

To : Bills Committee

Competition Bill

Prior to responding to your proposed amendments is the reiterating of fair trading principle. The scenario at present is like the launch of anti-corruption law in the 70's when corruption is severe and common. Beneficiaries of corruption at that time includes many civil servants including policemen. They have even broken into ICAC premises. Likewise, the SME opposing Competition Bill at present are attempting to maintain acquired interests. The louder their outcry, the more certain about the crimes they have committed. They are all simply sinners 身有屎。 Whilst SME say prohibition against anti-competitive agreement is difficult to understand and comply with, they have long committed the crimes. Like corruption, anti-competition is motivated by selfishness and greed. It is not needed to teach. 不用教都曉。 Therefore they must not pretend innocent. In fact, anti-competition, corruption, horse racing fixing or stock market fixing can all be avoided by conscience 良心. Your proposed 6 amendments not just lessen punishment but also set some of them free. In front of law everyone should be equal. 法律面前人人平等。 Crime as minor as shop lifting is also prohibited. You should know that. Thus I hereby remind you about principle that you have unreasonably forgotten. Moreover, to accomplish fairness you have to show courage as the anti-corruption law enforcer in the 70's. If not, you are not the right person to do this job.

Conduct of either SME or large conglomerate may not be influential to whole market but can be stringent to weak community 弱勢社群 and small company。 Nobody including you do not like to be fooled. Small interest or money is even more important to elderly, low income individual and small company on verge. Further, either SME or large conglomerate can open associated and affiliated companies to distort competition over and over again and in the meantime prevent head company to be charged.

I consider that pecuniary penalty cap of 10% of global turnover for each year in which contravention has occurred is not too severe. e.g. British Airways has been fined for 25% by EU. Moreover, extra profit deriving from market fixing may probably exceed 10%. Hence, after penalty the company may still have money to cash in the pocket 罰完款公司或許重有錢剩落入袋。

Nevertheless, I agree punishment is commensurate with severity of crime.

Yours faithfully,
Kiwi Chan