

Reply

The Competition Ordinance (Ordinance) promotes competition and prohibits anti-competitive conduct by businesses. Cartels including bid-rigging are serious anti-competitive conduct under the Ordinance and combating bid-rigging cartels is an enforcement priority for the Competition Commission (Commission). Bid-rigging cartels can occur in any market where tender processes are used. The Commission may conduct an investigation into a case if it has reasonable cause to suspect that bid-rigging has taken place, is taking place or is about to take place. If the Commission considers that a contravention has occurred, it may commence proceedings in the Competition Tribunal seeking remedies.

Bid-rigging is a complex issue and it may sometimes involve elements that contravene different areas of law. The Commission will continue to work closely with other relevant public bodies and law enforcement agencies to ensure a coordinated and effective approach to tackling this problem.

The Commission believes advocacy and public education is just as important as enforcement action. Therefore, it has been undertaking a series of advocacy initiatives to raise community awareness of bid-rigging. In May 2016, the Commission released the results of its market study into certain aspects of the building renovation and maintenance sector which gave the Commission valuable insight into how this market operates and informed the Commission's enforcement and advocacy activities. In the same month, the Commission launched a six-month long "Fighting Bid-rigging Cartels" Campaign with TV announcements, educational videos, brochures, roving exhibitions and seminars to encourage businesses and the public to report bid-rigging as well as to educate on how to detect and minimize the risk of it through strengthened tendering process. These informative materials can be found on the Commission's website www.compcomm.hk. At district level, the Commission has also supported various initiatives by a number of District Offices in building management by arranging briefings on the topic of bid-rigging.

The Commission's advocacy campaign has been effective in raising public and business awareness and bringing cartel actions and evidence to the Commission's attention.

From January 2017, the Commission will stage a mini roving exhibition on bid-rigging in a number of community centres across the territory to further spread the message at a district level.

Competition Commission
January 2017

回應

《競爭條例》（《條例》）禁止企業從事反競爭行為，促進市場競爭。在《條例》下，包括圍標在內的合謀行為屬於嚴重反競爭行為，打擊合謀圍標是競爭事務委員會（競委會）的執法重點。在任何採用招標程序的市場，均有可能出現合謀圍標的情況；當競委會有合理理由懷疑圍標的情況已經發生、正在發生或即將發生時，將會對個案展開調查。如競委會認為有違反《條例》的情況發生時，可於競爭事務審裁處提起法律程序以尋求補救。

圍標問題複雜，亦可能包含違反其他法例的元素。競委會會繼續與相關的公共機構及執法部門緊密合作、協調配合，以確保有效打擊圍標行為。

競委會相信，倡導及教育工作與執法行動同樣重要，因此推出了一系列宣傳活動，提升社會對圍標問題的認知。2016 年 5 月，競委會發表了一份研究報告，概述對住宅樓宇翻新及維修市場某些範疇的研究結果，該研究讓競委會了解有關市場的運作，並為其執法行動及倡導工作提供了參考。同月，競委會展開了長達半年的「打擊圍標 全城目標」大型宣傳活動，透過電視廣告、教育短片、宣傳刊物、巡迴展覽及講座，鼓勵企業及公眾舉報圍標，同時提醒各界如何辨識圍標，以及透過訂立有效的招標程序，盡量減低遇到圍標的風險。有關教材已上載於競委會網站 www.compcomm.hk。在地區層面，競委會亦支持多個地區的民政事務處就樓宇管理所舉辦的活動，安排講座討論圍標議題。

這些宣傳倡導活動有效提升了公眾及商界的意識，亦讓競委會從中收到對合謀行為的舉報及相關證據。

2017 年 1 月開始，競委會將在全港多個社區中心舉辦小型巡迴展覽，進一步在地區層面宣揚有關信息。

競爭事務委員會
2017 年 1 月