



行政總裁的話 Message from CEO

過去 4 個月，競爭事務委員會（競委會）繼續推展各方面的工作，並取得切實成效。尤令競委會感到鼓舞的，是競爭事務審裁處（審裁處）對本港首兩宗競爭法案件作出了裁決，這是香港競爭法體系的一個重要里程碑。裁決不但有助釐清《競爭條例》（《條例》）中的相關條文，也立下案例，為各界提供清晰的指引。今年 7 月，競委會就第四宗案件入稟審裁處，指控多間公司及個別人士在某公共屋邨提供裝修服務時涉嫌瓜分市場及合謀定價，並向其追究法律責任。

為了鼓勵各界舉報懷疑反競爭行為，並釋除潛在投訴人或告密者常有的疑慮，競委會於 8 月在多個平台推出了新一輪的宣傳活動。在履行提供政策意見的職能方面，競委會邀請了來自不同司法管轄區的學者，展開一項有關競爭影響評估機制的研究，比較不同地方的機制與做法，從而找出適合香港公營界別的可行建議。

競委會於 8 月首次舉辦了執法與學術會議，亞太區的競爭法執法人員及學者聚首一堂，在會上分享經驗，並探討推動跨區協作的方法和契機。踏入年內最後一季，我們將為沒有競爭法經驗的律師提供培訓，使其有能力為客戶（尤其是中小企）處理競爭法案件，課程將由曾帶領競委會調查工作或提供過相關法律意見的人士主講，有意參加者切勿錯失良機！



冼博崙 Brent Snyder
行政總裁 Chief Executive Officer

It has been a rewarding four months as the Competition Commission (Commission) progresses in different aspects. Notably, the Commission gladly welcomed the judgments handed down by the Competition Tribunal (Tribunal) in the territory's first two competition cases. Denoting a key milestone for the Hong Kong competition law regime, the rulings have set foundational precedents that provide guidance and clarity on important aspects of the Competition Ordinance (Ordinance). In July, the Commission brought its fourth case to the Tribunal, pursuing liability of companies and individuals allegedly involved in market sharing and price fixing when providing renovation services at a public housing estate.

To encourage reporting of suspected anti-competitive practices and address the common concerns of potential complainants and whistle-blowers in coming forward, the Commission rolled out a new publicity campaign in August featuring promotions on multiple platforms. In respect of its policy advisory role, the Commission has kicked off a joint project with academics from different jurisdictions on a comparative study of competition assessment mechanisms, aiming to produce recommendations which can be applied to the public sector in Hong Kong.

In August the Commission held an inaugural summit gathering competition law enforcers and academics in the Asia-Pacific region to share experience and explore ideas and opportunities for collaboration across jurisdictions. Towards the last quarter of the year, we are organising a tailored training for lawyers without competition law expertise, so that they will be better equipped to handle competition cases for their clients, in particular SMEs. Don't miss the opportunities to hear from those who have led and advised on the Commission's investigations!

14 間公司於香港首兩宗競爭法案件中被裁定違反《競爭條例》 14 companies convicted in Hong Kong's first two competition cases

2019 年 5 月 17 日，競爭事務審裁處就香港首兩宗競爭法案件作出裁決¹，裁定 14 間公司違反《競爭條例》。

在第一宗案件中，審裁處裁定，四間資訊科技公司在香港基督教女青年會就供應及安裝一套新資訊科技系統所進行的一次招標中圍標，違反《條例》。在第二宗案件中，審裁處裁定，涉案的十間建築公司在觀塘安達邨提供裝修服務時從事瓜分市場及合謀定價行為，違反《條例》。

審裁處的裁決令人鼓舞，並提供了重要案例，成為競委會日後執法、商界及法律界的指引。判決不但向企業發出了一個強烈的訊息，確定合謀是明顯違法的行為，同時亦為相關界別、部門或機構，就競爭法所要求的行為標準，提供了重要的指引。

On 17 May 2019, the Competition Tribunal handed down its judgments¹ in Hong Kong's first two competition cases, ruling that 14 companies have contravened the Competition Ordinance.



In the first case, the Tribunal found four information technology (IT) companies liable for contravening the Ordinance by engaging in bid-rigging concerning a tender related to the supply and installation of a new IT system for the Hong Kong Young Women's Christian Association (YWCA). In the second case, the Tribunal found all ten respondent construction companies liable for contravening the Ordinance by engaging in market sharing and price fixing in relation to the provision of renovation services at On Tat Estate in Kwun Tong.

The Tribunal's decisions are very encouraging and important in setting legal precedents and providing helpful guidance for the Commission's enforcement work as well as for the business and legal communities. The judgments not only send a powerful warning to businesses that cartel conduct is a blatant violation of the law, they also serve as a guide to the respective sectors as well as relevant authorities on the proper standards of behaviour under the Ordinance.

