

競爭政策諮詢委員會
工作報告

COMPETITION POLICY
ADVISORY GROUP REPORT

1999~2000

競爭政策諮詢委員會 工作報告

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1 引言

1.1 政府致力促進競爭。政府競爭政策的目標，是提高經濟效益和促進自由貿易，從而使消費者也能受惠。

1.2 一九九七年十二月，政府成立競爭政策諮詢委員會，由財政司司長擔任主席，負責檢討與競爭有關並對政策或制度有重大影響的事宜。委員會的職權範圍和成員名單載於附件。一九九八年五月，委員會發表《競爭政策綱領》（《綱領》），提出一些指示，以便公營和私營機構遵行。政府各局和部門也須根據《綱領》，對其工作範疇內與競爭有關的事宜負責。如有需要，政府會及時就個別行業採取適當措施，包括透過發牌條件、行業守則及立法糾正妨礙競爭的行為和進一步鼓勵競爭。

1.3 本文件旨在匯報一九九九年三月《競爭政策諮詢委員會一九九八年工作報告》發表以來政府在鼓勵競爭方面的工作。

1.4 在一九九九至二零零零年度，委員會的主要工作包括：

- 鼓勵推行促進競爭的新措施；
- 找出可能未盡符合競爭政策之處，並考慮可行的改善措施；
- 繼續監察在一九九八年審議的各項與競爭有關事宜；
- 跟進從不同途徑接到與競爭有關的個案或投訴，並在有需要時檢討那些對政策及制度有影響的個案；
- 密切留意國際間可能對香港競爭政策有影響的討論。

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促進競爭的新措施

2.1 在一九九九至二零零零年度，委員會再度要求各局和部門提出促進競爭的新措施和匯報有違競爭政策的“不符情況”。委員會並聯同局／部門及消費者委員會展開多項檢討；結果，有關局和部門推出多項促進競爭的新措施，詳情闡述如下：

電訊

(1) 對外電訊服務及設施

對外電訊服務市場從一九九九年一月一日起已全面開放。有關對外電訊設施方面，一九九九年七月，電訊管理局局長邀請有興趣的機構申請對外固定電訊網絡服務（下稱“固網服務”）牌照，並在二零零零年年初發出 13 個利用衛星提供對外固網服務新牌照，及向 14 家利用電纜提供對外固網服務並符合發牌準則的公司發出意向書。電訊管理局局長會邀請有興趣的機構申請牌照，以便這些機構由二零零三年一月一日起透過其購入的電纜容量提供該類設施。

(2) 第三代流動電話服務

電訊管理局局長於二零零零年三月就第三代流動電話服務的發牌架構向業界發出諮詢文件。該份諮詢文件提出了多個方案，以進一步鞏固香港在新電訊科技方面的領先地位，並藉着引入新的營辦商促進業內競爭。這些方案可讓四至六家營辦商提供第三代流動電話服務。電訊管理局局長計劃在制定發牌架構後，在年底開始接受這項電話服務的牌照申請。

廣播

(3) 衛星電視持牌機構的服務

由二零零零年一月起，凡備有節目上傳及下傳設施在香港獲發牌的衛星電視持牌機構，獲准利用設施的剩餘容量載送其他公司的節目和電訊服務。

(4) 電視服務

資訊科技及廣播局在一九九九年八月邀請有意者申辦新電視節目服務。當局共接獲 10 份申請書，預計大約於二零零零年年中完成評審工作。

(5) 廣播條例草案有關保障競爭的條文

資訊科技及廣播局於二零零零年二月十六日向立法會提交《廣播條例草案》，當中載有保障競爭的條文，包括一條禁止持牌機構作出有礙競爭的行為的條文，以及一條禁止在電視節目服務市場享有支配地位的持牌機構濫用其優勢的條文。廣播事務管理局會就執行上述條文發出草擬指引，徵詢業界的意見。

金融服務

(6) 有關境外銀行的“一間分行”規定

香港金融管理局（下稱“金管局”）在一九九九年九月放寬有關境外銀行只能設立“一間分行”的規定。境外銀行現時最多可以設立三間分行，而境外銀行開設後勤和地區辦事處的數量限制，亦已經撤銷。在二零零一年首季進行檢討後，當局會考慮進一步放寬有關規定。

(7) 利率規則

一九九九年七月，金管局宣布分兩個階段撤銷餘下的利率規則。如金融狀況和經濟環境穩定，第一階段會在二零零零年七月展開，屆時除了撤銷 24 小時至六天定期存款的利率限制外，還會取消有關禁止銀行提供利益 (例如贈品) 的規定。第二階段包括撤銷往來和儲蓄帳戶的利率限制，將會在第一階段實施一年後進行。因此，如果經濟環境良好，全面撤銷利率規則的全部工作會在二零零一年年中完成。

(8) 股票交易印花稅

為了維持香港在國際金融市場上的競爭力，財政司司長在二零零零至零一年度財政預算案中建議，將每宗股票交易的印花稅率調低 10%，即由 0.25% 減至 0.225%。有關的法例修訂已於二零零零年四月七日生效。

(9) 證券交易的經紀佣金

現時所有證券交易的買賣雙方最少須支付交易金額的 0.25% 作為經紀佣金。香港交易及結算所有限公司現正徵詢市場參與者對於在二零零二年四月底之前取消最低經紀佣金的意見，並會在徵詢完畢後研究未來路向。

(10) 准許有限牌照銀行使用即時支付結算系統

香港銀行公會和香港銀行同業結算有限公司 (下稱“結算公司”) 已原則上同意，准許有限牌照銀行使用即時支付結算系統。金管局已在一九九九年十二月公布上述安排的詳情。結算公司現正進行有關法律安排，讓有限牌照銀行參予即時支付結算系統。此外，金管局已得到香港結算有限公司的同意，准許有限牌照銀行處理經中央結算及交收系統結算的股票交易的資金結算。

能源

(11) 燃料供應

消費者委員會在一九九九年十二月完成有關汽車用汽油、柴油和石油氣市場競爭情況的全面研究。研究結果顯示，石油產品市場高度集中，主要是縱向結合，總需求較少，增長有限，而且在加入市場方面存有一定的障礙（例如需要在儲存和零售方面符合經濟效益，以及土地成本高昂）。經濟局已於二零零零年一月在能源諮詢委員會下成立一個公平競爭小組委員會，以提供適當的場合更集中討論能源業內有關競爭的事宜，包括消費者委員會的建議。與此同時，規劃地政局正考慮放寬有關油站招標的規定，以便更多營辦者進入市場。

