

The Consumer Council's submissions to the Competition Commission regarding the Proposal to Accept a Commitment from Keeta in the Online Food Delivery Platform Case

A. Introduction

1. The Consumer Council welcomes the opportunity to submit views in response to the Competition Commission's notice dated 28 April 2026 concerning the proposed acceptance of a commitment from Kangaroo Limited (trading as "Keeta") under section 60 of the Competition Ordinance (**Proposed Commitment**).

2. The Council's submission is made from a consumer and consumer protection perspective, with reference to its earlier representation during the Deliveroo/Foodpanda consultation (Case EC/03JJ), and reflects its continuing interest in safeguarding consumer welfare through effective competition in the online food delivery platform (**OFP**) sector. In this context, the Council notes the Commission's position that its provisional findings in Case EC/03JJ continue to be applicable.

B. Consumer complaints in the OFP sector

3. In considering the consumer impact of practices in the OFP sector, the Council notes recent complaints received by it. Between 2023 and March 2026, over 4,000 complaints were recorded in respect of the two major OFP operators, Foodpanda and Keeta. Complaints relating to Keeta rose markedly from 30 cases in 2023 to 543 cases in 2025, with a further 91 cases in the first quarter of 2026, while Foodpanda accounted for 3,258 complaints over the same period. The most common complaint categories across platforms concerned late or non-delivery, service quality, pricing disputes and contract-related issues. These trends underscore the relevance of effective competition and safeguards that promote consumer choice, pricing transparency and service quality in the OFP market.

C. Overall position

4. The Consumer Council supports the Commission's proposal to accept the Proposed Commitment. In the Council's view, the Proposed Commitment appropriately addresses the Commission's identified concerns regarding exclusivity, switching restrictions, and price parity provisions in Keeta's agreements with partnering restaurants, and is likely to deliver sustained consumer benefits. The Council also appreciates the inclusion of provisions relating to market-share

treatment, contractual transparency and structured monitoring relevant to enhancing compliance and consumer welfare.

D. Consumer welfare considerations

5. Consistent with the Council's prior submission in the Deliveroo/Foodpanda case, the Council considers that the Proposed Commitment promotes consumer interests in the following key respects:

(a) Consumer choice and access

By limiting the use of exclusivity arrangements vis-à-vis platforms with a market share of 10% or less, the Proposed Commitment should help ensure that consumers continue to have access to a wider range of online food delivery platforms and restaurant options. This supports choice and reduces the likelihood that consumers' options are narrowed as a result of contractual arrangements between platforms and restaurants.

(b) Fair pricing and transparency for consumers

The removal of price restriction provisions, thereby enhancing restaurants' flexibility to set prices across different channels, should help reduce the risk that online prices are kept artificially high across channels, enabling consumers to better compare prices across delivery, dine-in or other ordering options, and to benefit from competitive pricing.

(c) Market responsiveness benefiting consumers

Measures that facilitate restaurants in adjusting their partnering arrangements (such as removing switching penalties, capping notice periods, and limiting commission clawbacks) should help ensure that the market can respond more readily to consumer preferences and demand. By reducing practical barriers that may otherwise delay changes in platform availability or service offerings, the Proposed Commitment supports a more responsive and competitive environment that benefits consumers through improved service quality, greater innovation and better value.

6. The Council also welcomes the introduction of binding and enforceable obligations in the Proposed Commitment that go beyond current interim voluntary measures, including application to both existing and future agreements and safeguards against circumvention. These features enhance certainty and reduce the risk of practices re-emerging that may harm competition and consumers. In addition,

for regulatory consistency and consumer certainty, the Council agrees with aligning the key structural features of the Proposed Commitment with those applicable to Foodpanda to the extent practicable, subject to the Commission's ongoing assessment of market developments.

E. Additional observations from a consumer perspective

7. The Council respectfully offers the following observations for the Commission's consideration, with a view to supporting the effective implementation of the Proposed Commitment and the realisation of its anticipated consumer benefits.

(a) Where practicable, continued monitoring of market developments, particularly in view of the highly concentrated OFP market and scheduled expiry of commitments on 28 December 2026. Ongoing observations of changes in OFP market shares and the prevalence of exclusive arrangements, may assist the Commission in identifying emerging trends or conduct that could impact consumer choice, pricing and service quality. Similarly, while the removal of price restriction provisions should enhance price competition, consideration may be given to observing market outcomes over time to assess whether the expected consumer benefits materialise in practice. Such continued monitoring would also serve to inform any future assessment of whether additional or alternative measures may be necessary to safeguard consumer interests and ensure that the market remains competitive and vibrant in the longer term.

(b) Public transparency of Keeta's compliance reporting under the Proposed Commitment, to the extent feasible and consistent with confidentiality requirements, may help enhance public confidence in the commitment regime.

F. Conclusion

8. The Council supports accepting the Proposed Commitment to address the Commission's identified competition concerns in the consumer interest. The Council remains supportive of the Commission's ongoing oversight of the OFP sector and stands ready to contribute further to advance consumer welfare as the market evolves.