

Bills Committee on Competition Bill

List of follow-up actions arising from the discussion at the meeting on 22 February 2011

At the meeting on 22 February 2011, the Administration was requested to provide written responses to the following concerns/requests -

- (a) in relation to paragraph 6 of the Administration's paper (CB(1)1034/10-11(05)) that read "... a competition law should be meant to catch only conduct which has an 'appreciable effect' on competition...", provide explanation on "appreciable effect" as set out in the laws or relevant guidelines of other competition jurisdictions and advise whether the conduct included "hard-core" conduct;
- (b) provide information on the thresholds for exempting anti-competitive conduct adopted by other competition jurisdictions in the laws or in the relevant guidelines;
- (c) the Administration's proposal on which statutory bodies or their activities would be brought under the purview of the Bill should be provided as soon as practicable, preferably within a month as requested by Dr Hon Margaret NG, and the information should include –
 - (i) the nature of activities engaged by individual statutory bodies and the benefits brought to the community;
 - (ii) the objectives of establishing the statutory bodies;
 - (iii) their past performance especially during financial crisis as compared with similar service providers in the private sector; and
 - (iv) whether counterparts in other competition jurisdictions (such as Singapore and South Korea) were exempted from the competition laws.
- (d) whether exemption would be given to those public bodies which were set up voluntarily or at the advice of the Government to, inter alia, supervise the industry sector and respond to instances of market failure; and

- (e) provide information on the trade associations comprising small and medium enterprises for which briefings had been conducted by the Administration on the Bill and the number of briefings held.

Council Business Division 1
Legislative Council Secretariat
4 March 2011