(12) 在公共屋邨使用中央石油氣

房屋署現正聯同其他局和部門，研究在公共屋邨供應中央石油氣的可行性。

(13) 為石油氣加油站提供新土地

政府在一九九九年十二月以免地價方式為五幅石油氣加油站用地招標，投標者必須根據國際石油氣價格和營運成本／利潤提供價格方程式，並根據有關方程式出售石油氣。這項新措施旨在協助落實有助減少空氣污染的石油氣的士計劃，以及協助新營辦者進入市場促進競爭。由於營辦者獲豁免地價及須根據價格方程式出售石油氣，有關油站的石油氣零售價將會較低，因而會被其他汽車用石油氣供應商視為參考標準，這有助維持整體石油氣價格在競爭性水平。

保險

(14) 人壽保險收益的遺產稅

以往，在香港取得的人壽保險收益須繳付遺產稅，但在香港以外地方取得的人壽保險收益則獲豁免。財政司司長在一九九九至二零零零年度財政預算案中建議，不論在何處取得的人壽保險收益，一律無須繳付遺產稅。有關法例修訂已於一九九九年四月一日生效。這稅項寬減有助為香港或其他地方註冊成立的人壽保險公司提供一個公平的營商環境，以及令所有人壽保險保單持有人及受益者獲得平等對待。

(15) 公務員自願參與醫療保險計劃

政府根據公務員醫療及牙科診療常務委員會的建議，委聘了數間保險公司作為公務員自願參與醫療保險計劃的承保公司。這些公司的現行委聘合約將於二零零零年年中屆滿。公務員事務局打算檢討委聘程序，以改善醫療保險計劃的條款和條件，以及鼓勵保險公司間的相互競爭。

法律服務

(16) 業權轉讓服務

由一九九九年二月起，房屋委員會（下稱“房委會”）已開放各項公屋計劃在委聘律師辦理業權轉讓方面的安排，讓列入房委會律師名冊內的所有律師行可透過投標方式提供有關服務，標書會交由房委會居屋小組委員會成員組成的甄選小組考慮。香港房屋協會亦正積極研究一項建議，讓所有符合規定資格的律師行自行與買家商議價格，以提供有關法律服務。

港口

(17) 公眾貨物裝卸區的管理

經濟局在一九九八年二月完成公眾貨物裝卸區管理改革第一階段的檢討，繼而在一九九九年五月展開第二階段的管理改革，把陸上工作區租予泊位租戶。該局有意在二零零一年一月現有泊位租約到期時，就陸地和泊位一併公開招標。

醫療服務

(18) 公共屋邨診所的分配方法

房委會檢討公共屋邨診所的租賃安排後，決定終止現時只租予由新邨西醫協會或香港牙醫學會公共屋邨牙醫事務組提名的註冊醫生／牙醫的安排。由二零零零年一月一日起，所有公共屋邨內的醫務所和牙科診所會以公開招標的方式出租。

交通

(19) 汽車製造商提供車輛維修手冊

為回應立法會環境事務委員會和交通事務委員會成員就汽車製造商並無向車輛維修業及車主提供車輛維修手冊一事提出的問題，運輸局正聯同有關局和部門進行研究。運輸局、環境食物局和有關部門的代表組成了一個工作小組，商討有助提高香港車輛維修水準的措施，包括向業界及公眾提供車輛維修手冊。工作小組已促請香港汽車商會(代表全港汽車買賣商的商會)向公眾提供車輛維修資料。香港汽車商會初步回應在提供有關柴油車輛排放廢氣系統的資料方面無大問題。該會亦正在研究能否提供有關柴油及汽油兩類車輛的其他維修資料。另外，運輸局已去信所有海外的主要汽車製造商，要求他們同意讓香港的車主及車輛維修行業可以直接向他們購買車輛維修手冊。

建築及建造

(20) 建築及建造工程使用新材料的限制

建築署通常並不接受在建造工程使用新材料，除非這些新材料已經接受測試並列入“被視為合適”類別。建築署現正藉着引入一個新的“試用性質”類別，逐步放寬使用新材料方面的限制，以及簡化有關的申請程序。該署會在二零零零年六月底之前檢討該項新安排。

食物

(21) 食米管制方案

貿易署與食米業諮詢委員會已達成協議，在二零零三年全面開放食米市場。在過渡期間，食米儲備會由現時的 40 000 噸分階段下調至二零零一年的 19 000 噸。這項改變有助減低米商的經營成本，令米價下降，從而使消費者受惠。此外，現時禁止進口商與批發商兼營另一方業務的限制亦會撤銷，米商可以同時經營食米的進口及批發業務。

3

《競爭政策諮詢委員會一九九八年工作報告》 內列載措施的進展

3.1 《競爭政策諮詢委員會一九九八年工作報告》發表時，當中載列的一些措施尚未完成。這些措施的最新進展載述如下：

(1) 電力供應

探討本港電力供應行業聯網和競爭情況的顧問研究工作已經完成，顧問報告亦已於一九九九年十一月公布。該項研究指出，增加聯網容量在技術上是可行的，但是在工作及時間安排方面仍須再加研究。此外，要引入競爭，就必須先行安裝容量較大的聯網裝置，而根據現行的管制計劃協議，要加強聯網，兩家電力公司均須自願接受有關安排。該項研究亦探討不同競爭模式和市場結構。經濟局現正徵詢公眾對研究結果的意見，並會據此展開所需的進一步研究，以制定未來路向。

(2) 氣體供應

經濟局現正監察天然氣市場上的各項發展，特別是有關深圳東部的液化天然氣站建議計劃。此外，該局已經與香港中華煤氣有限公司議定一套會計制度，以計算輸送氣體的成本。

(3) 大律師申請執業的準則

律政司在一九九九年六月提交《1999年法律執業者(修訂)條例草案》，以撤銷英聯邦司法管轄區的大律師和出庭代言人現時享有的特權。根據該條例草案，法庭可按照一套客觀準則，批准某人成為大律師。立法會有關的條例草案委員會現正審議該條例草案。

(4) 保險業的經營方法

由一九九九年開始，保險業監理處在其年報內除了收錄保險業整體統計數字外，還載有個別保險公司的業務統計數字。保險業監理處並由一九九九年第一季開始，每季公布整個保險業的臨時統計數字。自一九九九年三月香港保險業聯會發表承保商專業守則以來，保險業監督不時與該會檢討上述守則，並承諾鼓勵保險業代表機構提高市民對他們在保險合約下的權利和義務的認識。

(5) 房屋署採用由私人機構提供的服務

房委會在一九九九年六月成立專責小組，就讓更多私人機構參與屋邨管理和維修服務工作的推行範圍和進展速度提出建議。房委會已於二零零零年一月初通過專責小組的建議。

根據專責小組的其中一項建議，房委會已制訂一份網羅更多合資格物業服務公司的新名單，並已在二零零零年四月邀請有興趣競投第一批逐步移交服務合約的機構提出申請。

(6) 私立學校

政府於一九九九年三月通過一系列建議，以鼓勵私立學校的蓬勃發展。新措施包括撥出政府興建的校舍，供辦學團體營辦直接資助計劃學校（下稱「直資學校」）；以象徵式地價批出土地，並發放工程及設備津貼，供辦學團體興建校舍，以開辦非牟利私立獨立學校；以及為直資學校提供更多資助。

