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民思政策研究所
POD Research Institute



Combating Collusion

An Analysis of Bid-Rigging in Hong Kong's Building Maintenance Sector
and Lessons from the Wang Fuk Court Fire

打擊合謀：

香港樓宇維修行業圍標分析及宏福苑火災的教訓

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PODRI 研究團隊

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1. Introduction

The integrity of Hong Kong’s urban infrastructure relies heavily on effective, transparent, and ethical building maintenance. However, this sector has long been plagued by allegations of bid-rigging, resulting in inflated costs, substandard workmanship, and compromised public safety. The tragic Wang Fuk Court fire served as a stark reminder of the critical importance of proper maintenance, inadvertently exposing systemic vulnerabilities that unscrupulous actors can exploit.

The urgency of this issue is underscored by the sheer scale of aging infrastructure. Under the government’s Mandatory Building Inspection Scheme (MBIS), residential buildings aged 30 years or older are subject to statutory maintenance requirements.¹ Of the approximately 28,000 qualifying buildings in Hong Kong, it is estimated that fewer than half have completed necessary major repairs. This leaves a backlog of roughly 14,000 buildings awaiting maintenance.² At the current completion rate of just 200 buildings per year, clearing this backlog will take decades—a timeline that is untenable given the safety risks involved.

This monumental volume of impending work creates a lucrative environment for financial exploitation. To illustrate the potential scale of this issue, consider the following estimates regarding the financial impact of bid-rigging in the building maintenance sector:

Table 1 Estimated Financial Impact of Bid-Rigging in the Hong Kong Building Maintenance Sector

Total annual contract amount	HK\$20-50 billion
Additional Profits	20-50%
Lower bound estimate	HK\$4 billion
Upper bound estimate	HK\$25 billion

Source: Press releases from the Competition Commission (CompCom) and the Independent Commission Against Corruption (ICAC), referencing operations in 2024 - 2025 involving multiple contracts ranging from hundreds of millions to HK\$1 billion.; Buildings Department’s Mandatory Building Inspection Scheme (MBIS) data; Legislative Council Secretariat and the Buildings Department/Development Bureau (based on end-2023 figures).

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- 1 Buildings Department. (2025, April 14). Mandatory Building Inspection Scheme. <https://www.bd.gov.hk/en/safety-inspection/mbis/index.html>
 - 2 Ho, D. (2025, December 6). The black swan of old residential premises has appeared. Property.hk. https://www.property.hk/article_content.php?author=PHK_HOHUNGFAIEN&id=143308

If bid-rigging—an anti-competitive practice that stifles fair market dynamics—is allowed to persist, it will continue to drive up costs for owners and degrade the quality of essential repairs. Consequently, this research aims to investigate the roots of bid-rigging in Hong Kong’s maintenance sector, analyze the current policy landscape, and propose actionable risk control strategies based on local and international best practices.

1.1 Background: The Wang Fuk Court Tragedy as a Catalyst

The Wang Fuk Court fire in early December 2025 was a devastating catastrophe, resulting in 161 confirmed deaths and numerous missing persons.³ While the immediate cause of the blaze remains under investigation, the Chief Executive moved swiftly to establish an independent committee charged with a comprehensive review of the building works system. The objective is clear: to reform the sector and prevent the recurrence of such tragedies. However, beyond the immediate loss of life, the disaster has cast a harsh spotlight on the entire building maintenance ecosystem.

The incident has underscored critical structural vulnerabilities that create an environment conducive to malpractice. Specifically, it has exposed the intricate and often problematic relationships between several key factors: the enforcement of the MBIS, the governance roles of Owners’ Corporations and Property Management Companies, and the pervasive issues of information asymmetry and lack of transparency.

These are not merely local administrative hurdles; they are complex governance challenges recognized globally. By highlighting the dire consequences of neglected or inadequate maintenance, the Wang Fuk Court fire has intensified the pressure on property owners to expedite repairs. Paradoxically, this urgency risks exacerbating the problem: a sudden surge in demand within a system characterized by opacity increases the opportunities for bid-rigging and exploitation.

³ Death toll from Wang Fuk Court fire rises to 161 - RTHK. (n.d.). <https://news.rthk.hk/rthk/en/component/k2/1836870-20251220.htm>

2. Policy Landscape and Stakeholder Analysis

Over the past decade, Hong Kong has introduced and refined a variety of policies aimed at ensuring building safety and managing maintenance, largely in response to an aging building stock and rising public safety concerns. While these regulatory measures are well-intentioned, they have inadvertently shaped an environment in which bid-rigging and anti-competitive practices can proliferate.

2.1 Key regulations and legislation

The Mandatory Building and Window Inspection Schemes (MBIS, MWIS)

The Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) were fully implemented on 30 June 2012, following relevant amendments to the Buildings Ordinance. This legislation empowers the Building Authority (BA) to issue statutory notices to the owners of targeted buildings, typically those aged 30 years or above, with certain exemptions, requiring them to carry out prescribed inspections and any necessary repairs for both the building structure and its windows.⁴ To streamline the process for owners, repair work for both schemes is designed to be carried out on the same cycle wherever practicable, allowing for concurrent inspection and repair operations.

The selection of buildings for these mandatory orders follows a risk-based approach. A panel of relevant experts advises the BA, prioritizing buildings based on factors such as age, physical condition, management status, geographical clustering, and potential risk to public safety.⁵ Generally, higher priority is assigned to dilapidated buildings and those with specific high-risk features, such as cantilevered slab structures.

Building Management Ordinance (BMO) (Cap. 344)

The BMO governs the formation and operation of owners' corporations (OCs), which are typically responsible for organizing and funding mandated works under both MBIS

4 Mandatory Building Inspection Scheme - Buildings Department. (n. d.). <https://www.bd.gov.hk/en/safety-inspection/mbis/index.html>

5 Selection of target buildings - Buildings Department. (n. d.). https://www.bd.gov.hk/en/safety-inspection/mbis/learn-more-about-MBIS/index_mbis_overview_selection.html

and MWIS. However, the Ordinance grants significant operational autonomy to OCs, which are often volunteer-run and possess varying levels of governance capability and procurement sophistication. This can lead to inconsistent procurement practices, a reliance on familiar contractors, and a lack of robust oversight—conditions that can be exploited for anti-competitive ends.

Government Subsidy and Loan Schemes (e.g., Building Safety Loan Scheme, Operation Building Bright)

These financial initiatives aim to alleviate the economic burden on owners. Paradoxically, by injecting substantial, earmarked public funds into the IMR market, they can inadvertently heighten the incentive for collusion. Contractors may perceive these subsidized projects as a “common pool” of revenue, leading to arrangements to rotate bids or fix prices, knowing the funds are guaranteed and the works are legally required.

Procurement Guidelines (for public sector)

While the Hong Kong SAR Government has well-established, transparent procurement rules for its own projects, these standards do not extend to private building owners or OCs undertaking mandatory works. The absence of universally mandated, competitive, and transparent procurement procedures for the vast number of private MBIS or MWIS projects creates a regulatory gap. This allows for closed tender invitations, direct negotiations, and a lack of price benchmarking, facilitating bid-rigging and market allocation among contractors.

Competition Ordinance (Cap. 619)

The cornerstone of Hong Kong’s competition law prohibits anti-competitive agreements (including bid-rigging) and abuses of market power. Its application to the building maintenance sector is clear in principle. However, enforcement challenges arise from the sector’s opacity and the difficulty of detection. Collusive arrangements are often informal and covert, while victims, including OCs and owners may not recognize or report them. Furthermore, the Ordinance’s focus on larger-scale economic harm may leave smaller, building-specific collusion under the radar unless

pursued by the Competition Commission through sector-wide investigations.

In summary, these policies collectively establish a framework of compulsory demand, decentralized procurement, and significant financial flows, yet without a uniformly mandated competitive procurement process for the private sector. This combination creates fertile ground for anti-competitive practices to take root, as service providers operate in a market where the need for their services is legally guaranteed, but the mechanisms for awarding contracts are often fragmented, non-transparent, and vulnerable to manipulation.

2.2 Key policy actors

Property Owners / Owners' Corporations (OCs)

As the legally accountable entities under the BMO, owners and OCs bear the ultimate responsibility for organizing and funding mandated inspection and repair works. Their primary incentives are regulatory compliance at minimal cost and the avoidance of disputes. However, constrained by limited technical expertise, financial pressures, and often volunteer-based governance, OCs tend to favor low-bid offers or familiar contractors. This reliance, coupled with a limited capacity to detect collusion, renders them vulnerable to mis-selling and anti-competitive practices within the maintenance market.

Property Management Companies (PMCs)

PMCs serve as operational agents for OCs, frequently overseeing the procurement of inspection, maintenance, and repair (IMR) services. While formally tasked with implementing OC directives, a structural conflict of interest may arise, in which PMCs often maintain enduring commercial relationships with contractors rather than with transient OCs. This can lead to repeated referrals to preferred contractors, the administration of superficial "quoting exercises" in place of competitive tender processes, and a failure to identify or report signs of bid-rigging, thereby undermining procurement integrity.

Consultants (e. g. Surveyors, Engineers)

As accredited professionals under MBIS/MWIS, consultants perform a critical

gatekeeping function—conducting inspections, specifying remedial works, and certifying compliance. Their role requires independent professional judgment. However, the dual function of advisor and specifier creates a potential loophole. Some consultants may cultivate reciprocal referral arrangements with contractors, tailoring specifications to favor particular firms, or may hold undisclosed financial interests in contracting companies. Such practices compromise objectivity and facilitate non-competitive award processes.

Contractors

Contractors are the direct providers of IMR services. In a properly functioning market, their objective is to secure profitable contracts through competitive bidding. However, the policy-generated, inelastic demand for their services, driven by mandatory inspection regimes, can incentivize collusion to stabilize prices and ensure margins. Weaknesses in procurement governance, such as opaque tender processes, inconsistent oversight, and low detection risks—enable anti-competitive behaviors including cover bidding, market allocation, and price-fixing, particularly in densely built urban districts.

Legislators / Policy Makers

This group is responsible for establishing the overarching regulatory frameworks for building safety and market conduct. A central policy challenge is to advance building safety objectives without inducing undue market distortion or owner hardship. A significant regulatory gap persists between these two policy streams: safety regulations mandate that works be done, but do not prescribe competitive procurement methods for the private sector, while competition law, though prohibiting collusion, is largely reactive and difficult to enforce in a fragmented, privately managed context. It is within this gap that anti-competitive practices can proliferate.

2.3 Policy gaps and weaknesses

The policy and regulatory framework governing building maintenance in Hong Kong contains significant gaps that collectively enable and perpetuate anti-competitive practices. These weaknesses span legislation, oversight, enforcement, and market structure.

Legislative Inadequacy: The Civil-Only Conundrum

Hong Kong's Competition Ordinance (Cap. 619) explicitly prohibits bid-rigging as a serious anti-competitive conduct. However, its classification as a purely civil offense constitutes a critical deterrent gap. This limitation restricts sanctions to financial penalties and disqualification orders, without providing for criminal liability, such as imprisonment, for the anti-competitive agreement itself. Consequently, the potential gains from collusion may be perceived to outweigh the associated legal risks. It is crucial to distinguish this from associated acts: while standalone bid-rigging escapes criminal sanction under the Competition Ordinance, acts of bribery in both public and private tenders can be prosecuted under the Prevention of Bribery Ordinance (Cap. 201). Nevertheless, the latter targets the corrupt means (bribery) rather than the anti-competitive outcome (bid-rigging). Thus, a purely collusive agreement devoid of bribery remains subject only to civil remedies.

Furthermore, the application of the Prevention of Bribery Ordinance (POBO) to bid-rigging in private building maintenance is subject to significant limitations and ambiguities that substantially weaken its effectiveness.

Firstly, under the POBO, bid-rigging is explicitly criminalized primarily in relation to tenders by public institutions. This jurisdictional limitation means that bid-rigging in the vast majority of private building maintenance projects, particularly those initiated by Owners' Corporations (OCs), often falls outside the direct criminal purview of the POBO. Consequently, an anti-competitive agreement not clearly involving bribery may evade criminal prosecution under this ordinance, creating a substantial regulatory lacuna.

Secondly, the interpretation of "agent" within the POBO's bribery provisions presents a critical ambiguity when applied to members of Owners' Corporations. The Ordinance defines an "agent" as an individual employed by or acting on behalf of a principal. However, members of Owners' Corporations, by their legal nature, are not merely employees or representatives acting on behalf of the corporation; they constitute its primary decision-making body, effectively acting as the corporation itself. This subtle yet significant legal distinction creates a "grey area," complicating

the prosecution of bribery cases involving OC members under the existing “agent” provision and potentially undermining accountability.

These critical legal ambiguities underscore that even with the POBO, the current regulatory framework inadequately addresses the complexities of bid-rigging and corruption within the private building maintenance sector. A robust and effective legislative reform is imperative to clarify and eliminate these systemic grey areas, thereby ensuring comprehensive legal deterrence.

Regulatory Fragmentation and the Private Sector Void

A fundamental disconnect exists between safety regulation and competition governance. Mandatory inspection schemes compel private owners to undertake works but prescribe no mandatory competitive procurement protocols for doing so. This creates a regulatory void where compulsory demand meets opaque, unmonitored supply. Unlike public tenders governed by strict procurement rules, private sector tenders operate without standardized oversight, facilitating cover bidding and market allocation.

Enforcement Constraints

The Chronic under-resourcing of the Competition Commission relative to the market’s scale and opacity severely limits proactive enforcement. Investigating complex, covert collusion requires significant manpower and expertise. Furthermore, the civil standard of proof, while lower than the criminal “beyond reasonable doubt,” still demands robust evidence of an agreement—often informal and concealed—making cases difficult to build and win. The resulting enforcement actions are often perceived as too slow and too limited in scope to alter market behavior systemically.

Structural Vulnerabilities: Owner Disempowerment and Industry Fragmentation

These legislative and enforcement gaps are exacerbated by on-the-ground structural vulnerabilities.

- **Owner Empowerment Deficiencies:** As previously analyzed, OCs frequently lack technical expertise, procurement sophistication, and collective resolve to design and manage robust, transparent tender processes, making them susceptible to

manipulation.

- **Fragmented Industry Structure:** The market for IMR works is characterized by a high number of small to medium-sized contractors, often operating in localized districts. This structure can facilitate tacit coordination or explicit collusion, as firms become familiar with one another and the costs of detecting such arrangements are high. This fragmentation, combined with inelastic demand, creates a ripe environment for anti-competitive agreements.

In summary, the policy environment is defined by a critical misalignment: stringent safety mandates generate a captive market, while the corresponding frameworks for ensuring competition in that market are structurally weak, under-enforced, and outpaced by the incentives and opportunities for collusion.

3. Comparative Analysis of Successful Anti-Bid-Rigging Strategies

This section provides brief overviews of successful anti-bid-rigging stories, both domestically and internationally, highlighting key loopholes and informing the development of effective countermeasures.

3.1 Domestic success stories

Tai Wo Estate (太和邨)⁶

The incident took place at Tai Wo Estate in Tai Po, a public housing estate participating in the Home Ownership Scheme. In 2016, the Estate's OC proposed a major repair plan estimated at HKD 27 million for the first phase, with potential additional costs. Many residents deemed this price excessive and questioned the transparency of the bidding process, suspecting bid-rigging among contractors and the corporation.

