

14 December 2021

For Immediate Release

Competition Commission marks 6th anniversary of full commencement of Competition Ordinance

The Competition Commission (“Commission”) today marked the 6th anniversary of the full commencement of the Competition Ordinance (“Ordinance”). Over the past 6 years, the Commission has developed from a newly established organisation into a rapidly maturing law enforcement agency with a number of important precedents established for the Hong Kong competition regime.

Review of enforcement work

Since full commencement of the Ordinance in December 2015, a total of 12 cases have reached different enforcement outcomes, among which 9 cases encompassing cartels and abuse of substantial market power were brought before the Competition Tribunal (“Tribunal”). These 9 cases involved a total of 47 respondents and the Commission has gained success in all 5 cases already ruled by the Tribunal.

The Tribunal has also handed down judgments on sanctions in 4 cases, ordering respondents to pay fines and the Commission’s legal cost, and issuing a director disqualification order.

Separately, the Commission has also resolved and rectified competition concerns of less serious nature swiftly and cost-effectively in 3 cases using non-litigation remedies provided under the Ordinance, which include accepting commitments from the parties concerned and issuing infringement notices.

This combination of litigation and non-litigation approach has proven to be effective in addressing competition concerns in different cases.

Future areas of enforcement focus

With the solid foundation that has been laid and the knowledge and experience accumulated, the Commission has started to launch investigations on its own initiative, in addition to relying on information from complainants, leniency applicants as well as referrals by other public bodies and fellow law enforcement agencies. Entering the 7th year of its full operation, the Commission will pay particular attention to three areas while also maintaining its general enforcement focus:

i) Anti-competitive behaviours which affect people’s livelihood

The Commission believes that anti-competitive behaviours which affect people’s livelihood, especially low income or grass-root groups, are particularly egregious and deserve its attention as a matter of priority. Where anti-competitive conduct affects livelihood issues or vulnerable groups, this will continually be taken into account when the Commission prioritises its investigations.

ii) Cartels that aim to take advantage of government or public funding

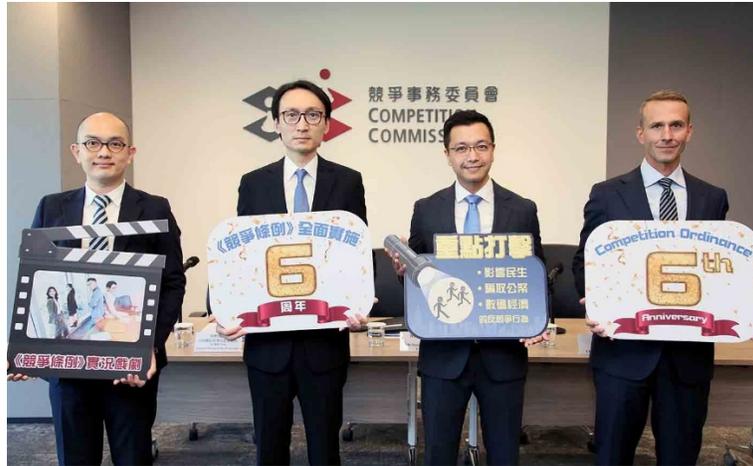
Cartelists that increase the price that the government pays for goods and services are enriching themselves at the expense of the people of Hong Kong. The Commission will not only pursue cartels that target procurement contracts of government departments or public bodies, but also cartels that target government funding or subsidy schemes set up to help Hong Kong businesses, especially SMEs. Prioritisation of such cases sends a clear message that efforts made by the government to run competitive processes should not be undermined.

iii) Digital economy

With ongoing digitalisation of various economic activities, attention of competition enforcement agencies worldwide is naturally turning to conduct affecting digital markets. In Hong Kong, a sizeable portion of commerce is going digital and the trend has been accelerated with the onset of COVID-19. It is anticipated that there will be more cases involving digital markets going forward. In addition to ongoing investigations involving the digital economy, the Commission is working on a project to more fully understand the landscape of online retail in Hong Kong and the potential competition problems within.

Mr. Samuel Chan, Chairman of the Commission, said, “It would be fair to say that the Commission has made great strides in the past 6 years. As the Commission keeps accumulating its experience and knowledge, it will play an increasingly important role in safeguarding and promoting a level-playing field in Hong Kong in the years to come. In time, I am confident that the full benefits of the Ordinance and the Commission’s work will be felt in all aspects of Hong Kong people’s lives.”

Photo captions:



The Competition Commission today marked the 6th anniversary of the full commencement of the Competition Ordinance. (From left) Mr. Billy Woo, Executive Director (Policy & Advocacy), Mr. Samuel Chan, Chairman, Mr. Rasul Butt, Chief Executive Officer, and Mr. Jindrich Kloub, Executive Director (Operations) of the Commission.



The Competition Commission is partnering with RTHK to produce its first-ever docudrama TV series showcasing the first few competition cases in Hong Kong. The initiative aims to deepen public understanding of the Competition Ordinance and the Commission's work. The TV series is expected to be launched in March 2022.