



競爭快訊

Competition Matters

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競爭事務委員會
COMPETITION
COMMISSION

行政總裁的話 Message from CEO

競爭事務委員會（競委會）於過去四個月在不同範疇開展了新的工作。去年 12 月，競委會推出了一套「不合謀條款」及「不合謀投標確認書」範本，供採購人員參考，除了保障招標及採購過程外，加入有關條款更讓採購人員可就合謀行為作出追究。在宣傳倡導方面，競委會舉辦社交媒體宣傳比賽，將接觸層面擴展至大專院校學生，進一步向年輕一代推廣競爭法。競委會亦繼續透過展覽、研討會、講座及會議，以及在全港多個地點舉行的「瓜分市場貓」巡迴展，積極與各界接觸。在獎項方面，今年競委會再下一城，憑着所發表的首份意見公告及最新一期年報，勇奪兩項國際大獎。

在國際層面，競委會派代表出席了數個重要的反壟斷會議，從中向海外相關機構汲取經驗。隨著競委會經驗日增，成為新冒起具實力的執法機構，競委會很榮幸獲邀向東盟成員國一些新成立的競爭事務機構，分享我們在執法及宣傳教育方面的經驗。為加強國際交流，我很高興宣布，競委會將於今年 11 月在香港舉辦首個競爭法國際會議，匯聚本地及海外專家，就競爭議題分享他們的意見、最佳做法及經驗，敬請密切留意有關最新消息！



冼博崙 Brent Snyder
行政總裁 Chief Executive Officer

The Competition Commission (Commission) has been very busy in the past four months with a number of new initiatives in different areas. Last December, the Commission published a set of model “Non-collusion clauses” and a “Non-collusion certificate” providing references for procurement practitioners to safeguard tenders and procurements as well as to seek recourse against cartel conduct. On the advocacy front, the Commission has extended its outreach to tertiary students with a creative social media contest to further promote competition law among the younger generation. We have also continued to actively reach out to the community through exhibitions, seminars, engagement briefings and meetings and a roving tour of our ubiquitous “market sharing” cat pop-up display around town. During the period, the Commission continues to earn international recognition by scooping another two major awards for its debut advisory bulletin and latest annual report.

Internationally, representatives of the Commission have participated in several major antitrust conferences where we drew on the learning and experience of our counterparts globally. As the Commission gains experience and has developed a reputation as a strong up-and-coming agency, we have been very honoured to be invited to share our law enforcement and advocacy experience with the younger agencies in the ASEAN. In stepping up our international engagement efforts, we are excited to announce that our inaugural international conference is set to be held in coming November bringing together local and international experts to exchange views, best practices and experience in the antitrust arena. Stay tuned for more details!

大專生社交媒體宣傳競爭法 爭取實習機會

Tertiary students promote competition law on social media to compete for internship opportunities

繼 2017 年初舉辦中學生宣傳創作比賽後，競委會於同年 12 月舉辦「玩·PO·競」社交媒體宣傳挑戰賽（挑戰賽），邀請大專院校學生在社交媒體平台策劃創意宣傳，推廣《競爭條例》（條例）如何維護平等競爭環境、保障商界及消費者利益。

比賽反應踴躍，吸引了各大學及大專院校共 69 支隊伍報名參加。參加者於 2018 年 2 月 3 日舉行的工作坊中研習競爭法知識，並獲資深策劃顧問羅永聰先生及數碼營銷達人賴志偉先生傳授數碼營銷秘技。

共 14 支入圍隊伍於 4 月 12 至 20 日共九天的決賽期內，透過文字、圖片、漫畫及影片等形式，於不同社交媒體發放了一系列帖子，比拼質素、創意、觀眾瀏覽次數、「喜愛」及分享率，甚至與觀眾互動來競逐獎項。

勝出的隊伍有機會獲得實習名額，於暑假期間分別到競委會及隨羅永聰先生作實習體驗。公眾亦可透過讚好及分享你喜愛的帖子，支持學生！

按此[瀏覽](#)挑戰賽詳情。



Following the advocacy contest targeting secondary students in early 2017, the Commission launched the "Post to Compete" Social Media Advocacy Challenge (Challenge) for tertiary students last December. Students compete by formulating creative and strategic social media advocacy to promote how the Competition Ordinance (Ordinance) safeguards a level-playing field for the benefits of businesses and consumers.