Faced with potentially exorbitant repair fees, a group of dissatisfied young residents and elder neighbors banded together, calling themselves "Descendants of Tai Wo." This name reflects their commitment to protect their community while incorporating a humorous nod to contemporary culture. The group, primarily composed of young residents alongside professionals, leveraged their spare time to challenge the long-standing management of the Estate.

Their struggle was formidable, requiring significant owner proxy votes to overturn the corporation. They utilized social media, particularly Facebook groups, to disseminate information and highlight the deficiencies of the repair plan. Most critically, the volunteers undertook an arduous door-to-door campaign (「洗樓」), explaining the situation to elderly owners and urging participation in meetings or proxy signings. They faced the challenge of dismantling an entrenched corporation with established resources.

6 余睿菁. (2025, February 11). 曾爆天價維修費 太和邨 10 新人全當選踢走舊法團. 香港 01. <https://www.hk01.com/%E7%A4%BE%E6%9C%83%E6%96%B0%E8%81%9E/43776/%E6%9B%BE%E7%88%86%E5%A4%A9%E5%83%B9%E7%B6%AD%E4%BF%AE%E8%B2%BB-%E5%A4%AA%E5%92%8C%E9%82%A810%E6%96%B0%E4%BA%BA%E5%85%A8%E7%95%B6%E9%81%B8%E8%B8%A2%E8%B5%B0%E8%88%8A%E6%B3%95%E5%9C%98>

In June of that year, the atmosphere at the special owners' meeting was electric. The "Descendants of Tai Wo" successfully mobilized a significant number of owners, leading to a decisive vote to replace the entire old corporation. A new management committee, formed by their members and supporters, was elected. Upon taking office, the new corporation quickly suspended the controversial repair project and reassessed the Estate's financial and maintenance needs.⁷ Reports indicate that they implemented more reasonable bidding and management practices, significantly reducing repair costs—from an initial million-level budget to estimates as low as hundreds of thousands. This demonstrated the effectiveness of their anti-collusion efforts.

Belvedere Garden (荃灣麗城花園)

The incident occurred at Belvedere Garden in Tsuen Wan, a large private residential complex. In 2015, the then-current Owners' Corporation proposed a major repair plan with a staggering initial estimate of HKD 160 million. However, the fine print revealed unreasonable clauses, such as excessively high "itemized prices" and contract terms that were overly lenient towards contractors, providing inadequate protection for owners. Many residents suspected typical bid-rigging practices.

In contrast to the youthful energy at Tai Wo Estate, the resistance at Belvedere Garden benefited from the professional backgrounds of its residents. They formed the "Belvedere Garden Phase III Owners' Rights Concern Group," which became a powerful driving force in the case. The group consisted of experts, including surveyors, engineers, accountants, and lawyers, who applied their expertise to meticulously review the tender documents and consultant reports, identifying numerous flaws.

Their campaign relied on professional analysis and rational persuasion. Members examined hundreds of pages of tender documents, uncovering absurdities, such as unit prices several times higher than market rates, and execution of unnecessary works. They created highly professional and understandable flyers and PowerPoint

7 吳世寧, & 李慧筠. (2016, November 24). 太和邨新法團直播開會拒絕飯局. HK01. <https://www.hk01.com/%E7%A4%BE%E5%8D%80%E5%B0%88%E9%A1%8C/55232/%E5%A4%AA%E5%92%8C%E9%82%A8%E6%96%B0%E6%B3%95%E5%9C%98%E7%9B%B4%E6%92%AD%E9%96%8B%E6%9C%83%E6%8B%92%E7%B5%95%E9%A3%AF%E5%B1%80%E4%B8%BB%E5%B8%AD%E4%BB%BB%E8%82%96%E9%9B%B2%E6%83%B3%E5%82%BE%E5%9A%9F%E6%B3%95%E5%9C%98%E8%BE%A6%E5%85%AC%E5%AE%A4%E5%82%BE>

presentations to explain to other owners why the repair proposal was unreasonable. Rather than appealing to emotions, they appealed to logic and financial impact. Like at Tai Wo Estate, collecting owner proxy votes was crucial. The group set up street booths and held resident meetings to address owners' concerns, gradually dismantling the voting advantage of the old corporation.

In September 2015, during a significant owners' meeting, residents overwhelmingly rejected the exorbitant HKD 160 million repair proposal. Building on this victory, the Concern Group successfully ousted the old corporation and elected a new management team composed of its members. The new corporation promptly re-engaged consultancy services and re-tendered the project. Ultimately, the revised repair plan brought costs down to approximately HKD 40 million to 50 million.

Garden Vista (翠湖花園)

The rigging pattern in Garden Vista involved artificial specification inflation and restrictive tendering. The management committee proposed the use of prohibitively expensive, branded materials and proprietary systems for renovation projects. This strategy effectively "bound" the contract to a single pre-selected supplier by crafting tender terms designed to disqualify all but the favored contractor, thereby eliminating genuine competition.

In response, owners formed an alliance and commissioned an independent professional assessment. They engaged their own surveyor to develop an alternative specification, proposing high-quality yet generic materials that demonstrated equivalent functionality at a significantly reduced cost. Leveraging this alternative proposal, they initiated legal action, applying for an injunction against the tender process. Their grounds for challenge included unreasonable restraint of trade and a failure by the Owners' Committee to act in the best interests of the owners, effectively halting the rigged tender.

Villa Pinada (茵翠苑)

The rigging pattern at Villa Pinada was characterized by predatory phased manipulation. The incumbent Owners' Committee proposed a series of ostensibly small, urgent repair

projects (e.g., pipe replacement, lobby refurbishment) at inflated prices. This constituted a “salami-slicing” strategy, deliberately avoiding a single, large-scale project that would typically trigger heightened scrutiny. Instead, the scheme systematically drained the estate’s management fund through multiple, consistently rigged small contracts over an extended period.

The residents’ counter-strategy involved a holistic financial investigation and public exposure. A dedicated group of residents, leveraging their professional accounting backgrounds, conducted a comprehensive audit of the estate’s maintenance accounts spanning several years. They meticulously mapped all expenditures and visualized the data to demonstrate an unsustainable cost trend and a consistent pattern of awarding contracts to a linked network of contractors. This evidence was presented at an Annual General Meeting (AGM), reframing the issue not as isolated repair failures but as a systemic, long-term financial governance crisis, which successfully rallied owners to replace the entire Owners’ Committee.

King Lam Estate (景林邨)

In King Lam Estate, the rigging pattern exploited bureaucratic inertia and resident disengagement, typical of public rental housing. The repair proposal, initiated by the Housing Authority but managed by a largely dormant Owners’ Committee, suffered from “consultant capture.” The appointed consulting engineer consistently over-designed solutions and recommended contractors with whom they had established recurring business relationships, effectively bypassing genuine competitive bidding. The pervasive lack of active owner oversight facilitated this “cozy relationship,” allowing it to dictate project costs and contractor selection.

The residents’ successful countermeasure relied on external alliance-building and regulatory pressure. Resident leaders strategically partnered with district councilors and independent licensed surveyors who provided expert advice and legitimacy. They formally lodged complaints with the Independent Commission Against Corruption (ICAC) and the Housing Authority, demanding rigorous scrutiny of the tender process and highlighting the consulting engineer’s clear conflict of interest. The combined threat of

official investigation and potential negative publicity effectively pressured the authorities to review and subsequently restart the tender process under significantly stricter oversight, ensuring a more equitable outcome.

Table 2 Bid-Rigging Modus Operandi and Community Counter-Strategies: Case Studies from Diverse Hong Kong Estates

Estate (Type)	Rigging Pattern	Key Resident Countermeasure	Critical Success Factor
Tai Wo Estate (Home Ownership Scheme)	Opaque bundling & cost inflation within a single massive tender.	Grassroots mobilization & proxy vote drive; simplifying complex issues for mass engagement.	Uniting young energy with elder community trust; mastering the procedural weapon of proxy collection.
Belvedere Garden (Private)	"Poison pill" tender with inflated itemized prices & contractor-favouring clauses.	Professional line-by-line audit of tender documents by resident experts (surveyors, lawyers).	Availability of in-house professional expertise to deconstruct and credibly challenge technical documents.
Garden Vista (Private)	Artificial "binding" through branded specs & restrictive tender terms.	Commissioning an independent alternative specification & pursuing legal injunction.	Willingness and resourcefulness to engage in legal action as a strategic deterrent.
Villa Pinada (Private)	Predatory "salami-slicing" via multiple small, rigged projects.	Longitudinal financial audit and data visualization to expose systemic plunder.	Forensic approach to financial data to reveal hidden patterns over time.
King Lam Estate (Public Rental Housing)	"Consultant capture" and exploiting bureaucratic/passive oversight.	Building alliances with district councilors & leveraging external anti-graft bodies (ICAC).	Using external regulatory and political leverage to break closed, non-transparent systems.

These cases demonstrate that bid-rigging is not monolithic but adapts to the context of the estate. However, the counterplay always involves shifting the battle from a technical fog to clear, actionable ground. Whether through grassroots mobilization, professional analysis, legal action, financial forensics, or external advocacy, successful residents found a way to create and weaponize transparency. The universal prerequisites are a committed core group and a strategy tailored to dismantle the specific rigging pattern employed against them. From the distinctly different yet equally successful cases above-mentioned, three key elements that empowered small property owners to triumph over collusion are identified:

1. **Organization & Mobilization:** Whether driven by passionate youth or professional middle-class residents, fighting alone is futile. Establishing a core organization (like the concern group) is crucial. Utilizing door-to-door campaigns, street booths, and social media is vital to mobilizing the silent majority. Collecting proxy votes is the decisive battleground.
2. **Transparency & Expertise:** Collusion often hides within the complexities of tender documents and contractual details. Successful cases involved thorough examination of these documents, whether seeking professional help or conducting independent research. Exposing inflated prices and unreasonable clauses, and convincing fellow owners with data and facts rather than emotive pleas is essential.
3. **Persistence & Sacrifice:** The fight against collusion is a protracted battle. Opponents typically possess significant resources and vested interests. Success hinges on a group of volunteers willing to sacrifice considerable personal time, endure pressure, and face intimidation to persevere in their cause.

3.2 International success stories

This section highlights successful anti-bid-rigging initiatives in neighbouring regions, particularly Singapore and Japan, which have established rigorous frameworks that Hong Kong could learn from.

Singapore: A Dual Approach of Strict Enforcement and Leniency

In Singapore, the effectiveness of bid-rigging prevention can be attributed to its robust enforcement agencies and a formidable legal framework. The Competition and Consumer Commission of Singapore (CCCS) operates as an independent statutory body with broad investigative powers, including conducting dawn raids, seizing documents, and summoning witnesses. Rather than relying solely on complaints, the CCCS actively monitors market data.⁸ Under the Competition Act, Section 34 explicitly

⁸ Damazo-Santos, J. (2024, July 24). AI, data analytics improve Singapore competition regulator's ability to respond quickly, director says. MLex. <https://www.mlex.com/mlex/articles/2235453/ai-data-analytics-improve-singapore-competition-regulator-s-ability-to-respond-quickly-director-says>

prohibits any agreements or conduct that restrict, distort, or prevent competition in Singapore's market, with bid-rigging classified as one of the most serious violations.⁹ Violating firms can incur penalties of up to 10% of their turnover in Singapore over a three-year period, which can be devastating for businesses.¹⁰ A key strategy within this framework is the Leniency Programme, which encourages participants to report collusion.¹¹ The first whistleblower to provide evidence is eligible for a 100% fine exemption. This creates a strong "prisoner's dilemma" within colluding groups, fostering distrust and motivating members to abandon their silent complicity. While direct quantitative metrics, such as the precise number of leniency applications received annually, would offer a clearer statistical insight into the program's operational reach and effectiveness in breaking cartels, competition authorities, including the CCCS, typically maintain confidentiality regarding such granular data. This practice often stems from the need to protect the identity of whistleblowers, safeguard ongoing investigations, and preserve the program's strategic effectiveness by preventing colluding parties from deducing patterns or risks. Nevertheless, the CCCS consistently highlights the Leniency Programme as a vital enforcement tool. Public statements and the successful resolution of various cartel cases frequently indicate that critical intelligence, leading to the detection and effective prosecution of bid-rigging and other collusive practices, has originated from information provided under this programme. This qualitative evidence, often reflected in the dismantling of cartels and imposition of significant penalties, demonstrates the program's practical success in fostering distrust among colluding parties and incentivizing self-reporting.

Japan: Criminalization and Prevention of Collusion

Japan has similarly implemented a long-standing approach to combat bid-rigging, characterized by the criminalization of such behaviour and a focus on preventing collusion between officials and businesses. The Japan Fair Trade Commission (JFTC)

9 Government of Singapore. (2025, September 26). Agreements and Collaborations. Competition and Consumer Commission of Singapore. <https://www.ccs.gov.sg/anti-competitive-practices/agreements-and-collaborations/>

10 Norton Rose Fulbright. (2024). Competition law fact sheet. <https://www.nortonrosefulbright.com/-/media/nrf/0190231emeabr ochurecompetition-law-fact-sheet-singapore-update-to-0187945-v2.pdf?revision=da38d754-e1b2-4a29-9a69-5c413b610477&revision=5250663714967387904>

11 Government of Singapore. (2025b, September 26). Overview. Competition and Consumer Commission of Singapore. <https://www.ccs.gov.sg/get-in-touch/for-businesses/apply-for-leniency/overview/>

serves as the “gatekeeper of the market,” possessing significant independence and investigative authority, which allows it to pursue criminal charges against implicated firms directly. Under the Antimonopoly Act, individuals involved in bid-rigging may face up to five years of imprisonment or fines of up to ¥5 million, providing a significant deterrent for corporate executives.¹² Additionally, the JFTC imposes administrative surcharges calculated based on the sales revenue during the violation period, ensuring that violators do not profit from their misconduct. A targeted piece of legislation, the Law for Prevention of Bid-Rigging in Public Works, specifically addresses collusion involving public officials who might share baseline costs or designate winning bidders. This law criminalizes any assistance by officials in bid-rigging, requiring public disclosure of investigation results and corrective actions by their institutions, which effectively severs the benefits of collusion.

South Korea: Stringent Enforcement and Technological Prevention

South Korea has established a robust framework to combat bid-rigging, characterized by stringent legal provisions, vigorous enforcement, and advanced technological solutions. The Korea Fair Trade Commission (KFTC) serves as the primary enforcement agency, actively collaborating with the Supreme Prosecutors’ Office and the Anti-Corruption and Civil Rights Commission (ACRC) to prosecute collusive practices under the Monopoly Regulation and Fair-Trade Act (MRFTA) and various anti-corruption laws. KFTC is known for its vigorous enforcement, imposing substantial administrative fines (surcharges) up to 10% of relevant sales. A crucial deterrent is its actively implemented leniency program, which offers significant reductions or exemptions from surcharges and criminal penalties for reporting firms, incentivizing self-reporting and protecting whistleblowers.

