

## 競委會突擊訪查新界（沙田）法醫學大樓 Commission pays surprise visit to New Territories (Shatin) Forensic Medicine Centre

2023年8月，競委會採取行動，突擊訪查新界（沙田）法醫學大樓（重置後的富山公眾殮房）。競委會早前接獲情報，指有殯儀從業員於上述地點協調如何招攬生意，涉嫌瓜分市場，違反《競爭條例》（《條例》）下的「第一行為守則」。



競委會在接獲有關情報後，就個案背景作詳盡的資料搜集及分析，以及曾到現場視察，認為瓜分市場的情況可能存在。因此，競委會希望透過突擊訪查，進一步搜集與個案相關的資料，包括向在場的殯儀從業員，以及於法醫學大樓內工作的員工了解情況。個案的調查仍在進行中。

詳情見[新聞稿](#)。

In August 2023, the Commission paid a surprise visit to the New Territories (Shatin) Forensic Medicine Centre, the reprovisioned Fu Shan Public Mortuary. The Commission had received intelligence earlier alleging that funeral service practitioners engaged in market sharing by coordinating their solicitation of customers at the centre, in contravention of the First Conduct Rule under the Competition Ordinance (Ordinance).

Upon receiving the intelligence, the Commission gathered information relating to the background of the case and also conducted inspections on-site. The Commission analysed the information collected and is of the view that market sharing behaviour might have been taking place. A surprise visit was therefore conducted with the aim of getting more information from the funeral service practitioners on-site and the staff members working at the Forensic Medicine Centre. The case is still under investigation.

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## 審裁處就入信機合謀案件發出罰款命令 Tribunal orders payment of pecuniary penalties in mail inserter cartel case

2023年6月，審裁處就三間業務實體在香港銷售入信機<sup>1</sup>時參與合謀行為的訴訟，發出命令。該三間業務實體分別是：

1. 入信機是將信件及其他郵件放入信封的機器，方便大量投寄。

1. Quadient Technologies Hong Kong Limited (前稱 Neopost Hong Kong Limited) 與 Quadient International Supply Limited (前稱 Neopost International Supply Limited) (統稱 Neopost) ;
2. 凸版資訊(香港)有限公司(凸版香港)及;
3. Smartech Business Systems (Hong Kong) Limited (Smartech) 。



競委會與上述答辯人早前達成和解並共同向審裁處申請，以在雙方同意下解決這宗訴訟，審裁處遂按有關申請發出命令。在該申請中，答辯人承認於2018年4月至2019年1月期間，在香港銷售 Neopost 品牌入信機時合謀定價、瓜分市場及圍標，違反了《條例》下的「第一行為守則」，並願意承擔法律責任。

審裁處頒令 Neopost、凸版香港及 Smartech 須分別支付罰款1,399,000港元、3,372,000港元及808,000港元，有關罰款已分別將25%、25%及28%的合作扣減率計算在內。

本案是首次所有涉案的公司於調查階段便向競委會提供合作，亦是首宗根據競委會的《為從事合謀行為之業務實體而設的合作及和解政策》全面和解的案件。

詳情見[新聞稿](#)。

In June 2023, the Tribunal granted orders in proceedings against three undertakings for their participation in cartel conduct regarding the sale of mail inserters<sup>1</sup> in Hong Kong. The undertakings are:

1. Quadient Technologies Hong Kong Limited (formerly Neopost Hong Kong Limited) and Quadient International Supply Limited (formerly Neopost International Supply Limited) (together, Neopost);
2. Toppan Forms (Hong Kong) Limited (Toppan HK); and
3. Smartech Business Systems (Hong Kong) Limited (Smartech).

The orders were granted based on the joint applications filed with the Tribunal by the Commission and the settling respondents to dispose of the proceedings by consent. In the applications, the respondents admitted liability for their contravention of the First Conduct Rule of the Ordinance by engaging in price fixing, market-sharing, and bid-rigging in the sale of mail inserters of the Neopost brand in Hong Kong between April 2018 and January 2019.

Neopost, Toppan HK and Smartech were ordered to pay a pecuniary penalty of HK\$1,399,000, HK\$3,372,000 and HK\$808,000 respectively, after receiving a cooperation discount of 25%, 25% and 28%.

This is the first case in which all the subjects of investigation cooperated with the Commission during the investigation stage and agreed to fully settle the case under the Commission's *Cooperation and Settlement Policy for Undertakings Engaged in Cartel Conduct*.

