



行政總裁的話 Message from CEO

競爭事務委員會（競委會）在 2019 年繼續忙於推進各方面的工作。競委會於 4 月發表了《合作及和解政策》，以補充現行的《寬待政策》。過去 3 年，競委會在調查合謀及其他違反《競爭條例》（《條例》）的行為取得了一定成績，《合作政策》將進一步讓競委會能更具效力和更有效率地進行調查，從而遏阻本港合謀行為的發生。

倡導工作方面，競委會展開了以行業為本的商界圓桌會議，就《條例》及個別行業所遇到的競爭問題，與業內人士進行雙邊交流。此外，競委會繼續為公營界別舉辦培訓，同時亦就多個與競爭相關的政策議題提出意見，當中包括政府建議的專營的士計劃。在社區活動方面，競委會期內舉辦了多個展覽、研討會及講座，新一輪的「合謀貓」巡迴展亦已於 4 月展開。

在國際方面，競委會派代表出席了數個地區及國際反壟斷會議，並首度以聯席主席的身份，出席國際競爭規管網絡倡導工作小組舉辦的工作坊。競委會獲選為該小組的聯席主席，正是國際同儕認同競委會自成立以來的宣傳教育工作別出心裁、成效顯著。



冼博崙 Brent Snyder
行政總裁 Chief Executive Officer

The Competition Commission (Commission) remained very busy in 2019 carrying out its various functions. In April, the Commission published a Cooperation and Settlement Policy to complement its existing leniency framework. With considerable success investigating cartels and other contraventions of the Competition Ordinance (Ordinance) over the past 3 years, the Cooperation Policy will further enhance the Commission's effectiveness and efficiency in investigations, which will in turn discourage the formation and continuation of cartels in Hong Kong.

On the advocacy front, the Commission has started its sectoral business outreach with roundtable discussions to strengthen bilateral communications with businesses on the Ordinance and competition issues relating to specific sectors. It also continued to engage with the public sector through targeted training and advising on a number of competition-related issues including the government's proposed Franchised Taxi Scheme. With regard to community outreach, exhibitions, seminars and engagement meetings carried on during the period with another roving tour of our cartel cat pop-up commenced in April.

Internationally, the Commission has participated in several regional and international antitrust events including our first workshop under the International Competition Network (ICN) Advocacy Working Group as co-chair, for which the Commission was selected in recognition of its creative and effective advocacy and education efforts since inception.

競委會發表《合作政策》

Commission publishes Cooperation Policy

競委會發表了《為從事合謀行為之業務實體而設的合作及和解政策》（《合作政策》），以補充其現行的《寬待政策》¹及《執法政策》。

根據《合作政策》，當從事合謀行為（包括合謀定價、瓜分市場、限制產量及圍標）的業務實體未能受惠於《寬待政策》時，仍可選擇承認其違法行為，並配合競委會的調查，以換取競委會在呈交競爭事務審裁處的罰款建議中，予以最多 50% 的罰款扣減。如涉事的個別人士全面與競委會合作，競委會亦可能同意不對他們展開任何法律程序。



《合作政策》亦提供一個「寬待加分」制，訂明與競委會在某宗合謀案件合作的機構如率先向競委會舉報另一宗合謀個案，則該機構因涉及第一宗合謀案件的建議罰款將獲最多 10% 的額外扣減。

連同原有的《寬待政策》，《合作政策》提供了具清晰誘因的合作框架，讓企業無需經過訴訟審訊去處理其法律責任問題。此政策亦能加強競委會調查的成效及效率，從而遏阻本港合謀行為的發生。

為促進本港商界及法律界了解配合競委會調查的好處，以及合作的程序，競委會將於 6 月舉辦工作坊，講解有關政策。[按此](#)登記參加。

[按此](#)瀏覽《合作政策》。

The Commission has published a *Cooperation and Settlement Policy for Undertakings Engaged in Cartel Conduct* (Cooperation Policy) as a supplement to its existing *Leniency Policy*¹ and *Enforcement Policy*.

Under the Cooperation Policy, undertakings engaged in cartels (*including price-fixing, market sharing, output restriction and bid-rigging*) which do not benefit from the Leniency Policy may choose to admit their wrongdoings and cooperate with the Commission in its investigations. In return the Commission will offer a discount of up to 50% off the pecuniary penalty it would otherwise recommend to the Competition Tribunal. The Commission may also agree not to bring proceedings against individuals involved if they fully cooperate with the Commission.

