

**COMMISSION DECISION UNDER SECTION 11(1) OF THE COMPETITION ORDINANCE  
IN RESPECT OF THE CODE OF BANKING PRACTICE**

Whereas:

- (a) on 11 December 2017, the Competition Commission (“**Commission**”) received an application for a decision under section 9(1) of the Competition Ordinance (Cap. 619) (“**Ordinance**”) in respect of the Code of Banking Practice (“**Application**”);
- (b) the Application was submitted by 14 institutions authorised under the Banking Ordinance (Cap. 155) (“**Applicants**”), which are as follows: Bank of China (Hong Kong) Limited; Bank of China International Limited; The Bank of East Asia, Limited; BNP Paribas; Citibank (Hong Kong) Limited; Dah Sing Bank, Limited; DBS Bank (Hong Kong) Limited; Hang Seng Bank, Limited; The Hongkong and Shanghai Banking Corporation Limited; Industrial and Commercial Bank of China (Asia) Limited; JPMorgan Chase Bank, National Association; Orix Asia Limited; Public Finance Limited; and Standard Chartered Bank (Hong Kong) Limited;
- (c) the Application seeks a decision confirming that the first conduct rule under section 6 of the Ordinance does not apply to the giving effect to the Code by the Applicants by virtue of the exclusion in section 2 (*Compliance with legal requirements*) of Schedule 1 to the Ordinance;
- (d) in accordance with section 10 of the Ordinance, the Commission published notice of the Application on its website on 5 January 2018 and separately contacted certain parties in writing, in order to bring the Application to the attention of those the Commission considered likely to be affected by the decision; and
- (e) the Commission has considered the Application, as well as the submissions from the Applicants, the representations about the Application that were made to it, and the written comments received from the Monetary Authority,

In exercise of the powers conferred by section 11(1) of the Ordinance, the Commission makes the following Decision:

### **Definitions**

(1) In this Decision—

“Code of Banking Practice” means the Code of Banking Practice issued jointly by The Hong Kong Association of Banks and The DTC Association (also known as The Hong Kong Association of Restricted Licence Banks and Deposit-taking Companies) which became effective on the Effective Date, with such amendments as have been implemented from the Effective Date to the date of this Decision;

“Effective Date” means 6 February 2015.

### **Operative Part**

(2) The Code of Banking Practice is not excluded from the application of the first conduct rule by or as a result of section 2 (*Compliance with legal requirements*) of Schedule 1 to the Ordinance.

Made 15 October 2018.

[Signed]

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**Prof. K. C. Chan**

Member of the Enforcement Committee

for and on behalf of the

Competition Commission