更具體來說，在一九九九年，共有四所政府興建的校舍被分配作營辦直資學校用途，另有兩個辦學團體獲批地興建私立獨立學校。有見於教育界及公眾對新措施一般反應良好，在二零零零年，政府將批出共 13 間政府興建的小學及九間政府興建的

中學校舍，供辦學團體於二零零一／零二或零二／零三學年開辦津貼學校或直資學校。政府亦會批出三幅土地給辦學團體興建及開辦津貼學校或直資學校。申辦成功的辦學團體可獲發放一筆過的津貼以興建校舍。此外，政府亦會批出最多三幅土地發展私立獨立學校。

(7) 消除在售賣烈酒方面的酒精濃度限制

香港海關現正研究修訂法例，一方面把幾種中國酒類所須符合的最低酒精濃度規定刪除，另一方面規定每個盛酒容器上須清楚註明酒精濃度和成分。

(8) 非佔路面的駕駛學校

運輸署於一九九九年七月招標邀請有興趣人士在荃灣設立非佔路面的新駕駛學校，並於同年十月把合約批予新的經營者。運輸署會繼續密切監察有關情況，包括市場需求和新設駕駛學校的運作情況，然後再決定未來路向。

(9) 成為《建築物條例》認可人士所需資格

就《建築物條例》的認可人士制度，屋宇署現正蒐集香港和其他國家的有關資料，並會在初步徵詢建築界的意見之後，決定是否就《建築物條例》認可人士所需資格進行詳盡的研究。

(10) 挑選顧問公司進行交通研究

為使更多顧問公司可承辦政府的交通研究工作，土木工程署和運輸署現正攜手制定一系列的基本區域交通模式，供所有有意承辦交通研究的顧問公司使用。預計有關工作可於二零零零年六月底之前完成。

(11) 建造業採用英國標準

工務局在一九九九年十一月委託顧問公司研究具體步驟，以便在本港設立一個訂定建造標準的中央組織，負責監督及統籌制定建造標準的工作。預計該項研究可於二零零零年內完成。

(12) 住宅廢物管理

於二零零零年一月成立，負責監察環境問題的環境食物局會研究如何通過增加私人機構的參予，促進廢物管理方面的競爭。

(13) 把清盤工作外判

破產管理署正計劃在二零零零／零一年度開始推行一項招標制度，將資產少於 20 萬元 (亦即 “B 組” 個案) 的強制性清盤個案外判。至於資產逾 20 萬元的個案 (亦即 “A 組” 個案)，合資格的公司將繼續按照名單次序獲分配工作。

政府會在本年稍後時間批出一項顧問研究檢討破產管理署的角色。該項研究將會包括應否採用法律改革委員會就公司法內清盤條款提交的第三份報告中有關推行雙軌制的無力償債事務專業人員發牌制度的建議。

4

跟進與競爭有關的投訴

4.1 一九九九年二月至二零零零年三月，委員會共收到 12 宗與競爭有關的投訴，其中一些經不同機構轉介，包括各局和部門，以及消費者委員會。委員會已考慮各宗投訴及有關方面採取的跟進行動，並在有需要時，向有關的局和部門提供意見。各宗投訴概述如下：

有理據的投訴

(1) 投訴某電話服務供應商阻止其客戶轉用另一供應商的服務

- 一九九九年三月，委員會接到某公司投訴，指一家專用自動電話交換系統的電話服務供應商拒絕向其提供連接系統中央處理器的“密碼”，導致該公司無法聘用其他服務供應商為其電話系統提供維修服務。電訊管理局隨即與有關的電話服務供應商聯絡，結果供應商同意向投訴人提供有關“密碼”。

(2) 在公共屋邨安裝電訊裝置的牌照費用

- 一九九九年五月，房屋委員會接到投訴，指公共流動天線電話服務營辦商在公共屋邨安裝無線電天線和基台發射站時，就同一標準尺寸用地所繳付的費用，較個人通訊服務營辦商所繳付的費用為多。房委會審慎研究此事，並參考私人樓宇出租類似地方供安裝電訊裝置的現行租金／收費後，在一九九九年十二月作出決定，由二零零零年四月一日起，對公共流動天線電話服務系統和個人通訊服務系統收取劃一的費用。

(3) 流動電話服務供應商在同一時間增加收費

- 二零零零年一月，六家流動電話網絡營辦商同時宣布把部分服務的月費調高 20 元，新收費由同一日起生效。為此，電訊管理局局長和消費者委員會分別接獲共 148 宗和 1 267 宗投訴。這些流動電話營辦商的做法令人關注他們是否涉及某種合謀行為。電訊管理局局長在完成調查後，認為營辦商之間至少曾達成某種協議或安排，才會在同一時間調整收費。電訊管理局局長認為這種行為與有關牌照訂明的條件有所抵觸。在得悉電訊管理局局長的調查結果後，六間公司撤回有關加費決定。

缺令理據的投訴

但有關方面仍採取了措施以促進競爭或保障消費者的權益

(4) 投訴土木工程署所訂定的招聘面試日期有歧視海外留學生之嫌

- 一九九九年三月，一位英國留學生致函土木工程署署長，要求容許申請土木工程系見習生職位的海外留學生在五月初才參加面試（當時面試安排在三月尾／四月初進行）。工務局發現許多英國大學較遲才舉行考試（有些遲至六月），而延遲進行面試會對該局的畢業生訓練計劃的運作構成重大影響，也影響到其他申請人。但為了減少海外留學生在參加面試方面遇到的不便，工務局決定將面試時期略為提早至大約三月二十日開始以配合一些大學的春／夏季學期假期，以及容許海外申請人在一個指定面試時期（三月中旬至四月中旬）內選擇面試日期。

無須進一步跟進的個案

- (5) 投訴香港貿易發展局(下稱“貿發局”)與私人公司競爭主辦商業展覽會
- (6) 投訴貿發局與私人公司競爭出版貿易刊物
- (7) 指稱房屋署阻礙物料供應商進入市場
- (8) 投訴香港會計師公會拒絕一宗加入該會的申請
- (9) 投訴經濟局在公眾貨物裝卸區實施的第二階段管理改革
- (10) 指稱電視持牌機構間達成協議，阻止競爭對手在它們的電視網絡上宣傳產品和服務
- (11) 投訴房屋署計劃採用公開投標方式分配屋邨醫務所及牙醫診所

