

《競爭快訊》 **Competition Matters**

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競委會展開搜查行動 調查樓宇維修工程圍標

Commission conducts search in bid-rigging probe into building maintenance

競爭事務委員會(競委會)於8月5日就一宗涉及樓宇維修工程的懷疑圍標案件,搜查 了四個處所,包括一間工程承辦商及一間顧問公司的辦公室,以及涉案人士的住所。 該案涉及九龍城區一個私人屋苑的維修工程招標,投標金額高達約4,000萬港元。

競委會早前接獲轉介個案,經深入跟進後,發 現有顧問公司夥同承辦商,意圖操控投標結 果,並以暴力手段抑制投標,阻撓其他有意投 標的承辦商遞交標書。競委會在信納個案存在 合理因由懷疑有違反競爭守則的情況下,將個 案提升至調查階段。

競委會亦已接觸該屋苑的業主立案法團,並保 持緊密聯繫。



詳情見新聞稿

On 5 August, the Competition Commission (Commission) searched four premises as part of its investigation into a suspected bid-rigging case relating to building maintenance. The locations included the offices of a building maintenance contractor and a building maintenance consultant, as well as the residences of the individuals involved. The case concerns a tender exercise conducted for a building maintenance project of a private housing estate in Kowloon City District, with the bid amount reaching HK\$40 million approximately.

The Commission received a referral earlier and, upon a close follow-up, found that a building maintenance consultant might have colluded with a contractor to manipulate the tender result. They used violent means to coerce potential bidder to refrain from bidding. As the Commission was satisfied that there is "reasonable cause to suspect" a contravention of a competition rule, it therefore decided to escalate the case to the investigation phase.

The Commission has also approached the Owners' Corporation of the housing estate in question and remains in close liaison with them.

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競委會就一宗涉及泳池服務的案件 搜查 12 個處所

Commission searches 12 sites in case relating to swimming pool services

競委會於7月8日根據法庭手令搜查了12個處所,包括多間泳池服務供應商的辦公室,以及七名人士的住所。案情指,有關公司在向多個私人泳池,包括私人屋苑泳池,提交不同服務的報價時,涉嫌從事圍標、合謀定價、瓜分市場及交換影響競爭的敏感資料,違反《競爭條例》(《條例》)下的「第一行爲守則」。涉案的泳池服務合約總值逾3,000 萬港元。



競委會早前接獲投訴,指有泳池服務供應商在 提交報價時,涉嫌從事反競爭行為。相關報價 涉及泳池維修保養、設備供應及救生員服務 等。競委會深入跟進個案後,信納個案存在合 理因由懷疑有違反競爭守則的情況,遂將個案 提升至調查階段。

詳情見新聞稿

On 8 July, the Commission executed search warrants at 12 premises, including the offices of a number of swimming pool service providers and the residences of seven individuals. The companies involved were suspected of having engaged in bid-rigging, price fixing, market sharing and exchange of competitively sensitive information when providing quotations for services to private swimming pools, including those in private housing estates, in contravention of the First Conduct Rule (FCR) under the Competition Ordinance. The value of the relevant swimming pool services contracts totalled over HK\$30 million.

The Commission received complaints earlier alleging that certain swimming pool service providers engaged in anti-competitive conduct when submitting quotations which involved the supply of swimming pool maintenance services, equipment and lifeguard services, etc. The Commission followed up on the case and was satisfied that there is "reasonable cause to suspect" a contravention of a competition rule. The Commission thus escalated the case to the investigation phase.

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本港首宗未有按要求出席競委會聆訊的刑事案件

First criminal prosecution in Hong Kong for failure to attend before Commission

首宗涉及受查人士未有按要求出席競委會聆訊的刑事案件,於5月27日在東區裁判法院提堂。該人被控違反《條例》下一項「沒有遵守規定或禁止」罪。

競委會早前調查一宗在香港仔魚類批發市場內,有批發商涉嫌從事反競爭行爲的案件時,根據《條例》第42條所賦予的調查權力,要求一名受查人士到競委會的辦公室出

席聆訊,惟該人士未有按要求出席該聆訊。競委會及後將個案轉交警方作刑事調查。

根據《條例》第52(1)(b)條,任何人無合理辯解下,沒有遵守競委會的要求出席其聆訊,一經定罪,最高可被判罰款20萬港元及監禁一年。

競委會重申,任何人士均應依法配合競委會的調查,妨礙競委會行使其調查權力屬刑事罪行,可面臨嚴重的法律後果。今年2月,西九龍裁判法院便就首宗不遵從競委會調查權力的刑事案件作出裁決,被告人被裁定罪名成立及監禁兩個月²。

詳情見新聞稿

The first criminal case relating to failure to attend before the Commission was brought before the Eastern Magistrates' Courts for mention on 27 May. The individual involved was charged with one count of failure to comply with a requirement or prohibition under the Ordinance.

