

Bills Committee on Competition Bill

List of follow-up actions arising from the discussion at the meeting on 15 February 2011

At the meeting on 15 February 2011, the Administration was requested to provide written responses to the following concerns/requests -

- (a) the "de minimis" arrangement should be provided in the Bill by -
 - (i) setting out the relevant level(s) in a schedule to the Bill and the level(s) might be amended in future by a delegated authority by way of subsidiary legislation subject to positive or negative vetting; or
 - (ii) empowering a delegated authority to set out the relevant level(s) in a subsidiary legislation to be made under the Bill which would be subject to positive or negative vetting.
- (b) with reference to the Competition Act 2004 of Singapore in which "undertaking" was defined to mean "any person, being an individual, a body corporate, an unincorporated body of persons or any other entity, capable of carrying on commercial or economic activities relating to goods or services", consider revising the definition of "undertaking" in clause 2 of the Bill to make it clearer; and
- (c) according to section 2(1) of the Companies Ordinance (Cap. 32), "shadow director", in relation to a company, meant "a person in accordance with whose directions or instructions the directors or a majority of the directors of the company are accustomed to act". As the phrase "or a majority of the directors" was not included in the definition of "shadow director" under clause 2 of the Bill, the Administration was requested to provide a list of the definition of "shadow director" used in other Hong Kong ordinances and explain the interpretation and the usage of "shadow director" in these ordinances.