

香港工商清潔服務就清潔服務合謀案承認法律責任 Hong Kong Commercial Cleaning Services admits liability in cleansing service cartel case

在一宗 2021 年入稟的清潔服務合謀案中，被列為答辯人的香港工商清潔服務有限公司（香港工商）承認法律責任，並同意支付罰款。

香港工商連同兩名董事較早前簽署同意事實陳述書，就案件達成和解。根據陳述書，香港工商承認至少在 2016 年 5 月至 2018 年 8 月期間，就提交予房屋委員會（房委會）的 17 份標書交換商業敏感資料，構成合謀定價，違反《競爭條例》（《條例》）下的「第一行為守則」，並願意承擔法律責任。有關的招標項目涉及在房委會所管理的公共屋邨及其他大廈提供清潔服務，合約總額約 1.8 億港元。兩名董事亦同意就牽涉入違反該守則，承擔法律責任。

就此，競委會已向競爭事務審裁處（審裁處）申請命令，其中包括香港工商須支付 1,096 萬港元罰款，以及向兩名董事發出取消董事資格令，為期 24 個月。

本案另外兩名答辯人，即民順清潔有限公司及其董事，已於今年初承認法律責任。就競委會針對他們所尋求的其他命令，包括建議罰款及取消董事資格令，如雙方未能達成和解，則會由審裁處另行聆訊作決定。

詳情見[新聞稿](#)。



Hong Kong Commercial Cleaning Services Limited (HKC), a respondent in legal proceedings commenced in 2021 regarding alleged cartel conduct in the supply of cleansing services, has admitted its liability and agreed to pay a pecuniary penalty.

HKC, alongside its two directors, signed a Statement of Agreed Facts earlier to settle the case. According to the Statement, HKC has admitted its liability for a contravention of the

First Conduct Rule of the Competition Ordinance (“Ordinance”) by exchanging commercially sensitive information, which constitutes price fixing, when bidding for 17 contracts with the Housing Authority (HA) from at least May 2016 to August 2018. The tenders, involving a total amount of around HK\$180 million, were submitted to provide cleansing services for public housing estates and other buildings under the HA’s management. The two directors have also agreed to admit liability for their involvement in the contravention.

This has resulted in the Commission submitting an application to the Competition Tribunal (Tribunal) seeking, among other terms, an order for HKC to pay a penalty of HK\$10.96 million, and a director disqualification order against each of the two directors for 24 months.

The other two respondents in the case, Man Shun Hong Kong & Kln Cleaning Company Limited and its director, have admitted liability earlier this year. Further reliefs sought by the Commission against them, including recommended pecuniary penalties and a director disqualification order, will be determined by the Tribunal at a separate hearing if no settlement is reached.

View [Press Release](#).

競委會就一宗與政府資助計劃有關的案件 展開搜查行動 Commission conducts search in case relating to government subsidy scheme

競委會於 11 月 13 日，根據法庭手令搜查了六個處所，包括一間資訊科技服務供應商的註冊地址，以及五名人士的住所，以調查涉及一項政府資助計劃——「第三方物流服務供應商資助先導計劃」（先導計劃）的懷疑反競爭行爲。

涉案資訊科技公司及人士，在向申請先導計劃的企業提交物流科技方案的報價時，涉嫌從事圍標、合謀定價、編配顧客及交換影響競爭的敏感資料，違反《條例》下的「第一行爲守則」。

競委會早前接獲香港生產力促進局轉介個案，指先導計劃部分申請呈現可疑之處。競委會在信納個案存在合理理由懷疑有違反競爭守則的情況下，將個案提升至調查階段。

詳情見[新聞稿](#)。



On 13 November, the Commission executed search warrants at six premises – the registered address of an IT service provider and the residences of five individuals, as part of its probe into suspected anti-competitive conduct involving a government subsidy scheme named “Pilot Subsidy Scheme for Third-party Logistics Service Providers” (Pilot Scheme).

The IT firm and the individuals, when providing quotations for logistics technology in applications for subsidy under the Pilot Scheme, were suspected of having engaged in bid-rigging, price fixing, customer allocation, and exchange of competitively sensitive information, contravening the First Conduct Rule of the Ordinance.

The Commission received a referral from the Hong Kong Productivity Council earlier, which pointed to some suspicious features in certain applications made in relation to the Pilot Scheme. Upon being satisfied that there was reasonable cause to suspect a contravention of the competition rules, the Commission escalated the case to the investigation phase.

