概念的商界團體，一直積極關注CEPA的開放和實施，每年都向兩地政府遞交有關CEPA下一步政策的開放建議，並反映香港商界在實施CEPA過程中所遇到的具體問題，希望CEPA得以繼續順利有效地落實。

2011年，中央領導人已明確表示，要通過CEPA在2015年年底基本實現香港與內地服務貿易自由化。基於這一點，本會在剛剛8月份呈交的建議書上，再次建議盡快推行「負面清單」。

我們建議中央允許最早且大量進入內地市場的貨代、物流、運輸等分銷服務業和會展、貿易、旅遊等非敏感性的服務行業，以及國家鼓勵外資進入的行業，率先實施「負面清單」管理模式。對屬於「負面清單」限制之外的項目，豁免其向審批部門申請大量許可證或批准文件方可辦理營業執照的申請辦法。簡言之，即是將審批制的管理方式改為備案制，並以市場經濟准入方式，直接註冊登記申請營業執照。

此外，我們注意到上海自貿區所發布的「負面清單」偏長，且有很多列項，未能真正發揮「負面清單」模式的作用。本會建議應以簡短、清晰為原則，愈精簡的「負面清單」意味著開放程度愈高，愈能加速兩地實現服務貿易自由化。

## 國民待遇

國民待遇是WTO的基本原則之一，指在民事權利方面，一個國家給予在其境內的外國公民和企業與其國內公民、企業同等待遇。國民待遇原則，實質上就是外國商品或服務與進口國內商品或服務處於平等待遇的原則。本會建議對香港企業，在市場准入、設立程序、經營範圍、股權比例、牌照管理等方面，均與國內企業基本保持一致，使香港投資者在投資領域完全享受與國內投資者相同的待遇，不設置內外兩套法律法規制度，真正實現地位平等、公平競爭。

## 政策的具體落實與執行

除了以上兩個重點建議之外，本會通過問卷調查及與會員座談，了解到CEPA在具體落實與執行中仍有若干問題，即坊間常

說「大門開、小門未開」的情況。例如，國內的外資公司登記程序仍過於繁複，所需時間冗長，加上申請伊始即要求企業提供辦公場所租賃文件，而在登記註冊未完成之前，企業不能投入實質營運，這造成公司註冊階段的辦公場所租金支出。

本會建議簡化港資投資企業的審批程序，允許港資企業在商務部門備案後，可與內地企業一樣按照新的商事登記制度申請營業執照，即「先照後證」，在CEPA政策下全面推開實行。

此外，一些問題包括政策已出台，但細則指引遲遲未趕上；地方保護主義出現，一些地方政府額外提出要求；以及執行人員尺度不一、理解不同，以致申請阻滯。本會建議應加強監管和培訓，有助進一步改善落實情況。

## 展望新一份協議取得突破

十多年來，CEPA以「循序漸進」的模式，不斷擴大和深化香港與內地的經濟合作。截至2013年8月，內地與香港已簽署11份協議（初始協議及10份補充協議），累計內地對香港採取的服務貿易開放措施共403項，服務貿易開放的部門達149個，其開放程度已達到了WTO服務行業160個部門分類總數的93.1%。

香港工業貿易署的資料顯示，至2013年7月底，CEPA已讓香港企業節省了超過36億人民幣關稅，CEPA以零關稅輸入內地的商品總值超過524億港元。內地與香港將會很快簽署第12份協議，本會期望兩地服務貿易自由化取得更大的突破。

關於總商會就CEPA進一步開放的詳細建議內容，可瀏覽以下網頁：

HKGCC's detailed recommendations can be downloaded at: <http://www.chamber.org.hk/FileUpload/201408051636062551/cepa.pdf>