

Bills Committee on Competition Bill

**List of follow-up actions arising from the discussion
at the meeting on 16 January 2012**

At the meeting on 16 January 2012, the Administration was requested to provide written responses to the following concerns/requests raised by members –

- (1) a paper on examples of common business practices that would, as well as those that would not, constitute anti-competitive acts, so as to address the concern of small and medium enterprises about inadvertent contravention of the enacted Ordinance;
- (2) information from overseas jurisdictions including Singapore on the deadline, such as that in clause 90(2)(b), for making application for imposing pecuniary penalty on a person who has contravened a competition rule;
- (3) response to the comment of the Law Society of Hong Kong in its submission (LC Paper No. CB(1)1219/10-11(02)) on clause 153 in respect of appeal to the Court of Appeal; and
- (4) Drafting issues

Clause 50 – Powers conferred by warrant

- (i) by making reference to section 191(1) of the Securities and Futures Ordinance (Cap. 571), amend clause 50(1) and/or (2) to clearly provide that a warrant issued under clause 48 should specify the persons whom an authorized officer may call upon to assist in entering and searching premises for documents that may be relevant to an investigation by the Commission; and

Schedule 2 – Commitments

- (ii) amend clause 64 and section 1 of Schedule 2 to ensure that the procedural requirements for acceptance and variation of commitments would also apply to the substitution of commitments, so as to achieve consistency with clause 61(1), which provides that the Commission may accept from the person who has made a commitment a variation of the commitment, or a commitment in substitution for it.

Council Business Division 1
Legislative Council Secretariat
19 January 2012