View [Press Release](#).

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1. A mail inserter is a machine that inserts letters and other correspondence into envelopes for mass mailing.

## 的士商會糾正向會員建議的士車租的做法

### Taxi association rectifies practice of recommending taxi rental fees to members

2023年7月，香港的士小巴商總會向其會員發出內部通告，表明將糾正過往向會員提供的士車租建議的做法，競委會表示歡迎。

競委會留意到，商會過往會不時發出無約束力的車租建議，建議其會員，包括的士車行及個人的士車主，對的士車租作出調整；而有會員亦確曾採納商會的建議來調整車租。



競委會表達關注後，商會迅速作出回應，並發出內部通告，通知會員將停止提供有關建議，並會改為以不記名方式，發布過往車租的綜合季度數據，供會員參考。

競委會認為，商會的做法將促進的士車行及車主之間的競爭，或會為的士司機帶來更多選擇，及潛在較低的車租。

詳情見[新聞稿](#)。

The Commission welcomed the issuance of an internal notice by the Hong Kong Taxi and Public Light Bus Association to its members in July 2023, stating that it would rectify its previous practice of providing members with recommendations on taxi rental fees.

It came to the Commission's attention that the association had, from time to time, been issuing non-binding fee recommendations to its members including both corporate and individual taxi owners, suggesting adjustments in taxi rental fees. It was also noted that Members did adopt the association's recommendations on some occasions and made corresponding adjustments.

After the Commission expressed its concern, the association responded swiftly and issued an internal notice to its members, informing them that the association would stop providing such recommendations, and would instead switch to issuing consolidated quarterly data on past taxi rental fees in anonymized format for members' reference.

The Commission considers that the Association's move will facilitate competition among taxi rental companies, and as a result, taxi drivers may enjoy the benefits of more choices and potentially lower taxi rental fees.

View [Press Release](#).

## 競委會就空調工程案件於審裁處展開第二輪訴訟

### Second set of proceedings concerning air-conditioning works brought before Tribunal

競委會於2022年6月，就涉及在香港提供空調工程的合謀案件展開法律程序。正如當時所預告，競委會於2023年5月展開了第二輪訴訟，向兩間業務實體及一名人士提起訴訟，包括：

1. 安樂機電設備工程有限公司（安樂機電）；
2. 江森自控香港有限公司、約克國際（北亞）有限公司及 Johnson Controls International plc（Johnson Controls）<sup>2</sup>；及
3. Johnson Controls 一名前僱員。



競委會公布的案情指出，Johnson Controls 及安樂機電在2015年12月至2018年6月期間，在香港提供空調工程時合謀定價、瓜分市場及／或圍標。競委會認為，有關行為屬嚴重反競爭行為，違反《條例》的第一行為守則，而該名前僱員則牽涉入違反該守則。

安樂機電於2022年11月，已按照競委會的《為從事合謀行為之業務實體而設的合作及和解政策》，就首輪和第二輪訴訟，與競委會訂立合作協議。根據協議，安樂機電同意承認法律責任，並接受了合作條款，包括支付一億五千萬港元的罰款。

詳情見[新聞稿](#)。

As foreshadowed in the filing of a set of proceedings in June 2022 in relation to suspected cartel conduct in the supply of air-conditioning works in Hong Kong, the Commission commenced a second set of proceedings in May 2023 against two undertakings and one individual, including:

1. ATAL Building Services Engineering Limited (ABS);
2. Johnson Controls Hong Kong Limited, York International (Northern Asia) Limited and Johnson Controls International plc (Johnson Controls)<sup>2</sup>; and
3. A former employee of Johnson Controls.

It is the Commission's case that Johnson Controls and ABS had engaged in serious anti-competitive conduct in contravention of the First Conduct Rule of the Ordinance whereby they fixed prices, shared markets and/or rigged bids in relation to the supply of air-conditioning works in Hong Kong from December 2015 to June 2018, and that the former employee was a person involved in the contravention.