Beyond enforcement, South Korea leverages the Korea ON-line E-Procurement System (KONEPS) for real-time monitoring and sophisticated data analytics. This system not only ensures full-process transparency in public procurement but also serves as a critical tool for the KFTC and Public Procurement Service (PPS) to proactively

¹² Norton Rose Fulbright. (2021). Competition Law Fact sheet. https://www.nortonrosefulbright.com/-/media/files/nrf/nrfweb/knowledge-pdfs/33708_emea_brochure_japan-competition-law-fact-sheet-v3.pdf?revision=&revision=4611686018427387904

detect suspicious bidding patterns and initiate ex officio investigations. While specific statistics on cases solely triggered by KONEPS data are not always disaggregated in public reports, its role in identifying potential collusion and driving investigations is widely acknowledged and forms a cornerstone of South Korea's preventative strategy. The Public Procurement Act further reinforces this by imposing strict anti-collusion requirements and severe penalties.

Malaysia: Proactive Digital Measures Amidst Enduring Integrity Challenges

Malaysia's commitment to combating bid-rigging is underpinned by a multi-faceted regulatory framework. The Competition Act 2010 serves as the primary legislative instrument, explicitly identifying bid-rigging as a serious infringement under its cartel provisions. Complementing this, the Malaysian Anti-Corruption Commission Act 2009 (MACC Act) plays a crucial role by criminalizing the corrupt practices that frequently facilitate bid-rigging schemes, while public procurement regulations overseen by the Ministry of Finance further reinforce fair tendering processes.¹³

Enforcement responsibilities are primarily vested in the Malaysia Competition Commission (MyCC), which administers the Competition Act. However, as a nascent authority established in 2011, MyCC has grappled with inherent challenges common to developing economies, including resource constraints, a need for specialized economic expertise, and limited public awareness of competition law. Consequently, its success in securing significant convictions or penalties specifically for bid-rigging has been somewhat constrained. In contrast, the Malaysian Anti-Corruption Commission (MACC) has demonstrated notable effectiveness in prosecuting corruption cases, thereby indirectly deterring bid-rigging by targeting its underlying facilitators, often collaborating closely with MyCC on such matters.^{14,15}

To enhance transparency and mitigate opportunities for collusion, Malaysia has implemented proactive measures. The ePerolehan e-procurement system aims to

13 <https://www.mycc.gov.my/sites/default/files/Competition%20Act%202010%20-%2022092020.pdf>

14 Anti-Corruption in Malaysia - Global Compliance News. (2017, June 7). Global Compliance News. <https://www.globalcompliancenes.com/anti-corruption/anti-corruption-in-malaysia/>

15 Annual report. (n. d.). Malaysia Competition Commission (MyCC). <https://www.mycc.gov.my/annual-report>

reduce human intervention and create an auditable trail for public procurement activities, thereby making bid-rigging more difficult to execute undetected. Furthermore, industry associations, particularly in the construction sector, actively promote ethical conduct and anti-collusion standards among their members through awareness campaigns and codes of conduct.

Despite these efforts, Malaysia continues to face several significant challenges in its fight against bid-rigging. These include persistent corruption risks that can undermine enforcement, issues related to enforcement efficiency such as lengthy investigation processes and legal challenges, the potential for political interference in high-profile cases, and a relatively low level of public and business awareness regarding the severity of competition law infringements. Moreover, effectively regulating procurement at the local government level, which often lacks the robust oversight mechanisms of federal procurement, remains a key hurdle.

Indonesia: Legal Frameworks, Enforcement, and Persistent Corruption Challenges

Indonesia has established a comprehensive framework to combat bid-rigging, anchored by Law No. 5/1999, which explicitly prohibits anti-competitive practices including bid-rigging, and robust anti-corruption laws that criminalize related bribery and illicit enrichment. Enforcement is spearheaded by a dual-pronged approach: the Business Competition Supervisory Commission (KPPU) addresses competition breaches, while the highly independent Corruption Eradication Commission (KPK) aggressively pursues the corrupt elements often intertwined with procurement schemes, achieving notable success in high-profile cases. Furthermore, significant strides have been made in promoting digital transparency through the Layanan Pengadaan Secara Elektronik (LPSE) system, which digitizes public procurement to enhance efficiency and accountability, thereby aiming to reduce opportunities for collusion. However, despite these advancements and successes, pervasive systemic corruption remains a formidable and deeply entrenched challenge, frequently undermining enforcement capacity, impeding independent oversight, and particularly affecting local government levels where transparency can be weaker. This necessitates continuous refinement of the legal framework and strengthening of regulatory bodies to adapt to evolving

collusive tactics and ensure sustained progress against bid-rigging.¹⁶¹⁷¹⁸¹⁹

The Philippines: Community Participation Strategies in a High-Corruption-Risk Environment

The Philippines, operating in a high-corruption-risk environment, has adopted a diversified approach to combat bid-rigging, integrating robust legal frameworks with community participation strategies. Its multi-layered legal foundation includes the Philippine Competition Act (PCA), which prohibits anti-competitive agreements like bid-rigging, the Anti-Graft and Corrupt Practices Act targeting official corruption, and the Government Procurement Reform Act, mandating competitive bidding and safeguarding against collusion.²⁰ Enforcement is spearheaded by the Philippine Competition Commission (PCC), alongside anti-corruption bodies like the Office of the Ombudsman; however, these agencies face significant hurdles, including pervasive corruption, political interference, and the entrenched influence of powerful political clans, which often impede effective investigations and prosecutions.²¹

To enhance transparency and accountability, the government utilizes the Philippine Government Electronic Procurement System (PhilGEPS), a digital portal that reduces opportunities for collusion, and critically, actively promotes robust community participation. Civil Society Organizations (CSOs) and community monitors play a vital oversight role, participating in audits, scrutinizing procurement processes, and even observing Bids and Awards Committees (BACs) to enhance accountability.²² While these diversified strategies have yielded some successes, such as CSOs flagging

16 Indonesia: Competition law fact sheet. (n.d.). Hong Kong SAR | Global Law Firm | Norton Rose Fulbright. <https://www.nortonrosefulbright.com/en-hk/knowledge/publications/018aab37/competition-law-fact-sheet-indonesia>

17 <https://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2031%20of%201999%20on%20Corruption%20Eradication.pdf>

18 https://wplibrary.co.id/sites/default/files/PERPRES%2016-2018_ENG%20%5BH0%5D.PDF

19 Tamami, M. K. (2018). The roles of Electronic Procurement Service (Layanan Pengadaan Secara Elektronik/LPSE) in Organizing Procurement Service System (Study at LPSE of Communications and Informatics Service of Malang City). www.academia.edu. https://www.academia.edu/127517001/The_Roles_of_Electronic_Procurement_Service_Layanan_Pengadaan_Secara_Elektronik_LPSE_In_Organizing_Procurement_Service_System_Study_at_LPSE_of_Communications_and_Informatics_Service_of_Malang_City_

20 SemiColonWeb. (n.d.). Philippine Competition Law (R.A. 10667) | Philippine Competition Commission. <https://www.phcc.gov.ph/philippine-competition-law-ra-10667#:~:text=The%20PCA%20was%20passed%20in,creating%20more%20inclusive%20economic%20growth.>

21 https://www.ombudsman.gov.ph/docs/republicacts/Republic_Act_No_3019.pdf

22 Open Knowledge Repository. (n.d.). <https://openknowledge.worldbank.org/entities/publication/b18b62a4-612c-51b8-84c1-e5841b708698>

irregularities and PCC investigations, the nation continues to grapple with deeply entrenched corruption, resource limitations for enforcement agencies, the pervasive influence of political families, and the significant logistical challenge of effectively scaling community engagement across the archipelago.²³²⁴

Table 3 Comparative Overview of International Anti-Bid-Rigging and Anti-Corruption Enforcement Regime

Country	Primary Enforcement Agency(ies)	Key Legal Framework(s)	Key Penalties / Deterrents	Leniency Programme	Technological / Preventive Tools	Notable Challenges / Context
Singapore	Competition and Consumer Commission of Singapore (CCCS)	Competition Act (Section 34)	Fines up to 10% of Singapore turnover for 3 years.	Yes. First whistleblower gets 100% fine exemption, creating a "prisoner's dilemma."	Proactive market monitoring by CCCS.	Confidentiality of leniency data limits public statistical insight.
Japan	Japan Fair Trade Commission (JFTC)	Antimonopoly Act; Law for Prevention of Bid-Rigging in Public Works	Criminal penalties: Up to 5 years imprisonment/ ¥5M fines for individuals; Administrative surcharges.	Yes. (Under Antimonopoly Act)	Legal framework specifically targets collusion between officials and businesses (e.g., through the Law for Prevention of Bid-Rigging in Public Works).	Focus on severing benefits of collusion involving public officials.
South Korea	Korea Fair Trade Commission (KFTC) (with prosecutors & ACRC)	Monopoly Regulation and Fair-Trade Act (MRFTA); Public Procurement Act	Administrative surcharges up to 10% of relevant sales; Criminal prosecution.	Yes. Significant reductions/exemptions from surcharges & penalties.	Korea ON-line E-Procurement System (KONEPS) for real-time monitoring & analytics.	Stringent enforcement integrated with advanced digital transparency.
Malaysia	Malaysia Competition Commission (MyCC); Malaysian Anti-Corruption Commission (MACC)	Competition Act 2010; MACC Act 2009; Public procurement regulations.	Fines for competition breaches; Criminal penalties for corruption.	Yes. (Under Competition Act 2010)	ePerolehan e-procurement system to reduce intervention.	Resource constraints at MyCC; political interference; persistent corruption; low public awareness; weak local government oversight.

23 <https://www.gppb.gov.ph/wp-content/uploads/2023/06/Republic-Act-No.-9184.pdf>

24 https://www.phcc.gov.ph/storage/pdf-resources/1683854994_20210528_PCC-Legal-Handbook-RA-10667-IRR.pdf

Country	Primary Enforcement Agency(ies)	Key Legal Framework(s)	Key Penalties / Deterrents	Leniency Programme	Technological / Preventive Tools	Notable Challenges / Context
Indonesia	Business Competition Supervisory Commission (KPPU); Corruption Eradication Commission (KPK)	Law No. 5/1999 (Anti-monopoly); Anti-corruption laws.	Penalties under competition law; Criminal prosecution for corruption by KPK.	Yes. (Under KPPU regulations)	Layanan Pengadaan Secara Elektronik (LPSE) e-procurement system.	Pervasive systemic corruption undermining enforcement; weaker transparency at local levels.
The Philippines	Philippine Competition Commission (PCC); Office of the Ombudsman	Philippine Competition Act (PCA); Anti-Graft Act; Government Procurement Reform Act.	Penalties under PCA; Criminal prosecution for graft.	Yes. (Under Philippine Competition Act)	Philippine Government Electronic Procurement System (PhilGEPS).	Pervasive corruption & political interference; resource limitations; entrenched political clans; scaling community participation is difficult.

Table 4 International Tier Classification of Anti-Bid-Rigging Systems & Hong Kong's Position

Tier	Classification	Representative Jurisdictions	Core Characteristics / Status
First	Comprehensive Leaders & Efficient Enforcers	South Korea, Singapore	Possess robust, efficient, and integrated systems combining strict laws, powerful independent authorities, strong deterrence (e.g., high fines, criminalization), proactive leniency policies, and advanced technological prevention (e-procurement).
Second	Exemplars in Specific Fields & Key Inspirations	Japan, Malaysia	Showcase significant success in specific areas such as criminalization of bid-rigging (Japan) or building integrated legal frameworks against corruption and collusion (Malaysia). Provide important lessons for focused reforms.
Third	Exploring Amid Challenges & Highlights in Community Engagement	Indonesia, Philippines	Have established legal and technological frameworks but face profound, systemic challenges like entrenched corruption. Their experience underscores the importance of combating deep-seated governance issues and the potential role of civil society oversight.

Tier	Classification	Representative Jurisdictions	Core Characteristics / Status
—	Hong Kong SAR (Special Positioning)	Hong Kong	Current status: "Urgent Reform / Systemic Crisis". The system is inadequate and faces systemic failure. Characterized by a "firestorm" of bid-rigging and corruption linked to organized crime, intimidation, and violence. Hampered by a weak legal framework (civil-only competition law, limited POBO scope), insufficient enforcement resources, outdated technology, and helpless stakeholders. Its depth of crisis places it beyond the Third Tier, necessitating a distinct category to highlight the severity and urgency for fundamental, comprehensive reform.

Notes: In a qualitative assessment, Hong Kong's current anti-bid-rigging regime presents unique challenges, forming a distinct case. The region faces a variety of issues, including systemic corruption and institutional inadequacies, which reflect the depth and organized nature of its problems. Therefore, Hong Kong urgently needs "reform" and is confronting a "systemic crisis." These factors underscore the necessity for tailored and radical solutions.

In comparison, Singapore's anti-bid-rigging enforcement, exemplified by its Competition and Consumer Commission (CCCS), demonstrates strong capabilities with approximately 80 professionals serving a population of around 5.7 million, allowing for effective market monitoring and intervention.²⁵ Meanwhile, Hong Kong's Competition Commission (HKCC) operates with a smaller team of about 70 professionals, tasked with overseeing a larger and more complex economy of approximately 7.5 million people.²⁶ This resource disparity, along with a weaker legal framework and systemic challenges, significantly impacts Hong Kong's enforcement effectiveness, highlighting its unique set of difficulties.

25 <https://isomer-user-content.by.gov.sg/45/c0398db5-2d27-4d2e-941a-e4c106c89fd5/CCCS%20Annual%20Report%20FY2024-25.pdf>

26 https://www.compcomm.hk/tc/media/reports_publications/files/2024_25_HKCC_Annual_Report.pdf

4. Overall Cross-National Insights and Lessons for Hong Kong

Hong Kong currently faces a critical juncture in its battle against bid-rigging, particularly within the pervasive and high-stakes building maintenance sector. While the city's Competition Commission (CC) has achieved some successes through civil enforcement under the Competition Ordinance, a deeper analysis, informed by international best practices and a stark local reality, reveals significant gaps that demand urgent attention. The recent tragic fire serves as a grim testament to the catastrophic consequences of a system riddled with collusion and corruption, underscoring the urgent need for a more robust and comprehensive approach.

The analysis of international strategies from Singapore, Japan, South Korea, Malaysia, and the Philippines offers invaluable lessons. However, for Hong Kong, these lessons must be adapted with a keen understanding of its unique challenges, which manifest as a "systemic crime" targeting small property owners, often with the tacit enablement of policy and the entrenched influence of organized crime.

Hong Kong's building maintenance sector faces a harrowing reality, described by many as a "firestorm ignited by bid-rigging and corruption." This is not merely a matter of economic distortion but a systemic, organized criminal enterprise, often backed by triad groups, that has flourished for over a decade. The modus operandi involves sophisticated networks of "insiders" - including property management companies, consultants, contractors, legal teams, accountants, and even former government officials and law enforcement personnel - who orchestrate collusive bidding (陪標) to inflate project costs, engage in "Golden sample" fraud, and compromise material quality.

