

## 審裁處就首宗有關政府資助計劃的合謀案件頒下裁決 Tribunal hands down judgment in first cartel case relating to government subsidy scheme

競爭事務審裁處於 6 月及 7 月，先後就首宗有關政府資助計劃的合謀案件頒下命令及裁決。

競委會與達成和解的各方早前共同向審裁處申請，以在雙方同意的基礎下解決這宗訴訟，審裁處於 6 月根據該共同申請發出命令。Multisoft Limited、大碼頭企業有限公司 / 貴族護老院有限公司 (BP / Noble) 及 KWEK Studio Limited 董事鄧威俊先生須支付合共 1,310,000 港元罰款。此外，審裁處亦取消鄧先生在任何公司出任董事的資格，為期 2 年。

在 7 月的裁決中，審裁處首次因有答辯人沒有就指控作出回應，而根據《競爭事務審裁處規則》第 76 條批出命令。該兩名答辯人，即經營逸盈行及以個人身份行事的歐陽潔儀女士，以及逸盈行及 BP / Noble 的代表樊承志先生，分別被判罰款 242,000 港元及 160,000 港元。

本案凸顯競委會致力打擊以反競爭手段濫用政府撥款及資助的行為，並帶出了一個重要訊息：無視訴訟絕非選項。

詳情見[新聞稿 \(6 月 7 日\)](#) 及 [新聞稿 \(7 月 31 日\)](#)。

The Competition Tribunal handed down orders and a judgment in June and July respectively in the first cartel case relating to government subsidy scheme.

In June, the Tribunal granted orders based on the joint applications by the Commission and the settling parties to dispose of the proceedings with agreed facts. Multisoft Limited, BP Enterprise Company Limited/Noble Nursing Home Company Limited (BP/Noble) and a director of KWEK Studio Limited Mr. Tang Wai Chun, were ordered to pay pecuniary penalties totaling HK\$1.31 million. Mr. Tang was also disqualified from acting as a director in any company for two years.



The judgment in July marked the first instance of the Tribunal granting reliefs under Rule 76 of the Competition Tribunal Rules as a result of respondents failing to file a response. Other respondents in the case, Ms. Au Yeung Kit Yee trading as Yat Ying Hong and in her personal capacity, and Mr. Fan Sing Chi, a representative of Yat Ying Hong and BP/Noble, were fined HK\$242,000 and HK\$160,000 respectively.

The case underscores the Commission’s commitment to tackling attempts to exploit public funding through anti-competitive practices. It also drives home the message that ignoring legal proceedings is never an option.

View [Press Release \(7 June\)](#) and [Press Release \(31 July\)](#).

## 競委會與廉署再度展開聯合行動 打擊樓宇維修工程圍標貪污 Commission and ICAC conduct second joint operation against bid-rigging and corruption over building maintenance

競委會與廉署於 8 月 21 日及 22 日再度展開聯合行動。今次行動是繼 4 月中兩個機構首次進行代號「獵槍」的聯合行動打擊一個新冒起的圍標貪污集團後，經過四個月深入調查，詳細分析所收集到的證據，發現該集團有其他圍標和貪污行為，遂展開進一步執法行動。

兩個機構在聯合行動中根據法庭手令搜查了共約 20 個地點，包括多間工程承辦商及顧問公司的辦公室，涉案人士的住所等，並檢走多項證物。



競委會今次行動涉及 38 個分別位於港島、九龍及新界的住宅屋苑 / 大廈及工業大廈的維修工程，涉案工程合約總值逾 10 億港元，個別合約金額達 2.6 億港元。

廉署於是次行動拘捕 5 人和會見 22 人。

詳情見[新聞稿](#)。

The Commission and the ICAC conducted a joint operation code-named “Shotgun” on August 21 and 22, following their first collaborated action in mid-April against a newly-rising syndicate engaging in bid-rigging and corruption. After a four-month in-depth investigation and detailed analysis of evidence collected, the two agencies discovered that the syndicate might have been involved in other bid-rigging and corruption activities and therefore took further enforcement actions.

In the joint operation, search warrants were executed by the Commission and the ICAC to conduct searches at around 20 premises, including the offices of various project contractors, consultancies, as well as residences of the individuals concerned. Various exhibits were seized.

The investigation conducted by the Commission concerned renovation projects of 38 residential estates/buildings, and industrial buildings on Hong Kong Island, Kowloon and the New Territories. The value of the relevant renovation contracts totaled over \$1 billion, with individual contracts worth as much as \$260 million.

The ICAC arrested five persons and interviewed 22 persons during the operation.

View [Press Release](#).