During an investigation into alleged anticompetitive conduct among wholesalers at the Aberdeen Wholesale Fish Market, the Commission exercised its investigation powers under section 42 of the Ordinance to require an individual under investigation to attend before it at its office. Yet, the individual failed to attend before the Commission as required, and the case was subsequently referred to the Police for criminal investigation.



Under section 52(1)(b) of the Ordinance, any person, without reasonable excuse, failing to comply with the Commission's requirement to attend before it shall be liable to a maximum fine of HK\$200,000 and to imprisonment for up to one year on conviction.

The Commission would like to reiterate that all persons shall cooperate with its investigations in accordance with the law, and that obstructing the Commission's exercise of its investigation powers constitutes a criminal offence and could lead to serious legal consequences. In February this year, the West Kowloon Magistrates' Courts handed down judgment in the first criminal case for non-compliance with the Commission's investigation powers¹, where the defendant was convicted and sentenced to imprisonment for two months².

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¹ 詳見競委會於2025年2月28日發布的新聞稿

See the Commission's Press Release dated on 28 February 2025

² 該人獲准保釋等候上訴。

The individual was granted bail pending her appeal.

競委會就第二次檢討船舶共用協議的集體豁免命令 展開公眾諮詢

Commission conducts public consultation on second review of block exemption order for vessel sharing agreements

競委會於8月初就第二次檢討定期班輪公司之間船舶共用協議的集體豁免命令³(該命令),展開了初步公眾諮詢。該命令於2022年經修訂後,將於2026年8月8日屆滿。

船舶共用協議是航運公司之間就一些營運安排所訂立的協議,例如交換船舶箱位,或協調航班時間表等。競委會在評估這類協議所帶來的經濟效率後,於2017年8月發出命令,宣布在符合相關條件的情況下,一般根據船舶共用協議所進行的活動,可獲豁除於《條例》第一行爲守則的適用範圍之外。競委會其後作出詳細檢討(首次檢討),並於2022年將該命令續期四年。

競委會現根據該命令(已更改版本)的規定,進行第二次檢討,以決定是否再次延續該命令(不論修訂與否),或容許該命令在期滿後失效。競委會將評估發出該命令的理據現時是否仍然成立,特別是船舶共用協議是否仍然符合《條例》附表1第1條的經濟效率豁除條件,當中會考慮該命令(已更改版本)自2022年生效以來,市場的主要發展。

競委會誠邀各界人士於2025年11月7日下午6時或之前提交申述。

詳情見新聞稿



The Commission commenced in early August an initial public consultation on its second review of a block exemption order for vessel sharing agreements (VSAs) between liner shipping companies³ (Order), as varied in 2022, which is due to expire on 8 August 2026.

VSAs are agreements between shipping lines on certain operational arrangements such as exchanging vessel slots or coordinating sailing

timetables. The Order was originally issued in August 2017 by the Commission following its assessment of the economic efficiencies generated from this type of agreements. It declares that activities usually undertaken pursuant to VSAs are excluded from the application of the FCR in the Ordinance, subject to certain conditions. The Order was subsequently extended for four years in 2022 following a detailed review (first review).

As mandated by the Order (as varied), the Commission has initiated the second review to determine whether to further renew the Order (with or without amendments) or allow it to expire. This review will assess whether the basis for the Order remains valid, particularly

³ 即「2017年競爭事務(船舶共用協議集體豁免)命令」 Competition (Block Exemption for Vessel Sharing Agreements) Order 2017

whether VSAs within the scope of the Order continue to satisfy the efficiency exclusion under section 1 of Schedule 1 to the Ordinance, taking into account major market developments since the time when the Order (as varied) came into effect in 2022.

Interested parties are invited to submit representations by 6:00 p.m. on 7 November 2025.