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2. 江森自控香港有限公司及約克國際（北亞）有限公司是在香港的姊妹公司。Johnson Controls International plc 則是 Johnson Controls 集團旗下所有公司（包括該兩間香港公司）的最終母公司。

2. *Johnson Controls Hong Kong Limited and York International (Northern Asia) Limited are sister companies in Hong Kong. Johnson Controls International plc is the ultimate parent company of all the companies in the Johnson Controls group, including the two Hong Kong companies.*

ABS has previously entered into a cooperation agreement with the Commission under the Commission's *Cooperation and Settlement Policy for Undertakings Engaged in Cartel Conduct* in November 2022 in relation to both the first and second proceedings, under which it agreed to admit liability and accepted terms including a HK\$150 million pecuniary penalty.

View [Press Release](#).

## 競委會就 Foodpanda 及 Deliveroo 建議的承諾完成諮詢 Commission completes consultation on commitments proposed by Foodpanda and Deliveroo

競委會就兩個在香港具領先地位的網上外賣平台 Delivery Hero Food Hong Kong Limited (Foodpanda) 及 Deliveroo Hong Kong Limited (Deliveroo 戶戶送) 按《條例》第 60 條而建議作出的承諾，完成諮詢。

競委會的調查發現，Foodpanda 及 Deliveroo 戶戶送對合作餐廳施加的某些要求或會損害競爭，可能違反《條例》下的第一行為守則。為釋除競委會的疑慮，兩平台各自提出修訂或刪除有關條文，讓餐廳無論是與其他平台合作、或是在自家銷售渠道及其他平台就餐點定價時，可享有更大自由度。

競委會將會在考慮所有收到的申述後作出決定。

詳情見 [新聞稿](#) 及 [常見問題](#)。

The Commission has completed a consultation on the proposed commitments offered under section 60 of the Ordinance by two leading online food delivery platforms in Hong Kong, namely Delivery Hero Food Hong Kong Limited (Foodpanda) and Deliveroo Hong Kong Limited (Deliveroo).

The Commission's investigation found that certain requirements imposed by Foodpanda and Deliveroo on their partnering restaurants may harm competition, potentially in contravention of the First Conduct Rule of the Ordinance. To address the Commission's concerns, the two platforms have each offered to amend or remove the relevant provisions to allow restaurants greater freedom in partnering with other platforms and in pricing menu items on their own channels and on other platforms.

The Commission will consider all the representations received before making a decision.

View [Press Release](#) and [Questions and Answers](#).



## 2023 競爭法執法機構與學術界高峰會圓滿結束 2023 Competition Enforcers and Academics Summit ends on a high note



2023年8月10至11日，競委會聯同港大經管學院成功舉辦2023競爭法執法機構與學術界高峰會（會議）。承接首屆會議於2019年成功舉辦，今年的會議共有超過100位來自亞太區12個經濟體的頂尖學者及高級執法人員出席，就區內競爭法及競爭政策的最新發展交流見解和經驗。會議亦為學術界與競爭法執法機構提供加強彼此間合作的機會。

會議的七個專題討論環節涵蓋一系列熱門競爭議題，包括數碼經濟帶來的挑戰、競爭法與環境可持續性之間的相互作用、操控轉售價格安排的執法情況，以及運用數據篩選分析進行調查等。

詳情見[新聞稿](#)。

The 2023 Competition Enforcers and Academics Summit, co-organised by the Commission and HKU Business School, was successfully held on 10-11 August 2023. Building on the success of the inaugural summit in 2019, this year's event brought together more than 100 leading scholars and senior enforcement officials from 12 Asia-Pacific economies to exchange their insights and experiences, with a focus on the latest developments in competition law and policy in the region. The occasion also offered opportunities for academic institutions and competition law enforcement agencies to strengthen their collaboration and partnership.

A wide range of topical competition issues were discussed in the seven sessions conducted, which included challenges arising from the digital economy, the interplay between competition law and environmental sustainability, enforcement regarding RPM arrangements, and the use of data screening for investigations.

View [Press Release](#).



## 競委會與廣東省市場監督管理局簽署備忘錄

### Commission signs MoU with Guangdong Administration for Market Regulation

2023年7月，競委會與廣東省市場監督管理局（廣東市場監管局）簽署備忘錄，就推進粵港澳大灣區（大灣區）的競爭政策及相關法律加強合作。國家市場監督管理總局亦支持雙方合作。

根據備忘錄的條款，雙方將在粵港兩地輪流舉辦定期會議，分享及討論兩地的競爭政策、立法及執法方面的重要發展，並會就與競爭有關的倡導活動展開合作，以加深大灣區企業、政府機構及公眾對競爭政策及相關法律的認識。備忘錄亦建立了平台，讓雙方進行技術性合作，包括人員培訓。

詳情見[新聞稿](#)及[備忘錄](#)。



In July 2023, the Commission signed a Memorandum of Understanding (MoU) with the Guangdong Administration for Market Regulation (GDAMR) to strengthen cooperation between the two authorities in the advancement of competition policy and law in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA). The initiative is supported by the State Administration for Market Regulation.

