

Report of the Special Committee on Competition Law

The run-up to the full commencement of the Competition Ordinance (Cap 619) continues in 2015.

The Special Committee on Competition Law has maintained liaison with both the Competition Commission and the Judiciary in the course of the year. Briefing sessions were subsequently organized for the Competition Commission and the Competition Tribunal to inform and discuss with members of the Bar of their respective functions and powers in October and November 2015 respectively. Both briefing sessions were more than well attended by the membership, reflecting a healthy appetite for information about competition law and practice, if not competition law related work, bearing in mind that one has to read section 148 of the Competition Ordinance three times in the context of the Competition Tribunal's functions before its scope of operation is understood.

Another aspect of the Special Committee's work is to produce submissions or responses to consultations conducted by the Competition Commission. In 2015, the Special Committee assisted the Bar Council in formulating its response to the Competition Commission's consultation on its Leniency Policy in respect of Cartel Conduct.

A further aspect of the Special Committee's work is to advise the Bar Council on the implications of the Competition Ordinance on the profession of barristers and its business model, including the Bar Association's functions and powers and the traditional practices of the Bar. One has to bear in mind that the Bar Association is a "trade association" from the perspective of competition law. This assessment is ongoing with reference made both to market studies conducted abroad and the specific provisions of the Competition Ordinance.

In 2016, it is envisaged that there will be further talks on the Competition Ordinance and competition law practice by members of the Special Committee and guest speakers. There is also in the formative stage a plan to publish a book in Chinese to inform the general public on competition law (and we need authors).

At the end of this report, we pay tribute to the contribution made by the late Harry Liu to the work of the Special Committee. Harry's knowledge of competition law and how in its practical application had been most impressive. He had given much needed assistance to the Special Committee at the critical period in the said run-up to commencement. His passing is sorely missed by members of the Special Committee.

Membership:

P Y Lo (Chairman)

Richard Khaw

The late Harry H.W. Liu

Tony Ko

Zabrina Lau

Kevin K.H. Fong

Kelvin Kwok

P Y Lo
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Special Committee on Competition Law