The Cooperation Policy also provides for a Leniency Plus programme, under which companies that cooperate with the Commission in a cartel investigation and come first to disclose the existence of another cartel can receive an additional discount of up to 10% off the recommended pecuniary penalty for the first cartel.

Together with the existing Leniency Policy, the Cooperation Policy provides a framework with clear incentives for companies to cooperate with the Commission and to resolve liability short of having to litigate and go through a trial. It will also enhance the Commission's effectiveness and efficiency in investigations and discourage the formation and continuation of cartels in Hong Kong.

To ensure the local business community and law firms understand the benefits of cooperation and how the process works, the Commission is organising workshops in June to illustrate how the policies can be applied. To register, click [HERE](#).

Click [HERE](#) to view the Cooperation Policy.

¹ 根據《寬待政策》，對首名向競委會舉報合謀行為，而又符合該政策下所有寬待條件的合謀成員，競委會將同意不會於競爭事務審裁處提起向其施加罰款的法律程序。

Under the Leniency Policy, the Commission will agree not to bring proceedings in the Competition Tribunal for a pecuniary penalty against the first cartel member who reports the cartel conduct to the Commission and meets all the requirements for receiving leniency under the policy.

藥物聯會申請決定

Pharmaceutical association applies for Decision

2019 年 1 月，競委會收到香港科研製藥聯會提出尋求決定的申請。該會擬收集並發放香港及澳門的處方及非處方藥劑製品的某些銷售數據，故尋求競委會作出決定，確認擬進行的調查憑藉《條例》下的「經濟效率豁免」，不受「第一行為守則」規管。競委會就是次申請所展開的公眾諮詢已於 3 月結束，共收到 7 份申述。在審閱有關資料及申述之後，競委會將公布所作決定。

[按此](#)瀏覽是次申請及有關申述。

In January 2019, the Commission received an application for a Decision from the Hong Kong Association of the Pharmaceutical Industry, which proposes to collect and distribute certain data on the sales of prescription and over-the-counter pharmaceutical products in Hong Kong and Macau. The Applicant seeks a Decision from the Commission confirming that the proposed survey is excluded from the First Conduct Rule as a result of the “economic efficiency exclusion” under the Ordinance. Public consultation on the application concluded in March and seven representations have been received. The Commission will publish its Decision after reviewing relevant information and the representations.

Click [HERE](#) to view details of the application and the representations.



宣傳及倡導 Advocacy & Outreach

接觸商界不同行業

Sectoral business outreach

競委會於 2019 年初開展了以行業為本的接觸商界活動，並舉辦了兩次圓桌會議。首次會議於 1 月舉行，香港人力資源管理學會代表及多間企業的人力資源部人員在會上就本港僱傭市場上的競爭問題，與競委會交換意見。另一次會議於 3 月由競委會和特許採購及供應學會（香港分會）合辦，會上集中討論了《條例》下的良好採購方式。

The Commission held two roundtable discussions in early 2019 as a start of its sectoral business outreach. The first one was held in January where senior human resource professionals from the Hong Kong Institute of Human Resource Management and a number of sizable corporations exchanged views on competition related issues in the local employment market. Another roundtable was co-organised with the Chartered Institute of Procurement & Supply (Hong Kong Branch) in March with a focus on good procurement practices under the Ordinance.



競委會和特許採購及供應學會（香港分會）合辦
圓桌會議。

Roundtable discussion co-organised with the Chartered Institute of Procurement & Supply (Hong Kong Branch).

宣傳及倡導 Advocacy & Outreach

接觸公營界別

Public sector engagement

繼去年 9 月為公營界別舉辦培訓後，競委會於 1 月底就突破性創新科技的競爭問題，為政府部門人員舉辦了後續培訓。在這段期間，競委會亦繼續向政府及公營機構就不同事宜提供政策意見，包括運輸及房屋局建議的專營的士計劃。[按此](#)瀏覽該意見。

Following the public sector training last September, the Commission provided a follow-up training session to government officials in late January on competition issues in relation to disruptive innovation and technology. Over the period, the Commission has continued to provide policy advice to the government and public bodies on a number of issues, including Transport and Housing Bureau's proposed Franchised Taxi Scheme. The Commission's advice on the proposal is available [HERE](#).

