

首次與香港警務處就工廈維修工程採取聯合行動 First joint operation with Police on maintenance project of an industrial building

競委會與香港警務處轄下有組織罪案及三合會調查科於2022年1月18日採取聯合行動，搜查一家物業管理公司（下稱「該公司」）。該公司涉嫌於屯門一幢工廈的維修工程招標中，從事反競爭行為。

在競委會調查過程中有資料顯示，該公司一名代表在上述工程招標期間，曾作出連串可疑行為，可能構成企圖操控投標結果，加上涉案人士懷疑有三合會背景，令競委會有合理理由懷疑，該招標項目已成為一些人士合謀的目標。

在是次聯合行動中，警方共拘捕4人，他們涉嫌參與刑事恐嚇、刑事毀壞，以及作為公司高層人員，同意或縱容該公司干犯相關罪行。

另外，競委會亦正調查部分參與了是次投標的承建商。競委會在警方的協助下，亦已完成搜查某些承建商的辦公室。



詳情見[新聞稿](#)。

On 18 January 2022, the Commission and the Organized Crime and Triad Bureau of the Hong Kong Police conducted a joint operation which involved a search of a property management company (Company) suspected of having engaged in anti-competitive conduct in the tender exercise conducted for a maintenance project of an industrial building in Tuen Mun.

Information has emerged that a representative of the Company had, during the course of the tender exercise, engaged in a series of suspicious behaviours which may amount to attempts to manipulate the outcome of the tender. Such conduct, coupled with the suspected triad affiliation of the individual concerned, led the Commission to reasonably suspect that the tender exercise was the target of collusion between certain parties.

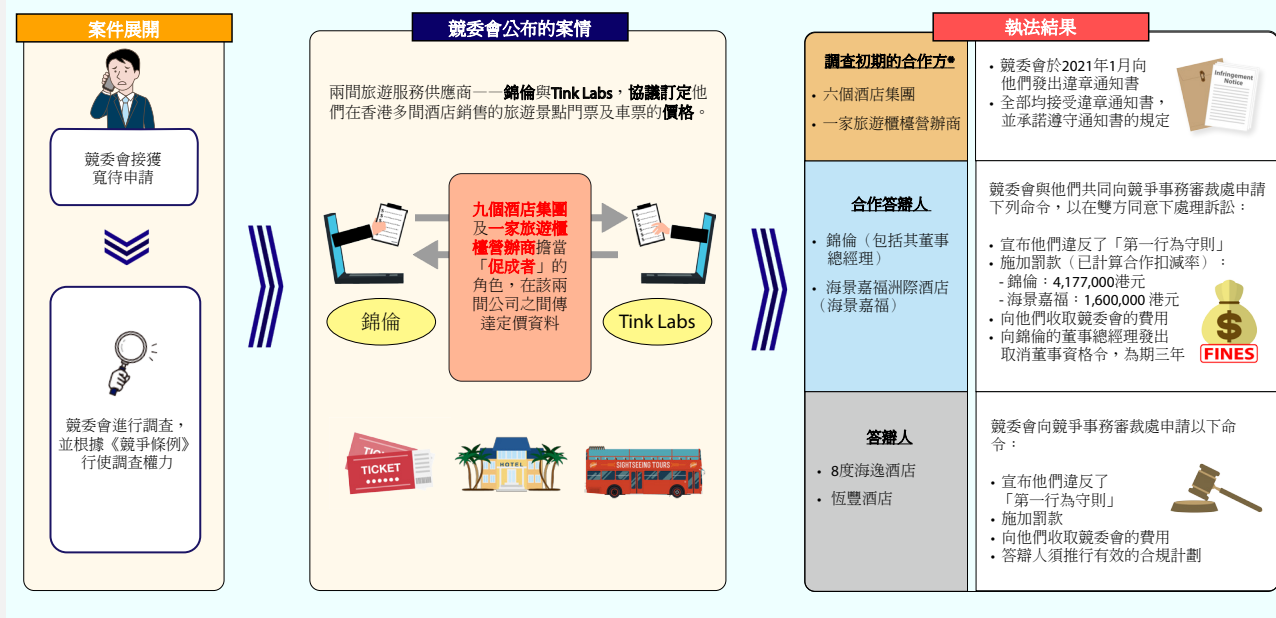
During the joint operation, the Police arrested four persons, for their alleged involvement in criminal intimidation, criminal damage, and, being a senior officer of a company, consent or connive the company to commit such crimes.

Separately, the Commission is also investigating into the conduct of some of the contractors that have submitted bids in the tender exercise. Search of certain contractors' office premises have also been conducted with the assistance of the Police.

View [Press Release](#).