## 首宗涉及不遵從競委會調查權力的刑事案件提交法院審理 First criminal case relating to non-compliance with Commission's investigation powers brought to court

首宗涉及不遵從競委會調查權力的刑事案件，於 8 月在西九龍裁判法院提堂。

競委會早前調查一宗清潔服務公司懷疑合謀定價的案件時，持法庭手令搜查涉案公司的辦公室。行動期間有人試圖從多部電腦中刪除一些與調查相關的檔案及資料。競委會及後將個案轉交警方作刑事調查。

涉案人士被控一項「處置及隱藏文件」罪，違反《競爭條例》第 53 (1)(a) 條，即任何人被競委會以其調查權力要求交出某份文件的情況下，銷毀、捏改或隱藏該文件，違者一經定罪最高可被判罰款 100 萬港元及監禁 2 年。

這宗案件是首次有人因不遵從競委會的調查權力而遭刑事檢控。

詳情見[新聞稿](#)。

The first criminal case regarding non-compliance with the Commission's investigation powers was brought for plea at the West Kowloon Magistrates' Courts in August.



In the investigation of a suspected price-fixing cartel among cleaning service companies, the Commission executed search warrants at the offices of the companies involved. During the course of the operation, an individual had tried to delete documents and information that are relevant to the Commission's investigation from a number of computers. The Commission has subsequently referred the case to the Police for criminal investigation.

The individual involved was charged with one count of disposal and concealment of documents, in contravention of Section 53 (1)(a) of the Competition Ordinance. Under Section 53 of the Ordinance, any person, having been required to produce a document under the Commission's investigation powers, destroys, falsifies or conceals such document, shall be liable to a fine of up to HK\$1,000,000 and to imprisonment for up to 2 years on conviction.

This marks the first case in which a person is subject to criminal prosecution for non-compliance with the Commission's investigation powers.

View [Press Release](#).



## 競委會繼續與內地及國際競爭法機構緊密聯繫 Commission continues to strengthen ties with Mainland and international counterparts

### 國際競爭規管網絡年會

2024年5月，競委會在巴西紹烏伊皮舉行的國際競爭規管網絡年會上，向與會的競爭法執法機構及國際專家概述其執法和倡導工作的最新近況。期間，競委會行政總監（政策及倡導事務）蕭滿章博士就執法機構的員工培訓和能力發展，以及數碼市場單向行為所可能引起的問題作出分享。競委會首席顧問（顧問及國際事務）黃家浩先生談及競委會與本地執法機構和公營界別的採購人員的接觸與合作，而競委會非政府顧問余妍女士則以香港觀點分享聯營和數碼市場的競爭問題。

競委會的倡導工作亦在會議上獲得國際肯定，其電視實況劇《競爭之合謀有罪》榮膺世界銀行－國際競爭規管網絡的競爭倡導大獎。是次為競委會第五度於這個享負盛名的國際倡導比賽中勝出。



### 東亞首長級官員會議

第19屆東亞競爭法首長級官員會議於2024年7月在吉隆坡舉行。競委會行政總裁畢仲明先生於會上主持了一場有關「規劃及落實市場研究工作」的討論，與來自南韓、馬來西亞及印尼的知名講者探討競爭法執法機構如何運用外部資源和專業知識，以編排、規劃、落實和公布市場研究。會上亦有成員分享其司法管轄區的最佳做法、見解和案例，使討論內容更加充實。

### 佛山市市場監督管理局到訪

8月1日，競委會接待了由佛山市市場監督管理局陳浩斌局長、李清明副局長率領的訪港代表團。是次會面極具建設性，雙方就各自的競爭法執法和相關政策的工作交流見解，並在大灣區的共同框架下，以及根據競委會與廣東省市場監督管理局簽署的備忘錄，探討兩地未來的合作機會，以促進競爭政策與法律在大灣區有效實施。



### *International Competition Network Annual Conference*

In May 2024, the Commission provided an update of its enforcement and advocacy work with fellow competition agencies and international experts at the International Competition Network (ICN) Annual Conference in Sauipe, Brazil. Dr. Gary Shiu, Executive Director (Policy and Advocacy), presented his views on training and capacity development for agency staff as well as unilateral conduct issues in the digital space.



Mr. Matthew Wong, Principal Advisor of Advisory and International Affairs, spoke about the Commission’s proactive engagement and collaboration with local law enforcers and public procurers, while Commission’s Non-governmental Advisor Ms. Yan Yu shared Hong Kong’s perspectives on competition matters relating to joint ventures and digital markets.

The Commission’s advocacy efforts were celebrated globally at the Conference, with its TV docudrama “COMPETE: Cartel Hunters” winning the World Bank - ICN Competition Advocacy Award. This is the fifth time the Commission’s advocacy initiative won an award in this prestigious international advocacy contest.

### *East Asia Top Level Officials’ Meeting*

In July 2024, Chief Executive Officer Mr. Rasul Butt moderated a discussion on “Planning and Conducting Market Studies” at the 19th East Asia Top Level Officials’ Meeting on Competition Law and Policy (EATOP) in Kuala Lumpur. Joined by esteemed panelists from South Korea, Malaysia and Indonesia, the session explored how competition authorities prioritise, plan, execute and publicise market studies, while utilising external resources and expertise.



The discussion was enriched with best practices, insights and case studies shared by respective jurisdictions.

### *Visit from Foshan Administration for Market Regulation*

On 1 August, the Commission welcomed a delegation led by the Foshan Administration for Market Regulation executives Mr. Haobin Chen and Mr. Qingming Li. The meeting was highly constructive, with both parties exchanging insights on their respective competition enforcement and policy work, and exploring future collaboration opportunities within the Greater Bay Area (GBA) framework and in line with the MoU between the Commission and Guangdong Administration for Market Regulation, with a view to promoting effective implementation of competition policy and law in the GBA.



