

香港特別行政區政府
商務及經濟發展局
工商及旅遊科



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COMMERCE AND ECONOMIC
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29 December 2008

Ms Debbie Yau
Clerk to the Panel on Economic Development
Council Business Division 1
Legislative Council Secretariat
3/F., Citibank Tower
3 Garden Road, Hong Kong

Dear Ms Yau,

**Panel on Economic Development
Follow-up to the regular meeting on 16 December 2008**

I refer to your letter of 17 December on the captioned subject requesting information on the written submissions in respect of merger regulation received during the public consultation on the detailed proposals for a competition law. I now write to provide the requested information.

The Administration has received 176 written submissions in response to the public consultation exercise in 2008. Among them, more than 30 submissions touched on merger regulation. Some of these submissions are from individuals while others are from professional bodies, business chambers or companies of varying scale and nature, representing a wide spectrum of the community views. A simple breakdown on these respondents by categories of

individuals, organizations and enterprises in respect of the three options for the merger regulation are given at Annex. We have not sub-categorised these enterprises and organizations according to the scale of operation as requested by your letter as it is difficult to do so without a proper yardstick. For details on their views, you may wish to refer to their original submissions which are now uploaded on the website of the Commerce and Economic Development Bureau (http://www.cedb.gov.hk/citb/ehtml/pc_2008_is.html) for public consumption.

Yours sincerely,



(Wendy Chung)
for Secretary for Commerce and
Economic Development

c.c. Hon Jeffrey LAM Kin-fung, SBS, JP (Chairman)
Ms Joey LAM Kam-ping, Deputy Commissioner for Tourism

Responses in respect of merger regulation received during the 2008 public consultation*

	<i>Company</i>	<i>Individual</i>	<i>Other organizations</i>
<u>Option A</u> - to include in the competition law “user-friendly” merger provisions similar to those found in the Telecommunications Ordinance.	Slaughter and May Solicitors	J.A. Miller	German Chamber of Commerce, Hong Kong
	British Telecommunications Hong Kong Ltd.	Professor Mark Williams, Hong Kong Polytechnic University	Consumer Council
	STAR Group Ltd.	Michael Kwok-fung MAK, Wan Chai District Council Member	European Union
	CSL Ltd.	Dr. Andrew Simpson	The Hong Kong Association of Pharmaceutical Industry
		Catherine Fung	The Chinese Manufacturers’ Association of Hong Kong
		Paul Jackson	International Bar Association
		Ping LIN, Economics Dept., Lingnan University of Hong Kong	The Civic Party
			Hong Kong Institute of Certified Public Accountants
			The Law Society of Hong Kong
			Hong Kong Democratic Foundation

	<i>Company</i>	<i>Individual</i>	<i>Other organizations</i>
<p><u>Option B</u> -</p> <p>to include such provisions in the law but to delay their coming into effect pending a review of the effect of the implementation of the law.</p>	Baker & Mckenzie	Thomas K Cheng	-
<p><u>Option C</u> -</p> <p>not to include merger provisions in the law initially, but to reconsider the need for them only after a review of the effect of the implementation of the law.</p>	A.S. Watson & Co., Ltd	-	The American Chamber of Commerce in Hong Kong
	The HSBC Ltd.		Federation of Hong Kong Industries
	DLA Piper Hong Kong		The Lion Rock Institute
	PCCW Ltd.		The Hong Kong Federation of Insurers
	Shell Hong Kong Ltd.		The British Chamber of Commerce in Hong Kong
	Hong Kong Cable Television Ltd.		Hong Kong General Chamber of Commerce
	Citigroup Global Markets Asia Ltd.		

(*) Respondents' name as shown in their original submissions shall prevail wherever there is a discrepancy between the English and the Chinese versions.

*Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
December 2008*