現正處理的投訴

- (12) 投訴運輸署擬將其牌照服務外判

5

與消費者委員會的合作事項

5.1 在一九九九至二零零零年度，消費者委員會(消委會)繼續與本委員會以及各局和部門緊密合作，監察不同行業內的競爭情況和處理與競爭有關的事宜。消委會代表亦曾以觀察員身份參與本委員會就多項議題的討論。由於雙方合作富於成果，從今年四月開始，消委會代表已正式成為本委員會成員。這將有利彼此在促進競爭方面更緊密合作。

5.2 除上文載述的事項(見第2章個案(11)和第4章個案(10))外，消委會曾向本委員會指出下列值得留意的事宜：

(1) 律師和受託人在辦理遺囑認證工作方面的收費幅度

消委會應本委員會的邀請，就律師和受託人辦理遺囑認證工作方面的收費進行調查。消委會在一九九九年十一月公布調查結果。據調查所得，雖然劃一收費表已經廢除，但在受訪的律師行當中，約有35%仍根據該收費表收費。其餘律師行的收費差距甚大，但普遍較前者的收費為低。本委員會已請消委會協助宣傳，讓市民知道強制收費表已經取消。

(2) 超級市場減價戰

一九九九年八月，一家大型超級市場連鎖店展開大規模減價行動，引來其他超級市場連鎖店和雜貨零售商店爭相效尤。有意見認為減價戰可能是針對一間新開辦的直銷送貨服務公司，而且可能因掠奪性的定價導致中小型超級市場和雜貨零售商店無法生存。消委會已向大型超級市場連鎖店蒐集資料，現正研究有關問題。

(3) 課本零售市場的標準折扣安排

因應有書商就以劃一折扣出售中學課本公布的一項聲明，消委會在一九九九年九月完成一項有關課本零售市場的研究。研究報告指出，儘管有些書商在一九九九年提供的折扣率比往年為高，有關折扣出現的方式以及其對課本零售市場內的長遠競爭所做成的負面影響並不容忽視。消委會已促請教育圖書零售業商會參閱《競爭政策綱領》。

(4) 升降機維修服務市場的競爭情況

一九九九年七月，消委會完成一份有關升降機維修服務市場內競爭情況的報告，提出多項建議，規劃地政局和機電工程署已就有關建議提出其看法，消委會則繼續向業界搜集資料。

(5) 學校飲品供應

一九九九年六月，消委會完成一項有關學校飲品供應的研究。研究結果顯示，有兩家大型飲品供應商與多間學校的小食部簽訂了協議，令供應商可以藉提供利益(例如優惠的折扣率)，以換取有關學校只訂購他們的產品。不過，消委會並沒有發現證據顯示該兩家供應商拒絕向其他小食部營辦商提供產品(雖然其他營辦商只能獲得較低的折扣率)。消委會在評估專賣協議的影響後，認為有關協議對學校和小食部營辦商均有好處，而對市場競爭並未構成重大障礙。雖然在有關協議下學生的選擇有限，但小食部營辦商卻能減少成本，使學生能夠以較低廉的價格購買飲品。

6

密切留意國際間的趨勢和發展

6.1 有關貿易與競爭政策之間的相互關係，繼續備受國際論壇例如世界貿易組織（下稱“世貿組織”）和亞太區經濟合作組織（下稱“亞太經合組織”）的關注。競爭政策諮詢委員會一直密切監察這方面的發展，因為有關討論可能會導致國際組織採用一些香港亦須遵從的多邊政策。

6.2 在世貿組織方面，貿易與競爭政策相互關係工作小組（下稱“工作小組”）在一九九九年訂定更為明確的工作綱領，繼續進行與促進競爭有關的探討。香港一直主張工作小組除了就限制性經營方法進行討論外，亦須同樣關注政府所推行的措施。由於各成員的意見仍有分歧，工作小組未能達成任何實質的建議。一九九九年十一月／十二月期間在西雅圖舉行的第三屆部長級會議未能在這方面取得成果。各成員最近同意，工作小組應根據其一九九九年的計劃繼續工作。我們預期工作仍會以探討性質為主。

6.3 至於亞太經合組織方面，該組織的經濟領袖在一九九九年九月通過一套不具約束力的競爭及規管原則，當中包括四項基本原則（即同等待遇、全面性、透明度和問責性）。香港一直積極參與制定這套原則的工作。整套原則與我們鼓勵競爭的政策有很多共通之處，該套原則沒有訂立一個全體成員須劃一遵行的模式，而是容許各個經濟體系因應本身的情況，靈活地實行有關原則。

7

進一步工作

7.1 自二零零零年四月起，為進一步加強競爭政策諮詢委員會和消費者委員會在促進競爭方面的緊密合作，消委會已加入競爭政策諮詢委員會為成員。本委員會亦會積極考慮邀請其他團體，例如商會、貿易組織及專業團體等，在適當情況下參與委員會的討論。

7.2 在二零零零／零一年度，競爭政策諮詢委員會將會繼續進行下述工作：

- ◆ 鼓勵新措施以促進競爭；
- ◆ 找出可能不完全符合競爭政策的地方，並考慮可行的改善措施；
- ◆ 繼續檢討在一九九九／二零零零年度曾審議的各項與競爭有關的事項；
- ◆ 跟進從不同途徑接獲與競爭有關的個案或投訴，並在有需要時檢討其中對政策及制度有影響的個案；以及
- ◆ 密切留意國際間可能對香港競爭政策有影響的趨勢和發展。

競爭政策諮詢委員會

二零零零年四月

競爭政策諮詢委員會
職權範圍及成員名單

職權範圍

- (a) 議定和公布促進競爭的政策綱領。
- (b) 在本港經濟體系內，特別是在現有政府架構內，找出可能不完全符合促進競爭和提高經濟效益政策的地方，並檢討改善範圍。
- (c) 審議並檢討各局、部門或其他有關方面提出促進競爭的措施。
- (d) 審議與競爭有關而又可能影響政府政策的事宜。

成員名單

- 主席 ➤ 財政司司長

- 成員 ➤ 工商局局長
- 庫務局局長
- 經濟局局長
- 貿易署署長
- 工商服務業推廣署署長
- 政府經濟顧問
- 消費者委員會 (自二零零零年四月起)

- 秘書 ➤ 工商局首席助理局長

- 觀察員 ➤ 視乎需要而定

這份工作報告可在互聯網上閱覽 (http://www.info.gov.hk/tib/chinese/roles/report/1999_2000/index.htm)。市民亦可在各區民政事務處索取這份報告的印刷本。如所需的印刷本數量較多，可與委員會秘書聯絡：

香港金鐘道 88 號
太古廣場第一座 29 樓
香港特別行政區政府
工商局轉交
競爭政策諮詢委員會秘書
電話：2918 7472
傳真：2877 5650
電子郵件：tibcdiv@netvigator.com

市民如有關於競爭事宜的投訴，可向下述機構提出：

- 有關局和部門；或
- 消費者委員會的商營手法事務部——

香港北角渣華道 191 號
嘉華國際中心 22 樓
電話：2856 3113
傳真：2102 4523
電子郵件：competition@consumer.org.hk

COMPETITION POLICY ADVISORY GROUP REPORT

1999~2000

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1

Introduction

1.1 The Government is fully committed to the promotion of competition. The objective of the Government's competition policy is to enhance economic efficiency and free flow of trade, thereby also benefiting consumer welfare.

