

## Overview of draft leniency policy published by HKCC

### 1. **Focus and impact** :

- Applies to “**cartel conduct**” (under the “**First Conduct Rule**”) among undertakings
- **Price fixing; market-sharing; output restriction; bids rigging** have been identified as “cartel conduct” that are seriously anti-competitive
- Non-cartel conduct — not expressly covered by the leniency policy; will be considered by HKCC on a “case by case basis”

### 2. **Key features of the proposed system:**

- “**winner takes all**” — the policy only extends to the first entity reporting anti-competitive conduct; though HKCC left open the possibility of using its discretion to provide “favourable treatment” to second, third, fourth, etc. applicants
- The immunity is **limited to financial penalties** and does not cover other sanctions under the Ordinance. It does **NOT** preclude **actions of damages brought by third parties**

*For a fuller summary of the draft policy prepared by a specialist law firm please click [here](#).*