

Bills Committee on Competition Bill

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

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

- (a) conduct a research to study whether it would be conducive for Hong Kong to adopt the Herfindahl-Hirschman Index, which is a commonly accepted measure of market concentration in the United States, to calculate the market share of an undertaking;
- (b) in view of the difference between "not having appreciable adverse effect" and "de minimis", address the concern whether the conduct of an undertaking, the threshold of which exceeded the "de minimis" level but such conduct did not have an appreciable adverse effect on competition, would be exempted from or caught by the Bill;
- (c) provide information on the mechanisms adopted by other competition jurisdictions in making appointment of members to the regulatory authorities set up under their competition laws;
- (d) in relation to the proposed section 3(1) of Schedule 5 to the Bill concerning the terms of appointment of members of the Competition Commission (the Commission), consider changing the term of "remuneration" to "honorarium", and provide details of the amount of payment to be made to the chairperson and members of the Commission with reference to the current levels payable to chairmen and members of other similar statutory bodies in Hong Kong;
- (e) in relation to the proposed section 5(3) of Schedule 5 to the Bill concerning the definition of "officer", consider not regarding an independent non-executive director of an undertaking as an officer of the corporation; and
- (f) in view of the discrepancy between the Chinese and English texts of the proposed section 5(1)(d) of Schedule 5 to the Bill, consider amending the proposed section to achieve consistency.