



NOTICE UNDER RULE 19 OF THE COMPETITION TRIBUNAL RULES

COMPETITION TRIBUNAL ENFORCEMENT ACTION NO. 1 OF 2018

Pursuant to rule 19 of the Competition Tribunal Rules, [Cap 619D], (“the CTR”) the Registrar hereby gives notice that an application under section 92 and 94 of the Competition Ordinance, Cap.619, has been filed by the Competition Commission (“the Applicant”) on 6 September 2018 against Kam Kwong Engineering Company Limited (“the 1st Respondent”), Goldfield N & W Construction Company Limited (“the 2nd Respondent”), Pacific View Engineering Limited (“the 3rd Respondent”), Chan Kam Shui (“the 4th Respondent”) and Lam Po Wong (“the 5th Respondent”).

The Applicant states that the 1st to 3rd Respondents have contravened the First Conduct Rule by making and giving effect to a market sharing agreement in relation to the provision of renovation services at King Tai Court, San Po Kong, a subsidized housing estate developed by the Housing Authority. The Applicants further states that the 4th and 5th Respondent were involved in the 1st to 3rd Respondents’ contravention of the First Conduct Rule.

The Applicant seeks orders for

- (a) a declaration that the 1st to 3rd Respondent have contravened the First Conduct Rule;
- (b) a declaration that the 4th and 5th Respondent were involved in the contravention;
- (c) pecuniary penalty against all the Respondents;



- (d) a director disqualification order against the 4th Respondent; and
- (e) an order that all of the Respondents be restrained or prohibited from entering into or participating in any anti-competitive agreements in respect of any renovation projects under the Housing Authority's Decoration Contractor System.

Any person who has a sufficient interest in the matters to which the application relates may apply for leave to intervene in the proceedings in accordance with rule 20 of the CTR within 28 days from the date on which this notice is published.

The application for leave to intervene must be made by filing the application in Form 3 in the Schedule to the CTR.

Published on 10 September 2018

Registrar
Competition Tribunal