



NOTICE UNDER RULE 19 OF THE COMPETITION TRIBUNAL RULES

COMPETITION TRIBUNAL ENFORCEMENT ACTION NO. 1 OF 2023

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 and 101 of the Competition Ordinance, Cap.619, has been filed by the Competition Commission (“the Applicant”) on 22 March 2023 against Multisoft Limited (“1st Respondent”), MTT Group Holdings Limited (“2nd Respondent”), BP Enterprise Company Limited (“3rd Respondent”), Noble Nursing Home Company Limited (“4th Respondent”), KWEK Studio Limited (“5th Respondent”), Au Yeung Kit Yee (trading as Yat Ying Hong and in her personal capacity) (“6th Respondent”), Fan Sing Chi (“7th Respondent”) and Tang Wai Chun (“8th Respondent”).

The Applicant states that the 1st to 6th Respondents have contravened the First Conduct Rule by engaging in anti-competitive conduct in the form of price fixing, customer allocation, bid rigging and/or sharing of competitive sensitive information between May 2020 and at least September 2021 in relation to application for public funding under the Distance Business Programme (“the Contravention”).

The Applicant further states that the 6th, 7th and 8th Respondents, in their personal capacities, were persons involved in the Contravention.

The Applicant seeks the following orders:

- (a) a declaration that the 1st to 6th Respondents as undertakings have contravened the First Conduct Rule;
- (b) a declaration that the 6th, 7th and 8th Respondents, in their personal capacities, were involved in the Contravention;



- (c) pecuniary penalty against the all Respondents except the 5th Respondent;
- (d) a director disqualification order against the 8th Respondent; and
- (e) an order against 1st to 6th Respondents as undertakings that they do adopt and implement an effective competition compliance programme.

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 March 2023

Registrar
Competition Tribunal