

HK's Competition Ordinance and its 'three pillars' approach

Reserve your seat at the **ALB Competition Ordinance Forum 2015** and hear more about the first competition law that applies to the entire economy of Hong Kong



PROMOTING A COMPETITIVE AND FAIR HONG KONG

Hong Kong's new competition regulation calls for companies to take careful consideration of their turnover figures and see how it will affect them. Asian Legal Business, committed to upholding timely and professional discourse of pressing regulatory updates, is holding the **ALB Hong Kong Competition Ordinance Forum** on 7 July 2015. This event will highlight the three important compliance requirements and what counsel and compliance experts should know about the investigation, enforcement, and adjudication processes, ensuring full security for businesses in Hong Kong.

With participation from several compliance experts, legal practitioners, and members of the academe and the government, the upcoming ALB Competition Ordinance Forum is set to provide a great platform for discourse on the challenges and opportunities of the Hong Kong Competition Ordinance.

WHY YOU SHOULD ATTEND

- Be on the know on how the competition will affect the competitive market of Hong Kong
- Learn strategies on drafting a sound compliance programme with the latest competition regime
- Network with Hong Kong's top compliance experts and firms
- Understand key concepts of the three rules of the competition
- Establish your companies' credibility in complying to the requirements of the competition ordinance

KEY TOPIC HIGHLIGHTS

- Investigative powers and penalties
- Implications for the transport and commodities industries
- Business Issues for in-house counsel
- Issues of competition law in Asia
- Comparative analysis of competition regime in other regions and jurisdictions
- Strategies and procedures in submitting required economic evidence
- Current cases analyses of breaches in competition around the globe

SPEAKERS INCLUDE:

PHILIP FRANCIS MONAGHAN
Executive Director (General Counsel)
Hong Kong Competition Commission

KNUT FOURNIER
Chairman
Hong Kong Competition Association

KELVIN KWOK
Assistant Professor of Law and Deputy Director
University of Hong Kong

ANTHONY CHIU
Deputy General Counsel
AIA International Limited

MIRANDA YEAP
Senior Manager - Council Services
Construction Industry Council

RAYMOND MIN-YAW GOH
Director
Anbang Asset Management

BURTON ONG
Associate Professor, Faculty of Law and Director of Competition Law
National University of Singapore

MARTA GARCIA
Partner, Competition
Stephenson Harwood

VERONICA LOCKYER
Vice President, Regulatory Compliance
PCCW

GARY SOO
Arbitrator
Gary Soo's Chambers

YONG KAI WONG
Head of Legal and Compliance
CITIC Capital

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ALB HONG KONG COMPETITION ORDINANCE FORUM



DATE: 7 JULY 2015
LOCATION: THE PARK LANE HOTEL HONG KONG

PROGRAM AGENDA

08:30

Registration and Networking

09:00

Chair's welcoming address

09:15

The Competition Ordinance: Why is it needed, what will it do for the market and will it have teeth?

- Competition Law around the globe: Where are we at and what are the progressive changes?
- Understanding the importance of promoting a competitive and fair business environment in Hong Kong
- Jurisdictional scope of the Ordinance and the definition of an 'undertaking'
- The importance of the innovation of Hong Kong's products and services



MARTA GARCIA
Partner, Competition
Stephenson Harwood

09:45

Interactive Panel Discussion: Are the draft guidelines effective to battle anti-competitive behavior?

- Guide on complaints, investigations and applications for decisions
- Differentiating business disputes to bid rigging: The business of pre-determined competition agreements
- Market threshold: Does market share determine market power?
- Pecuniary penalty: Is it enough sanction to stifle anti-competitive behavior?



ANTHONY CHIU
Deputy General Counsel
AIA International Limited



MIRANDA YEAP
Senior Manager - Council Services
Construction Industry Council



RAYMOND MIN-YAW GOH
Director
Anbang Asset Management

10:45

Refreshment Bre

11:00

First Conduct Rule: Balancing the effects of anti-competitive behavior through the "rule of reason"

- In-depth analysis of anti-competitive conduct, ie price fixing, market allocation, output control and bid rigging and lesser anti-competitive conduct
- How do you distinguish between serious anti-competitive conduct and lesser anti-competitive transgressions in the new Ordinance?
- Enforcement of the Ordinance: Understanding the administrative proceedings before the Commission, and the judicial proceedings before the Tribunal
- Vertical agreements: Is it anti-competitive or will it be subject to the rule of reason?



KNUT FOURNIER
Chairman
Hong Kong Competition Association

11:30

Second Conduct Rule: Abuse of market power

- What is the Second Conduct Rule about
- "Substantial degree of market power": a comparative analysis
- "Abuse": a comparative analysis
- Examples provided in the Revised Draft Guideline on the Second Conduct Rule



KELVIN KWOK
Assistant Professor of Law and Deputy Director
University of Hong Kong

12:00

Third Conduct Rule: Merger control in Hong Kong and the dawn of the new competition era.

- Provisions relating to the establishment, functions and powers of the new Competition Commission and the requirement to issue guidelines on the merger rule
- Are other sectors and industries in Hong Kong in need of protection from anti-competitive measures?
- Permissible monopolies and oligopolies in other sectors: How will these affect industries other than telecommunication?



YONG KAI WONG
Head of Legal and Compliance
CITIC Capital

12:30

Networking Luncheon

13:30

Interactive Panel Discussion: Assessing Hong Kong's scope of market investigation powers

- Regulating unfair trade agreement and market entry barriers
- Investigating and prohibiting deliberate acts of oligopolies, unfair trade agreement and market entry barriers
- Case analyses of current unfair trade practices in Hong Kong and how the lack of its investigative power affects the Ordinance



BURTON ONG
Associate Professor, Faculty of Law and Director of Competition Law
National University of Singapore



KNUT FOURNIER
Chairman
Hong Kong Competition Association



KELVIN KWOK
Assistant Professor of Law and Deputy Director
University of Hong Kong

14:30

The Competition Commission: how will it investigate anti-competitive conduct, enforce the provisions of the Ordinance, and maintain a free and level playing field?

- The Competition Rules - Overview of the Competition Rules and summary of the commission's position as regards the approach it will take with respect to these rules
- The enforcement "tools" available to the Commission

- "Remedies" under the Ordinance
- Complaints and applications for decisions and block exemptions



PHILIP FRANCIS MONAGHAN
Executive Director (General Counsel)
Hong Kong Competition Commission

15:00

Refreshment Break

15:15

Comparative Analysis: Comparing Hong Kong's Competition Ordinance with the Competition law in Singapore

- Enforcement disparity: As the Hong Kong authorities gain experience, will the competition playing field level be at par with the more established regulations of the EU and US?
- Highlights of the similarities and differences between Hong Kong and the US/EU's competition regimes, such as the focus on the concept of 'market dominance'
- Analyses of the differences in antitrust concepts in the Hong Kong, EU and US markets – approaches and practices in issues such as predatory pricing



BURTON ONG
Associate Professor, Faculty of Law and Director of Competition Law
National University of Singapore

15:45

Interactive Panel Discussion: Role of the compliance expert

- Ensuring current practices are compliant
- Assessing audit arrangement and business practices
- What you need to know, and what you need to implement in your company to draft a sound compliance programme
- Creating a culture of compliance: Rolling out compliance from top to bottom



VERONICA LOCKYER
Vice President, Regulatory Compliance
PCCW



GARY SOO
Arbitrator
Gary Soo's Chambers



MARTA GARCIA
Partner, Competition
Stephenson Harwood

16:45

Chairman's closing remarks