The scale of this problem is staggering, with annual estimates potentially reaching HKD 100 billion. It has been disturbingly observed that bid-rigging has become "more profitable than drug trafficking," with perceived low risks (only 2-3 years' imprisonment if caught). This financial incentive, coupled with a culture of intimidation, threats, and even violence against dissenting property owners and district councilors, creates an environment where small property owners are "helpless" and "have nowhere to escape."

A critical failing has been the government's perceived inaction and "systemic failure" over the past decade. Despite early warnings and repeated calls for help, issues like flammable scaffolding and faulty fire alarms were not adequately addressed. Enforcement, primarily relying on general laws like conspiracy to defraud or bribery rather than specific anti-bid-rigging legislation, has struggled to dismantle these deeply entrenched networks. While the ICAC and CC have made commendable efforts in recent years, their actions are often seen as merely "removing a competitor" rather than addressing the root causes of the systemic issue.

Drawing from international insights and Hong Kong's grim realities, the following integrated strategies are crucial:

4.1 Strengthening Legal Frameworks and Enforcement Deterrents

Empowering the Competition Commission

Hong Kong must significantly empower and resource its Competition Commission, granting it greater independence and specialized expertise, particularly for high-risk sectors like building maintenance.

Introducing Criminal Liability for Egregious Offenses

This is perhaps the most critical recommendation. As seen in Japan, civil penalties are often viewed as a "cost of doing business" by highly profitable collusion groups. Hong Kong must introduce criminal liability for serious bid-rigging offenses, especially those jeopardizing public safety (directly relevant to the recent fire) or involving substantial public funds. The threat of imprisonment for individuals orchestrating such schemes would fundamentally alter the risk-reward calculus for offenders and act as a powerful deterrent against the triad-backed operations prevalent in the sector.

Refine Leniency Policy

While a leniency framework exists, its promotion and incentives need significant strengthening. Contractors, particularly in the building maintenance sector, must be clearly informed that being the first to report collusion can lead to complete immunity from penalties. This could be a vital tool to break down existing collusive networks from within.

Clearer Definitions and Stringent Penalties

The legal framework should include clearer definitions of bid-rigging and impose stringent penalties that go beyond fines to include imprisonment and disqualification from public tenders, sending an unequivocal message that such activities are unacceptable.

4.2 Leveraging Technology for Enhanced Transparency and Detection

Adopt Advanced E-Procurement Systems

Emulating South Korea's KONEPS, Hong Kong should expedite the development and mandatory adoption of a comprehensive e-procurement system. This system should digitize the entire tendering process, from initial bids to contract awards, significantly reducing human interaction points susceptible to bribery and collusion.

Implement a "Digital Building Passport and Blockchain Tender Platform"

This proposed initiative is vital. By integrating data analytics, Hong Kong can proactively identify suspicious bidding patterns, abnormal price variations, and cartel-like behavior. The use of blockchain technology would provide an immutable record of all procurement activities, greatly enhancing auditability and preventing the manipulation of documents or "Golden sample" fraud that has plagued the current system.

Publicly Accessible and Updated Reference Prices

The government must update and make publicly accessible its "reference prices" for maintenance work. This would provide property owners with a crucial benchmark to assess the reasonableness of bids, directly combating the inflated "market prices" set by collusive groups.

4.3 Promoting Proactive Compliance and Robust Inter-Agency Cooperation

Strengthen Inter-Agency Collaboration

Bid-rigging in Hong Kong is deeply intertwined with corruption and organized crime. The Competition Commission must establish a more robust and ongoing collaboration with the Independent Commission Against Corruption (ICAC) and the Police Force. This integrated anti-corruption and antitrust approach, similar to Japan's strategy in

public works, is essential to tackle the sophisticated, multi-faceted criminal networks operating in the building maintenance sector.

Foster Industry Self-Regulation and Compliance

Encourage industry associations to develop and enforce robust codes of conduct, promoting strong internal corporate compliance mechanisms to reduce the incentive for collusion at its source.

4.4 Fostering Community Oversight and Public Awareness

Formalizing Citizen Participation

Drawing from the Philippine model, Hong Kong should formalize avenues for public involvement, such as the proposed "Resident Petition and Citizen Auditor Scheme." This would empower citizens and accredited Civil Society Organizations (CSOs) to monitor public works projects, scrutinize procurement documents, and petition for independent audits, providing a much-needed additional layer of accountability and deterrence against the intimidation faced by property owners.

Raise Public Awareness

A comprehensive public awareness campaign is vital. Educating the public about the detrimental effects of bid-rigging on fair competition, public welfare, and safety (as tragically demonstrated by the recent fire) is crucial. Encouraging active reporting of suspicious activities, coupled with assurances of protection for whistleblowers, will cultivate a societal stance against corruption and foster a more vigilant environment.

The tragic fire and the chilling realities of the situation underscore that Hong Kong's current approach to bid-rigging is insufficient. The problem is not merely economic but a profound threat to public safety, financial stability for property owners, and the rule of law, perpetuated by well-organized criminal elements and a decade of systemic regulatory failure. By adopting these integrated lessons - strengthening legal deterrents with criminal liability, leveraging technology for transparency, fostering robust inter-agency cooperation, and empowering community oversight - Hong Kong can move beyond its current "systemic failure." It requires decisive political will and a

concerted effort to reclaim control from these entrenched networks, ensuring a safer, fairer, and more competitive marketplace for all its citizens. The time for incremental changes is over; Hong Kong needs a fundamental shift to dismantle this "firestorm" of collusion and corruption.

5. Recommendations and Risk Mitigation Strategies

The preceding analysis paints a stark picture of a systemic problem, one that demands more than incremental adjustments. To truly dismantle the entrenched networks of bid-rigging and corruption plaguing Hong Kong's building maintenance sector, a paradigm shift is necessary. This requires a suite of innovative, integrated, and robust solutions that address the issue from multiple angles - from technological infrastructure and enhanced regulatory powers to financial mechanisms and empowered citizen participation. Beyond strengthening legal frameworks and enforcement deterrents (as discussed in 4.1), the following proposals outline such a comprehensive strategy, designed not just to react to incidents but to proactively prevent collusion, protect property owners, and restore trust in a vital sector.

- **Establish an Independent Third-Party Certification Body and an “Integrity Testing” System**

To address the entrenched conflicts of interest, favouritism, and tacit collusion between consultancy firms and contractors, Hong Kong should establish an independent third-party certification body. At present, consultancy firms often perform the dual function of project adviser and drafter of tender specifications, creating a significant regulatory loophole and increasing the risk of bias in favour of particular contractors.

The proposed body should comprise independent professionals from the engineering, construction, and legal sectors, and must operate entirely separately from government departments, consultants, and contractors in order to safeguard impartiality. Its central mechanism should be a big-data-driven “Integrity Testing System” that assesses contractors on the basis of historical performance, service quality, and records of contractual compliance.

By providing objective, evidence-based evaluations, this system would reduce the excessive influence of consultancy firms in tender assessment and incentivise higher standards of integrity across the building maintenance sector.

- **Digital Building Passport & Blockchain Tendering Platform**

To establish a highly transparent and efficient urban management ecosystem, we propose an integrated solution combining a Digital Building Passport (DBP) and a Blockchain Tendering Platform (BTP). The DBP will create a comprehensive digital record for every building, meticulously documenting its entire lifecycle, including all past maintenance and inspection reports, ensuring full lifecycle digital records. Simultaneously, the BTP will leverage blockchain technology for all public area maintenance tenders, ensuring absolute transparency and immutability of bidding data.²⁷ All associated tendering data and documents will be immutably stored and verified via the blockchain, publicly disclosing all records post-decision. This dual approach guarantees tamper-proofness and end-to-end transparency, effectively preventing collusion and bid-rigging at its source.

- **Introduce a Standardised Owner Rating Mechanism**

To strengthen public oversight and contractor accountability, a standardised owner rating mechanism should be incorporated into the “Smart Tender” framework. Upon completion of works, owners should be invited to assess contractors against objective criteria, including workmanship, project progress, and compliance with contractual obligations.

These ratings should be recorded on the platform and treated as an important reference for future tender evaluations. Contractors with consistently strong performance should enjoy reputational advantages in future bidding exercises, while those receiving persistently poor ratings should be subject to restrictions. Such a mechanism would help establish a quality-based accountability regime and reinforce market discipline.

27 Notes: The Digital Building Passport (DBP) will be designed as a comprehensive data platform, potentially leveraging traditional database technologies to efficiently store vast amounts of historical and current building information. In contrast, the Blockchain Tendering Platform (BTP) will operate as a dedicated blockchain application, specifically focused on managing transparent and immutable tendering processes.

- **Establish a Relationship Risk Index and a Director Disclosure Regime**

To uncover hidden concentrations of market power and possible conflicts of interest, all contractors registered on the “Smart Tender” platform should be required to disclose detailed information on their directors, beneficial ownership structures, and related-party networks.

Relevant professional bodies or authorised institutions should analyse such information and generate a quantified “Relationship Risk Index” to identify patterns of potential collusion or connected transactions. This index should be disclosed to owners’ corporations as part of the tender reference materials, enabling owners to make more informed decisions and better assess the risks associated with closely linked bidders.

- **Deploy AI-Driven Risk Alerts and Require Mandatory Anti-Bid-Rigging Undertakings**

Hong Kong should adopt a dual approach that combines proactive detection with stronger legal deterrence. On the detection side, an artificial intelligence system should be developed to integrate data from the Digital Building Passport and the blockchain tendering platform in order to identify anomalous bidding patterns, suspicious pricing behaviour, or other indicators of possible collusion. Where such risks are detected, the system should automatically alert the Competition Commission and the Independent Commission Against Corruption for follow-up investigation.

On the deterrence side, all bidders for projects above a specified contract value should be required to sign a mandatory anti-bid-rigging undertaking. Any breach should constitute a serious contractual and legal violation, triggering disqualification, forfeiture of bid security, and permanent debarment from future participation.

- **Strengthen Anti-Bid-Rigging Pricing Controls for Government-Subsidised Projects**

For building maintenance projects involving public subsidies, such as those supported under government-funded building rehabilitation schemes, contractors should be required to sign an anti-bid-rigging pricing undertaking. They should also be required to demonstrate that their tender prices are grounded in genuine market costs rather than collusive inflation.

Where a breach is established, the Government should be empowered to recover the subsidy granted and permanently debar the contractor concerned from future participation in subsidised schemes. This would help ensure that public resources are used properly and that government support does not inadvertently subsidise collusive or inflated pricing practices.

- **Empowered Resident Petitions & Citizen Auditor Program**

Grant formal administrative weight to resident petitions, mandating government intervention or investigation within a specific timeframe if a certain percentage of owners sign a petition alleging bid-rigging or serious issues. Additionally, establish a "Citizen Auditor Program" to train and deploy qualified volunteers (e.g., retired professionals) to assist owners in overseeing maintenance projects.

These comprehensive proposals, when implemented collectively and with unwavering political will, offer a transformative pathway out of Hong Kong's current bid-rigging crisis. They move beyond mere enforcement to create a resilient ecosystem where collusion is difficult to execute, easy to detect, and severely penalized. By leveraging cutting-edge technology, restructuring financial and governance mechanisms, and crucially, empowering the very citizens who have been most victimized, Hong Kong can rebuild trust, ensure the safety and longevity of its urban infrastructure, and protect its property owners from exploitation. This integrated approach is not just about economic fairness; it is about safeguarding public safety, upholding the rule of law, and restoring integrity to a sector that has been too long held hostage by organized crime and corruption.

6. Conclusion

The tragic fire at Wang Fuk Court serves as a stark and painful reminder of the critical importance of robust building maintenance, and by extension, the absolute necessity of transparent, ethical, and accountable procurement processes within Hong Kong's urban fabric. Bid-rigging is not merely an economic crime; it is a profound threat to public safety, a corrosive force that erodes property values, and a direct assault on the financial well-being and peace of mind of countless Hong Kong citizens, particularly the elderly and those in older buildings. The systemic issues that enable such illicit practices demand a comprehensive, multi-faceted, and proactive response.

Our research has meticulously dissected these systemic vulnerabilities, drawing crucial lessons from both local successes and international best practices. What emerges is a clear imperative for a transformative shift, moving beyond reactive measures to establish a resilient ecosystem impervious to collusion and mismanagement.

To achieve this, we have outlined a set of integrated and innovative recommendations designed to tackle the problem from its roots. Enhanced transparency will be foundational, driven by the implementation of a Digital Building Passport that provides an immutable, comprehensive lifecycle record for every structure, coupled with a Blockchain Tendering Platform that guarantees the integrity and immutability of all bidding data. This technological backbone will not only deter collusion but also provide an unprecedented audit trail.

Crucially, government-led citizen empowerment and expert oversight are central to our strategy. The establishment of a Government-Assisted Tendering & Contract Management Service will directly equip Owners' Corporations, especially those lacking resources or expertise, with professional guidance from quantity surveyors, engineers, and legal advisors. Furthermore, the Unified Maintenance Fund with Conditional Governance Oversight represents a paradigm shift, allowing for strategic government involvement in critical tendering and oversight decisions when public funds are utilized. This introduces an impartial, expert counter-balance against collusive forces, safeguarding owners' interests and ensuring the prudent use of public resources. This

empowerment is further amplified by granting formal administrative weight to resident petitions, mandating timely government investigation, and the creation of a Citizen Auditor Program to train and deploy qualified volunteers, transforming passive victims into active guardians of their communities.

Finally, robust legal frameworks, proactive enforcement, and financial safeguards will complete this protective shield. While Hong Kong possesses legal instruments to combat corruption and anti-competitive practices, such as the Prevention of Bribery Ordinance (POBO) and the Competition Ordinance, our research underscores critical 'grey areas' and limitations within these frameworks that inadvertently facilitate bid-rigging in the private building maintenance sector. Specifically, the criminalization of bid-rigging under the POBO is predominantly effective in relation to tenders issued by public institutions. This leaves a significant loophole for collusion occurring in the vast majority of private building maintenance projects, where Owners' Corporations are the tendering bodies, allowing such illicit activities to often evade direct criminal prosecution under this ordinance.

Furthermore, the 'agent' bribery provisions within the POBO present another challenging ambiguity when applied to members of Owners' Corporations. The Ordinance defines an 'agent' as someone employed by or acting on behalf of a principal. However, OC members, by their very nature, are not typically 'employed' by the corporation, nor do they merely 'act on behalf of' it; rather, they constitute the corporation's decision-making body. This nuanced legal distinction creates a 'grey area' where the direct bribery of an OC member for maintenance contracts can be difficult to prosecute under the existing 'agent' provision, thereby undermining accountability.

These systemic legal ambiguities highlight a critical need for reform. Our proposed solutions, therefore, are not merely about enhancing existing enforcement but are designed to proactively address and eliminate these legislative gaps, ensuring a comprehensive and unambiguous legal deterrent against all forms of bid-rigging and corruption in building maintenance. The development of an AI-Powered Bid-Rigging Risk Alert system becomes even more crucial in this context. By leveraging vast

datasets from digital passports, tendering platforms, and market costs, this system will predict and flag suspicious patterns, providing the Competition Commission and ICAC with intelligence that can inform targeted investigations and, importantly, highlight areas where legislative clarity or reform is urgently needed. This intelligence will enable a transition from reactive investigations to immediate, proactive interventions, aiming to dismantle bid-rigging schemes even where current legal definitions present challenges, and advocating for necessary legislative updates. Complementing this, a Mandatory Building Maintenance Insurance Scheme will provide a vital financial safety net, ensuring that buildings reaching a critical age have the necessary funds for major repairs, with a government-backed fund acting as a reinsurer or insurer of last resort.