競委會就旅遊服務合謀定價案件 入稟競爭事務審裁處 Commission takes travel services sector price-fixing cartel case to Competition Tribunal

案情摘要



2022年1月20日，競委會在競爭事務審裁處向四間業務實體及一名人士展開法律程序。他們是：

1. 錦倫旅運有限公司（錦倫）；
2. Harbour Plaza 8 Degrees Limited 及海逸酒店管理有限公司，為8度海逸酒店（8度海逸）的擁有人兼經營者；
3. Prudential Hotel (BVI) Limited，為恆豐酒店（恆豐）的擁有人兼經營者；
4. 德厚投資有限公司，為海景嘉福洲際酒店（海景嘉福）的擁有人兼經營者；及
5. 胡兆英先生，為錦倫的董事總經理（胡先生）。

競委會公布的案情指出，錦倫與 Tink Labs 兩間互為競爭對手的旅遊服務供應商，協議訂定他們在香港九個酒店集團旗下酒店內銷售的旅遊景點門票及車票的價格，包括8度海逸、恆豐、海景嘉福及另外六個酒店集團。有關酒店集團以及當中一間酒店內的旅遊櫃檯營辦商，擔當著「促成者」的角色，在該兩名競爭對手之間傳達定價資料，積極地協助落實該合謀定價安排。

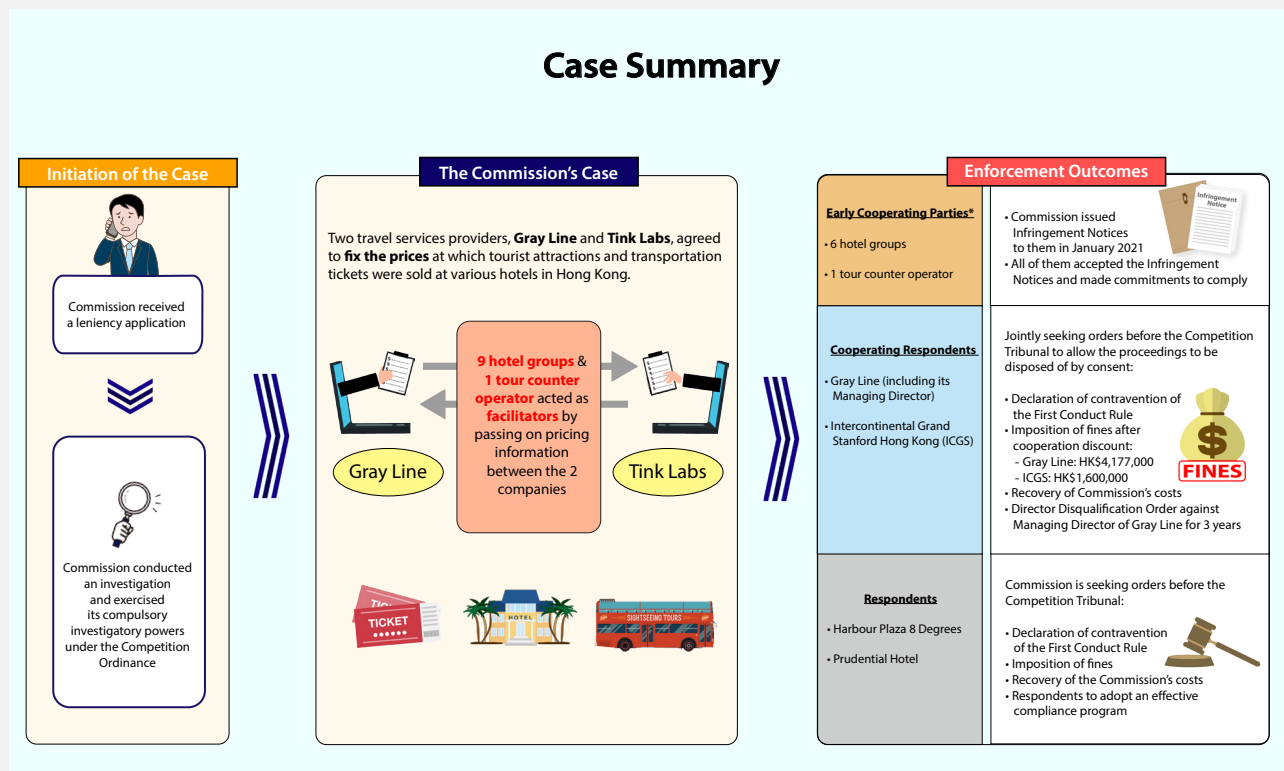
2021年2月，競委會向擔當「促成者」的六個酒店集團及一個旅遊櫃檯營辦商發出違章通知書，它們亦接納了該通知書作為解決方法。*