The Challenge has received very positive response attracting 69 participating teams from different universities and tertiary institutions in Hong Kong. A workshop was held on 3 February 2018 where participants learned the key concepts of competition law and tips on social media tactics shared by seasoned strategy consultants Mr Law Wing-chung and digital marketing guru Mr Willy Lai.



參賽者出席工作坊，向羅永聰先生（前排左一）及賴志偉先生（前排中）學習數碼營銷秘技。

Participants attended the workshop to learn tips on social media tactics shared by Mr Law Wing-chung (front row left) and Mr Willy Lai (front row middle).

A total of 14 teams have been shortlisted to proceed to the 9-day final battle between 12 and 20 April, during which each team published a series of posts on different social media platform, in the form of text, images, comics or videos, and compete by the quality and creativity of the posts, as well as by getting the most views, "likes" and shares or interacting with the audience.

Members of the winning team will gain a rare and valuable summer internship opportunity at the Commission and with Mr Law Wing-chung's consultant company. Show your support by liking and sharing your favourite posts!

Click [HERE](#) for more details of the Challenge.

「不合謀條款」範本保障採購過程

Model “Non-collusion clauses” to safeguard procurements

競委會繼打擊圍標及瓜分市場的宣傳活動後，推出了一套「不合謀條款」的範本，供採購人員加入其招標文件及採購合約內，以防止採購過程遭受合謀行為的損害。

「不合謀條款」範本，包括可納入招標文件內的不合謀字句範本、讓投標者於入標時簽署的「不合謀投標確認書」範本，以及在正式合約中加入「不合謀條款」的指引。在招標文件中加入「不合謀條款」，目的是警告投標者不得作出反競爭的合謀安排，以及提醒他們作出這些安排的後果。企業亦可考慮在正式合約中加入有關條款，一旦發現招標過程中曾出現合謀的情況，亦可享有合約所訂明的保障。

反競爭的合謀行為可能出現在任何行業或界別的招標程序。在招標過程中維護有效競爭，採購人員擔當著重要的角色。本港所有私營企業及公營機構的採購人員，均應考慮在其招標文件及正式合約中加入「不合謀條款」。即使有關文件中已有類似條款，亦可參考這範本以作補充，從而確保有關條款能完全反映《條例》的精神和要求。

[按此](#)瀏覽範本。

As a further initiative of the Commission’s advocacy campaigns on bid-rigging and market sharing, the Commission has published a set of model “Non-collusion clauses” for procurers to incorporate in their tender documents and contracts so as to safeguard procurement process against cartel conduct.

The model “Non-collusion clauses” comprise non-collusion wording that may be included in an invitation to tender, a model non-collusive tendering certificate for tenderers to sign as part of their tender submission, as well as a guidance on “Non-collusion clauses” in formal contracts. The purpose of incorporating the clauses in tender documents is to alert tenderers of the prohibitions against, and consequences of, entering into anti-competitive collusive arrangements. Businesses may also consider including such clauses in their formal contracts with successful tenderers so as to provide contractual protections in the event that the tender process has been subject to collusion.

Anti-competitive collusive conduct can occur in any industry or sector where tender processes are used and procurement officers play a key role in safeguarding effective competition in the tender process. Procurers from both the private and public sectors should consider including “Non-collusion clauses” in their invitations to tender and formal contracts. Those who have already incorporated similar clauses in their tender documents are encouraged to use the model as a supplement to ensure they fully reflect the spirit and requirements of the Ordinance.

Click [HERE](#) to view the documents.



宣傳及倡導 Advocacy & Outreach

「瓜分市場貓」城中出沒 “Market Sharing Cat” is coming to town

延續競委會去年底的「嚴打瓜分市場」宣傳活動，競委會現正於全港多個地點舉辦「瓜分市場貓」巡迴展，展示不同形式的瓜分市場行為、瓜分市場的跡象及舉報可疑個案的途徑。「瓜分市場貓」在過去三個月已分別現身坑口、旺角、屯門、灣仔、石硤尾及粉嶺，並會於7月初前，陸續到訪以下地點。