競委會贏得兩項本地及國際殊榮

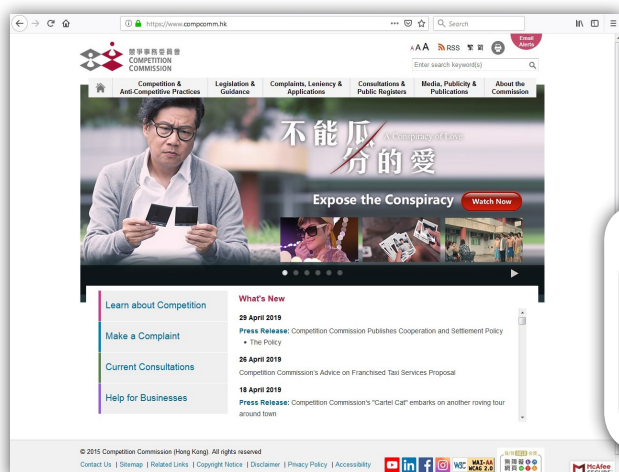
Commission scored two local and international awards

競委會的 2017/18 年報於美國通訊專業聯盟舉辦的 Vision Awards 中勇奪銀獎。該比賽今年吸引了全球近 1,000 個來自不同行業的機構參加，競委會的年報更首度躋身頭 100 名，位列第 51。

競委會網站亦在「2018 年無障礙網頁嘉許計劃」中榮獲金獎，該計劃由政府資訊科技總監辦公室與香港互聯網註冊管理有限公司合辦，旨在表揚採用無障礙設計的網站，方便所有人士（包括視障、聽障或身體殘障人士）瀏覽及使用。

The Commission's 2017/18 Annual Report won a silver award in the Vision Awards organised by the League of American Communications Professionals. Competing with nearly 1,000 organisations from various industries around the world, the report was also ranked 51st in the top 100 worldwide.

The Commission also received a gold award in the Web Accessibility Recognition Scheme 2018 jointly organised by the Office of the Government Chief Information Officer and Hong Kong Internet Registration Corporation Limited, in recognition of its efforts in making its website easy to navigate by everyone including those with vision or hearing impairment or physical disabilities.



宣傳及倡導 Advocacy & Outreach

持續與持份者接觸

Ongoing stakeholder engagement

1月22日，競委會聯同香港社會服務聯會，為非政府機構的人力資源從業員舉辦了一場講座，講解《條例》的重點及與僱傭手法有關的競爭問題。1月底，競委會亦為公眾及商界舉辦了另一場講座。

此外，競委會人員參與了民政事務總署在油麻地、九龍城、荃灣及小西灣舉行的「大廈管理中央平台」簡報會，並先後為中學及大學生舉辦了兩場講座，持續與青少年接觸。



[按此](#)登記參加下一場講座。[按此](#)登記參加學校講座。

On 22 January, a seminar was co-organised with the Hong Kong Council of Social Service targeting HR personnel of non-government organisations on the key elements of the Ordinance and the potential competition risks with regard to employment related practices. A seminar targeting members of the public and businesses was also held in late January.

The Commission also participated in a number of briefings at Home Affairs Department's Central Platform on Building Management in Yau Ma Tei, Kowloon City, Tsuen Wan and Siu Sai Wan. Engagement with the youth continued with two school talks targeting secondary and university students.

To register for the next seminar, please click [HERE](#). To register for school talks, click [HERE](#).

國際交流活動 International Activities

2月底，國際競爭規管網絡倡導工作小組在烏克蘭舉行工作坊，競委會高級行政總監畢仲明先生以工作小組聯席主席身份，為會議致開幕及閉幕辭。該小組會議隔年召開，今年聚集了逾100位來自全球各地的競爭當局官員、專家、律師、經濟學家及學者，討論跨地域的競爭倡導工作。

3月22日，競委會委員許華傑先生及畢仲明先生率代表赴廣州出席會議，並與國家市場監督管理總局反壟斷局、廣東省市場監督管理局及澳門經濟局的高級官員會面，討論競爭政策及如何加強大灣區競爭法機構之間的合作。

2019年3月26至29日，美國律師協會反壟斷法會議在美國華盛頓舉行，競委會行政總裁冼博崙先生在「寬待政策何去何從」的小組環節發言，討論全球寬待政策的發展趨勢，以及吸引寬待申請的方法。



高級行政總監畢仲明先生（左）在「國際競爭規管網絡倡導工作坊」中發言。
Senior Executive Director Mr Rasul Butt (left) spoke at the ICN Advocacy Workshop.

In late February, the International Competition Network (ICN) Advocacy Workshop was held in Ukraine, where the Commission's Senior Executive Director Mr Rasul Butt delivered the opening and closing remarks as co-chair of the ICN Advocacy Working Group. The biennial event has gathered over 100 competition officials, advocacy professionals, lawyers, economists and academics from around the world to discuss competition advocacy across jurisdictions.