在隨後的調查期間，錦倫（包括胡先生）及海景嘉福（統稱「合作答辯人」）按照競委會的《合作政策》同意與競委會合作，終止有關的反競爭行為，並遵從《合作政策》的各項要求。競委會遂同意與他們達成合作協議，並將會與他們共同向審裁處申請多項命令，以在雙方同意下處理這宗訴訟。

至於沒有與競委會訂立合作協議的8度海逸及恆豐，競委會現正向審裁處申請多項命令。

是次執法行動總結了競委會對12個單位的調查。這宗個案是競委會首次因應案件的性質及案情，運用了《競爭條例》下多種不同的執法工具及補救方式，有效及合乎比例地解決競爭問題。

詳情見新聞稿及案情摘要。



On 20 January 2022, the Commission commenced proceedings in the Competition Tribunal against 4 undertakings and 1 individual, namely:

1. Gray Line Tours of Hong Kong Limited (Gray Line);
2. Harbour Plaza 8 Degrees Limited and Harbour Plaza Hotel Management Limited, owner and operator of Harbour Plaza 8 Degrees (HP8D);
3. Prudential Hotel (BVI) Limited, owner and operator of Prudential Hotel (Prudential);
4. Tak How Investment Limited, owner and operator of InterContinental Grand Stanford Hong Kong (ICGS); and
5. Mr. Wu Siu Ieng, Michael, Managing Director of Gray Line (Mr. Wu).

It is the Commission's case that 2 competing travel services providers, Gray Line and Tink Labs, agreed to fix the prices at which tourist attractions and transportation tickets were sold at hotels belonging to 9 hotel groups in Hong Kong, including HP8D, Prudential, ICGS and 6 other groups. The hotel groups, as well as a tour counter operator in one of the hotels, acted as facilitators by passing on pricing information between these two competitors in circumstances where they had actively contributed to the implementation of the price-fixing agreement.

In February 2021, enforcement actions against the 6 other hotel groups and the tour counter operator were resolved with the Commission issuing, and all of them accepting, Infringement Notices for acting as facilitators in the arrangement.*

During the investigation onward, Gray Line (including Mr. Wu) and ICGS (collectively "Cooperating Respondents") agreed to cooperate with the Commission under its Cooperation

Policy. By the Cooperating Respondents ceasing the relevant anti-competitive conduct and meeting the various requirements under the Policy, the Commission agreed to enter into cooperation agreements with them which will result in the submission of joint applications to the Tribunal seeking orders to allow the proceedings to be disposed of by consent.

In relation to HP8D and Prudential, which did not proceed to enter into cooperation agreements with the Commission, the Commission is seeking remedies before the Tribunal.

This enforcement action concluded the Commission's investigation into the 12 parties. It was the first time where the nature and facts of the case prompted the Commission to utilise a wide range of enforcement tools and remedies available under the Competition Ordinance in order to resolve relevant competition concerns effectively and proportionately.

View [Press Release](#) and [Case Summary](#) .

* 詳見競委會於2021年2月17日發布的[新聞稿](#)及[常見問題](#)。

See the Commission's [Press Release](#) and [Questions & Answers](#) dated 17 February 2021.

競委會調查網上外賣平台及私家車維修市場 Commission probes into online food delivery platforms and car repair market

競委會正調查網上外賣平台及私家車維修／保養市場的潛在反競爭行爲，並已呼籲業界及有關人士提供資料，以協助其評估行業的經營手法，反應令人鼓舞。

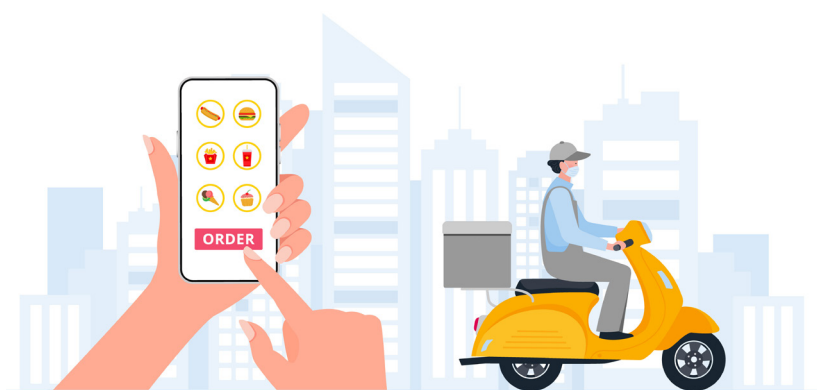
具體而言，競委會正調查Foodpanda 及 Deliveroo 戶戶送兩個網上外賣平台，有否對合作的餐廳施加某些要求而違反《競爭條例》。這些

