



CB(1)633/10-11(05)

香港建築師學會
The Hong Kong Institute of Architects

2 December 2010

By Fax and By Post
Fax No. : 2978 7569

Our Ref. : BLA/LCBC/CB/AK/cw/1201
Your Ref. : CBI/BC/12/09

Hon Andrew Leung Kwan-yuen, GBS, JP
Chairman
Bills Committee on Competition Bill
The Legislative Council
c/o The Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Hong Kong

Dear Mr Leung

4th Meeting of Bills Committee on Competition Bill on 30 November 2010

Thank you for your letter dated 5 November 2010 inviting the Institute to give views on the Competition Bill.

Subsequent to my verbal presentation at the captioned meeting, we are pleased to provide you a copy of our letter to the Secretary for Development regarding our views on the exemption of HKIA as a professional body under the Bill. Please find enclosed for your reference.

Yours sincerely

Anna S Y Kwong MH FHKIA
President

Encl

c.c. Prof Hon Patrick Lau, SBS, JP, Member, Legislative Council (Architectural, Surveying and Planning)



香港建築師學會
The Hong Kong Institute of Architects

4 October 2010

Our Ref. : BLA/Comp B/M/RC/04102010
Your Ref.: DEVB(CR)(W)1-160/15

By Post & Fax
Fax No.: 2521 9682

Secretary for Development
Development Bureau
Government Secretariat
Murry Building
Garden Road
Hong Kong
Attn : Mr Jimmy Chan

Dear Mr Chan

Competition Bill
Exemption of Professional Bodies

Thank you for your letter of 13 September 2010. We have the following views and observation on the matters raised in your letter.

Whether the Institute is engaged in an economic activity in direct competition with another entity

We draw your attention to the objects of the Institute as set out in section 4 of the Hong Kong Institute of Architects Incorporation Ordinance (Cap.1147).

It can be seen that the Institute is concerned with the profession as a whole, and is not engaged in architectural practice for any individual client. It follows that there is no question of the Institute being engaged in an economic activity in direct competition with another entity.

Whether the economic activity of the Institute is affecting the economic efficiency of a specific market

The activities of the Institute are only "economic" in the sense that expenses are incurred by the Institute. These expenses are mainly incurred in respect of administrative expenses and the organization of seminars, forums, conferences, site visits and tours in furtherance of the objects of the Institute. Such activities are academic in nature and can have no effect on a specific market.

Whether the economic activity of the Institute is directly related to the provision of an essential public service or the implementation of public policy

The answer is no. The furtherance of the objects of the Institute is related to building and construction in Hong Kong, but only in an indirect manner as the Institute itself is not an architectural practice.

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Patron: The Honourable Donald Tsang Yam-Kuen, Chief Executive, Hong Kong Special Administrative Region
A Member of The International Union of Architects (UIA), Commonwealth Association of Architects (CAA) and Architects Regional Council Asia (ARCASIA)

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Exceptional and compelling reasons against making such a regulation

Such a regulation should not be made in the case of the Institute in that it is in fact performing a public function, and it is wrong in principle to classify the activities of the Institute as economic activities which the Bill is intended to address.

If necessary we shall be happy to elaborate on the nature of the Institute and its activities in any appropriate forums or to provide supplementary comments in the coming 2-3 weeks where appropriate.

Finally, may we enquire whether HKIA enjoys the status of a "statutory organization" in the fullest sense of the interpretation in the context of the Bill ?

Yours faithfully,

Anna S Y Kwong, MH, FHKIA
President

c.c. Board of Local Affairs