Under the terms of the MoU, the Commission and the GDAMR will hold regular meetings alternating in Guangdong and Hong Kong. The two authorities will share and discuss key developments regarding competition policy, legislation and enforcement in each other's jurisdiction, as well as collaborate in activities related to competition advocacy to increase awareness of competition policy and law among businesses, government agencies and the general public in the GBA. The MoU also provides a platform for the two authorities to engage in technical cooperation including staff training.

View [Press Release](#) and [MOU \(courtesy translation\)](#).

## 競委會就操控轉售價格展開大型宣傳教育活動

### Commission launches citywide educational campaign on Resale Price Maintenance

競委會於6月展開大型宣傳教育活動，加深大眾對操控轉售價格及其潛在害處的認知，並鼓勵各界守法。

操控轉售價格是指供應商訂定分銷商（包括零售商）在轉售產品時，需要遵守的固定或最低轉售價格。競委會認為，操控轉售價格可從多方面損害競爭，最明顯的是分銷商之間的價格競爭會大幅減少，消費者亦因而需要支付更高價格。

過去數年，競委會不時接獲有關操控轉售價格的投訴，其中食品及雜貨、美容及個人護理，以及家庭用品及電器分別是涉及最多投訴的三個行業。去年9月，競委會就香港首宗操控轉售價格案件入稟審裁處，案件涉及一間供應商訂定其兩個主要本地分銷商銷售味精粉產品的最低轉售價。



為廣泛接觸公眾及持份者，競委會推出一連串倡導活動，包括新一輯電視短片及電台廣播，以及由陳湛文和 YouTuber Miss Hunny 主演的微電影《前夫前妻關注組：玩具大屠殺》，講述操控轉售價格與市民日常生活的關係。競委會亦發布了小冊子及舉辦網上講座，為商界提供實用指引。

[按此](#)了解更多關於操控轉售價格的詳情。

The Commission launched a citywide educational campaign in June to enhance public awareness and understanding of resale price maintenance (RPM) and its potential harm, as well as to encourage compliance.

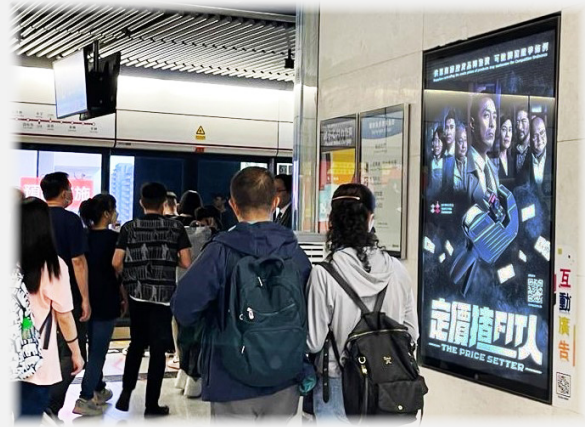
RPM occurs when a supplier establishes a fixed or minimum resale price to be observed by its distributors, including retailers, when they resell a product. The Commission considers that RPM can have detrimental effects on competition in a number of ways. The most obvious harm is that competition on price between distributors may be substantially reduced, and this would likely result in consumers paying higher prices.

Over the years, the Commission has received a number of complaints relating to RPM, with food and groceries, beauty and personal care, and household goods and electrical appliances being the top three sectors involved. In September last year, the Commission filed Hong Kong's first RPM case in the Tribunal against a supplier for imposing minimum resale prices for its monosodium glutamate powder product to be charged by its two main local distributors.





To reach out to members of the public and stakeholders, the Commission has launched a series of advocacy initiatives including a set of new TV and radio announcements, and a micro movie *The EX-Files: Toy Purge* starring Peter Chan Charm-man and YouTuber Miss Hunny which illustrates how RPM relates to people's daily lives. The Commission also published a brochure and organised webinars to offer practical guidance to businesses.



For more information about RPM, click [HERE](#).

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