Are you ready for the Hong Kong Competition Ordinance?

A new era for businesses

Navigating the new Hong Kong Competition Ordinance, which is due to come into force on 14 December 2015, can be a daunting task. Past ways of doing business may no longer be risk free from a competition law perspective.

Is your business at risk?

If your business has or does any of the following you need to be ready for the Competition Ordinance:

- Distribution, supply, agency, franchising, licencing agreements
- Joint venture or partnership agreements
- Arrangements with competitors
- Memberships of trade organisations or associations
- Meetings or exchanges of information with competitors
- Meetings or conferences where competitors are present
- Large market share or any other factor which gives you power in the market place
- Pricing policies, especially those controlling the resale price of your products or services
- Exclusivity provisions including value and volume targets
- Bundling or tying of products and services
- Selective distribution policies

How prepared are you?

The checklist below will help you identify steps to be taken to minimise competition law risk in your business dealings:

- Members of senior management are aware of the new Competition Ordinance
- A compliance manual (including a dawn raid guide) has been or is being prepared
- Competition law compliance training has been offered to key personnel
- Your agreements have been reviewed to remove any anti-competitive provisions
- Memberships of trade associations or industry bodies have been identified and safeguards are in place to ensure no exchanges of commercially sensitive information occur
- Procedures are in place to ensure no sharing of pricing or other commercially sensitive information with your competitors
- Positive steps have been taken to distance the company from industry price lists
- Procedures are in place to ensure all future pricing decisions will be made independently
- You have assessed whether your company could be described as having 'substantial market power'
- Any arrangements with competitors have been identified and assessed to ensure they are not in breach of the Competition Ordinance
Can we help?

Our team of competition law specialists are highly experienced in assisting clients to identify their competition risk profile and to ensure compliance with the law.

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If you would like any further information or assistance in preparing for the Competition Ordinance please get in touch.

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