1.2 The Competition Policy Advisory Group (COMPAG) was set up under the chairmanship of the Financial Secretary in December 1997 to review competition issues that have substantial policy or systemic implications. The terms of reference and the membership of COMPAG are set out in the Annex. In May 1998, COMPAG promulgated the *Statement on Competition Policy* (Policy Statement) which offers some specific pointers to facilitate compliance with the competition policy by both the public and private sectors. All bureaux and departments are responsible for overseeing competition issues within their portfolio in accordance with the Policy Statement. Where necessary, the Government will promptly take sector-specific measures, including licensing conditions, code of practice, and legislation to rectify anti-competitive behaviour and to promote competition.

1.3 This document reports on the work carried out by the Government to promote competition, since the publication of the *Competition Policy Advisory Group Report 1998* in March 1999.

1.4 In 1999–2000, COMPAG focused on the following areas of work:

- to encourage new initiatives to promote competition;
- to identify areas that may not be fully compatible with the competition policy, and review scope for refinement;
- to keep under review the various competition-related issues examined in 1998;
- to keep track of competition-related cases or complaints received from different sources, and review, on a need basis, those cases which have policy or systemic implications; and
- to monitor discussions in international fora on competition issues that may have a bearing on Hong Kong.

2

New Initiatives to Promote Competition

2.1 In 1999–2000, COMPAG again sought returns from bureaux and departments on new initiatives to promote competition and on “exceptions” to competition policy. COMPAG also initiated a number of reviews in conjunction with bureaux/departments and the Consumer Council. In the event, a number of initiatives to promote competition have been introduced as detailed below.

Telecommunications

(1) External Telecommunications Services and Facilities

The external telecommunications services market has been fully liberalised since 1 January 1999. As regards external telecom-munications facilities, the Telecommunication Authority (TA) invited applications for external Fixed Telecommunication Network Services (FTNS) licences in July 1999 and has issued, in early 2000, 13 new external satellite-based FTNS licences and “Letters of Intent” to 14 external cable-based FTNS applicants who met the licensing criteria. TA will invite applications for licences for the provision of facilities through acquiring capacity in cables from 1 January 2003.

(2) Third Generation Mobile Services

TA has issued a paper on the licensing framework for third generation (3G) mobile services for consultation with the industry in March 2000. The consultation paper identifies a number of options, with a view to further

reinforcing Hong Kong's position at the cutting edge of new telecommunications technologies, and enhancing competition in the sector by the introduction of new operators. These options can accommodate four to six operators for 3G services. TA aims to invite applications for licences towards the end of this year after the licensing framework is finalised.

Broadcasting

(3) Services provided by satellite broadcasters

Starting from January 2000, Hong Kong-licensed satellite broadcasters who have the facilities to uplink or downlink programmes have been permitted to make use of their spare capacities to carry other companies' programmes and various telecommunications services.

(4) Television services

The Information Technology and Broadcasting Bureau (ITBB) invited applications for the provision of new television services in August 1999. A total of 10 applications were received. ITBB expects that the evaluation of the applications will be completed in around mid-2000.

(5) Competition safeguards in the Broadcasting Bill

ITBB introduced a Broadcasting Bill into the Legislative Council on 16 February 2000. The Bill contains competition safeguards including a provision prohibiting a licensee from engaging in anti-competitive conduct, and another provision prohibiting a licensee in a

dominant position in a television programme service market from abusing its position. The Broadcasting Authority will issue draft guidelines on the enforcement of the competition provisions for consultation with the industry.

Financial Services

(6) One-building condition on foreign banks

The Hong Kong Monetary Authority (HKMA) relaxed the one-building condition on foreign banks in September 1999. Foreign banks are now allowed to operate up to a maximum of three branches. The restriction on the number of back and regional offices that a foreign bank can maintain has also been lifted. Further relaxation will be considered subject to a review in the first quarter of 2001.

(7) Interest Rate Rules

In July 1999, HKMA announced that the remaining interest rate rules (IRRs) would be deregulated in two phases. Subject to a stable financial and economic environment, Phase 1 of the deregulation will proceed in July 2000. This phase covers the 24-hour and up to six days time deposits. The prohibition on banks from providing benefits such as gifts will also be lifted. Phase 2, which would cover the deregulation of current accounts and saving accounts, is scheduled to take place 12 months after Phase 1. Accordingly, if the economic environment is favourable, the whole process of deregulation would be completed by the middle of 2001.

(8) Stamp duty on stock transactions

To maintain the competitiveness of Hong Kong in the global financial marketplace, the Financial Secretary proposed in the 2000–01 budget to reduce the rate of stamp duty on stock transactions by 10% from the existing 0.25% to 0.225% per round transaction. The relevant legislative amendments have come into effect on 7 April 2000.

(9) Level of brokerage for securities transaction

At present, a minimum brokerage commission of 0.25% of the value of transaction is charged to both the buyer and seller for all securities transactions. The Hong Kong Exchanges and Clearing Ltd. is now consulting the exchange participants on a proposal to remove the minimum commission by April 2002, and will consider the way forward after the consultation.

(10) Access of restricted licensed banks to the Real Time Gross Settlement System

Upon agreement-in-principle by the Hong Kong Association of Banks and Hong Kong Interbank Clearing Ltd. (HKICL) to allow restricted licence banks (RLBs) to access the Real Time Gross Settlement (RTGS) system, HKMA announced the details of the arrangement in December 1999. HKICL is now working on the legal arrangements for admitting RLBs into the system. HKMA has also secured the Hong Kong Securities Clearing Co. Ltd's agreement to allow RLBs to handle

money settlement for equities transactions cleared through the Central Clearing and Settlement System.

Energy

(11) Fuel supply

The Consumer Council completed a major study on the state of competition in the motor gasoline, diesel and LPG markets in December 1999. The study found that the petroleum products industry was highly concentrated and largely vertically integrated, characterised by relatively small total demand, limited growth opportunities and barriers to entry such as the need to achieve economies of scale in storage and retail and the high cost of land. The Economic Services Bureau (ESB) has set up a Competition Sub-committee in January 2000 under the Energy Advisory Committee to provide a forum for more focused discussion on competition-related issues in the energy sector, including the Consumer Council's recommendations. Meanwhile, the Planning and Lands Bureau is considering ways to relax the present restrictions on the tendering of petrol filling station sites with a view to facilitating entry to the market.

(12) Use of central LPG in public housing estates

The Housing Department, in conjunction with other bureaux and departments, is looking into the feasibility of providing central LPG in public housing estates.

