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By post and by fax

21 October 2011

The Hon Andrew Leung Kwan-yuen, GBS, JP  
Chairman of the Bills Committee on the Competition Bill

The Hon Ronny Tong Ka-wah, SC  
Deputy Chairman of the Bills Committee on the Competition Bill

Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central

Dear Chairman and Deputy Chairman of the Bills Committee on the Competition Bill

**RE: COMPETITION BILL**

As you know, the exclusion of statutory bodies from the scope of the competition law is a controversial issue and has not received broad support from the community. For the reasons why this exclusion is inappropriate and is in fact not needed, we refer to our previous submissions made on 17 November 2010 (reference no. CB(1)516/10-11(04)) and on 11 July 2011 (reference no. CB(1)2730/10-11(04)) to the Bills Committee on the Competition Bill.

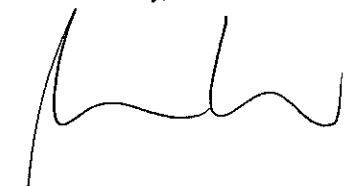
However, we note that the Administration's latest proposed amendments to the Competition Bill do not address the serious issues and concerns relating to the exclusion of statutory bodies from the law at all, even though, according to the Administration's accompanying briefing paper to the Bills Committee, the Administration is purporting to address the major concerns of the business sector.

Moreover, during his address to the Legislative Council's Bills Committee on the Competition Bill on 5 July 2011, Mr Gregory So stated that, shortly after the summer recess, the Administration would at least provide the Committee with a list of statutory bodies that would not benefit from the exclusion provided for in Section 3 of the Competition Bill.

Despite this, the Administration has yet to provide such a list to the Committee.

We write to express our regret and disappointment in this regard, and trust that the Administration will grant this important issue the due attention that it deserves.

Yours sincerely,



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