第三宗裝修工程合謀案件入稟審裁處 Third renovation cartel case brought before Tribunal

2019 年 7 月 3 日，競委會在審裁處向六間裝修承辦商及三名個別人士展開法律程序。他們在位於觀塘的公營房屋——安泰邨提供裝修服務時，涉嫌瓜分市場及合謀定價。競委會現正向審裁處作出申請，包括施加罰款、向其中一名人士發出取消董事資格令，以及宣佈各方違反了《條例》的第一行為守則。

此案是過去兩年內競委會就公營房屋裝修服務入稟的第三宗合謀案件，顯示該等行為在行內甚為普遍；這亦是競委會首次申請向案中一名沒有牽涉入違反《條例》、但其作為董事的行為使其不適宜關涉公司管理的公司董事，發出取消董事資格令。日後若有其他案件的情況適合，競委會亦會作出同樣的申請。

¹ 撰文之際，兩宗案件均有部分答辯人提出上訴。

Both judgments have been appealed by certain of the respondents at the time of writing.

On 3 July 2019, the Commission commenced proceedings in the Tribunal against six renovation companies and three individuals for alleged market sharing and price fixing in relation to the provision of renovation services at On Tai Estate, a public housing estate in Kwun Tong. Remedies sought by the Commission include pecuniary penalties, a director disqualification order against an individual and a declaration that each party has contravened the First Conduct Rule of the Ordinance.

This is the third cartel case that the Commission has filed over the past two years in relation to the provision of renovation services at public housing, an indication that such practices have been prevalent in the sector. For the first time, the Commission has also sought disqualification of a director who was not involved in the alleged contravention but whose conduct as a director makes him unfit to be concerned in the management of a company. This is a remedy that the Commission is likely to seek in other appropriate cases.

首屆「競爭法執法與學術會議」

Inaugural Competition Enforcers and Academics Summit

競委會聯同嶺南大學競爭政策與規制研究中心，於 2019 年 8 月 1 日至 2 日舉辦了首屆「競爭法執法與學術會議」，旨在推動競爭法執法機構與學術界就不同的競爭議題互相交流意見及經驗，並探討如何加強彼此間的協作。是次會議共有 45 位來自亞太區 13 個司法管轄區的知名學者及執法機構代表出席，就學者與執法機構如何能有效利用彼此的知識、專長及資源，進行了多個專題討論。

競委會亦於會上宣佈展開一項研究，邀請香港、澳洲及內地的學者，就評估公共政策對競爭的影響的各種方法及其成效作出比較，從而找出適合香港公營界別的可行建議。

The Commission and the Centre for Competition Policy and Regulation of Lingnan University co-organised the 2019 Competition Enforcers and Academics Summit (Summit) on 1-2 August to foster idea and experience-sharing on competition issues, as well as to discuss ways and areas in which academic institutions and competition law enforcement agencies can strengthen partnership and collaboration. Bringing together 45 distinguished scholars and enforcers from 13 jurisdictions in the Asia Pacific region, the Summit presented sessions on how academics and enforcers can mutually benefit from effectively leveraging each other's knowledge, expertise and resources.

The Summit also saw the launch of a research project involving academics from Hong Kong, Australia and the Mainland to compare different approaches to competition assessment of policies and their effectiveness, with the aim of producing recommendations and practical guidelines for the public sector in Hong Kong.



宣傳及倡導 Advocacy & Outreach

競委會展開宣傳活動鼓勵「舉報」

Commission launches publicity campaign to encourage "Reporting"

競委會於 2019 年 8 月展開了「舉報反競爭行為」宣傳活動，鼓勵社會各界向競委會舉報懷疑反競爭行為，並回應商界及公眾在作出投訴時可能存有的疑慮。

反競爭行為，尤其是合謀，一般會秘密進行。競委會是本港競爭法的主要執法機構，為確保競委會能有效履行職能，企業及消費者的舉報擔當著一個十分重要的角色。事實上，至目前為止，入稟審裁處審理的四宗案件，全部都是在接獲公眾人士的投訴後揭發。

除了新一輯電視短片及電台廣播，競委會亦同時推出了一個[專題網頁](#)，介紹反競爭行為的警示，以及競委會如何處理投訴等等的資訊，同時亦透過不同的戶外及網上平台進行宣傳，廣泛接觸社會不同層面。活動開展至今，競委會收到的投訴和查詢數目顯著上升。



The Commission launched a "Report Anti-competitive Conduct" Campaign (Campaign) in August 2019 to encourage the community to report suspected anti-competitive practices to the Commission and address common concerns that businesses and the public may have in coming forward to file a complaint.

