

LCQ20: Consultancy services on introduction of a competition law

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Following is a reply by the Secretary for Commerce and Economic Development, Mr Frederick Ma, to a question by the Hon Sin Chung Kai in the Legislative Council today (May 7):

Question:

In June last year, the Government announced that it had appointed Arculli Fong & Ng and another law firm, Gilbert + Tobin, as consultants to provide expert services in relation to the introduction of a competition law. The estimated budget for the consultancy services in the last and current financial years exceeds 16 million dollars in total. In this connection, will the Government inform this Council:

- (a) whether the providers of the aforesaid consultancy services were selected through a tender process; if so, of the commencement and completion dates of the process as well as the total number of bids received by the Government;
- (b) if no tender exercise had been conducted, of the procedure adopted by the Government for identifying providers of the consultancy services; and
- (c) whether it can set out in detail the specific work covered in the consultancy services?

Reply:

Madam President,

- (a) The consultancy for the provision of expert services in relation to the introduction of a competition law was subject to tender in accordance with the Government Procurement Regulations and Tendering Process. The tender process commenced in late March 2007 and was completed in June 2007. We received 22 tenders for the consultancy work.
- (b) As noted above, the standard tendering procedures were followed.
- (c) The main tasks of the consultancy are as follows:

- (i) advise with detailed justifications on a model for a cross-sector competition law that would best suit Hong Kong's needs, with reference to the regulatory frameworks in other jurisdictions including but not limited to Australia, Canada, the European Union, Singapore, the United Kingdom and the USA;
- (ii) review statutes and case law, both local and overseas, and advise on the implications of different approaches to formulating a competition regulatory framework for Hong Kong;
- (iii) provide all necessary professional support and advice on matters arising in connection with the law drafting process and the legislative process;
- (iv) prepare a set of draft guidelines for the implementation of the proposed cross-sector competition law; and
- (v) produce reports and proposals for submission to the Government, and attend meetings as necessary or as required under the consultancy study.

Ends/Wednesday, May 7, 2008