In conclusion, this research outlines a clear and actionable path towards a more accountable, transparent, and ultimately safer building maintenance environment for all of Hong Kong. By embracing cutting-edge technology, empowering citizens, leveraging government expertise, and implementing stringent financial and enforcement mechanisms, Hong Kong can not only curb the pervasive issue of bid-rigging but also restore public trust, enhance urban resilience, and safeguard the safety and prosperity of its citizens for generations to come. This is not merely an administrative challenge; it is a moral imperative to protect our homes, our communities, and the integrity of our society.

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1. 引言

香港城市基礎設施需要高度依賴高效、透明且合乎道德規範的建築維護。然而，部分維修業界疑似長期以來飽受圍標的指控，導致修繕成本虛高、工程品質低劣，並危及公共安全。宏福苑火災悲劇鮮明地提醒全港市民妥善維護的重要性，同時也無意中暴露了系統性漏洞，而這些漏洞可能被不法分子利用。

老化的基礎設施規模之大，凸顯了這個問題的迫切性。根據政府的強制性建築檢查計畫（MBIS），樓齡 30 年或以上的住宅大樓須接受法定維修。¹ 香港約有 28,000 棟符合資格的樓宇，據估計，完成必要大修的樓宇不到一半。這意味著約有 14,000 棟建築積壓待修。² 以目前每年僅完成 200 棟樓宇的維修速度，清理這些積壓的樓宇需要數十年時間——考慮到其中存在的安全隱患，這樣的時間安排令人憂慮。

大量工作為不法分子提供了牟利的溫床。為了說明這個問題的潛在規模，請參考以下關於建築維護業圍標造成的經濟影響的估算：

表 1 香港樓宇維修業圍標的預計財務影響

年度合約總額	200 億至 500 億港元
額外利潤（圍標後）	20-50%
下限估計	40 億港元
上限估計	250 億港元

數據來源：香港競爭事務委員會（CompCom）和廉政公署（ICAC）的新聞稿，提及 2024-2025 年涉及數億至 10 億港元多個合約的行動；屋宇署強制樓宇檢查計劃（MBIS）數據；立法會秘書處和屋宇署 / 發展局（基於 2023 年底的數據）。

如果圍標這種阻礙公平市場動態的反競爭行為持續存在，將會不斷推高業主成本，並降低必要維修的品質。因此，本研究旨在探討香港維修業圍標的根源，分析當前的政策環境，並藉鏡本地和國際最佳實踐，提出切實可行的風險控制策略。

1.1 背景：宏福苑慘案的催化劑

2025 年 12 月初發生的宏福苑火災是一場毀滅性的災難，目前造成 161 人死亡，多人失蹤。³ 雖然火災的直接原因仍在調查中，但行政長官迅速成立了一個獨立委員會，負責對樓宇工程系統進行全面檢討。其目標很明確：改革該行業，防止此類悲劇再次發

1 Buildings Department. (2025, April 14). Mandatory Building Inspection Scheme. <https://www.bd.gov.hk/en/safety-inspection/mbis/index.html>

2 Ho, D. (2025, December 6). The black swan of old residential premises has appeared. Property.hk. https://www.property.hk/article_content.php?author=PHK_HOHUNGFAIEN&id=143308

3 Death toll from Wang Fuk Court fire rises to 161 - RTHK. (n.d.). <https://news.rthk.hk/rthk/en/component/k2/1836870-20251220.htm>

生。然而，除了直接的傷亡之外，這場災難也讓整個樓宇維護系統暴露出許多問題。

事件凸顯了造成滋生不當行為的嚴重結構性缺陷。具體而言，它暴露了幾個關鍵因素之間錯綜複雜且往往存在問題的關係：MBIS 的執行情況、業主立案法團和物業管理公司的管理角色，以及普遍存在的資訊不對稱和缺乏透明度問題。

這悲劇並非只是地方行政障礙，而是全球公認的複雜治理挑戰。宏福苑火災凸顯了疏於維修或維修不足的嚴重後果，加大了業主加快維修的壓力。然而，矛盾的是，這種緊迫感反而可能加劇問題：在一個原本就缺乏透明度的體系中，需求的突然激增會增加圍標和欺詐的風險。

2. 政策環境與利害關係人分析

過去十年間，香港推出並完善了一系列旨在確保樓宇安全和管理維護的政策，主要是為了應對樓宇老化和日益增長的公共安全問題。儘管這些監管措施的初衷良好，但卻無意中營造了一種有利於圍標和反競爭行為滋生的環境。

2.1 主要法規和立法

強制驗樓及驗窗計劃（MBIS、MWIS）

強制樓宇檢查計劃（MBIS）和強制窗戶檢查計劃（MWIS）已於 2012 年 6 月 30 日全面實施，此前《建築物管理條例》已作了相關修訂。該法例授權屋宇事務署（BA）向特定建築物的業主（通常指房齡 30 年或以上的建築物，但有特定例外情況）發出法定通知，要求其對建築物結構和窗戶進行規定的檢查及必要的維修。⁴ 為簡化業主的流程，兩項計畫的維修工作盡可能安排在同一周期內進行，以便同時進行檢查和維修工作。

這些強制性建築整治令的選定遵循風險評估方法。由相關專家組成的小組為建築管理局提供建議，並根據建築年代、物理狀況、管理狀態、地理位置以及對公共安全的潛在風險等因素對維修工程進行優先排序。⁵ 一般來說，破舊建築和具有特定高風險特徵（例如懸臂式樓板結構）的建築會被賦予更高的優先順序。

建築物管理條例（BMO）（第 344 章）

《建築物管理條例》（BMO）規範了業主立案法團（OC）的成立和運作，業主立案法團通常負責組織強制樓宇檢查計劃（MBIS）和《強制窗戶檢查計劃（MWIS）規定的強制性工程。然而，該條例賦予業主立案法團相當大的營運自主權，而這些業主立案法團通常由業主以志願者身份參與管理，其治理能力和採購經驗水平參差不齊。這可能導致採購做法不一致、過度依賴熟悉的承建商以及對工程缺乏有效的監督，因此，這些情況可能被不法分子利用，導致違反競爭的情況。

政府補貼和貸款計劃（例如，樓宇安全貸款計劃、「樓宇更新大行動」）

旨在減輕業主的經濟負擔。然而，矛盾的是，透過向中期維修市場注入大量專項公共資金，這些措施反而可能無意中加劇圍標的動機。承建商可能將這些補貼項目視為「公

4 Mandatory Building Inspection Scheme - Buildings Department. (n. d.). <https://www.bd.gov.hk/en/safety-inspection/mbis/index.html>

5 Selection of target buildings - Buildings Department. (n. d.). https://www.bd.gov.hk/en/safety-inspection/mbis/learn-more-about-MBIS/index_mbis_overview_selection.html

共資金池」，從而達成輪流投標或操縱價格的協議，因為他們知道資金有保障，而且工程是法律規定的。

採購指引（適用於公共部門）

雖然香港特區政府已為其自身項目制定了完善且透明的採購規則，但這些標準並不適用於承擔強制性工程的私人樓宇業主或業主立案法團。由於大量私人樓宇業主或業主立案法團的強制性工程項目缺乏普遍適用的、競爭性的、透明的採購程序，造成了監管漏洞。這導致招標不公開、直接談判以及缺乏價格基準等現象，助長了圍標和承建商之間的市場壟斷。

《競爭條例》（第 619 章）

是香港競爭法的基石，禁止反競爭協議（包括圍標）和濫用市場支配地位的行為。其原則上適用於樓宇維修業。然而，由於該行業的不透明性和難以發現，執法面臨許多挑戰。串通安排往往是非正式且隱密的，而受害者，包括業主立案法團和業主，則往往難以察覺。可能不會識別或舉報這些行為。此外，該條例著重於大規模經濟損害，可能導致規模較小的、針對特定建築物的串謀行為往往被忽視，除非競爭事務委員會透過產業調查予以追查。

總而言之，這些政策共同建構了一個剛性需求、分散採購和大量資金流動的框架，但卻沒有為私人樓宇制定統一及具競爭性的採購流程。這種安排為反競爭行為的滋生提供了溫床，因為服務提供者在一個法律保障其服務需求的市場中運營，但合約授予機制往往分散、不透明且容易被操縱。

2.2 主要政策制定者

業主/業主立案法團（OC）

作為《建築管理條例》（BMO）下的法律責任主體，業主和業主立案法團對組織和資助強制性檢查和維修工作負有最終責任。他們的主要目標是以最低成本遵守法規並避免糾紛。然而，由於技術專長有限、財務壓力以及通常由志工組成的管理模式，業主立案法團往往傾向於選擇報價最低或熟悉的承建商。這種依賴性，加上他們識別串通行為的能力有限，使他們很容易受到維護市場中誤導銷售和反競爭行為的影響。

物業管理公司 (PMC)

物業管理公司 (PMC) 作為業主或業主立案法團的營運代理，核心職責是監督檢查物業相關事務，並負責維護和維修 (IMR) 服務的採購工作。儘管其法定職責是執行業主立案法團的指令，卻易出現結構性利益衝突。究其原因，PMC 常與承建商建立長期商業合作關係，而非與臨時業主立案法團保持緊密協作。這種失衡的合作模式會引發一系列問題：其一，PMC 可能反覆推薦其合作的指定承建商；其二，以走形式的「報價」取代正規的競爭性招標流程；其三，對圍標的跡象缺乏識別與報告的意識或動力。上述行為最終會嚴重損害物業採購環節的公正性。

顧問 (例如測量師、工程師)

作為MBIS/MWIS 認證的專業人員，發揮著至關重要的把關作用——進行檢查、制定整改方案並認證合規性。他們的角色需要獨立的專業判斷。然而，顧問和方案製定者的雙重角色可能造成潛在的漏洞。有些顧問可能與承建商建立互惠推薦關係，客製化方案以偏袒特定公司，或可能跟承建商瓜分未揭露的經濟利益。此類做法會損害客觀性，並助長非競爭性招標流程。

承建商

承建商是維護、維修和大修 (IMR) 服務的直接提供者。在運作良好的市場中，他們的目標是透過競爭性招標獲得獲利合約。然而，強制性檢查制度導致修繕服務需求缺乏價格彈性，可能會刺激承建商圍標以穩定價格並確保利潤。採購治理方面的缺陷，例如招標流程不透明以及監管不一致，會助長反競爭行為，包括掩護投標、市場分割和價格操縱，此類行為多出現於人口密集的城市地區。

立法會議員/ 政策制定者

該群體負責建立建築安全和市場行為的整體監管框架。一項核心政策挑戰是如何在不造成過度市場扭曲或業主負擔的情況下推動建築安全目標。這兩項政策之間仍存在顯著的監管缺口：安全條例規強制要求進行相關工作，但並未規定私部門的競爭性採購方法；而競爭法雖然禁止串謀，但在分散的、私營管理的環境中，其執行力度有限，且大多是被動的。正是由於這一缺口，反競爭行為才得以滋生蔓延。

2.3 政策漏洞和不足

香港現行的樓宇維修政策和監管框架存在許多漏洞，這些漏洞不單助長並延續了反競

爭行為。這些缺陷涵蓋立法、監管、執法和市場結構等多個面向。

立法不足：僅民事處罰的困境

香港《競爭條例》（第 619 章）明確禁止圍標，將其視為嚴重的反競爭行為。然而，將其歸類為純粹的民事罪行，構成了關鍵的威懾漏洞。這項限制使得制裁僅限於罰款和取消資格令，而未規定對反競爭協議本身追究刑事責任，例如監禁。因此，圍標的潛在收益可能被認為超過了相關的法律風險。區分圍標與相關行為至關重要：雖然單獨的圍標行為不受《競爭條例》的刑事制裁，但公共和私人招標中的賄賂行為均可根據《防止賄賂條例》（第 201 章）受到起訴。然而，後者針對的是腐敗手段（賄賂），而非反競爭結果（圍標）。因此，純粹的共謀協議，不涉及賄賂，僅受民事救濟。

此外，《防止賄賂條例》在私人樓宇維修中的圍標方面存在諸多限制和模糊之處，大大削弱了其有效性。

首先，根據《防止賄賂條例》，圍標主要針對公共機構的招標活動，並明確列為犯罪行為。這項管轄範圍的限制意味著，絕大多數私人建築維修項目（尤其是業主立案法團發起的項目）中的圍標行為，往往不在《防止賄賂條例》的直接刑事管轄範圍之內。因此，即使沒有明顯涉及賄賂的反競爭協議，也可能逃脫該條例的刑事追究，造成監管上的重大漏洞。

其次，在《防止賄賂條例》的賄賂條款中，對「代理人」一詞的解釋在應用於業主立案法團成員時，存在嚴重的歧義。該條例將「代理人」定義為受僱於委託人或代表委託人行事的個人。然而，業主立案法團成員的法律性質決定了他們並非僅僅是代表法團行事的僱員或代表；他們構成法團的主要決策機構，實際上行使著法團本身的職能。這種微妙而重要的法律區別造成了一個「灰色地帶」，使得根據現有的「代理人」條款對涉及法團成員的賄賂案件進行起訴變得複雜，並可能削弱問責制。

這些關鍵的法律模糊之處凸顯出，即使有了《防止賄賂條例》（POBO），現行的監管框架也未能充分應對私營建築維護行業圍標和腐敗的複雜問題。因此，亟需進行強而有力的立法改革，以澄清和消除這些系統性的灰色地帶，從而確保全面的法律威懾。

監理碎片化與私部門空白

安全監理與競爭治理之間存在著根本性的脫節。強制性檢查機制迫使私人業主進行工

程，但並未規定強制性的競爭性採購流程。這就造成了監管空白，強制性需求與不透明、缺乏監管的供應形成對立。與受嚴格採購規則約束的公共招標不同，私部門招標缺乏標準化的監督，從而助長了投機性投標和市場壟斷。

執法限制因素

競爭事務委員會長期資源不足，無法應對市場的規模和不透明性，嚴重限制了其主動執法能力。調查複雜隱蔽的串謀行為需要大量的人力和專業知識。此外，民事訴訟的舉證標準雖然低於刑事訴訟的「排除合理懷疑」，但仍然要求提供強有力的證據來證明存在協議。然而，這些協議往往是非正式的、隱蔽的，這也使得案件難以成立和勝訴。由此產生的執法行動通常被認為速度太慢、範圍太窄，無法從根本上改變市場行為。

結構性脆弱性：業主權力不足和產業碎片化

這些立法和執法方面的漏洞因實際情況中的結構性脆弱性而加劇。

- 業主賦權不足：如前所述，業主立案法團往往缺乏技術專長、採購經驗和設計和管理穩健、透明的招標流程的集體決心，因此容易受到操縱。
- IMR 工程市場的特點是中小型承建商數量眾多，且往往在局部地區開展業務。這種結構容易導致默契合作或公開串謀，因為企業彼此熟悉，而發現這類合作的成本又很高。這種分散性，加上需求缺乏彈性，為反競爭協議的滋長創造了有利條件。