(13) New sites for LPG filling stations

The Government tendered five sites in December 1999 for dedicated LPG filling stations at nil land premium on condition that LPG should be sold in accordance with a pricing formula on the basis of international LPG price and an operating cost/revenue factor to be bid by the tenderers. This initiative aims to facilitate the implementation of the LPG Taxi Scheme which will help reduce air pollution and to encourage competition in the market by facilitating the entry of potential new-comers. The retail price of LPG charged by the filling stations built on these five sites will be lower given the nil land premium and the pricing formula. It will set a benchmark for other suppliers of LPG for vehicles and help keep the overall LPG price at a competitive level.

Insurance

(14) Estate duty on proceeds from life insurance policies

In the past, life insurance proceeds paid in Hong Kong were subject to estate duty, while those proceeds paid outside Hong Kong were exempted. The Financial Secretary proposed in the 1999–2000 budget to exempt all life insurance proceeds from estate duty irrespective of where they were paid. The relevant legislative amendments came into effect on 1 April 1999. This tax concession has helped ensure a level playing field for all life insurers in Hong Kong, incorporated locally or elsewhere, as well as equal treatment to all life insurance policy holders and their beneficiaries.

(15) Voluntary Medical Insurance Scheme for Civil Servants

Upon the advice of the Standing Committee on Medical and Dental Facilities for Civil Servants, a number of insurance companies were appointed as the carriers for the Voluntary Medical Insurance Scheme for Civil Servants. Their current term will expire by mid 2000. The Civil Service Bureau intends to review the appointment procedures with a view to improving the terms and conditions of the medical insurance schemes, and to encouraging further competition among the insurance companies.

Legal services

(16) Conveyancing services

The Housing Authority (HA) has liberalised the arrangement for commissioning conveyancing services for public housing schemes since February 1999. All solicitors' firms on HA's list of appointed solicitor firms can now offer their services by tender. A selection panel constituted by members of the HA Home Ownership Committee will consider tenders received. The Housing Society is also actively pursuing a proposal to allow all solicitors' firms, provided that they satisfy the pre-qualification criteria to handle the legal work at charges negotiated between individual solicitors' firms and the beneficiaries.

Port

(17) Management of the public cargo working areas

Having reviewed the first phase of the management reform of the public cargo working areas in February 1998, ESB implemented the second phase of the management reform, which involved renting out the landside working area to the leaseholder of the berth, in May 1999. ESB intends to introduce a combined land and berth open tender when the present berth tenancies expire in January 2001.

Medical services

(18) Allocation of clinics in public housing estates

Having reviewed the letting arrangement in respect of clinics in public housing estates, HA decided to discontinue the arrangement whereby clinics in public housing estates were allocated to registered doctors/dentists nominated by the Estate Doctors Association or the Estate Dentists Group of the Hong Kong Dental Association. With effect from 1 January 2000, medical and dental clinics in public housing estates have been let by open tender.

Transport

(19) Release of motor maintenance manuals by vehicle manufacturers

In response to the questions raised by the members of the LegCo Panels on Environmental Affairs and Transport on

the non-availability of motor maintenance manuals by vehicle manufacturers to the vehicle maintenance trade and vehicle owners, the Transport Bureau (TB) has been looking into the matter in conjunction with other relevant bureaux and departments. A working group comprising representatives of TB, the Environment and Food Bureau and relevant departments, has been formed to discuss measures to improve the vehicle maintenance standard in Hong Kong, including the release of vehicle maintenance manuals to the trade and to the public. The group has already requested the Motor Traders Association (MTA, representing all vehicle dealers in Hong Kong) to release vehicle maintenance information to the public. MTA's initial feedback was that they had no major problem in releasing information related to the emission system of diesel vehicles. MTA is also considering the possibility of releasing other maintenance information of diesel and petrol vehicles. Separately, TB has written to all major overseas motor vehicle manufacturers seeking their agreement to accept direct purchase of their vehicle maintenance manuals by workshop operators and individual vehicle owners in Hong Kong.

Building and Construction

(20) Use of new materials in works projects

The Architectural Services Department (ASD) does not normally accept the use of new materials in works projects unless these materials have been investigated and classified as “deemed suitable”. ASD is now gradually relaxing the requirements and streamlining the

application procedure in respect of use of new materials by introducing an “on probation” category for new materials. It will review the new arrangement by June 2000.

Food

(21) Rice Control Scheme

The Trade Department has reached agreement with the Rice Advisory Committee to fully open up the rice trade by 2003. During the interim period, the level of rice reserve will be brought down from the current 40,000 tonnes to 19,000 tonnes in 2001 in phases. This would help reduce the operational cost of rice traders, and should in turn benefit consumers in terms of lower prices. The restriction on cross-ownership of importers and wholesalers will also be lifted, enabling them to engage in both the importation and wholesale of rice.

3

Progress of Initiatives Reported in *Competition Policy Advisory Group Report 1998*

3.1 There were a number of initiatives reported in the *COMPAG Report 1998* for which actions had not been completed at the time of reporting. The updated position of these initiatives is set out below.

(1) Electricity supply

A consultancy study to examine the interconnection and competition in the electricity supply sector in Hong Kong was completed and the consultants' report was made public in November 1999. The study noted that increased interconnection capacity was technically feasible subject to further studies on logistics and timing, and that installation of additional capacity interconnectors was a prerequisite for introducing competition. However, increased interconnection would require voluntary acceptance by both power companies under the current Scheme of Control Agreements. The study also examined different competition modes and market structures. ESB is seeking public comments on the findings of the study and will conduct further necessary studies taking into account comments received, with a view to mapping out a way forward.

(2) Gas Supply

ESB is monitoring developments in the natural gas market, particularly in the light of the proposed liquefied natural gas terminal project at East Shenzhen. In the

meantime, it has agreed with the Hong Kong and China Gas Company on an accounting framework for identifying the cost of gas transportation.

(3) Admission criteria for barristers

The Department of Justice introduced the Legal Practitioners (Amendment) Bill 1999 in June 1999 to remove the present privileges conferred on barristers or advocates from the Commonwealth jurisdictions. Under the Bill, the Court may admit a person to be a barrister under a set of objective criteria. The Bill is now being scrutinised by a LegCo Bills Committee.

(4) Practices in the insurance industry

Since 1999, the Office of the Commissioner of Insurance has been including in its annual reports business statistics of individual insurers in addition to the aggregate figures. It has also been releasing provisional statistics of the insurance industry as a whole on a quarterly basis commencing from the first quarter of 1999. At the same time, the Insurance Authority has been reviewing from time to time, in consultation with the Hong Kong Federation of Insurers (HKFI), the *Code of Conduct for Insurers* issued by HKFI in March 1999. It has also undertaken to encourage representative bodies of the insurance industry to promote the public's awareness of their rights and obligations under insurance contracts.

