



NOTICE UNDER RULE 19 OF THE COMPETITION TRIBUNAL RULES

COMPETITION TRIBUNAL ENFORCEMENT ACTION NO. 3 OF 2020

Pursuant to rule 19 of the Competition Tribunal Rules, [Cap 619D], (“the CTR”) the Registrar hereby gives notice that an application under section 92, 94, 96 and 101 of the Competition Ordinance, Cap.619, has been filed by the Competition Commission (“the Applicant”) on 21 December 2020 against Linde HKO Limited (the “1<sup>st</sup> Respondent”), Tse Chun Wah (the “2<sup>nd</sup> Respondent”), and Linde GmbH (the “3<sup>rd</sup> Respondent”).

The Applicant states that the 1<sup>st</sup> and 3<sup>rd</sup> Respondent together (or alternatively the 1<sup>st</sup> Respondent) had abused a substantial degree of market power in the supply of certain medical gases, by engaging in conduct that has as its object or effect the prevention, restriction or distort of competition between 14 December 2015 and 4 January 2018 and thereby contravened the Second Conduct Rule (“the Contravention”). The Applicant further states that the 2<sup>nd</sup> Respondent was involved in the Contravention.

The Applicant seeks orders for

- (a) a declaration that the 1<sup>st</sup> to 3<sup>rd</sup> Respondents have contravened the Second Conduct Rule;
- (b) a declaration that the 2<sup>nd</sup> Respondent was involved in the Contravention;
- (c) pecuniary penalty against all the Respondents;



- (d) an order that the Respondents be prohibited from engaging in any conduct that constitutes the Contravention or involvement in the Contravention;
- (e) an order that the 1<sup>st</sup> and 3<sup>rd</sup> Respondent to implement an effective compliance programme; and
- (f) a director disqualification order against the 2<sup>nd</sup> Respondent.

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 24 December 2020

Registrar  
Competition Tribunal