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比亞迪因應競委會的關注 修改汽車保用手冊

BYD amends car warranty manual following concerns raised by Commission

競委會歡迎比亞迪股份有限公司（比亞迪）修訂其汽車保用手冊。有關修訂釐清比亞迪汽車（包括動力電池）即使被送往非特約服務供應商保養及維修，亦不會導致有關保用失效。

比亞迪原本的保用手冊中，有關動力電池終身保用的條款用詞含糊，可能會誤導車主以為車輛的所有保養和維修，都必須由特約服務供應商進行，以維持電池可終身保用。

競委會對此表達關注後，比亞迪修改了保用手冊，釐清比亞迪車主可以選用非特約服務供應商提供保養及維修服務（包括涉及動力電池的保養及維修），除非有關服務直接導致電池損壞，否則電池的終身保用不會失效。

競委會認為，比亞迪的修訂有助促進各車輛保養及維修服務供應商之間的競爭，亦確保消費者的選擇不受限制，同時或能令比亞迪車輛的保養及維修費用下降。

詳情見[新聞稿](#)。

The Commission welcomed the amendments made by BYD Company Limited (BYD) to its car warranty manual, which clarify that maintenance and repairs of BYD vehicles, including the traction battery, can be done at non-authorized service providers without voiding the relevant warranties.

The original BYD warranty manual contained ambiguous terms regarding the lifetime warranty of the traction battery (Lifetime Battery Warranty). This ambiguity could have misled car owners into believing that all maintenance and repairs must be performed at authorized service providers to maintain coverage of the Lifetime Battery Warranty.

Following concerns raised by the Commission, BYD amended its warranty manual to clarify that BYD car owners may use non-authorized service providers for maintenance and repairs, including those involving the traction battery, without voiding the Lifetime Battery Warranty, unless damage to the traction battery is directly caused by such services.

The Commission considers that BYD's amendments will facilitate greater competition among car maintenance and repair service providers. It also ensures that consumer choice is uninhibited, and may result in lower maintenance and repair costs for BYD car owners.

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競委會與廉政公署簽署諒解備忘錄加強合作 Commission signs MoU with ICAC to enhance cooperation

競委會與廉政公署（廉署）簽署諒解備忘錄（備忘錄），加強雙方的合作及交流，並就個案轉介、聯合調查及聯合研究等事宜，訂立合作框架，以更有效打擊涉及反競爭及貪污的違法行爲。

備忘錄同時建立平台，讓雙方協調培訓計劃，包括舉辦聯合培訓活動，提升雙方人員的能力。就此，競委會與廉署在 12 月 17 日及 18 日首次舉辦「打擊貪污及反競爭行爲聯合執法課程」，並派出共 30 名人員參與並完成課程。課程理論與實戰並重，包括教授有關採取聯合行動的理論，及模擬行動訓練，例如行動策劃、進行搜查及會見涉案人等。

詳情見[新聞稿](#)。

The Commission has signed a Memorandum of Understanding (MoU) with the Independent Commission Against Corruption (ICAC) to strengthen cooperation and exchanges between the two agencies. The MoU sets out a framework for collaboration on matters including referral of cases, joint investigations and research, with the aim of enhancing the overall effectiveness in combating illegal activities that involve both anti-competitive and corruption elements.

The MoU also establishes a platform for the two agencies to coordinate their training initiatives, which include the organisation of joint training programmes to enhance the capabilities of their staff. Towards this end, the first “Training on Joint Operations Against Corruption and Anti-competitive Conduct” was conducted on 17 and 18 December. Altogether 30 staff members from both sides completed this inaugural training, which encompassed both theoretical knowledge and practical skills, covering theories and simulated exercises on joint operations such as planning an operation, conducting searches and interviewing suspects.

View [Press Release](#).



競委會與內地及國際競爭法機構建立更緊密聯繫 Commission fosters closer ties with Mainland and international counterparts

2024 年全國公平競爭大會

2024 年 9 月 10 日，競委會應國家市場監督管理總局邀請，由主席陳家殷先生及行政總裁畢仲明先生率領競委會人員到武漢市參加 2024 年全國公平競爭大會。

主席陳家殷先生在專題論壇上，就「深入落實《公平競爭審查條例》建構全國統一大市場」發表演講，介紹競委會如何協助本港的政策制定者及監管機構評估競爭影響，並表達了競委會對促進大灣區競爭政策與法律有效實施的願景。

第二十三屆經濟合作與發展組織全球競爭論壇

2024 年 12 月 2 至 4 日，行政總裁畢仲明先生率領競委會代表團，出席經濟合作與發展組織（OECD）競爭委員會在法國巴黎舉行的第二十三屆全球競爭論壇。

畢仲明先生在 OECD 的亞太競爭法機構高層會議中，分享了競委會如何透過倡導工作，推動政策制定者及行業監管機構建立鼓勵競爭的思維。競委會代表團亦與來自亞太地區的競爭法專家及執法機構人員作交流討論，成果豐碩。

The 2024 National Fair Competition Conference of China

On 10 September 2024, at the invitation of the State Administration for Market Regulation, the Commission, led by Chairman Mr. Samuel Chan and CEO Mr. Rasul Butt, participated in the *2024 National Fair Competition Conference of China* in Wuhan.

Mr. Chan contributed to the thematic discussion on “Deeply Implement the ‘Fair Competition Review Regulations’, Build a Unified National Market” by sharing the Commission’s experience in assisting local policymakers and regulators in conducting competition impact assessments. He also expressed the Commission’s aspiration to strengthen the effective implementation of competition policy and law in the Greater Bay Area.