## 中華基督教會銘基書院隊伍榮膺「玩·PO·競」宣傳挑戰賽冠軍 CCC Ming Kei College team named Champion in “Post to Compete” Advocacy Challenge



競委會與青年成就香港部合辦的 2024「玩·PO·競」社交媒體宣傳挑戰賽（挑戰賽）於 2024 年 8 月圓滿結束。中華基督教會銘基書院三名中五學生組成的隊伍發揮無比創意，成功引起觀眾共鳴，最終贏得評判一致好評，榮膺冠軍。

冠軍隊伍創作了一套輕鬆動畫短片，描繪兩間小食店如何在售賣燒賣和魚蛋時，合謀編配產品銷售。作品具原創性，同時揉合社會熱話和令人會心微笑的角色，成功帶出瓜分市場這種《競爭條例》下的嚴重反競爭行爲，如何損害消費者利益。隊伍的作品在準確傳遞公平競爭訊息的同時，亦兼具創意，並在 Instagram 吸引到大量瀏覽人次，因此成功脫穎而出。除了贏得港幣 8,000 元獎學金，隊伍成員更將獲安排跟隨知名網絡紅人「笑波子」作職場體驗。

挑戰賽的亞軍是來自保良局百周年李兆忠紀念中學的隊伍，季軍得獎者分別為聖公會梁季彝中學及沙田崇真中學的隊伍，而最「競」人氣王獎則由文理書院（九龍）的兩個參賽隊伍奪得。

今屆挑戰賽於 2024 年 2 月展開，共吸引近 200 隊來自 80 多間學校的學生報名參加。想一睹得獎隊伍的作品，請瀏覽 [posttocompetehk.com](http://posttocompetehk.com)。

The “Post to Compete” Social Media Advocacy Challenge 2024 (Challenge), co-organised by the Competition Commission and Junior Achievement Hong Kong, has concluded successfully in August 2024. The championship went to a team of three Form 5 students from CCC Ming Kei College, who captivated the judges with their innovative and engaging approach.

The winning team produced an animated comical video that depicts two street food stalls allocating the sale of dumplings (siu mai) and fish balls. Blending originality, trending topics

and funny characters, the video brings to life how market sharing, a serious anti-competitive conduct under the Competition Ordinance, harms consumers. The winning team's ability to balance creativity and accuracy of messages, and to achieve extensive outreach on Instagram, have earned it a cash scholarship of HK\$8,000 and exciting job shadowing opportunities with renowned social media influencer Smiling Boris.

The first runner-up of the Challenge is a team from PLK Centenary Li Shiu Chung Memorial College, while the second runner-up goes to the teams from SKH Leung Kwai Yee Secondary School and Shatin Tsung Tsin Secondary School. Two teams from Cognitio College (Kowloon) scored "The Most Popular Award".

Launched in February 2024, the Challenge has received sign-ups from close to 200 teams from over 80 schools. To view the winning entries, visit [posttocompete.hk](https://posttocompete.hk).

## 競委會繼續與本港商界接觸

### Commission continues to engage local business community

2024 年 7 月，競委會行政總監（行動）郭柏聰先生出席了新界總商會（新總）董事會會議，擔任主講嘉賓。

郭先生在演講中概述了競委會在《條例》下的職能，以及至今為維護香港市場競爭所進行的各項工作。他亦談及競委會所面對的挑戰，以及在加強情報收集和追查涉及執法重點的案件時，所付出的努力。

是次分享約有 80 多名新總董事會成員和商界代表參與，反應熱烈。

#### 其他宣傳活動

期內，競委會舉辦了五場學校工作坊及兩場網上講座，向約 2,200 名中學生、商界代表及公眾人士介紹《條例》，同時亦派員出席了 16 場為法律、物業管理、企業管治、建築、工程、測量及建築等界別而設的講座。

下一場《競爭條例》網上講座（以廣東話進行）將於 2024 年 10 月 23 日舉行，請[按此](#)登記。

In July 2024, the Commission's Executive Director (Operations) Mr. Patrick Kwok participated in the board meeting of the New Territories General Chamber of Commerce (NTGCC) as a keynote speaker.

Mr. Kwok outlined in his speech the functions of the Commission under the Ordinance and its ongoing effort in safeguarding market competition in Hong Kong. He also discussed the challenges faced by the Commission and its endeavours to enhance intelligence gathering and pursue cases that accord with its enforcement priorities.



The presentation received overwhelming response from an audience of around 80 NTGCC board members and business representatives.

### *Other engagements*

During the period, the Commission organised five school workshops and two webinars, introducing the Ordinance to an audience of around nearly 2,200 secondary school students, business representatives and members of the public. The Commission also spoke at 16 briefings tailor made for a wide array of sectors including legal, property management, corporate governance, construction, engineering, surveying and architecture.

The next webinar on the Ordinance (*in Cantonese*) will be held on 23 October 2024. Click [HERE](#) to register.

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