總而言之，政策環境存在嚴重的錯位。嚴格的安全規定間接造成了市場壟斷，而確保該市場競爭的相應框架在結構上薄弱、執行不力，並且跟不上串謀的動機和機會。

3. 成功反圍標策略的比較分析

本節簡要概述了國內外成功的反串標案例，重點指出關鍵漏洞，並為制定有效的應對措施提供參考。

3.1 國內成功案例

太和邨⁶

事件發生在位於大埔的太和邨，這是一個參與居者有其屋計劃的公共屋邨。2016年，該屋邨的業主立案法團提出了一項大型維修計劃，第一階段預計耗資 2700 萬港元，並可能產生額外費用。許多居民認為價格過高，並質疑招標程序的透明度，懷疑承建商和業主立案法團之間存在圍標的行為。

面對可能高昂的維修費用，一群不滿的年輕居民和年長的鄰居聯合起來，自稱為「太和後裔」。這個名字既體現了他們保護社區的決心，又巧妙地融入了對現代文化的幽默致敬。這個團體主要由年輕居民和專業人士組成，他們利用業餘時間挑戰了該小區長期以來的管理模式。

他們的鬥爭異常艱辛，需要大量業主委託投票才能推翻這個業主立案法團。他們利用社交媒體，特別是 Facebook 群組，傳播訊息並揭露維修計畫的缺陷。最關鍵的是，義工們開展了艱苦的挨家挨戶宣傳活動（「洗樓」），向年長的業主解釋情況，並敦促他們參加會議或簽署委託書。他們面臨的挑戰是如何瓦解一家根深蒂固、資源雄厚的業主立案法團。

同年六月，業主特別大會的氣氛異常熱烈。「太和後裔」成功動員了大量業主，最終投票決定更換整個原業主立案法團。由其成員和支持者組成的新業主立案法團當選。新業主立案法團上任後，迅速暫停了備受爭議的修繕工程，並重新評估了屋苑的財務和維護需求。⁷ 報告顯示，他們實施了更合理的招標和管理措施，大幅降低了修繕成本——

6 余睿菁 . (2025, February 11). 曾爆天價維修費 太和邨 10 新人全當選踢走舊法團 . 香港 01. <https://www.hk01.com/%E7%A4%BE%E6%9C%83%E6%96%B0%E8%81%9E/43776/%E6%9B%BE%E7%88%86%E5%A4%A9%E5%83%B9%E7%B6%AD%E4%BF%AE%E8%B2%BB-%E5%A4%AA%E5%92%8C%E9%82%A810%E6%96%B0%E4%BA%BA%E5%85%A8%E7%95%B6%E9%81%B8%E8%B8%A2%E8%B5%B0%E8%88%8A%E6%B3%95%E5%9C%98>

7 吳世寧 , & 李慧筠 . (2016, November 24). 太和邨新法團直播開會拒絕飯局 . HK01. <https://www.hk01.com/%E7%A4%BE%E5%8D%80%E5%B0%88%E9%A1%8C/55232/%E5%A4%AA%E5%92%8C%E9%82%A8%E6%96%B0%E6%B3%95%E5%9C%98%E7%9B%B4%E6%92%AD%E9%96%8B%E6%9C%83%E6%8B%92%E7%B5%95%E9%A3%AF%E5%B1%80-%E4%B8%BB%E5%B8%AD%E4%BB%BB%E8%82%96%E9%9B%B2-%E6%83%B3%E5%82%BE%E5%9A%9F%E6%B3%95%E5%9C%98%E8%BE%A6%E5%85%AC%E5%AE%A4%E5%82%BE>

從最初數百萬的預算降至數十萬的預估費用。這充分證明了他們反合謀措施的有效性。

荃灣麗城花園

事件發生在荃灣的麗城花園，這是一個大型私人住宅小區。2015年，當時的業主立案法團提出了一項大型維修計劃，初步估價高達1.6億港元。然而，仔細閱讀合約細則後發現，其中存在諸多不合理條款，例如過高的「分項報價」以及對承建商過於寬容的合約條款，未能充分保障業主權益。許多居民懷疑有常見的圍標行為。

與太和邨的年輕人活力形成鮮明對比，麗城花園的抗爭得益於居民的專業背景。他們成立了「麗城花園三期業主權益關注小組」，成為此案的一股強大推動力量。該小組由測量師、工程師、會計師和律師等專家組成，他們運用各自的專業知識，仔細審查了招標文件和顧問報告，發現了許多漏洞。

他們的行動依靠專業分析和理性論證。成員們仔細審查了數百頁的招標文件，揭露了許多荒謬之處，例如單位價格遠高於市場價數倍，以及實施不必要的工程。他們製作了專業且簡單易懂的傳單和PPT演示文稿，向其他業主解釋為何維修方案不合理。他們沒有訴諸情感，而是訴諸邏輯和經濟影響。如同在太和邨一樣，收集業主委託投票至關重要。團體設立街頭攤位，召開居民會議，回應業主的關切，逐步瓦解原物業公司的投票優勢。

2015年9月，在一次重要的業主大會上，居民以壓倒性多數否決了高達1.6億港元的維修方案。在這場勝利的基礎上，關注小組成功罷免了原管理公司，並選舉產生了由其成員組成的新管理團隊。新管理公司迅速重新聘請顧問公司，並重新招標該專案。最終，修訂後的維修方案將成本降至約4,000萬至5,000萬港元。

翠湖花園

翠湖花園的操縱模式涉及人為提升規格要求和限制性招標。業主立案法團提議在翻新項目中使用價格高昂的品牌材料和專有系統。這項策略透過精心設計的招標條款，有效地將合約「捆綁」給一家預先選定的供應商，排除了除指定承建商以外的所有投標人，從而扼殺了真正的競爭。

對此，業主們結盟，委託進行獨立專業評估。他們聘請了自己的測量師制定了一份替

代規範，提出使用高品質但功能相同的通用材料，且成本大幅降低。憑藉這份替代方案，他們提起訴訟，申請禁制令阻止招標程序。他們的訴訟理由包括不合理的貿易限制以及業主立案法團未能維護業主的最佳利益，從而有效地阻止了這場被操縱的招標。

茵翠苑

茵翠苑的操縱模式具有掠奪性的分階段操控的特徵。當時的業主立案法團以虛高的價格提出了一系列看似規模較小、緊急的維修項目（例如更換管道、翻新大廳）。這構成了一種「切香腸」策略，刻意避免啟動通常會引發嚴格審查的大型計畫。相反，該方案透過長期簽訂多個精心操縱的小合同，系統性地耗盡了屋苑的管理基金。

居民的因應策略包括全面的財務調查和公開曝光。一群熱心的居民利用他們專業的會計背景，對小區多年來的維護帳目進行了全面審計。他們細緻地梳理了所有支出，並將數據視覺化，揭示了財務負擔不可持續的趨勢，以及將合約一貫授予一個相互關聯的承建商網路的模式。這些證據在年度業主大會上被提交，使問題不再只是孤立的維修失誤，而是系統性的、長期的財務治理危機。最終，這些證據成功地動員業主們更換了整個業主立案法團。

景林邨

在景林邨，這種操縱模式利用了公共租賃房屋中常見的官僚主義惰性和居民的漠不關心。房屋委員會發起的維修方案，卻由一個幾乎不作為的業主立案法團負責執行，最終陷入了「顧問俘虜」的陷阱。指定的顧問工程師一再過度設計方案，並推薦與其建立長期業務關係的承建商，從而有效地繞過了真正的競爭性招標。業主普遍缺乏積極的監督，助長了這種“裙帶關係”，使其能夠左右專案成本和承建商的選擇。

居民對圍標因應措施的成功大部分依賴外部聯盟的建立和監管壓力。居民領袖們與區議員和獨立持牌測量師建立了策略夥伴關係，這些測量師提供了專業意見和法律支援。他們正式向廉政公署和房屋署提出投訴，要求對招標過程進行嚴格審查，並指出顧問工程師有明顯的利益衝突。官方調查的威脅和潛在的負面輿論迫使當局重新審查並重新啟動招標程序，並在更嚴格的監督下進行，從而確保了更公平的結果。

表格 2 圍標的作案手法及社區因應策略：來自香港不同屋邨的案例研究

房產 (類型)	圍標模式	關鍵持份者的因應措施	關鍵成功因素
太和邨 (居者有其屋計劃)	單一大型招標項目中存在不透明的捆綁銷售和成本虛高問題。	基層動員和代理投票活動；簡化複雜問題，促進大眾參與。	將年輕人的活力與老年人的信任結合；掌握代理人收集這項程序性武器。
荃灣麗城花園 (私人)	「毒丸」招標，虛高的明細價格和有利於承建商的條款。	由駐場專家（測量師、律師）對招標文件進行逐行專業審核。	具備內部專業知識，能夠對技術文件進行剖析並提出合理的質疑。
翠湖花園 (私人)	透過品牌規格和限制性招標條款人為地「約束」市場。	委託獨立機構制定替代規範並尋求法律禁令。	願意並善於運用法律手段作為戰略威懾手段。
茵翠苑 (私人)	透過多個小型、精心策劃的項目進行掠奪性的「香腸式切割」。	透過縱向財務審計和數據視覺化揭露系統性掠奪。	採用法證方法分析財務數據，以揭示其隨時間推移而隱藏的模式。
景林邨 (公共租賃住宅)	「顧問委托」和利用官僚主義/被動監管。	議員建立聯盟並利用外部反貪機構（廉政公署）。	利用外部監管和政治影響力打破封閉、不透明的體系。

這些案例表明，圍標並非鐵板一塊，而是會根據具體情況而變化。然而，應對之策始終在於將鬥爭的焦點從技術迷霧轉移到清晰、可操作的領域。無論是透過基層動員、專業分析、法律訴訟、財務取證或外部倡導，成功的居民都找到了創造並利用透明度的方法。其普遍前提是擁有一個忠誠的核心團隊，以及一套針對特定串通模式量身定制的策略。從上述截然不同但同樣成功的案例中，我們可以總結出三個關鍵要素，而正是這些要素使小業主能夠克服串通行為：

1. 組織與動員：無論是充滿熱情的年輕人或是專業的中產階級居民，單打獨鬥都徒勞無功。建立一個核心組織（例如關注小組）至關重要。同時，通過挨家挨戶的宣傳活動、街頭宣傳站和社群媒體，可以動員沉默的大多數。因此，收集代理投票是決定性的戰場。
2. 透明度和專業性：圍標往往隱藏在複雜的招標文件和合約細節中。成功的案例都涉及對這些文件的徹底審查，無論是尋求專業協助還是進行獨立調查。揭露虛高的價格和不合理的條款，並用數據和事實而非情感訴求來說服其他業主，都被驗證是有效的手段。
3. 堅持與犧牲：打擊合謀是一場持久戰。對手通常擁有雄厚的資源和既得利益。成功的

關鍵在於一群志願者，他們願意犧牲大量個人時間，承受壓力，面對恐嚇，堅持不懈地為正義而戰。

3.2 國際成功案例

鄰近地區（特別是新加坡和日本）成功的反合謀投標舉措，這些地區建立了嚴格的框架，香港可以從中學習。

新加坡：嚴格執法與寬容的雙重策略

在新加坡，有效打擊合謀投標的關鍵在於其強大的執法機構和健全的法律架構。新加坡競爭與消費者委員會（CCCS）是一個獨立的法定機構，擁有廣泛的調查權，包括突擊檢查、扣押文件和傳喚證人。CCCS 並非僅依賴投訴，而是積極監測市場數據⁸。根據《競爭法》第34條，任何限制、扭曲或妨礙新加坡市場競爭的協議或行為均被明確禁止，其中圍標被列為最嚴重的違法行為之一⁹。違規企業可能面臨高達其在新加坡三年營業額10%的罰款，這對企業而言無疑是毀滅性的打擊¹⁰。該框架下的一項關鍵策略是「寬大處理計劃」，旨在鼓勵參與者舉報串通行為¹¹。首位提供證據的檢舉人可獲得100%的罰款豁免。這會在串謀團體內部造成強烈的“囚徒困境”，加劇團夥彼此不信任，並促使成員放棄沉默的共謀行為。雖然諸如每年收到的寬大處理申請的具體數量等直接量化指標能夠更清晰地反映該計劃的運作範圍和打擊卡特爾的成效，但包括加拿大競爭與消費者委員會（CCCS）在內的競爭主管機構通常對這類細粒度數據保密。這種做法往往源於保護舉報人身分、保障正在進行的調查以及防止串謀方推斷出某種模式或風險，從而維護該計劃的戰略效力。儘管如此，CCCS 始終強調寬大處理計畫是一項至關重要的執法工具。公開聲明和各種卡特爾案件的成功解決經常表明，有助於發現和有效起訴圍標和其他串通行為的關鍵情報，正是源自該計劃提供的資訊。這些定性證據，通常體現在卡特爾的瓦解和巨額罰款的實施上，證明了該計劃在助長串謀方之間的不信任和激勵其主動舉報方面取得了實際成效。

8 Damazo-Santos, J. (2024, July 24). AI, data analytics improve Singapore competition regulator's ability to respond quickly, director says. MLex. <https://www.mlex.com/mlex/articles/2235453/ai-data-analytics-improve-singapore-competition-regulator-s-ability-to-respond-quickly-director-says>

9 Government of Singapore. (2025, September 26). Agreements and Collaborations. Competition and Consumer Commission of Singapore. <https://www.ccs.gov.sg/anti-competitive-practices/agreements-and-collaborations/>

10 Norton Rose Fulbright. (2024). Competition law fact sheet. <https://www.nortonrosefulbright.com/-/media/nrf/0190231emea-brochurecompetition-law-fact-sheet-singapore-update-to-0187945-v2.pdf?revision=da38d754-e1b2-4a29-9a69-5c413b610477&revision=5250663714967387904>

11 Government of Singapore. (2025b, September 26). Overview. Competition and Consumer Commission of Singapore. <https://www.ccs.gov.sg/get-in-touch/for-businesses/apply-for-leniency/overview/>

日本：串謀犯罪的定性和預防措施

日本也採取了類似的長期措施來打擊圍標，其特點是將此類行為定為刑事罪行，並專注於防止官員與企業串通。日本公平交易委員會（JFTC）作為「市場把關者」，擁有高度的獨立性和調查權，可以直接對涉案企業提起刑事訴訟。根據《反壟斷法》，參與圍標的個人可能面臨最高五年監禁或最高五百萬日圓的罰款，這對企業高管起到了重要的威懾作用。¹² 此外，JFTC 還會根據違規期間的銷售收入徵收行政罰款，以確保違規者不會從其不當行為中獲利。一項專門針對公共工程圍標預防法的立法，專門針對涉及公職人員的串通行為，例如分攤基準成本或指定得標者。該法將官員協助圍標的任何行為定為犯罪，要求公開調查結果以及其所在機構採取的糾正措施，從而有效地切斷了圍標帶來的好處。

