
From: 搖光 [REDACTED]
Sent: Friday, November 24, 2023 4:34 pm
To: Consultation
Subject: EC/03JJ - Representation regarding the New Commitment of Deliveroo

Dear Competition Commission

In respect of the new proposed commitment from Deliveroo published by the Competition Commission on 10 November 2023 (“New Commitment”) under the case number EC/03JJ, being a regular Hong Kong resident myself who frequently uses such platforms, I would like to submit a representation from my own perspective.

Having read the content of the New Commitment, I believe it shall have certain effect on protecting competition among the order-to-delivery services market. However, as far as I’m concerned, there are at least the following issues that remain unaddressed under the New Commitment, which the Competition Commission should definitely look into, and when it sees fit, act accordingly in order to protect and promote competition of the market, for the benefit of vast majority users:-

1. The underlying purpose of the said exclusive terms and conditions put in place by major players in the market (e.g. Deliveroo itself) is, by nature, anti-competitive, and therefore should be prohibited from being made into any agreements with their respective partner restaurants;
2. It should not be the case that, only the players with a low market share (i.e. less than 10%) get to be protected by the New Commitment, as the effect of which will be insufficient compared to the damage caused by the anti-competitive behavior. For other players whose market share reaches or exceeds 10%, they might be hindered from seeking the protection they need, and their ability to further grow and engage in healthy market competition shall be greatly impaired and prejudiced; and
3. Currently there are major platforms in this market which wield considerable market power or be considered to have a substantial degree of market power. Such market power comes from the high dependency from average partnering restaurants on those platforms. Under such circumstances, even supposedly other small platforms come into the market with more favorable commission rates to offer, it will still be difficult for those restaurants to switch to, or partner with another platform. And as far as I’m concerned, the content of the New Commitment does not sufficiently address this issue.

To conclude, I sincerely submit my representation that the Competition Commission could take the above-mentioned circumstances into consideration, when viewing the content of the New Commitment.

Best regards
Theodore