As an extension of the Commission’s “Combat Market Sharing Cartels” Campaign launched late last year, the Commission’s “Market Sharing Cat” pop-up showcasing information on different types of market sharing, tips on how to identify it and ways to report suspected cases is now touring around Hong Kong. Having finished its stops in Hang Hau, Mong Kok, Tuen Mun, Wan Chai, Shek Kip Mei and Fanling in the past three months, the “Market Sharing Cat” will continue its travel to the following locations until early July.

| 日期 Date | 地點 Venue |
|------------|---|
| 25/4 – 8/5 | 利安社區會堂 Lee On Community Hall |
| 10 – 23/5 | 紅磡社區會堂 Hung Hom Community Hall |
| 25/5 – 6/6 | 堅尼地城社區綜合大樓 Kennedy Town Community Complex |
| 8 – 19/6 | 美孚社區會堂 Mei Foo Community Hall |
| 22/6 – 3/7 | 觀塘社區中心 Kwun Tong Community Centre |

採購人員講座 Seminar for procurement officers

2018年2月8日，競委會與本港三大採購組織合辦了一場講座，介紹如何防止及偵測瓜分市場與圍標，吸引了逾百名來自不同公司的採購人員出席。競委會及英國特許採購及供應學會（香港分會）分別派員講解《條例》的重點，以及採購人員應如何加強招標程序，以減低瓜分市場及圍標的風險。



Partnering with three major procurement organisations in Hong Kong, a seminar on how to combat and detect market sharing and bid-rigging was held on 8 February 2018, attended by over 100 procurement officials from companies of different sizes. Speakers from the Commission and Chartered Institute of Procurement & Supply (Hong Kong Branch) spoke on the key elements of the Ordinance and how procurers can minimise the risk of market sharing and bid-rigging through strengthened tendering process.

宣傳及倡導 Advocacy & Outreach

積極接觸地區人士打擊圍標

District outreach on fighting bid-rigging

競委會繼續致力提高公眾對圍標行為的認識，積極教育各界（尤其是業主）如何識別和防範圍標。2018年首季，競委會人員出席了三場由民政事務總署舉辦的大廈管理簡介會，接觸港島、九龍、新界東及新界西的居民。

隨着政府投放資源推出與大廈維修相關的資助計劃，競委會於2018年3月至4月初，派代表出席了10場由市區重建局舉辦的簡介會，向合資格申請樓宇更新大行動2.0及消防安全改善工程資助計劃的大廈業主和管理人員講解《條例》，期望能在計劃推行初期成功阻嚇或更迅速偵測到疑似串謀的行為。

The Commission continues its efforts in raising community awareness of bid-rigging and educating the public, especially property owners, on how to detect and prevent bid-rigging. In the first quarter of 2018, the Commission participated in three briefings on building management organised by the Home Affairs Department for residents of the Hong Kong Island, Kowloon as well as the New Territories East and West.

To deter or more quickly detect potential collusive practices during early stages of government spending and subsidy programmes, the Commission participated in 10 mass briefing sessions organised by the Urban Renewal Authority targeting owners and managers of buildings eligible for Operation Building Bright 2.0 and Fire Safety Improvement Works Subsidy Scheme between March and early April 2018.



持續與持分者接觸

Ongoing stakeholder engagement

2018年3月16日，競委會為公眾及商界舉辦了一場講座，參加者反應踴躍，並對多個競爭議題積極提問，另外亦參與了8場會議及研討會，與不同界別的持分者溝通。競委會在這段期間亦先後到訪多間學校，為高中及大專院校學生舉辦了10場講座，持續與青少年接觸。

[按此](#)登記參加學校講座。



A seminar targeting members of the public and businesses was held on 16 March 2018 where the audience showed great interest and raised questions on various competition issues. In the past four months, eight engagement meetings and presentations were arranged for various stakeholders. The Commission also continued to engage the youth with 10 school talks targeting senior secondary, college and university students conducted.

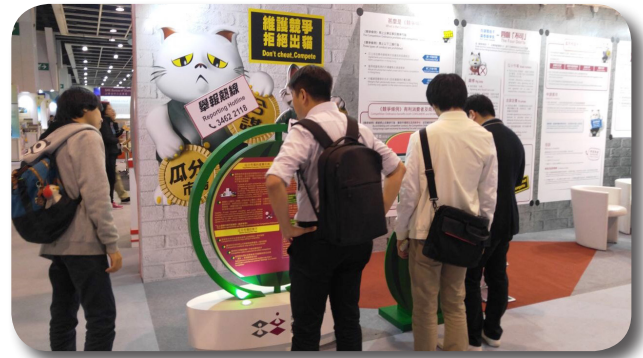
To register for school talk, please click [HERE](#).