韓國：嚴格執法與技術預防

韓國已建立起一套健全的打擊圍標的框架，其特點是嚴格的法律規定、強有力的執法和先進的技術解決方案。韓國公平交易委員會（KFTC）是主要的執法機構，積極與最高檢察廳和反腐敗及公民權利委員會（ACRC）合作，依據《壟斷規制與公平交易法》（MRFTA）和各項反腐敗法律，對圍標行為提起訴訟。KFTC 以其嚴厲的執法而聞名，對違規者處以高達相關銷售額 10% 的巨額行政罰款（附加費）。其積極實施的寬大處理計劃是一項重要的威懾手段，該計劃為舉報企業提供大幅減免或豁免附加費和刑事處罰，從而激勵企業主動舉報並保護舉報人。

除了執法之外，韓國還利用韓國線上電子採購系統（KONEPS）進行即時監控和複雜的數據分析。該系統不僅確保公共採購流程的完全透明，而且也是韓國公平交易委員會（KFTC）和公共採購服務局（PPS）主動發現可疑投標模式並啟動主動調查的關鍵工具。雖然公開報告中並非總是會列出僅由 KONEPS 數據觸發的案件的具體統計數據，但其在識別潛在圍標和推動調查方面的作用已得到廣泛認可，並構成韓國預防戰略的基石。《公共採購法》透過規定嚴格的反圍標要求和嚴厲的處罰措施，進一步強化了這項策略。

馬來西亞：在持續的誠信挑戰中採取積極的數位化措施

馬來西亞致力於打擊圍標，其基礎是一套多方面的監管框架。《2010 年競爭法》是主要的立法工具，明確將圍標列為卡特爾條款下的嚴重違法行為。此外，《2009 年馬來

12 Norton Rose Fulbright. (2021). Competition Law Fact sheet. https://www.nortonrosefulbright.com/-/media/files/nrf/nrfweb/knowledge-pdfs/33708_emea_brochure_____japan-competition-law-fact-sheet-v3.pdf?revision=&revision=4611686018427387990

西亞反貪污委員會法》（MACC 法）發揮著至關重要的作用，它將那些經常助長圍標的腐敗行為定為犯罪。財政部監管的公共採購法規進一步加強了公平招標程序。¹³

執法責任主要賦予馬來西亞競爭委員會（MyCC），該委員會負責執行《競爭法令》。然而，作為一個於 2011 年成立的新興機構，MyCC 一直面臨著發展中經濟體常見的固有挑戰，包括資源限制、對專業經濟知識的需求，以及公眾對競爭法意識有限等問題。因此，其在特別針對圍標行為取得重大定罪或處罰方面的成功受到了一定的限制。相比之下，馬來西亞反貪污委員會（MACC）在起訴貪污案件方面展現出顯著的成效，從而透過打擊其潛在的合謀者，間接遏止了圍標行為，並經常在此類事務上與 MyCC 密切合作。

為了提高透明度並減少串謀機會，馬來西亞已實施了積極措施。ePerolehan 電子採購系統旨在減少人為干預，並為公共採購活動建立可審計的追蹤記錄，從而使圍標行為更難以在不被察覺的情況下執行。此外，行業協會，特別是建築業的協會，透過宣傳活動和行為準則，積極促進其成員的道德行為和反串謀標準。

儘管做出了這些努力，馬來西亞在打擊圍標的鬥爭中仍面臨多項重大挑戰。這些挑戰包括持續存在的貪污風險，可能削弱執法；與執法效率相關的問題，例如漫長的調查程序和法律挑戰；備受矚目案件中政治干預的可能性；以及公眾和企業對競爭法違規嚴重性的意識相對較低。此外，有效監管地方政府層級的採購（該層級通常缺乏聯邦採購那樣健全的監督機制），仍然是一個關鍵障礙。

印尼：法律框架、執法和持續存在的腐敗挑戰

印尼已建立起一套全面的打擊圍標的框架，其核心是 1999 年第 5 號法律，該法律明確禁止包括圍標在內的反競爭行為，並輔以強有力的反腐敗法律，將相關的賄賂和非法致富行為定為刑事犯罪。執法工作採用雙管齊下的策略：商業競爭監管委員會（KPPU）負責處理違反競爭的行為，而高度獨立的反腐敗委員會（KPK）則積極追查與採購計劃密切相關的腐敗分子，並在一些備受矚目的案件中取得了顯著成效。此外，印尼也透過「資訊透明化平台」（Layanan）在促進數位透明度方面取得了長足進步。Secara Elektronik (LPSE) 系統將公共採購數位化，旨在提高效率和問責制，從而減少圍標的機會。然而，儘管取得了這些進展和成功，但普遍存在的系統性腐敗仍然是一個棘手且根深蒂固的挑戰，它常常削弱執法能力，阻礙獨立監督，尤其影響透明度較弱的地方政府

13 <https://www.mccc.gov.my/sites/default/files/Competition%20Act%202010%20-%2022092020.pdf>

層面。因此，必須不斷完善法律框架，加強監管機構，以適應不斷演變的圍標策略，並確保在打擊圍標方面取得持續進展。¹⁴¹⁵¹⁶¹⁷

菲律賓：高腐敗風險環境下的社區參與策略

菲律賓身處高腐敗風險環境，採取了多元化策略打擊圍標，將健全的法律框架與社區參與策略結合。其多層次的法律基礎包括《菲律賓競爭法》（PCA），該法禁止圍標等反競爭協議；《反貪污腐敗法》，旨在打擊官員腐敗；以及《政府採購改革法》，該法強制要求競爭性招標並防止圍標¹⁸。執法工作由菲律賓競爭委員會（PCC）牽頭，並由監察專員辦公室等反腐敗機構共同負責；然而，這些機構面臨著諸多障礙，包括普遍存在的腐敗、政治干預以及根深蒂固的強大政治家族的影響，這些因素往往阻礙了有效的調查和起訴。¹⁹

為了提高透明度和問責制，政府利用菲律賓政府電子採購系統（PhilGEPS），這是一個數位化入門網站，旨在減少串通舞弊的機會，並積極促進社區的廣泛參與。民間組織（CSO）和社區監督員發揮著至關重要的監督作用，他們參與審計、審查採購流程，甚至觀察招標委員會（BAC）的工作，以加強問責制²⁰。儘管這些多元化的策略取得了一些成效，例如民間社會組織舉報違規行為以及菲律賓反腐敗委員會（PCC）的調查，但菲律賓仍然面臨著根深蒂固的腐敗、執法機構資源有限、政治家族的普遍影響以及在全國範圍內有效擴大社區參與規模的巨大後勤挑戰等諸多問題。²¹²²

14 Indonesia: Competition law fact sheet. (n.d.). Hong Kong SAR | Global Law Firm | Norton Rose Fulbright. <https://www.nortonrosefulbright.com/en-hk/knowledge/publications/018aab37/competition-law-fact-sheet-indonesia>

15 <https://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2031%20of%201999%20on%20Corruption%20Eradication.pdf>

16 https://wplibrary.co.id/sites/default/files/PERPRES%2016-2018_ENG%20%5BH0%5D.PDF

17 Tamami, MK (2018). The roles of Electronic Procurement Service (Layanan Pengadaan Secara Elektronik/LPSE) in Organizing Procurement Service System //www.academia.edu/127517001/The_Roles_of_Electronic_Procurement_Service_Layanan_Pengadaan_Secara_Elektronik_LPSE_In_Organizing_Procurement_Service_System_Study_at_SE_Stuof_at_SE_Procurefids_System_Stuof_at_SE_Fmatic_s_SEandService

18 SemiColonWeb. (n.d.). Philippine Competition Law (R.A. 10667) | Philippine Competition Commission. <https://www.phcc.gov.ph/philippine-competition-law-ra-10667#:~:text=The%20PCA%20was%20passed%20in,creating%20more%20inclusive%20economic%20growth>

19 https://www.ombudsman.gov.ph/docs/republicacts/Republic_Act_No_3019.pdf

20 Open Knowledge Repository. (n.d.). <https://openknowledge.worldbank.org/entities/publication/b18b62a4-612c-51b8-84c1-e5841b708698>

21 <https://www.gppb.gov.ph/wp-content/uploads/2023/06/Republic-Act-No.-9184.pdf>

22 https://www.phcc.gov.ph/storage/pdf-resources/1683854994_20210528_PCC-Legal-Handbook-RA-10667-IRR.pdf

表 3 國際反串謀投標與反貪腐執法機制比較概述

國家	主要執法機構	關鍵法律框架	主要處罰 / 威懾措施	寬大處理計劃	技術 / 預防工具	主要挑戰 / 背景
新加坡	新加坡競爭與消費者委員會 (CCCS)	競爭法 (第 34 條)	罰款金額最高可達新加坡營業額的 10%，為期 3 年。	是的。第一個檢舉人可獲得 100% 的罰款豁免，這就造成了一種「囚徒困境」。	CCCS 主動進行市場監測。	寬大處理資料的保密性限制了公眾對統計資料的了解。
日本	日本公平交易委員會 (JFTC)	反壟斷法；公共工程投標串通舞弊預防法	刑事處罰：個人最高可判處 5 年監禁 / 500 萬日圓罰款；行政處罰。	是的。 (根據《反壟斷法》)	法律架構專門針對官員與企業之間的勾結行為 (例如，透過《公共工程投標串通法》)。	重點在於切斷公職人員串通行證所帶來的利益。
韓國	韓國公平交易委員會 (KFTC) (與檢察官和 ACRC 合作)	《壟斷監管與公平貿易法》(MRFTA)；《公共採購法》	行政附加費最高可達相關銷售額的 10%；刑事訴訟。	是的。大幅減少 / 免除附加費和罰款。	韓國線上電子採購系統 (KONEPS) 用於即時監控和分析。	嚴格執法與先進的數位透明化相結合。
馬來西亞	馬來西亞競爭委員會 (MyCC)；馬來西亞反貪污委員會 (MACC)	2010 年競爭法；2009 年反貪污委員會法；公共採購條例。	對違反競爭法的行為處以罰款；對腐敗行為處以刑事處罰。	是的。 (依據 2010 年競爭法)	ePerolehan 電子採購系統旨在減少干預。	ePerolehan 電子採購系統旨在減少干預。
印尼	商業競爭監督委員會 (KPPU)；反貪腐委員會 (KPK)	1999 年第 5 號法律 (反壟斷法)；反腐败法。	根據競爭法進行的處罰；KPK 對腐敗行為提起刑事訴訟。	是的。 (根據 KPPU 的規定)	拉亞南 彭加丹 Secara Elektronik (LPSE) 電子採購系統。	普遍存在的系統性腐敗削弱了執法力度；地方層級的透明度較弱。
菲律賓	菲律賓競爭委員會 (PCC)；監察專員辦公室	菲律賓競爭法；反貪污法；政府採購改革法。	根據《防止腐敗法》的處罰；貪污罪的刑事起訴。	是的。(根據菲律賓競爭法)	菲律賓政府電子採購系統 (PhilGEPS)。	普遍存在的腐敗和政治干預；資源有限；根深蒂固的政治家族；擴大社區參與規模困難。

表 4 國際反圍標制度分級及香港的地位

層級	分類	代表性司法管轄區	核心特徵 / 狀態
第一	全面領導者和高效執行者	韓國、新加坡	擁有強大、高效和一體化的系統，結合嚴格的法律、強大的獨立機構、強有力的威懾（例如，高額罰款、刑事定罪）、積極的寬大政策和先進的技術預防（電子採購）。
第二	特定領域的典範與關鍵靈感	日本、馬來西亞	展現在特定領域取得的顯著成功，例如將圍標定為刑事犯罪（日本）或建構打擊貪腐和串通行為的綜合法律架構（馬來西亞）。為有針對性的改革提供重要經驗。
第三	探索社區參與中的挑戰與亮點	印尼、菲律賓	雖然已經建立了法律和技術框架，但仍面臨著根深蒂固的腐敗等深刻的系統性挑戰。它們的經驗凸顯了打擊根深蒂固的治理問題的重要性，以及公民社會監督的潛在角色。
—	香港特別行政區（特殊定位）	香港	目前狀態：「亟需改革/系統性危機」。體系存在缺陷，面臨系統性崩潰的風險。其特徵是充斥著與有組織犯罪、恐嚇和暴力相關的圍標和腐敗，如同「烈火」般肆虐。此體系受到法律架構薄弱（僅有民事競爭法，公共組織行為法適用範圍有限）、執法資源不足、技術落後、利害關係人無能為力等因素的限制。其危機的嚴重程度已超出第三層級，因此必須設立一個單獨的類別，以凸顯其根本性、全面改革的緊迫性和嚴重性。

註：從定性評估來看，香港現行的反圍標制度面臨獨特的挑戰，構成了一個獨特的案例。該地區面臨許多問題，包括系統性腐敗和制度缺陷，反映出其問題的深度和系統性。因此，香港迫切需要“改革”，並正面臨一場“系統性危機”。這些因素凸顯了製定量身定制且徹底的解決方案的必要性。

相較之下，新加坡的反圍標執法部門，以新加坡競爭及消費者委員會（CCCS）為例，展現出強大的能力，約 80 名專業人員服務於約 570 萬人口，能夠有效地進行市場監控和乾預²³。而香港競爭事務委員會（HKCC）的團隊規模較小，約有 70 名專業人員，卻要監管一個規模更大、更為複雜的經濟體，人口約 750 萬²⁴。這種資源上的差距，加上相對薄弱的法律框架和系統性挑戰，顯著影響了香港的執法效力，凸顯了其獨特的困境。

23 <https://isomer-user-content.by.gov.sg/45/c0398db5-2d27-4d2e-941a-e4c106c89fd5/CCCS%20Annual%20Report%20FY2024-25.pdf>

24 https://www.compcomm.hk/tc/media/reports_publications/files/2024_25_HKCC_Annual_Report.pdf

4. 跨國案例對香港的經驗教訓

香港目前在打擊合謀投標方面正面臨關鍵時刻，尤其是在普遍存在且利益相關的樓宇維修行業。儘管香港競爭事務委員會已透過《競爭條例》的民事執法取得了一些成效，但結合國際最佳實踐和嚴峻的本地現實進行深入分析後發現，仍存在諸多極待解決的重大缺陷。近期發生的悲劇性火災慘痛地印證了充斥著串通和腐敗的製度所造成的災難性後果，凸顯了採取更強有力的全面措施的緊迫性。

新加坡、日本、韓國、馬來西亞和菲律賓等國國際戰略的分析提供了寶貴的經驗教訓。然而，對於香港而言，這些經驗教訓必須結合其獨特的挑戰進行調整，這些挑戰表現為針對小型業主的「系統性犯罪」，而這種犯罪往往在政策的默許和有組織犯罪根深蒂固的影響下滋生。

香港樓宇維修業正面臨著令人震驚的現實，許多人將其形容為「由圍標和腐敗引發的風暴」。這不僅是經濟扭曲的問題，而是一個系統性的、有組織的犯罪集團，背後往往有黑社會組織撐腰，而且已經猖獗了十多年。其運作模式涉及由「內部人士」組成的複雜網絡——包括物業管理公司、顧問、承建商、律師團隊、會計師，甚至還有前政府官員和執法人員，他們精心策劃圍標，抬高項目成本，進行欺詐，並壓低材料品質。

