

Bills Committee on Competition Bill

**List of follow-up actions arising from the discussion
at the meeting on 29 March 2011**

At the meeting on 29 March 2011, the Administration was requested to provide written responses to the following concerns/requests -

- (a) provide detailed response to the comments of the trade associations, including the Hong Kong General Chamber of Commerce (CB(1)1732/10-11(01)) on the adoption of the Canadian competition law model in Hong Kong;
- (b) provide information on the Herfindahl-Hirschman Index (HHI) compiled by the Census and Statistics Department for selected economic sectors in Hong Kong, and advise whether and if yes, how the proposed Competition Commission (the Commission) would make reference to HHI in calculating the market share of an undertaking;
- (c) in respect of the proposed section 7(2) of Schedule 5 to the Bill, advise whether the term of office of a person appointed to fill a vacancy might be longer than the term of the member whose office became vacant or longer than the remainder of the term of that member, and review the drafting of the proposed section accordingly;
- (d) provide examples of other statutory bodies which did not set any cap on the number of members and consider imposing an upper limit on the number of members of the Commission;
- (e) in relation to the proposed section 10 of Schedule 5 to the Bill concerning the appointment of a Chief Executive Officer (CEO) of the Commission, provide details of the remuneration to be paid to the CEO with reference to the current levels of remuneration paid to other comparable posts in similar statutory bodies in Hong Kong;
- (f) as regards the proposed section 12(3) of Schedule 5 to the Bill which stipulated that the Chairperson of the Commission must convene a meeting of the Commission on being given a notice for that purpose by 2 or more other members, consider revising the

number of members to a fraction of the total number of members, for example, one-third of all members;

- (g) on the proposed section 13(2) of Schedule 5 to the Bill regarding the quorum for meetings of the Commission,
 - (i) consider whether it was appropriate to use "為斷定法定人數" as the Chinese rendition of "[f]or the purpose of determining the quorum"; and
 - (ii) consider amending the phrase of "other electronic means" ("其他電子方式") to "other electronic means of communication" ("其他電子通訊方式");
- (h) evaluate the use of telephone, video conferencing or other electronic means of communication by other statutory bodies in convening meetings, and consider limiting the number of members of the Commission who could participate in the meeting by these means;
- (i) advise whether a member, who participated in a meeting of the Commission by telephone, video conferencing or other electronic means, would be regarded as being present for the purpose of the proposed section 15(1) of Schedule 5 to the Bill and whether that member would have a vote at that meeting as provided in that proposed section; and
- (j) in relation to the proposed section 18(d) of Schedule 5 to the Bill,
 - (i) explain the criteria for determining whether an irregularity in the procedures adopted by the Commission would affect the merit of the decision taken;
 - (ii) provide examples of irregularities in the procedures which would/ would not affect the merit of the decision taken; and
 - (iii) review the drafting of the proposed section, in particular the phrase "merit of the decision taken" and the Chinese rendition "所作決定的可取性".