宣傳及倡導 Advocacy & Outreach



競委會代表赴廣州出席會議，討論大灣區競爭法機構之間的合作。

Commission representatives participated in a meeting in Guangzhou to discuss coordination among competition enforcers in the Greater Bay Area.

On 22 March, a delegation led by Commission member Mr Michael Hui and Mr Rasul Butt participated in a meeting in Guangzhou where senior officials from the Antimonopoly Bureau of China's State Administration for Market Regulation, Guangdong Administration for Market Regulation and the Economic Bureau of Macao discussed competition policies and ways to enhance coordination among competition enforcers in the Greater Bay Area.

The American Bar Association Spring (ABA) Antitrust Meeting 2019 was held in Washington DC on 26-29 March. As a speaker at the plenary session of "Is there Life after Leniency", CEO Mr Brent Snyder discussed the global trend of leniency and possible ways to attract leniency applicants.

最新動態 Upcoming Events

「合謀貓」再次登場遊走全城 "Cartel Cat" embarks on another tour around town

競委會早前入稟競爭事務審裁處的數宗案件，展示了其打擊圍標、合謀定價及瓜分市場的決心。這三類嚴重反競爭行為會導致價格飆升，消費者的選擇減少。為進一步宣揚這信息，競委會的「合謀貓」將於全港各大體育館及公眾圖書館現身，展示各種圍標及瓜分市場的形式，以及有關行為的警示。[按此](#)瀏覽展覽時間表及地點。

The Commission's initial cases before the Competition Tribunal have shown its efforts and determination in combating bid-rigging, price fixing and market sharing. These three types of serious anticompetitive conduct may lead to higher prices and reduced choices for consumers. To further convey the message and raise public awareness, the Commission's "Cartel Cat" will pop up at major sports centres and public libraries in Hong Kong until October 2019, displaying practical information on different forms of bid-rigging and market sharing with red flags. Click [HERE](#) to view the exhibition schedule and locations.

「創業日 2019」展覽 Entrepreneur Day 2019

競委會將於 5 月 16 至 17 日參加由香港貿易發展局舉辦的「創業日 2019」展覽，現場將設置展板及互動遊戲、播放短片並派發各類小冊子，協助中小企及初創企業認識《條例》。

The Commission will participate in the Entrepreneur Day to be held on 16-17 May by the Hong Kong Trade Development Council. The booth will feature display panels, videos, an interactive game and various publications to help SMEs and new start-ups understand the Ordinance.



競爭法學堂 *Competition Law Classroom*

大 = 壞？

坊間經常有一些誤解，認為市場上佔主導地位的大型企業，自然會引起《競爭條例》的關注。事實上，純粹擁有相當程度的市場權勢（甚或壟斷），並沒有違反香港的競爭法，只有當該等權勢被濫用時，才會引起問題。

根據《競爭條例》下的「第二行為守則」，擁有相當程度市場權勢的企業，不得濫用該權勢來保護或提升其權勢或利潤。這類大型企業的某些行為，例如掠奪性定價、拒絕交易或獨家交易等，可能會產生將競爭對手排除在市場以外的目的或效果，從而限制了消費者的選擇，中小企亦可能成為濫用市場權勢行為的受害者。

然而，在合適的情況下，競委會亦可運用其市場研究的職能，探討影響市場競爭的事宜，或就如何促進市場競爭提供政策意見。競委會將繼續就公眾關注的競爭議題，與政府部門及公營機構緊密聯繫。

Big = Bad?

There is a common misconception that large businesses in a dominant position in the market would naturally raise concerns under the Competition Ordinance. As a matter of fact, mere possession of substantial market power (or even monopoly) is not in contravention of the law in Hong Kong. It is only when there is an abuse of such power that raises competition concerns.

Under the Second Conduct Rule of the Competition Ordinance, businesses with a substantial degree of market power are prohibited from abusing it with a view to protecting or increasing their position of power and profits. Certain conducts by such big businesses, such as predatory pricing, refusal to deal or exclusive dealing, can have the object or effect of excluding competitors from the market thus limiting choices available to consumers. Small and medium-sized enterprises may also be victims of such abusive conducts.


Nonetheless, where appropriate, the Commission may use its market study function to inquire into sectors which raise competition concerns or make recommendations on how to advance competition through policy advice. The Commission will work closely with different government departments and public bodies on issues of public concern that relate to competition.

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