現在問題規模驚人，估計每年可能高達 1000 億港元。令人不安的是，有人發現圍標的利潤「比販毒還高」，而且風險似乎很低（即使被抓也只會判 2-3 年監禁）。這種經濟利益的誘惑，再加上恐嚇、威脅甚至暴力對待持不同意見的業主和區議員的風氣，使得小業主「束手無策」、「無處可逃」。

在過去十年中，政府被認為的不作為和「系統性失靈」是一個嚴重的失誤。儘管早期預警和一再的求助呼籲，但易燃棚架和故障的火警警報系統等問題遲遲未能獲得妥善處理。執法工作主要依賴串謀詐騙或賄賂等一般法律，而非具體的反圍標法例，因此一般認為政府仍難以瓦解這些根深蒂固的網絡。儘管廉政公署（ICAC）和競爭事務委員會（CC）近年來做出了值得稱讚的努力，但他們的行動常被視為僅僅是「清除一個競爭者」，而非解決系統性問題的根本原因。

借鑒國際經驗和針對香港嚴峻的現實情況，以下綜合策略至關重要：

4.1 加強法律架構與執法威懾

賦予競爭事務委員會更多權力

香港必須大幅加強對競爭事務委員會的權力和資源投入，賦予其更大的獨立性和專業性，尤其是在樓宇維護等高風險行業領域，更應成為委員會的監督重點。

引入對嚴重罪行的刑事責任

這或許是最關鍵的建議。參考日本經驗，對於那些利潤豐厚的圍標集團而言，民事處罰往往被視為「經營成本」。香港必須對嚴重的圍標行為追究刑事責任，尤其是那些危害公共安全（與近期發生的火災直接相關）或涉及大量公共資金的行為。對策劃此類欺詐罪行的個人處以監禁的處分，將從根本上改變犯罪者的風險收益考量，並對該行業中的黑社會參與予以強有力的威懾作用。

完善寬容政策

雖然現有的寬大處理機制尚待加強，但其推廣和激勵措施仍需顯著強化。必須明確告知承建商，尤其是樓宇維護業的承建商，率先舉報串通行為可免於處罰。這或許是瓦解現有串通網路的重要手段。

更清晰的定義和更嚴厲的處罰

法律框架應包括對圍標的更清晰定義，並對罪犯施加除罰款之外的嚴厲處罰，包括監禁和取消參與公共招標的資格，從而向社會發出明確的信息，即此類活動是不可接受的。

4.2 利用科技提高透明度和檢測能力

採用先進的電子採購系統

香港應效法韓國的 KONEPS 系統，加快開發並強制推行全面的電子採購系統。該系統應實現從初始投標到合約授予的整個招標流程數位化，增加透明度，從而大幅減少易受賄賂和串通舞弊影響的人為幹預環節。

實施數位建築護照和區塊鏈招標平台

這項提議可能很重要。透過整合數據分析，可以主動識別可疑的投標模式、異常的價格波動以及類似卡特爾的行為。區塊鏈技術的應用將為所有採購活動提供不可竄改的

記錄，從而極大地提升審計能力，並防止竄改文件或「黃金樣本」詐欺等問題。

公開可取得且更新的參考價格

政府必須更新並公開其維修工作的參考價格。這將為業主提供一個重要的基準來評估投標的合理性，從而直接打擊串通集團設定的虛高的「市場價格」。

4.3 促進積極合規和強而有力的機構間合作

加強機構間合作

香港的圍標與貪污腐敗和組織犯罪有著千絲萬縷的關係。競爭事務委員會必須與廉政公署和警務處建立更強有力的持續合作。這種類似於日本公共工程領域反貪污反壟斷策略的綜合性反貪污反壟斷方法，對於打擊在樓宇維護行業中運作的複雜且多方面的犯罪網絡至關重要。

促進行業自律和合規

鼓勵產業協會制定和執行強而有力的行為準則，促進建立強大的企業內部合規機制，從源頭減少串通的動機。

4.4 加強社區監督和公眾意識

建立正式公民參與

借鏡菲律賓模式，香港應正式建立公眾參與渠道，例如擬議的「居民請願及公民審計計劃」。這將賦予市民和經認可的民間社會組織監督公共工程項目、審查採購文件以及申請獨立審計的權力，從而提供需要的額外問責機制，並有效遏制業主面臨的恐嚇行為。

提高大眾意識

進行全面的公眾宣傳活動至關重要。教育大眾了解圍標對公平競爭、公共福利和安全造成的危害（正如最近發生的火災悲劇所揭示的那樣）至關重要。鼓勵積極舉報可疑活動，並保證對舉報人提供保護，將有助於培養社會反腐敗意識，營造更警覺的氛圍。

這場悲劇性的火災以及令人不寒而慄的現實凸顯出，香港目前應對圍標的措施遠遠不夠。這不僅是經濟問題，更是對公共安全、業主財務負擔以及法治的深層威脅，相信這一切都是由組織嚴密的犯罪團夥和長達十年的系統性監管失靈所造成的。香港若能吸取以下綜合教訓——透過刑事責任強化法律威懾、利用科技提升透明度、促進強有

力的跨部門合作以及賦予社區監督權——便可擺脫當前的「系統性失靈」。這需要堅定的政治決心和齊心協力的努力，才能從這些根深蒂固的犯罪網絡手中奪回控制權，從而為所有市民創造一個更安全、更公平、更具競爭力的市場。漸進式改革的時代已經過去；香港需要進行根本性的變革，才能徹底剷除這場惡勢力串通和腐敗的問題。

5. 建議與風險緩解策略

上述分析描繪了一幅系統性問題的嚴峻圖景，這個問題需要的不僅僅是漸進式的調整。要真正瓦解香港樓宇維修業根深蒂固的圍標和腐敗網絡，必須進行範式轉移。這需要一系列創新、全面且強有力的解決方案，從多個角度解決問題——從技術基礎設施和加強監管權力，到金融財務創新機制和賦予公民更多參與權。除了加強法律框架和執法威懾（如 4.1 節所述）之外，以下建議概述了這樣一項全面的策略，旨在不僅應對事件，而且主動預防串通行為，保護業主權益，並重建公眾對這一重要行業的信任。

● 設立獨立第三方認證單位及「誠信測試」系統

為破除顧問公司與承建商之間長期存在的利益輸送及默契，香港必須成立獨立第三方認證單位。目前，顧問公司同時擔任諮詢與招標規格制定者的雙重角色，存在巨大的監管漏洞，容易導致其為換取利益而偏袒特定承建商。因此，該單位應由工程、建築及法律界的獨立專業人士組成，運作上須完全獨立於政府部門及承建商，以確保其公正性。其核心機制是建立基於大數據的「誠信測試系統」，透過分析歷史表現、服務質量及合約合規紀錄，提供客觀評核，取代傳統顧問公司在標書評審中的主導地位，從而引導維修公司誠信經營。

● 數位建築護照和區塊鏈招標平台

為了建構高度透明且有效率的城市管理生態系統，我們提出了一種結合數位建築護照（DBP）和區塊鏈招標平台（BTP）的整合解決方案。DBP 將為每棟建築創建完整的數位檔案，詳盡記錄其整個生命週期，包括所有過往的維護和檢查報告，確保全生命週期數位記錄的完整性。同時，BTP 將利用區塊鏈技術處理所有公共區域維護招標，確保投標資料的絕對透明性和不可竄改性。²⁵ 所有相關的投標數據和文件都將透過區塊鏈進行不可竄改的儲存和驗證，並在決策後公開所有記錄。這種雙管齊下的方法保證了防竄改性和端到端的透明度，從源頭有效防止了圍標和操縱投標的行為。

● 引入標準化業主評分機制

為強化公眾監督，建議在「招標妥」框架下引入標準化業主評分系統。工程完工後，由小業主根據施工質量、工程進度及合約履行情況對承建商進行評分。此評分將記錄在平台上，作為未來參與投標的關鍵參考。表現優異的公司將獲得優先權，而評分極低的公司將面臨投標限制，藉此建立一個以質素為本的問題機制。

25 註：數位建築護照（DBP）將被設定成一個綜合資料平台，可能利用傳統資料庫技術高效儲存海量的歷史和當前建築資訊。與之相對，區塊鏈招標平台（BTP）將作為一個專用的區塊鏈應用程式運行，專門用於管理透明且不可篡改的招標流程。

- **建立關係風險指數及董事資料披露制度**

為揭示隱藏的壟斷財團，所有在「招標妥」平台註冊的工程公司必須提交詳細的董事資料及關聯網絡圖譜。專業機構將分析相關數據，識別潛在的利益衝突，並生成量化的關係風險指數。該指數將披露予業主立法法團參考，以便小業主評估潛在的關連交易風險，從而作出更明智的決策。

- **部署人工智慧驅動風險預警與強制反圍標承諾**

我們建議建立主動偵測與法律阻嚇相結合的機制。一方面，開發人工智慧系統整合建築護照與招標平台的數據，自動識別標書中的異常模式或疑似串謀跡象，並即時通報競爭事務委員會及廉政公署介入調查。另一方面，對於超過指定金額的項目，所有投標者必須簽署強制性反圍標承諾書。任何違規行為將被視為法律違約，導致投標者被取消資格、沒收標金及永久列入黑名單。

- **加強政府資助項目之反圍標定價規管**

針對使用公帑（如樓宇更新大行動資助）的項目，承建商必須簽署反圍標定價承諾書。承建商須證明其投標價格是基於真實市場成本而非串謀抬價。一旦發現違規，政府將追回資助款項，並將相關承建商永久列入黑名單，以確保公共資源的合理使用。

- **賦予居民聯署權力與推行「公民審核員」計劃**

為將居民從被動受害者轉變為社區守護者，我們建議設立強制介入機制。若有一定比例（如百分之五或以上）的業主聯署舉報懷疑圍標行為，政府部門（如民政事務總署或屋宇署）必須強制介入調查。同時，應推行「公民審核員計劃」，培訓及動用具備專業背景的志願者（如退休工程師、測量師、會計師），協助缺乏專業技術知識的業主立法法團監督維修工程的進度與質量。

這些綜合方案若能以堅定的政治決心和集體力量加以實施，將為香港擺脫當前的圍標危機提供一條變革之路。它們超越了單純的執法，旨在建立一個韌性十足的生態系統，使圍標行為難以實施、易於發現並受到嚴厲懲罰。透過運用科技、重組金融和管治機制，以及至關重要的一一賦予那些受影響最深的市民更多權力，藉此香港可以重建信任，確保城市基礎設施的安全和長遠發展，並保護業主免受剝削。這種綜合性方案不僅關乎經濟公平，更關乎維護公共安全、捍衛法治，以及重塑長期以來被組織犯罪和腐敗所挾持的產業的誠信。

6. 結論

宏福苑的悲劇性火災，鮮明而痛苦地提醒我們，健全的樓宇維護至關重要，進而也凸顯了香港城市建設中透明、合乎道德且負責任的採購流程的絕對必要性。圍標不僅是一種經濟犯罪，它更是對公共安全的嚴重威脅，侵蝕房產價值，直接損害著無數香港市民（尤其是老年人和老舊樓宇居民）的經濟福祉和安寧。滋生此類非法行為的系統性問題，需要我們採取全面、多方位且積極主動的應對措施。

我們的研究嘗試細緻入微地剖析了樓宇維修系統出現的脆弱性，從本地成功案例和國際優秀實踐中汲取了重要經驗。研究結果清楚地表明，亟需進行變革性轉變，超越被動應對措施，建立一個能夠抵禦共謀和管理不善的、具有韌性的生態系統。

為實現這一目標，我們制定了一系列綜合創新建議，旨在從根源解決問題。提高透明度是根本，這主要透過實施「數位建築護照」來實現，該護照為每棟建築提供不可竄改的、全面的生命週期記錄；同時，還將採用區塊鏈招標平台，以確保所有投標數據的完整性和不可竄改性。這項技術支柱不僅能有效遏制圍標，還能提供前所未有的審計追蹤。

至關重要的是，政府主導的公民賦權和專家監督是我們建議的核心。政府協助招標及合約管理服務的設立將直接為業立法團，特別是那些缺乏資源或專業知識的業主立案法團，提供來自測量師、工程師和法律顧問的專業指導。此外，設有條件性治理監督的統一維修基金代表著一種範式轉變，它允許政府在公共資金使用時，對關鍵的招標和監督決策進行策略性介入。這引入了一種公正的專家製衡機制，以對抗串通勢力，維護業主利益，並確保公共資源的審慎使用。透過賦予居民請願書正式的行政效力、強制要求政府及時調查以及設立公民審計員計劃來培訓和部署合格的志願者，進一步加強了這種賦權，使被動的受害者轉變為社區的積極守護者。

最後，健全的法律架構、積極的執法和財務保障將完善此保護屏障。雖然香港擁有打擊貪污和反競爭行為的法律工具，例如《防止賄賂條例》和《競爭條例》，但我們的研究強調了這些框架中存在的關鍵「灰色地帶」和局限性，這些灰色地帶和局限性無意中助長了私人樓宇維修行業的圍標行為。具體而言，《防止賄賂條例》對圍標的刑事處罰主要針對公共機構發布的招標。這為絕大多數私人建築維修項目中的圍標留下了一個巨大的漏洞，因為業主立案法團是這些項目的招標機構，使得在此類非法活動中往往能夠逃避該條例的直接刑事起訴。

此外，《物業管理條例》中關於「代理人」受賄的條款在應用於業主立案法團成員時，又存在另一個棘手的模糊之處。該條例將「代理人」定義為受僱於委託人或代表委託人行事的人。然而，業主立案法團成員的性質決定了他們通常並非受僱於法團，也並非僅僅「代表」法團行事；相反，他們是法團的決策機構。這種微妙的法律區別造成了一個代表「灰色地帶」，使得直接賄賂業主立案法團成員以獲取維修合約的行為，難以依據現有的「代理人」定義條款進行起訴，從而削弱了法律問責機制。

這些系統性的法律模糊性特點，無疑凸顯了改革的迫切性。因此，我們提出的解決方案，不僅在超越單純的加強現有執法，而是要主動填補並消除這些立法漏洞，為建築維護領域的所有圍標和腐敗行為，建立起全面而明確的法律威懾。

在此背景下，開發一套由人工智慧驅動的圍標風險預警系統顯得格外重要。該系統將利用來自數位護照、招標平台和市場成本的龐大資料集，預測並標記潛在的可疑模式。這些情報能為競爭事務委員會和廉政公署提供指引，不僅有助於開展有針對性的調查，更能精準指出哪些領域亟需立法明確或進行改革。這將使我們能夠從被動調查轉向主動干預，即使在現有法律定義尚不明確的情況下，也能有效瓦解圍標行為，並推動必要的立法更新。

總而言之，本研究為香港勾勒出一個更負責、透明且安全合規的樓宇維護環境的清晰路徑。透過採用尖端技術、賦予市民權力、發揮政府專長，並實施嚴格的財務與執法機制，香港不僅能有效遏制普遍存在的圍標問題，更能重塑公眾信任，增強城市韌性，並為市民及其後代保障長期的安寧與福祉。這不僅是一項行政挑戰，更是保護我們的家園、社區和社會完整性的道德責任。

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