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競委會加強國際交流與合作

Commission strengthens global engagement and collaboration

2025年ICN周年大會

2025年5月,競委會參加了在英國愛丁堡舉行的第24屆國際競爭規管網絡(ICN)周年大會。作爲ICN機構效能工作小組聯席主席,競委會與同爲聯席主席的希臘、匈牙利和意大利競爭當局緊密合作,積極參與會議討論環節的籌備工作。

在討論機構效能的全體會議上,行政總裁畢仲明先生就「應對市場瞬息萬變的新反壟斷能力與工具」發表演講。會上,他與其他機構的領導分享見解,重點闡述競委會與本地執法機構,特別是警務處及廉政公署的策略性合作,當中包括採取聯合執法行動及能力提升等措施。

此外,競委會代表團聯同兩名非政府顧問,在這個爲期 三天的會議中,透過多場分組討論,向國際競爭界別介 紹香港在競爭執法和宣傳倡導方面的經驗。



亞太經合組織競爭政策及法律小組年會

2025年8月,競委會參加了在韓國仁川舉行的亞太經濟合作組織(亞太經合組織)競爭政策及法律小組年會。期間,行政總監(政策及倡導事務)蕭滿章博士分享了競委會較早前爲協助企業推行競爭法合規,而進行的倡導工作,並介紹競委會與本地執法機構的策略性合作。

競委會全力支持特區政府鞏固香港作爲「超級聯繫人」和「超級增值人」的角色,透過積極參與亞太經合組織等重要多邊平台,聯繫內地與國際,尤其是東南亞經濟體。

葡萄牙競爭管理局主席到訪

5月21日,競委會接待了葡萄牙競爭管理局主席 Nuno Cunha Rodrigues 先生,進行雙邊會談。雙方在會上就多項執法、政策及宣傳倡導議題作深入討論,內容涵蓋法院訴訟、資訊科技鑑證、寬待申請及與其他執法機構的合作。

ICN Annual Conference 2025

In May 2025, the Commission participated in the 24th Annual Conference of the International Competition Network (ICN) in Edinburgh, the United Kingdom. As Co-Chair of the ICN's Agency Effectiveness Working Group, the Commission actively contributed to the programme preparation of the event, in collaboration with its co-chair peers from Greece, Hungary and Italy.

In the plenary session on agency effectiveness, Chief Executive Officer Mr Rasul Butt spoke on the topic "New Antitrust Powers and Tools in a Fast-Changing World". Alongside other agency heads, he highlighted the Commission's strategic partnerships with local enforcement agencies, particularly the Police and the Independent Commission Against Corruption (ICAC), in collaborations encompassing joint dawn raids and capacity-building initiatives.

Additionally, the Commission delegation, together with two of its non-governmental advisers, presented Hong Kong's experiences in competition enforcement and advocacy to the international competition community during various breakout discussion sessions throughout the three-day event.

Annual meeting of APEC's Competition Policy and Law Group

The Commission participated in the annual meeting of the Asia-Pacific Economic Cooperation's (APEC) Competition Policy and Law Group in Incheon, Korea, in August 2025. At the meeting, Executive Director (Policy & Advocacy) Dr. Gary Shiu presented the Commission's recent advocacy initiative aimed at assisting companies with competition law compliance and highlighted our strategic partnerships with local law enforcement agencies.



The Commission is dedicated to supporting the Government's efforts to cement Hong Kong's position as a "super connector" and "super value-adder", connecting the Mainland with the international community, especially Southeast Asian economies, through its active participation in key multilateral platforms like APEC.

Visit by President of Portuguese Competition Authority

On 21 May, the Commission welcomed a visit by the President of the Portuguese Competition Authority Mr Nuno Cunha Rodrigues for a bilateral meeting. During the meeting, both parties had an in-depth, fruitful discussion over a number of enforcement, policy and advocacy issues, covering court proceedings, IT forensics, leniency application and collaboration with other law enforcement agencies.



競委會首次舉辦中小企競爭法合規培訓

Commission conducts first competition law compliance training for SMEs





競委會於6月20日,首次舉辦專爲香港中小型企業(中小企)而設的競爭法合規培訓。 長達三小時的培訓,是競委會年初推出的網上平台「<u>中小型企業競爭法合規資訊站</u>」 的延續。該資訊站旨在協助中小企掌握《條例》重點,並按需要制定合規策略。

該次培訓吸引逾130人參加,課程深入介紹《條例》內容及如何降低違法風險,並以真實個案探討競爭法的實際應用。此外,參加者亦學習如何善用資訊站及當中的實用工具,輕鬆簡易地制定有效的合規計劃。

活動反應熱烈,更爲競委會一系列促進中小企合規的活動揭開序幕。

On 20 June, the Commission conducted an inaugural competition law compliance training session tailored specifically for small and medium-sized enterprises (SMEs) in Hong Kong. The three-hour long initiative builds upon the <u>SME Hub</u>, a one-stop online platform launched by the Commission earlier this year to assist SMEs in mastering key elements of the Ordinance and developing internal compliance strategies that best suit their needs.