Anti-competitive practices, in particular cartels, are secretive in nature. To ensure that the Commission can effectively discharge its duty as the principal competition law enforcement authority in

Hong Kong, businesses and consumers have a key role to play in reporting suspected anti-competitive conduct. As a matter of fact, all of the four cases before the Tribunal so far were discovered as a result of direct complaints from members of the public.

In addition to a new TV and radio announcement, a [mini-website](#) was rolled out with red flags of anti-competitive conduct and information on how complaints will be handled by the Commission. Leveraging different outdoor and online platforms, the Commission has reached a wide spectrum of audience with a marked increase in the number of complaints and enquiries received since the launch of the Campaign.

持續與持份者接觸

Ongoing stakeholder engagement

競委會於 2019 年 4 月發表《合作及和解政策》後，於 6 月中舉辦了兩場講座，協助本港商界及律師行了解與競委會合作的好處，以及有關的程序。該政策得到正面的回應，在某些個案中願意根據政策合作及和解的人士，已聯絡競委會表達有關意願。

期內，競委會參與了 5 場由民政事務總署主辦的「大廈管理中央平台」簡介會，向各區業主講解圍標議題。此外，競委會亦派員為海事處政府船隊科的認可船隻維修服務供應商及採購人員舉辦了兩場講座，並於 5 月及 8 月分別為商界和公眾舉行了兩場《競爭條例》講座。

下一場《競爭條例》講座將於 2019 年 10 月 21 日舉行，請[按此](#)登記。



宣傳及倡導 Advocacy & Outreach

Following the publication of the Cooperation & Settlement Policy in April 2019, the Commission conducted two seminars in mid-June to help the local business community and law firms understand the benefits of cooperating with the Commission and how the policy applies. The policy received positive response and the Commission has been approached in some cases by parties that are willing to cooperate and settle under the policy.

During the period, the Commission took part in 5 briefings of the Home Affairs Department's Central Platform on Building Management on the topic of bid-rigging for home owners in different districts. Representatives of the Commission also spoke at two seminars for the approved vessel maintenance service providers and procurement officers of the Marine Department's Government Fleet Division. In addition, two seminars on the Competition Ordinance were held in May and August respectively, targeting businesses and the public in general.

The next seminar on the Competition Ordinance will be held on **21 October 2019**, click [HERE](#) to register.

國際交流活動 International Activities

2019年5月7至8日，「第八屆中國競爭政策論壇」於中國海南舉行，主題為「更高水平開放與競爭政策——以中國自貿區／自由港建設為視角」。競委會高級行政總監畢仲明先生於會上致辭，分享競委會在執法及倡導方面的最新發展，並參與了一場圓桌會議，討論競爭法及政策在自貿司法管轄區的角色。

5月15至17日，約500名來自世界各地的競爭法執法機構、非政府顧問和國際組織代表，雲集哥倫比亞卡塔赫納出席國際競爭規管網絡的周年大會。行政總裁冼博崙先生在全體會議上發言，分享香港在競爭倡導工作的策略和所面對的挑戰，並主持了一個專題討論，探討在打擊跨境合謀時，如何優化寬待政策和加強協調合作。冼博崙先生在7月初亦出席了於蒙古舉行的「第15屆東亞競爭法首長級官員會議」，分享跨境執法與合作的案例和挑戰。



高級行政總監畢仲明先生在「第八屆中國競爭政策論壇」中發言。

Senior Executive Director Mr Rasul Butt spoke at the 8th China Competition Policy Forum.

The 8th China Competition Policy Forum was held in Hainan, China on 7-8 May 2019 with the theme of "A Higher Level of Opening-up and Competition Policy - From the perspective of the free trade zone/free port construction in China". The Commission's Senior Executive Director Mr Rasul Butt delivered a keynote speech sharing the Commission's recent development in enforcement and advocacy, and participated in a roundtable discussion on the role of competition law and policy in free trade jurisdictions.



行政總裁冼博崙先生（右）

於國際競爭規管網絡周年大會中發言。

CEO Mr Brent Snyder (right) spoke at the ICN Annual Conference.

About 500 representatives of competition agencies, non-governmental advisors and international organisations from around the world gathered in Cartagena, Columbia, on 15-17 May 2019 for the Annual Conference of the International Competition Network (ICN). CEO Mr Brent Snyder spoke at a plenary on competition advocacy strategies and challenges with reference to Hong Kong's experience. He also chaired a break-out-session on how to optimise the design and coordination of leniency for cross-border cartel enforcement. In early July, Mr Snyder also attended the 15th East Asia Top Level Officials' (EATOP) Meeting on Competition Policy in Mongolia where he shared cases and challenges of cross-border enforcement and cooperation.

