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For Immediate Release

Competition Commission conducts search regarding fish wholesale case in Aberdeen

The Competition Commission (Commission), assisted by the Hong Kong Police Force, executed search warrants this morning at a number of premises, including a vessel, at the Aberdeen Wholesale Fish Market (Fish Market). The operation, codenamed “White Whale”, was conducted for alleged anti-competitive conduct including price fixing, output limitation¹ and group boycott² among wholesalers in the Fish Market, in contravention of the First Conduct Rule under the Competition Ordinance (Ordinance).

Upon receipt of a related complaint earlier on, the Commission has been closely following up on the case. On 27 November 2022, the Commission participated in an anti-crime joint operation at the Fish Market organised and led by the Police. During the operation, the Commission focused on allegations concerning possible anti-competitive conduct including price fixing of fishery products in the Fish Market and surveyed practitioners from over 30 wholesalers. The Commission did not exercise any compulsory investigatory powers³ under the Ordinance in the operation.

After the joint operation, the Commission analysed all information related to the case in detail, and was satisfied that there is “reasonable cause to suspect” a contravention of a competition rule. The Commission therefore decided to escalate the case to the investigation phase.

The Commission has exercised its compulsory powers in today’s operation. In addition to searching premises with warrants, it also requested relevant parties to produce documents and information, and attend before the Commission to provide information relating to the case.

The Commission expresses its deep appreciation to the Police for their assistance in today’s search. The Police and the Immigration Department have carried out separate enforcement actions at the same venue today.

The Commission once again calls on members of the fishery industry and members of the public who can provide information on the case or the practices in the industry to contact the Commission by telephone at 3462 2118, e-mail (complaints@compcomm.hk), post, or in person at the Commission’s office (by appointment only), while those who are already involved in cartel conduct should approach the Commission for leniency or cooperation (Leniency Hotline: 3996 8010; e-mail: leniency@compcomm.hk). The Commission will seek to protect any confidential information provided, including the identity of the informants.

No further comment will be made at this stage as the investigation is ongoing.

¹ Output limitation occurs when competitors agree to fix, maintain, control, prevent, limit or eliminate the production or supply of particular goods or services. It is considered a serious anti-competitive conduct under the Ordinance.

² Group boycott occurs when there is an agreement or concerted practice amongst competitors not to do business with targeted individuals or undertakings.

³ Compulsory investigatory powers of the Commission include the powers to: (a) under section 41 of the Ordinance, by notice in writing, require any person to produce to it any document or information relating to the investigation; (b) under section 42 of the Ordinance, by notice in writing, require any person to attend before the Commission at a specified time and place; and (c) under section 48 of the Ordinance, seek a search warrant from a judge of the Court of First Instance to enter and search specified premises for evidence.