



Competition Law

While competition law is a relatively new creation in the jurisdiction of Hong Kong, in step with the evolving legal landscape, we offer legal advice on various aspects of competition law and during different phases of a competition investigation. As our clients include private and investment banks, financial institutions and other commercial bodies, we will be able to guide such clients through this period of transition and to provide assistance and support concerning business transactions, investigations by the Competition Commission and actions brought before the Competition Tribunal.

General advice

- › advising on whether intended and/or actual behaviour may infringe either the First and/or Second Conduct Rules and/or the Merger Rule
- › covering acts that affect competition in Hong Kong, regardless of whether they are engaged within or outside the jurisdiction
- › reviewing industry-specific standard terms and conditions to ensure compliance with the law
- › reviewing agreements and advising the risk of infringing competition law, including agency agreements, distribution agreements, franchise agreements
- › examining whether certain behaviour is caught by the Competition Ordinance as dependants against the estate of deceased persons

Complaints and investigations

- › advising the possible outcomes of investigations conducted by the Competition Commission
- › liaising with the Competition Commission during the course of investigations
- › advising on the appropriate approach in handling requests and demand by the Competition Commission
- › responding to the Competition Commission's request for information and/or documents
- › assisting in the making of complaints and reporting suspected anti-competitive behaviour
- › assisting persons who are required to attend before the Competition Commission
- › advising on provision of evidence in the form of statutory declaration
- › attending interviews with clients
- › assisting and advising when dawn raids take place
- › advising on the possibility of reaching a voluntary resolution

Competition litigation

- › advising on the possibility of follow-on right of action
- › handling Competition Tribunal, Court of First Instance, Court of Appeal and Court of Final Appeal cases

Enforcement

- › advising cartel members on entering into leniency agreements with the Competition Commission
- › devising appropriate commitments to be offered to the Competition Commission
- › advising on infringement and warning notices
- › advising on penalties and orders imposed

Education and training

- › compliance training to ensure employees comply with the law
- › giving seminars to undertakings
- › assisting in the drafting and/or amendment of handbooks and practice guidelines

Contacts

Ms Heidi Chui

Tel: (852) 2533 2540

Email: heidichui.office@sw-hk.com

Mr Stephen Wong

Tel: (852) 2533 2538

Email: stephenwong.office@sw-hk.com