最新動態 Upcoming Events

為非專注競爭法的律師而設的培訓

Training for lawyers who are not Competition Law specialists

競委會將於 2019 年 10 月中，為沒有競爭法經驗的律師進行為期兩日的培訓，使其具備為客戶（尤其是中小企客戶）處理競爭法案件的能力，並能就不同範疇，如競爭法下的權利與義務、以及競委會的權限等等，向客戶提供法律意見。課程講者包括競委會的行政及執法人員、以及擅長競爭法的私人執業律師，他們曾帶領競委會的調查工作，或曾提供相關法律意見，參加者可把握良機汲取相關經驗。

此課程已獲香港律師會認可，出席的律師會會員可獲得 **12 個持續專業發展 (CPD) 學分**。

The Commission is conducting a two-day training in mid-October 2019 for lawyers with limited competition law experience, so that they will be better equipped to handle competition cases for their clients (in particular SME clients) and advise them about their rights and obligations as well as the extent of the Commission's powers under the competition law regime. Delivered by staff and executives from the Commission, and competition lawyers in private practice, the training will offer plenty opportunities to hear from and put questions to those who have led and advised on the Commission's investigations.

The training has been accredited with **12 CPD points** by the Law Society of Hong Kong.

緝捕「合謀貓」贏取獎品

Catch the “Cartel Cat” to win prizes

旨在加深社區對圍標及瓜分市場的認識的「合謀貓」巡迴展已到達最後一站——荔枝角公共圖書館。由即日起至 2019 年 10 月 15 日，我們誠邀公眾人士參加「『合謀貓』出沒注意！」遊戲，參加者可前往該圖書館找出「合謀貓」，然後到競委會「玩・Po・競」Facebook 專頁回答一條簡單問題，並讚好和分享該 Facebook 專頁及有關帖文，答案最具創意的參加者將有機會贏得豐富獎品。[按此瀏覽詳情](#)。

The “Cartel Cat” pop-up display is now at the Lai Chi Kok Public Library, final stop of its city-wide tour which aims to strengthen awareness of bid-rigging and market sharing in the community. From now to 15 October 2019, members of the public are invited to participate in the “Catch the Cat” game by locating the “Cartel Cat” in the library and answering a simple question on the Commission’s “Post to Compete” Facebook page. Those who post the most creative answers as well as “liking” and sharing the Facebook page and the relevant post will stand a chance of winning attractive prizes. Click [HERE](#) for more details.



競爭法學堂 *Competition Law Classroom*

投訴或舉報的常見疑慮 (一)

競爭是提高效率、鼓勵創新及推動經濟發展的重要元素，令消費者及商界得益。反競爭行為剝削企業蓬勃發展或進入市場的機會，損害你以至香港的整體利益。來自企業及公眾人士的投訴，是競委會識破違法行為的重要資料來源。在未來兩期的《競爭快訊》中，我們將回應投訴人或告密者一些常有的疑慮。

競委會如何確保投訴人的身份保密？

競委會會盡最大努力將機密資料保密，包括投訴人的身份。除了在特殊情況下（如法庭作出命令），競委會不會向他人（包括投訴對象）披露投訴人的身份。

如我以投訴人身份協助競委會調查，在過程中需要做些甚麼？我是否需要在競爭事務審裁處作證？

競委會將視乎個案需要與你聯絡或會面，以搜集資料及證據進行調查，在過程中我們會盡可能減少對投訴人造成的不便。如非必要，競委會不會要求你以證人身份在審裁處作證。

按此作出投訴。

Common concerns about filing complaints (Part I)

Competition is the key to driving efficiency, innovation and economic growth, bringing benefits to consumers and businesses. Anti-competitive conduct deprives businesses of the opportunities to thrive, or to enter the market, hurting your interests and Hong Kong as a whole. Complaints from businesses and members of the public are important sources for the Commission to identify possible contraventions. In the coming two issues, we are going to address some common concerns that potential complainants or whistle-blowers may have when coming forward.

How will the Commission protect the identity of the complainant?

The Commission will use its best endeavours to protect confidential information including the identity of the complainant. Save in exceptional cases such as when ordered by an order of Court, the Commission will not disclose the identity of the complainant to other parties including the subject(s) of the complaint.

What is required from me as a complainant if I offer to assist the Commission in its investigation? Will I be required to testify in the Competition Tribunal?

Depending on individual cases, the Commission may conduct interviews / meetings with you to gather information and evidence for investigation purposes. The Commission will use its best endeavours to minimise any inconvenience to the complainant. Unless deemed necessary by the Commission, you will not be asked to testify as witness in the Tribunal.

Click [HERE](#) to file a complaint.

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