

## **Bills Committee on Competition Bill**

### **List of follow-up actions arising from the discussion at the meeting on 24 April 2012**

At the meeting on 24 April 2012, the Administration was requested to take the following actions –

#### *General*

- (1) the Secretary for Commerce and Economic Development to explain in his speech for resumption of the second reading debate on the Bill that the Administration would review the recently proposed HK\$ 40-million turnover threshold for exemption of conduct of lesser significance under the second conduct rule in the light of statistics of the Census and Statistics Department updated from time to time after enactment of the Ordinance;
- (2) explain how the enacted Ordinance could tackle concrete examples of anti-competitive conduct of concern to the general public, such as the substantial market power of The Link REIT in Tin Shui Wai, collusive price fixing practices among oil companies, monopoly of supermarket chains, etc.;
- (3) provide the relevant clause(s) of an updated version (if any) of the latest draft Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(1)1573/11-12(03) issued on 16 April 2012) in response to further comments of the legal advisor to the Bills Committee on these draft CSAs;

#### *Clause 2*

- (4) clarify whether courts in Hong Kong fall within the definition of "statutory body" in clause 2 of the Bill, and if so, consider revising the definition of "statutory body" to exclude courts from the definition;

*Clause 6(2)*

- (5) refine the proposed CSA to clause 6(2) in LC Paper No. CB(1)1573/11-12(03) to clarify the policy intention that even though the agreement, concerted practice or decision referred to in clause 6(1) involved serious anti-competitive conduct, there was still a need to prove that the said agreement, concerted practice or decision had the object or effect of preventing, restricting or distorting competition in Hong Kong before they would constitute contravention of the enacted Ordinance; and

*Clause 118*

- (6) respond to the views of Dr Margaret NG and her call to revise the drafting of clause 118, preferably by improving the drafting of clause 118(2) and (3) and deleting the proposed new clause 118(4).