要求包括：要求餐廳與其獨家合作、要求合作餐廳在該平台所列出的餐點價格，須等同或低於餐廳在其店舖餐牌及／或在其他網上外賣平台所示的價格，以及要求合作餐廳在採用其平台的網上外賣送餐服務時，必須同時採用其外賣自取或其他服務。

如出現這些要求，有可能會削弱網上外賣平台之間的競爭，亦會妨礙新晉或規模較小的網上外賣平台進入市場或擴展業務，令消費者及合作餐廳無法享受到市場有效競爭所帶來的好處。

另外，競委會亦正調查部分私家車製造商與其本港分銷商所訂立的協議，是否指定向本港私家車車主施加具限制性的保用條款，規定無論要保養或維修的項目是否屬於保用範圍，車輛必須在特約維修中心進行維修及／或保養，車輛的保用才能維持有效。

這些保用條款或會限制了車主在保用期內光顧獨立車房，使獨立車房較難與特約維修中心競爭。這情況會不必要地令車主的服務選擇大減，最終導致高昂的保養及維修服



務價格。

上述兩項調查仍在進行中，進行調查並不表示競委會對此事宜已有定論。

The Commission is looking into potential anti-competitive conduct in the online food delivery platforms and the car repair / maintenance market. The Commission has called on relevant parties and industry players to provide information which may help it assess practices in the respective industries. Feedback was encouraging.

Specifically, the Commission is conducting an investigation into whether two online food delivery platforms, namely Foodpanda and Deliveroo, have contravened the Competition Ordinance by imposing certain requirements on their partner restaurants. These include requiring exclusivity from partner restaurants, requiring partner restaurants to offer their menu items on the platform at prices that are equal to or lower than those offered on the partner restaurants' own menu and/or on other online food delivery platforms, as well as requiring partner restaurants that wish to acquire online food delivery services, to also acquire pick up or other services from them.

These requirements, if present, may soften competition among online food delivery platforms, as well as hinder entry and expansion by new or smaller online food delivery platforms, depriving consumers and partner restaurants of the benefits of effective competition.



Separately, the Commission is also conducting an investigation into whether agreements between certain manufacturers of passenger cars and their respective distributors in Hong Kong mandate the use of restrictive warranty terms and conditions on passenger car owners in the city. These restrictive terms and conditions tie the continuous validity of the

relevant warranty to their cars being repaired and/or maintained exclusively at authorised repair centres, regardless of whether the maintenance or repair item is covered by the warranty.

Such terms and conditions may deter passenger car owners from using independent car repair workshops during the warranty period, and restrict the ability of independent car repair workshops to compete with the authorised repair centres. This may unduly reduce car owners' choice of service and ultimately lead to higher prices for maintenance and repair services.

Both investigations are ongoing and the existence of the investigations does not prejudice its outcome.

本地及國際倡導工作 疫情期間繼續進行 Local and international outreach amidst pandemic

2022年首三個月，競委會分別為商界及持牌地產代理舉辦了兩場《競爭條例》網上講座，亦參加了五個本地及國際網上活動，接觸不同持份者。

而下一場《競爭條例》網上講座（以英語進行）將於2022年4月21日舉行，請[按此](#)登記。

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In the first three months of 2022, the Commission organised two webinars on the Competition Ordinance for businesses in general and licensed estate agents respectively. Representatives of the Commission also participated in five local and international online engagement events targeting different stakeholders.

The next webinar on the Competition Ordinance (in English) will be held on 21 April 2022, click [HERE](#) to register.

競委會奪 Vision Awards 白金獎及獲嘉許為「同心展關懷」機構 Commission garners Platinum in Vision Awards and named Caring Organisation



競委會的2020/2021年報奪得美國通訊專業聯盟舉辦的Vision Awards「政府組別」白金獎，並在全球 100 份最佳年報中排名36，同時更憑藉巧妙的美術及資訊傳達方式，獲頒「技術成就獎」。

本地方面，競委會獲頒發「同心展關懷」標誌（2021/22），以表揚其在過去一年對關懷社會、僱員及環境所作出的承擔。

The Commission's Annual Report 2020/2021 has garnered Platinum (Government category) in the Vision Awards organised by the League of American Communications Professionals. Ranked 36th in the Top 100 Annual Reports worldwide, the Commission's report also received a Technical Achievement Award for the excellent use of art and method for annual report communications.

Locally, the Commission has been awarded with the Caring Organisation Logo 2021/22, in recognition of its commitment in caring for the community, the employees and the environment over the past year.