Over 130 participants attended the training, gaining insights into the Ordinance and guidance on how to minimise the risk of contravention, examining real-life competition law cases, as well as learning how to make use of the SME Hub and the practical tools therein to develop an effective compliance programme in a quick and easy manner.

The session received positive feedback and forms part of the Commission's broader strategy to promote a pro-competition culture across Hong Kong's business community. It marks the first in a series of the Commission's upcoming training initiatives aimed at enhancing competition compliance among SMEs.

競委會繼續推進本地的倡導工作

Commission continues to intensify local outreach efforts

爲中學教師而設的網上講座

競委會與教育局於5月27日合辦網上講座,向本港中學教育工作者介紹《競爭條例》,以協助各科教師掌握教授相關課題的必備知識。

約250名本地中學校長和教師參加了是次 講座,參加者在講者的帶領下,探討《條 例》的重點及適用範圍,並深入討論多宗 執法個案。



其他本地宣傳活動

期內,競委會舉辦了兩場介紹《條例》的大型網上講座,吸引逾1,400名商界及公眾人士參與。此外,競委會的代表亦出席了22場爲法律、建築、工程及學術界等不同界別而設的宣傳活動。

下一場《競爭條例》網上講座(以廣東話進行)將於2025年10月22日舉行,請<u>按此</u>登 記。

Webinar for secondary school teachers

On 27 May, the Commission, in collaboration with the Education Bureau, co-organised a webinar introducing the Competition Ordinance to secondary school educators in Hong Kong. The initiative aimed to equip teachers from various disciplines with the necessary knowledge in teaching the subject to students.

Around 250 principals and teachers from local secondary schools participated in the webinar. Guided by the presenter, participants explored the key provisions of the Ordinance and its applications, and actively engaged in discussions on various enforcement cases.

Other local engagements

During the period, the Commission organised two major webinars on the Ordinance, which were well attended by an audience of over 1,400 from businesses and the general public. In addition, representatives of the Commission also spoke at 22 engagement events tailored for different sectors including law, construction, engineering and academia.

Our next webinar on the Ordinance (in Cantonese) will be held on **22 October 2025**. Register HERE.

競委會的私隱保障及職場共融工作備受肯定

Commission recognised for privacy protection and workplace inclusiveness

競委會榮獲「2025私隱之友嘉許獎」金獎

2025年7月,競委會榮獲香港個人資料私隱專員公署頒發「2025私隱之友嘉許獎」金獎,肯定了競委會在保障個人資料私隱及確保數據安全方面的努力。競委會繼去年獲頒銀獎,今年更進一步,彰顯其恪守私隱保障最高標準的決心。

獎項的評選基於五項準則,包括設立專責的保障資料團隊、制定相關內部指引、爲員工提供個人資料私穩保障培訓、完成數據安全快測,以及討論數據安全政策和措施。



競委會簽署《種族多元共融僱主約章》

競委會致力促進職場種族多元和共融,並於2025年6月,簽署由平等機會委員會推行的 《種族多元共融僱主約章》。

此約章爲僱主提供指引及政策清單,以推動種族多元共融的工作間文化。競委會透過簽署約章,再次確定其致力建立共融工作環境的決心,繼續實施推動種族平等多元的政策,以及確保其招聘、任命及晉升程序公平進行,絕不會出現種族歧視。

Commission honoured with Gold Award in Privacy-Friendly Awards 2025

In July 2025, the Commission received a Gold Award in the Privacy-Friendly Awards 2025 organised by the Office of the Privacy Commissioner for Personal Data, Hong Kong. The Award recognises the Commission's steadfast commitment to protecting personal data privacy and ensuring data security. Building on the Silver Award received last year, the achievement highlights the Commission's determination to maintain the highest standards in privacy and data protection.



Awardees were assessed against five criteria, which include the establishment of a dedicated data protection team, setting up of internal guidelines, provision of staff training on data privacy protection, completion of a data security scanner, as well as discussions on data security policies and measures.

Commission signs Racial Diversity and Inclusion Charter for Employers

As part of its ongoing efforts to foster an inclusive work environment, the Commission signed in June 2025 the Racial Diversity and Inclusion Charter for Employers, an initiative launched by the Equal Opportunities Commission in Hong Kong.



The Charter provides participating employers with guidelines and a checklist of policies to promote racial diversity and inclusion in the workplace. By signing the Charter, the Commission re-affirmed its commitment to cultivating an inclusive workplace by implementing relevant policies that can foster racial equality and diversity, as well as ensuring that its recruitment, appointment and promotion processes are fair and free from racial discrimination.

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