



Industry Group Meetings : “Do”s and “Don’t”s

Anti-competitive conduct is proscribed by the Hong Kong’s Competition Ordinance. Extra care should be taken when attending Industry Group Meetings. Below are some “Do”s and “Don’t”s to bear in mind when attending such meetings.

“Do”s

Purpose of Meetings

- Have meetings for legitimate purposes, e.g. to discuss issues of interest to the industry as a whole

Agenda for Meetings

- Circulate and pre-agree an agenda before the meetings
- Check for potential anti-competitive concerns
- Stay with the agenda during the meetings

Discussions during Meetings

- Be vigilant about what is discussed
- Object to attempts to raise or agree any anti-competitive strategies, arrangements, activities and/or conduct
- Leave the meeting immediately if the discussion continues after objection is made

Meeting Minutes

- Take, agree and keep minutes of the meeting

Legal advice

- Seek legal advice in case of doubt as to whether agenda items, matters to be discussed or information to be exchanged may be competitively sensitive

“Don’t”s

Purpose of Meetings

- Have meetings to plan or discuss anti-competitive strategies, arrangements, activities and/or conduct

Agenda for Meetings

- Stray from the agenda
- Discuss ad hoc items, particularly if there are anti-competitive concerns

Discussions during Meetings

- Discuss competitively sensitive information
- Discuss commercially sensitive information of individual businesses
- Make statements or agreements that:
 - could be interpreted as an invitation to coordinate behaviour, e.g. “*Something needs to be done about...*”
 - involve cartel conduct, e.g. price-fixing, market allocation and bid-rigging
 - involve collective action with regard to, or refrain from competing for certain customers or in certain geographical areas
 - contemplate behaviour that may affect competitors
 - relate to future plans on scope of products and terms for supplying new products / services

Information that is not competitively sensitive:

- Publicly available information
- Historical anonymized data
- General economic and legal issues
- General trends of the markets, industry best practices, demand predictions in the market
- General strategies that may enhance or promote the market as a whole

Information that is likely to be competitively sensitive:

- Information relating to price, output, product quality, product variety, innovation
- Information about pricing strategies, customers, client lists, company costs, quantities, sales volumes and revenues, capacity, product quality, scope of products, marketing plans, risks, investments, technologies and innovation



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