宣傳及倡導 Advocacy & Outreach

競委會參加「創智營商博覽」

Commission participates in SmartBiz Expo

競委會於 2017 年 12 月 6 至 8 日參加了由香港貿易發展局首次主辦的「創智營商博覽」，除了設置展板及互動遊戲外，現場還播放教育短片及派發各類小冊子，協助商界（特別是中小企）認識《條例》及如何防範反競爭行為，期間吸引了 1,300 多名人士參觀。



The Commission participated in the debut SmartBiz Expo held on 6-8 December 2017 by the Hong Kong Trade Development Council. The booth featured display panels, educational videos, brochures and interactive games to help businesses, especially SMEs, understand the Ordinance and how to prevent and detect anti-competitive practices. Over 1,300 visitors were received during the event.

競委會倡導作品贏得國際獎項

Commission's initiatives won major international awards



競委會憑首份有關香港公共屋邨液化石油氣供應的意見公告，於國際競爭規管網絡及世界銀行集團合辦的「競爭倡導比賽」中，與來自全球競爭機構共 50 份參賽作品競逐獎項，並贏得優異獎。競委會已連續三年在該項比賽中獲得獎項。

此外，競委會的 2016 / 17 年報於美國通訊專業聯盟舉辦的 Vision Awards 中勇奪銀獎。該比賽今年吸引了來自全球 20 多個國家不同行業及規模的機構參加，參賽作品亦是歷年來最多。

Competing among 50 outstanding entries from competition agencies around the world, the Commission's debut advisory bulletin on liquefied petroleum gas supply for public housing estates in Hong Kong won an Honourable Mention in the Competition Advocacy Contest organised by the International Competition Network and World Bank Group. This is the third consecutive year for the Commission to receive an award in this contest.

The Commission's 2016/17 Annual Report also won a Silver award in the Vision Awards organised by the League of American Communications Professionals. This year's competition drew one of the largest numbers of submissions ever, representing a broad range of industries and organisations of different sizes from nearly two-dozen countries around the world.

最新動態 Upcoming Activity

2018 年 11 月 1 至 2 日「香港競爭集思匯」

Hong Kong Competition Exchange 1-2 November 2018

競委會將於今年 11 月 1 至 2 日首度在香港舉辦大型國際會議「香港競爭集思匯 2018」。該會議將匯聚本地及國際競爭法專家、法官、執法人員、學者及商界人士，從香港的角度討論及分享他們對重要競爭議題的意見。請密切留意最新消息！

The Commission will organise its inaugural international conference, "Hong Kong Competition Exchange 2018", on 1-2 November. The event will gather local and international competition law experts, judges, enforcers, academics and business professionals to discuss and share their perspectives on important competition issues from a Hong Kong standpoint. Save the date and stay tuned for more details!

國際交流活動 International Activities

2017年12月7至8日，「第十六屆經濟合作與發展組織全球競爭論壇」於巴黎舉行，全球過百機構及組織的高層競爭法人員，圍繞重要及新興的競爭事宜進行討論。競委會主席胡紅玉女士在倡導競爭的環節中，探討如何在政府內部進行倡導工作，以及如何以有限預算在公眾層面建立競爭文化。

今年3月21至23日，來自世界各地的競爭機構、非政府顧問以及國際組織的代表雲集新德里，出席國際競爭規管網絡的年度大會。國際競爭規管網絡乃促進國際間合作及分享競爭法經驗和知識的重要平台，該年度大會已成為競爭法界別每年的重要活動。競委會行政總裁冼博崙先生在全體會議及分組討論中，先後就鼓勵性措施、阻嚇性懲罰及賠償等方面積極發言，並在聚焦新成立競爭機構的環節中，分享香港實施競爭法的各種挑戰及成功經驗。

競委會在成立初期積極執法，加上宣傳成效顯著，已漸成為亞太區具領導地位的競爭執法機構之一，並經常與東盟成員國規模較小的新成立機構分享經驗。2018年2月，冼博崙先生接受世界銀行集團的邀請前赴巴基斯坦，在當地一個討論合謀行為及濫用市場權勢的工作坊中，向巴基斯坦競爭委員會分享其執法經驗及最佳做法。



主席胡紅玉女士(左三)在「第十六屆經濟合作與發展組織全球競爭論壇」中發言。
Chairperson Ms Anna Wu (third from left) spoke at the 16th OECD Forum on Competition.