(5) Use of private sector services by the Housing Department

The Housing Authority (HA) set up a task force in June 1999 to make recommendations on the scope and pace of increasing the involvement of the private sector in public housing estate management and maintenance services. In early January 2000, HA endorsed the task force's recommendations.

Based on one of the task force's recommendations, HA has drawn up a new list of property services companies to include more eligible service providers. It has already started inviting tender for the first batch of phased service transfer contract in April 2000.

(6) Private school sector

The Government approved in March 1999 a package of proposals to foster the development of a strong private school sector. New initiatives included the allocation of government-built school premises to school sponsoring bodies to operate Direct Subsidy Scheme (DSS) schools, provision of land grant at nominal premium and a capital grant for construction of school premises to facilitate the establishment of non-profit making private independent schools (PIS), and enhancement of the financial assistance to DSS schools.

More specifically, in 1999, four Government-built school premises were allocated for operation as DSS schools, and two school operators were allocated sites for operation as PIS. Given the generally positive reaction from the education sector and the public to these

initiatives, in 2000, a total of 13 primary and nine secondary school premises, to be built by the Government, will be made available to both aided school and DSS school applicants for operation starting from either the school year of 2001/02 or 2002/03. The Government will also allocate three sites for school sponsors to construct and operate either aided or DSS schools. Successful applicants will receive a capital subvention for the construction of the school premises. Furthermore, the Government will allocate up to three sites for PIS development.

(7) Alcoholic strength restrictions on the sale of intoxicating liquors

The Customs and Excise Department is now considering legislative amendments to remove the requirement of minimum alcoholic strength on a number of Chinese intoxicating liquors, and to require clear labelling on alcoholic strength and ingredients on every liquor container.

(8) Off-street driving schools

The Transport Department (TD) invited tenders for a new off-street driving school in Tsuen Wan in July 1999 and awarded the contract to a new operator in October 1999. TD will continue to monitor the situation closely, taking into account market demand and the operation of the new school, before deciding on the way forward.

(9) Entry qualifications for Authorised Persons under the Buildings Ordinance

In relation to the system of Authorised Persons under the Buildings Ordinance, the Building Department is collecting information on the practices in Hong Kong and other countries and will seek initial views from the building industry. It will then decide whether to proceed with a detailed study on the entry qualifications for authorised persons under the Buildings Ordinance.

(10) Selection of consultants for traffic assignments

In order to have a bigger pool of prospective consultants to carry out the Government's traffic assignments, the Civil Engineering Department and Transport Department are jointly establishing a series of Base District Traffic Models for use by all consultants interested in such traffic assignments. The Models are expected to be completed by June 2000.

(11) Use of British Standards in the construction industry

The Works Bureau commissioned a consultancy study in November 1999 to formulate measures to set up a central construction standardisation body in Hong Kong to oversee and co-ordinate the development of construction standards. The study is expected to be completed within 2000.

(12) Domestic waste management

The Environment and Food Bureau, which was set up in January 2000 to oversee environmental matters, will consider how to enhance competition in waste management through greater involvement of the private sector.

(13) Contracting out of insolvency work

The Official Receiver's Office is planning to operate a tender system for contracting out compulsory winding up cases with assets below \$200,000 (the Panel B cases) in the year 2000–01. Firms which meet the pre-qualification criteria will be eligible to participate in the tender. For cases above \$200,000 (Panel A cases), eligible firms will continue to be allocated cases on a roster basis.

The Government will commission a consultancy study later this year to review the role of the Official Receiver. The study will examine, among other things, the desirability of a two-tier licensing system for insolvency practitioners as proposed by the Law Reform Commission in its third report on the winding up provisions in the Companies Ordinance.

4

Tracking Competition-related Complaints

4.1 During the period from February 1999 to March 2000, a total of 12 competition-related complaints were received by or referred to COMPAG by different parties, including bureaux and departments and the Consumer Council. COMPAG has looked into all these complaints and the follow up actions by the concerned parties. Where necessary, it has also given advice to the bureaux and departments. These complaints are summarised below.

Substantiated complaints

- (1) Complaint against a telephone service provider for preventing its client to switch to other service providers
 - *In March 1999, a company lodged a complaint to COMPAG that its Private Automatic Branch Exchange telephone service provider had refused to release the “password” for access to the central processor of the company’s telephone system, hence preventing the company from acquiring maintenance service for its telephone system from other service providers. The Office of the Telecommunication Authority subsequently contacted the service provider concerned which then agreed to release the “password” to the complainant.*
- (2) Licence fees for telecommunications installations in public housing estates
 - *In May 1999, the Housing Authority (HA) received a complaint that a Public Mobile Radiotelephone*

Service (PMRS) operator had to pay a higher rate of charge than that paid by a Personal Communication Service (PCS) operator for installing radio antennae and base stations in public housing estates for a standard size cell site. After taking a critical look at the matter and taking account of the prevailing rents/fees for similar lettings for telecommunications installations in the private sector, HA decided in December 1999 to synchronise the fees for both the PMRS and PCS systems with effect from 1 April 2000.

- (3) Simultaneous fee increases by mobile phone services providers
- *In January 2000, six mobile network operators increased the monthly fees of some of their service packages by \$20 concurrently with effect from the same date. This attracted some 148 and 1,267 complaints to the Telecommunication Authority (TA) and the Consumer Council respectively. There were concerns that some collusion existed on the part of the mobile operators. After completing an investigation, TA concluded that at the very least some kind of agreement or arrangement must have existed, and considered that such actions were not in compliance with the condition stipulated in the relevant licences. In response to the findings of TA, all the six companies rescinded the fee increases.*

Unsubstantiated complaints

The concerned party has nonetheless taken measures to promote competition

- (4) Complaint against the Civil Engineering Department for discriminating against overseas graduates in setting the interview dates for prospective new recruits
- *In March 1999, a student studying in the United Kingdom (UK) wrote to the Director of Civil Engineering requesting the latter to consider allowing overseas applicants for the Civil Engineering Graduate posts to attend recruitment interviews, which were then held in late March/early April, in early May. The Works Bureau considered that many UK universities held examinations quite late (some in June) and that late interviews would cause major problems to the operation of the Graduate Training Scheme affecting many other candidates. It has sought to minimize the inconvenience of overseas students in attending interviews by (i) slightly advancing the commencement of the interview period to around 20 March to tie in with the spring/summer term break of some universities; and (ii) allowing overseas applicants to select the interview date within the set interview period (mid-March to mid-April).*

No further follow up action was considered necessary

- (5) Complaint against the Hong Kong Trade Development Council (TDC) for competing with the private sector in organising commercial exhibitions
- (6) Complaint against TDC for competing with the private sector in the trade publication business
- (7) Alleged barriers imposed by the Housing Department on material suppliers
- (8) Complaint against the Hong Kong Society of Accountants for rejecting an application for membership
- (9) Complaint against the Economic Services Bureau for implementing the second phase of the management reform at the public cargo working areas
- (10) Alleged agreement between television licensees to block the promotion of products and services of competing licensees on their own television network
- (11) Complaint against the Housing Department's proposal to allocate medical and dental clinics in public estates through open tender

Complaint which is still being considered

- (12) Complaint against the Transport Department's proposal to contract out its licensing services

5

Collaboration with the Consumer Council

5.1 In 1999–2000, the Consumer Council continued to work closely with COMPAG, bureaux and departments in monitoring the state of competition in different sectors and in handling competition-related issues and complaints. The Council participated in COMPAG’s discussions on a number of issues as an observer. In recognition of the useful partnership between COMPAG and the Council, starting from April 2000, the Council has become a full member of COMPAG. We expect that this would foster closer collaboration between COMPAG and the Council on the competition front.

