

Comments of Top Express Communications Limited on the Public Consultation on the Way Forward for Hong Kong's Competition Policy

Top Express Communications Limited (“Top Express”) welcomes the opportunity to express its views on the “Public Consultation on the Way Forward for Hong Kong’s Competition Policy” issued by the Economic Development and Labour Bureau in November 2006.

Top Express has strong reservation to the proposed Competition Policy (“Policy”). We consider that any legislation on anti-competition is a double-edged sword, while the intent of the Policy is to combat anti-competition behavior and to promote market competitiveness, the Policy may practically create constraints and costly hurdles to the operations of business enterprises and cause adverse effect to economic development.

Our success as a small and medium enterprise is because of Hong Kong’s free market system under which our business has flourished. For decades, this system has been working well. We do not see any good reasons to bring major changes, such changes as introducing additional laws that could increase our operational costs because of compliance and/or other implementation issues.

We appreciate the importance of promoting Hong Kong’s competitiveness. Enhancing competitiveness would involve devising a comprehensive competition policy with clear strategic objectives. Such a policy often covers a wide range of political, economic, social and regulatory issues such as market liberalization, skilled workforce, innovation, technological advancement and sustainable development (and, competition law, if appropriate).

Competition law is just one of the many elements making up a multi-dimensional competition policy. The consultation paper addresses mainly competition law issues without touching on other aspects of a broader competition policy which would be vital in promoting Hong Kong’s competitiveness.

Introducing a competition law without considering it in a broader context of a competition

policy would end up being piecemeal law reform efforts. We would welcome the government's input in setting out the details of an effective competition policy, and on such basis, assessing if a competition law would be suitable for Hong Kong.

We would appreciate it if the government could give more careful thoughts before making major changes to our current economic system.

Top Express Communications Limited

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