

REQUEST FOR EXPRESSION OF INTEREST (EOI) IN PROVIDING LITIGATION SERVICES TO COMPETITION COMMISSION

The Competition Commission (“**Commission**”) is an independent statutory body established under the Competition Ordinance (Cap. 619) (“**Ordinance**”) to enforce the provisions of the Ordinance. The Commission may, from time to time, require the services of Hong Kong solicitors’ firms to assist its internal legal function in various litigation matters arising out of the enforcement functions of the Commission (“**Litigation Services**”).

Litigation Services include the provision of advice and representation where the Commission is:

- (a) the applicant in enforcement proceedings in the Competition Tribunal (“**Tribunal**”);
- (b) the respondent in proceedings for the review of a reviewable determination in the Tribunal or judicial review proceedings; and
- (c) involved or interested in any other proceedings or potential proceedings under the Ordinance.

The Commission has maintained a panel of solicitors’ firms since 2016, with appointments to the panel for a period of two years (“**Litigation Services Panel**”). The current Litigation Services Panel will expire on 23 May 2023. With a view to expanding the pool of Hong Kong solicitors’ firms working for the Commission on Litigation Services, the Commission, instead of maintaining a Litigation Services Panel upon the expiry of the current one, requests EOIs from Hong Kong solicitors’ firms which are interested in providing Litigation Services to the Commission.

Firms interested in providing Litigation Services to the Commission

The Commission will consider EOIs from firms which meet all the minimum requirements set out in Section II of the Checklist enclosed with this Request (“**Checklist**”). For the avoidance of doubt, the Commission is open to EOIs from firms whether or not they have experience in advising on competition law. Also, the fact that your firm is acting against the Commission does not automatically stop your firm from submitting an EOI to provide Litigation Services to the Commission. In this situation, it would be most helpful if you could provide details of internal arrangements to address issues of potential conflicts of interest for our consideration (i.e. the second bullet point in Question 1 under Section III of the Checklist).

In addition, firms interested in providing Litigation Services to the Commission should also provide the additional information set out in Section III of the Checklist.

Submission

Firms interested in providing Litigation Services to the Commission shall:

- (a) complete and sign the Checklist;

- (b) compile the additional information set out in Section III of the Checklist; and
- (c) send the completed Checklist together with the additional information to the Commission in the manner prescribed below.

All EOIs must be sent by email to procurement9@compcomm.hk and reach the Commission by no later than 5:00 p.m. on the closing date of Thursday, 27 April 2023 (Hong Kong time). Late submissions will not be considered by the Commission.

Shortlisting of eligible firms

Since the Commission will no longer maintain a Litigation Services Panel after 23 May 2023, it will shortlist eligible firms if and when Litigation Services are required by the Commission with reference to the nature and complexity of the specific matter. The Commission will then approach the shortlisted firms separately before deciding which firm is to be appointed for the specific matter.

For the avoidance of doubt, the Commission will not inform the applicants of the result of the EOI. Also, the submission of the EOI does not prevent firms from accepting instructions from their existing or future clients on matters on any investigations, proceedings or other matters involving the Commission.

Any enquiries about the submission of the response to the EOI must be made by email to Mr William Lee, Senior Legal Counsel (WilliamLee@compcomm.hk) before 12:00 noon on Thursday, 20 April 2023 (Hong Kong time). The Commission may inform the other firms that have submitted a response to the EOI of the broad nature of the enquiry and its response.

Further details about the Commission and its work can be found on the Commission's website at <http://www.compcomm.hk>.