

Report of the Committee on Competition Law 2019

Report of work in 2019-2020

Competition law established its mark as a discipline of Hong Kong law in 2019 with the liability decisions of the Competition Tribunal in the enforcement actions of the *Nutanix* case and the *W Hing Construction* case, both handed down in May 2019. Later in July 2019, the Competition Commission lodged an enforcement action with the Competition Tribunal against another ‘renovation cartel’ related to a public housing estate. Two others matters of note are the publication by the Competition Commission of its revised Cooperation and Settlement Policy in April 2019 and the decision by the Competition Commission on the application by the Hong Kong Association of Pharmaceutical Industry over the question of compliance of its proposed pharmaceutical sales survey with the Competition Ordinance (Cap.619) and the possible application of the efficiency exclusion under Schedule 1 of the Ordinance to that survey.

The primary functions of the Committee on Competition Law are to assist the Bar Council in dealing with matters relating to competition law in the course of its business and to promote and enhance the knowledge and know-how of the Membership of the Bar Association on competition law through activities including talks and secondment arrangements.

In 2019, the Committee on Competition Law assisted the Bar Council in preparing views on a draft Cooperation and Settlement Policy for transmission to the Competition Commission.

The Committee on Competition Law also organized talks on topics of competition law for the Membership. Apart from the talk held in January 2019 to round up the developments in competition law in 2018, following the handing down of the two landmark liability decisions of the Competition Tribunal, the Committee held a discussion session on 8 July 2019 not only to outline what had been decided but also to consider what could have been the outcomes.

Lastly, members of the Committee on Competition Law attended, at their own costs, the IBA Mid-year Asia Competition Law, which was held in June 2019 in Tokyo, Japan, to gain further information on developments on topics of competition law both in Asia and across the globe and to raise the profile of Hong Kong as a jurisdiction with its own (if not an eclectic) competition law regime.

It remains for the Chairman and members of this Committee to thank the staff of the Bar Secretariat who have steadfastly supported the work of the Committee.

Membership:

P Y Lo (Chairman)
Richard Khaw SC (Vice Chairman)
Catrina Lam (Vice Chairman)
Charles K.C. Chan
Tony Ko
John Hui
Raymond Chui
Connie Lee
Andrew Lynn
Richard Yip

Carter Chim
Martin Kok
Kevin D.J. Lee
Kelvin Kwok
Anson Wong Yu Yat
Sharon Ng Lok Hang
Stephanie Wong Hoi Ki
Tommy T.W. Cheung
Cordelia Yeung
Peter Dong.

P Y Lo
Chairman
Committee on Competition Law

2 December 2019