行政總裁冼博崙先生在國際競爭規管網絡年度大會中發言。
CEO Mr Brent Snyder spoke at the Annual Conference of the International Competition Network.

On 7-8 December 2017, the 16th Organisation for Economic Cooperation and Development (OECD) Global Forum on Competition was held in Paris bringing together high-level competition officials from over 100 authorities and organisations worldwide to debate a wide range of key and emerging competition issues. Speaking at a session on competition advocacy, Chairperson Ms Anna Wu discussed the advocacy efforts within the government and how to create a competition culture in the public “within the budget”.

Representatives of competition agencies, non-governmental advisors (NGAs) and international organisations from around the world gathered in New Delhi on 21-23 March 2018 to participate in the Annual Conference of the International Competition Network (ICN). ICN provides an important platform for international cooperation as well as the exchange of experience and knowledge, and the conference is a leading event in the competition calendar. The Commission’s CEO Mr Brent Snyder spoke at a plenary on incentives, deterrence and compensation and shared the challenges and successes of the Hong Kong competition regime in a session focused on young agencies.

With active enforcement and effective advocacy efforts in its early years, the Commission has gradually emerged as one of the leading competition enforcement agencies in the Asia-Pacific region especially in the sharing of its experience with the smaller and younger agencies in the ASEAN. Invited by the World Bank Group, Mr Brent Snyder shared his law enforcement experience and good practices in a workshop on tackling cartels and abuse of dominance with the Competition Commission of Pakistan in February 2018.

競爭法學堂 Competition Law Classroom

如何偵測瓜分市場？

瓜分市場與其他合謀行為一樣，一般會秘密進行，因此難以察覺，但你亦可以從一些蛛絲馬跡找到可疑跡象。例如，合謀瓜分市場的成員，通常會持有分配顧客的名單，或標示著彼此獲分配地域的地圖。基於工作需要，負責銷售或市場推廣的員工可能獲派發上述資料，因此，他們有可能是取得瓜分市場證據的重要來源。此外，採購人員亦可能會聽到潛在投標者提及地域或地區範圍，顯示可能有瓜分市場的安排。

其他可疑跡象：

- 競爭對手突然在某個地域停止銷售產品／服務
- 競爭對手將顧客轉介予其他競爭對手
- 競爭對手突然停止向某顧客銷售產品／服務
- 銷售員或潛在投標者表示某顧客或某合約是「屬於」某個競爭對手的

競委會歡迎所有人士舉報可疑個案。投訴人及告密者應盡量提供詳細資料及保留所有證據。切勿向涉嫌合謀瓜分市場的成員透露或公開表示你向競委會作出投訴，這樣可能會嚴重影響競委會的蒐證工作。

請瀏覽競委會網站的「[嚴打瓜分市場](#)」資訊中心了解更多資料。

How to detect market sharing cartels?

Like any other cartel conduct, market sharing cartels often operate in secret and can be difficult to detect. However, there are some tell-tale signs that may help you identify suspicious cases. For example, market sharing cartel members often keep lists allocating customers or they may have maps with each other's allotted territories. Sales or marketing employees may be given these in order to do their work and can be a useful source of market sharing evidence. Procurement officers may also hear references from prospective bidders about territories or areas that may indicate market sharing arrangements.

Other red flags:

- Competitors suddenly stop selling in a territory
- Competitor refers customers to other competitors
- Competitors suddenly stop selling to a customer
- Salespersons or prospective bidders say that a particular customer or contract "belongs" to a certain competitor

All parties are encouraged to report suspected cases to the Commission. Complainants and whistleblowers should preserve all available evidence and provide the Commission with as much information as possible. Do NOT indicate to suspected cartel members or make public the fact that you are making a complaint as this may reduce the prospect of the Commission securing relevant evidence.

Visit the Commission's "[Combat Market Sharing Cartels](#)" Information Centre for more details.

