



# Compliance with the Hong Kong Competition Ordinance

## Are You Ready?



Hong Kong's cross-sector competition law was introduced on 14 December 2015. Enforced by the Competition Commission and the Competition Tribunal, it aims to safeguard competition for consumers and businesses by prohibiting anti-competitive conduct.

# 120+

COUNTRIES AROUND THE WORLD - INCLUDING MOST OF HONG KONG'S NEIGHBOURS IN ASIA - HAVE ADOPTED COMPETITION LAWS.<sup>1</sup>

Epiq and DTI have offices and data centers around Asia-Pacific to serve you.



## The law governing competition for businesses and consumers in Hong Kong



### WHO'S LIABLE?

Most agreements will only be covered by the law if the combined turnover of the organisations involved comes to more than HK\$200 million. If an organisation is seen as having "substantial market power", however, the turnover threshold is HK\$40 million.



### GLOBAL IMPACT

The Ordinance has extra-territorial application – agreements and conduct which take place outside Hong Kong, but which have the object or effect of preventing, restricting or distorting competition in Hong Kong, will be caught by the Ordinance.



### PENALTY

A business found to have infringed these rules can be fined up to 10 percent of its Hong Kong turnover. Disqualification Orders against persons, disqualifying them from acting as a director and other roles in respect of companies, for a period not exceeding 5 years.

Contact Nathan Hughes at [nhughes@epiqsystems.com.hk](mailto:nhughes@epiqsystems.com.hk) to discuss the practical realities of conducting eDiscovery in competition investigations.

## When the Competition Commission Calls, Will You be Prepared?

With the threat of regulatory requests in the form of interviews, documentary disclosures, inspections and searches – all at short notice – and significant sanctions for breach, the pressure on businesses to prepare and respond properly to requests from the Competition Commission has never been greater.

Epiq's experienced team in Hong Kong and around Asia helps clients:

1

### IDENTIFY AND COLLECT INFORMATION

We identify, collect and preserve data swiftly, using forensically sound practices to help you assess the merits of your case, discharge your duty to cooperate and develop optimal regulatory responses and defensive strategies.

2

### REVIEW LARGE AMOUNTS OF INFORMATION RAPIDLY

We support clients who are the subject of investigations or witnesses assisting investigations, to meet regulator's often burdensome, urgent, and repeated demands for documentary disclosures.

3

### ASSESS INFORMATION FOR RELEVANCE AND PRIVILEGE

We provide clients with defensible means to assess relevancy and the legal privilege status of documents subject to disclosure.<sup>2</sup>

4

### ISOLATE AND PROTECT SENSITIVE INFORMATION

We help clients to identify sensitive information and to act rapidly to assert legal privilege and confidentiality from the Competition Commission in order to protect such information.

5

### ENSURE DATA SECURITY

We ensure that high standards of confidentiality and secrecy required during investigations by the Competition Commission are met, using best-in-class technologies and processes.

6

### SAVE COSTS AND TIME

We implement tight cost controls and up-to-date budgetary forecasting and reporting to give clients transparency throughout protracted, fast-evolving, and expansive competition investigations.

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<sup>1</sup> South China Morning Post, 14 December 2015 <http://www.scmp.com/presented/business/topics/competition-ordinance-force/article/1890994/competition-law-starts-hong>

<sup>2</sup> Irrelevance and legal privilege are the only grounds for resisting disclosure requests by the Competition Commission.