5.2 During the year, in addition to those issues already covered in the earlier sections (see Case 11 of Section II and Case 10 of Section IV), the Council also drew a number of issues to COMPAG’s attention as detailed below.

(1) Fee scales charged by solicitors and trustees in probate works

At the invitation of COMPAG, the Council conducted a survey on the fees charged by solicitors and trustees for probate services. The survey findings were published in November 1999. It was found that, despite the abolition of mandatory fee scales, some 35% of the solicitor firms surveyed still charged fees according to the fee scales. Fees charged by the other solicitor firms covered a wide range and were generally lower than the fees charged by the former group. COMPAG has asked the Council to help publicise the fact that fee scales are no longer mandatory.

(2) Price competition among supermarkets

In August 1999, a major supermarket chain launched a large scale price cutting campaign. Other supermarket chains and grocery retail outlets quickly responded by introducing their own price cutting measures. There were concerns that the price competition was targeted at a new direct sale delivery service, and would force small to medium-sized supermarkets and grocery retail outlets out of the market through predatory pricing. The Council has subsequently collected information from the major supermarket chains and is now looking into the matter.

(3) Standard discount arrangement in the textbook retail market

In response to an announcement made by a number of booksellers offering a uniform discount on secondary textbooks, the Council completed a study on the textbook retail market in September 1999. In the study paper, the Council opined that while the discount offered was higher by comparison with previous years, the manner in which it came about and the negative implication for maintaining long-term competitive rivalry between individual retailers in the textbook market has come into question. The Council drew the Education Booksellers' Association's attention to the Government's *Statement on Competition Policy*.

(4) Competition in the market for lift maintenance services

In July 1999, the Council completed a report on competition in the market for lift maintenance and made a number of recommendations. The Planning and Lands Bureau and the Electrical and Mechanical Services Department have provided comments on the recommendations and the Council is continuing with inquiries in the industry.

(5) Supply of soft drinks in schools

In June 1999, the Council completed a study on the supply of soft drinks to schools. The Council noticed that two major soft drink suppliers and many school kiosks had entered into arrangements, under which schools were provided with incentives (such as favourable discount rates) that resulted in exclusive supply. Nevertheless, the Council found no evidence that the suppliers had refused to supply products to other kiosk operators although the discount rates were less favourable. Having assessed the effects of the exclusive agreements, the Council considered that the agreements did deliver benefits to both schools and kiosk operators, and did not pose any substantial impediments to competition in the market. While there were some limitations on product choice, the agreements resulted in lower cost for the kiosk operators which were in turn translated into lower prices for students.

6

Monitoring Trends and Developments in the International Scene

6.1 Issues relating to the interface of trade and competition policies continued to attract much deliberation in major international fora such as the World Trade Organisation (WTO) and the Asia Pacific Economic Co-operation (APEC). COMPAG has been monitoring the discussions as they might lead to the adoption of some multilateral approaches to competition which Hong Kong would be obliged to follow.

6.2 On the WTO front, the Working Group on the Interaction between Trade and Competition Policy (WGTCP) continued its educational work in 1999 with a more focused agenda. Hong Kong, China continued to advocate the need to accord equal attention to governmental measures, in addition to the discussions on restrictive business practices. Views of WTO members remained divergent and the WGTCP could not agree on any concrete recommendations. Following the non-conclusive Third Ministerial Conference held in Seattle in November/December 1999, members have lately agreed that the WGTCP should resume its work on the basis of the 1999 work programme which we expect will remain to be educational in nature.

6.3 On the APEC front, in September 1999 the APEC Economic Leaders endorsed a set of non-binding competition and regulatory principles which include four core principles, i.e., non-discrimination, comprehensiveness, transparency and accountability. Hong Kong played an active and constructive

role in developing these principles. These principles share a lot of common ground with our own approach to the promotion of competition. They do not prescribe a one-size-fits-all model and fully recognise that implementation should take into account the diverse circumstances of individual economies.

7

Further Work

7.1 Starting from April 2000, the membership of COMPAG has been expanded to include the Consumer Council with a view to fostering closer collaboration between COMPAG and the Council in the promotion of competition. COMPAG will also actively consider inviting other groups such as chambers of commerce, trade associations and professional bodies to participate in COMPAG's discussions where appropriate.

7.2 In 2000/01, COMPAG will continue to -

- encourage new initiatives to promote competition;
- identify areas that may not be fully compatible with the competition policy, and review scope for refinement;
- keep under review the various competition-related issues examined in 1999/2000;
- keep track of competition-related cases or complaints received from different sources, and review, on a need basis, those cases which have policy or systemic implications; and
- monitor trends and developments in the discussions on competition policy in the international scene that may have a bearing on Hong Kong.

Competition Policy Advisory Group

April 2000

Competition Policy Advisory Group Terms of Reference and Membership

Terms of Reference

- (a) To agree and promulgate a policy statement on the promotion of competition in Hong Kong.
- (b) To identify areas in the economy, particularly within the existing government framework, that may not be fully compatible with the promotion of competition and economic efficiency, and review scope for refinement.
- (c) To consider and review initiatives from bureaux and departments, or others as appropriate, on how to promote competition in Hong Kong.
- (d) To consider competition-related matters which may have a bearing on government policy.

Membership

- Chairman* ➤ Financial Secretary
- Members* ➤ Secretary for Trade and Industry
 - Secretary for the Treasury
 - Secretary for Economic Services
 - Director-General of Trade
 - Director, Business and Services Promotion Unit
 - Government Economist
 - Consumer Council (since April 2000)
- Secretary* ➤ Principal Assistant Secretary for Trade and Industry
- Observers* ➤ On a need basis

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Members of the public may lodge competition-related complaints with:

- the relevant bureaux or departments; or
- the Trade Practices Division of the Consumer Council
22/F, K. Wah Centre, 191 Java Road
North Point, Hong Kong
Tel : 2856 3113
Fax : 2102 4523
E-mail : competition@consumer.org.hk