The 23rd OECD Global Forum on Competition

On 2-4 December 2024, a delegation from the Commission, led by CEO Mr. Rasul Butt, joined the *23rd Global Forum on Competition* hosted by the Competition Committee of the Organisation for the Economic Cooperation and Development (OECD) in Paris, France.



At the OECD Meeting of High-Level Representatives of Asia-Pacific Competition Authorities, Mr. Butt shared the Commission's advocacy efforts in fostering a pro-competition mindset among government officials and sector regulators. The Commission's delegation also had fruitful discussions with competition experts and fellow enforcers from other jurisdictions in the Asia Pacific region and beyond.

競委會繼續與持份者接觸

Commission continues to engage with local stakeholders

為公營界別而設的競爭法與政策培訓課程

2024 年第四季，競委會與公務員事務局合辦了培訓課程，向負責制定政策及公共採購的人員，分享競爭法及相關政策的知識和經驗。在 11 月舉辦的兩場培訓，便分別有 40 名高級政務主任及 86 名行政主任出席，課題涵蓋評估競爭影響、提供政策意見及公共機構在採購時如何辨識反競爭行為等內容。培訓課程反應理想，在其後的意見調查更獲得好評。

競委會亦分別於 9 月及 10 月，為香港金融管理局和證券及期貨事務監察委員會的人員舉辦講座，重點介紹競爭法如何應用於銀行及金融服務業，吸引兩間機構的人員踴躍參與。參加者更表示，日後將就政策相關事宜與競委會進一步接觸。

其他宣傳活動

期內，競委會舉辦了一場大型網上講座及四場學校工作坊，向近 1,000 名來自不同界別的持份者介紹《條例》；亦出席了 11 場專為法律、物業管理及房屋等界別而設的簡介會，講解有關法例。

下一場《競爭條例》網上講座（以廣東話進行）將於 2025 年 1 月 15 日舉行，請[按此](#)登記。

Competition law and policy training for the public sector

In the last quarter of 2024, the Commission and the Civil Service Bureau (CSB) co-hosted training to share knowledge and experience on competition law and policy with policymaking officials and public procurers. In November, two sessions were conducted and attended by 40 Senior Administrative Officers and 86 Executive Officers respectively. Topics included competition impact assessments, policy advice, and how to identify anti-competitive practices in public procurement. Responses to a follow-up survey were overwhelmingly positive.

The Commission also delivered seminars to staff members of the Hong Kong Monetary Authority and the Securities and Futures Commission in September and October respectively. These seminars, focusing on the application of competition law in the banking and financial services industry, were well-attended. Participants expressed strong interest in further engaging with the Commission on policy-related matters.



Other engagements

During the period, the Commission organised one major webinar and four school workshops, introducing the Ordinance to nearly 1,000 stakeholders from different sectors. The Commission also spoke at 11 briefings tailor-made for specific sectors including legal, property management, and housing.

The next webinar on the Ordinance (*in Cantonese*) will be held on 15 January 2025. Register [HERE](#).

香港競爭集思匯 2025 早鳥優惠 切勿錯過 Secure early bird rates for Hong Kong Competition Exchange 2025



這個由競委會主辦的大型國際會議將於 2025 年 2 月 25 至 26 日在香港海洋公園萬豪酒店舉行。該會議將聚集世界各地行業領袖、資深法官、監管機構和競爭法專家，一起探討競爭與創新如何相輔相成，以及競爭法和相關政策在推動兩者前進的過程中，所發揮的作用。會議共設八個小組論壇，涵蓋的主題包括金融服務、航空、科技及綠色轉型等領域的競爭事宜、法官及執法人員的觀點分享，以及內地《反壟斷法》的最新發展等。

會議講者陣容鼎盛，他們分享的見解與經驗，絕對不容錯過。於 2024 年 12 月 31 日或之前報名，更可享早鳥折扣及「買二送一」優惠。

詳情及報名：<https://compex.hk/programme/>

This major international conference, to be hosted by the Commission at the Hong Kong Ocean Park Marriott Hotel on **25-26 February 2025**, will bring together global industry leaders, top judges, competition law enforcers and experts from around the world to discuss how competition and innovation complement each other, and the role that competition law and policy can play in their advancement. Featuring eight discussion panels, topics to be covered include competition in financial services, aviation, technology and the green transition, perspectives from judges and enforcers and updates on the Mainland's Anti-Monopoly Law.

Join us for deep insight and sage advice from a stellar line-up of speakers! Register by **31 December 2024** to enjoy early bird discounts and the “Buy 2 get 1 free” special offer.

For more details and registration: <https://compex.hk/programme/>

電話 Tel: 3462 2118 | 傳真 Fax: 2522 4997 | 電郵 Email: enquiry@compcomm.hk

地址：香港黃竹坑道 8 號 19 樓 South Island Place

Address: 19/F, South Island Place, 8 Wong Chuk Hang Road, Hong Kong

網站 Website: www.compcomm.hk