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For Immediate Release

**Competition Commission rolls out enhanced model “Non-Collusion Clauses”
covering civil and criminal liability of those in breach
*Safeguarding procurers against cartel conduct***

The Competition Commission (Commission) today published an enhanced version of the model “Non-Collusion Clauses” (NCC) for procurers to incorporate into their invitation to bid documents and contracts, with a view to further deter and penalise collusive conduct including bid-rigging. The Commission strongly encourages procurers to adopt the NCC in building maintenance and other high-value tenders.

Bid-rigging, market sharing and price-fixing are classified as serious anti-competitive conduct under the Competition Ordinance. These practices, which may occur in any procurement process, not only deprive procurers of genuine choices, but may also result in procurers having to pay for overpriced goods and services. The impact would be more severe for tenders involving building maintenance projects or those of high value, causing substantial harm to property owners as well as procurers.

The Commission first published the model NCC in 2017 for procurers to incorporate into their invitation to bid documents and contracts. The model NCC comprises (1) non-collusion wordings that may be included in an invitation to bid, and (2) a model “Non-Collusive Tendering Certificate” (NCTC) for bidders to sign. The NCC serves to forewarn bidders not to engage in anti-competitive arrangements and the consequences of doing so. It also provides a clear and straightforward remedy for procurers in the event of any breaches of these clauses.

The enhanced NCC released today is built upon the existing foundation with two enhancements:

- (1) The enhanced version explicitly states that once the bidders who have signed the NCTC engaged in collusive conduct such as bid-rigging during the tendering process, not only will they be liable for damages to the procurer and penalties under the Competition Ordinance, they may also be liable for the common law offence of conspiracy to defraud¹. According to section 159C(6) of the Crimes Ordinance, the maximum penalty for a person convicted of this offence is 14 years’ imprisonment.
- (2) The enhanced version also introduces a new requirement for bidders to submit a statutory declaration affirming that the bid was prepared independently and free of collusive practices in the process. If the declarant is subsequently found to have made a false statement, they may be guilty of an offence under section 36 of the Crimes Ordinance (the offence of false statutory declaration). Upon conviction, the maximum penalty is 2 years’ imprisonment and a fine.

A spokesperson of the Commission said, “The Commission has always been highly concerned about the issue of bid-rigging in the building maintenance market. In addition to conducting five

¹ Depending on the facts of each case.

large-scale search operations in the past few years, it also recently took a building maintenance cartel case to the Competition Tribunal². While continuing to take enforcement actions, the Competition Commission firmly believes that severe punishments are also an important means to strengthen deterrence. Towards this end, the Commission has enhanced the model NCC to highlight the potential criminal consequences arising therefrom, in the hope of further enhancing the effectiveness of combating and deterring collusive conduct in the building maintenance sector as well as other high-value procurement tenders. The Commission reiterates that anti-competitive conduct that impacts people's livelihood will not be tolerated.”

“We encourage all procurers in Hong Kong who are responsible for large-scale building maintenance projects and other high-value tenders, whether in the public or the private sector, to incorporate the enhanced NCC into their invitations to bid and formal contracts in accordance with their actual circumstances. This will not only strengthen deterrence, but also provide better protection for procurers. At the same time, procurers should also stay vigilant and report any suspected anti-competitive conduct to the Commission.”

The enhanced version of the model NCC is available in English and Chinese on the Commission's website at <http://www.compcomm.hk>.



The Competition Commission publishes an enhanced version of model “Non-Collusion Clauses”

² See the Commission's [press release](#) on 25 March 2026.