



NOTICE UNDER RULE 19 OF THE COMPETITION TRIBUNAL RULES

COMPETITION TRIBUNAL ENFORCEMENT ACTION NO. 2 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 and 94 the Competition Ordinance, Cap.619, has been filed by the Competition Commission (“the Applicant”) on 23 May 2023 against ATAL Building Services Engineering Limited (“1<sup>st</sup> Respondent”), Johnson Controls Hong Kong Limited (“2<sup>nd</sup> Respondent”), York International (Northern Asia) Limited (“3<sup>rd</sup> Respondent”), Johnson Controls International plc (“4<sup>th</sup> Respondent”) and Lee Yui Ming (“5<sup>th</sup> Respondent”).

The Applicant states that the 1<sup>st</sup> to 4<sup>th</sup> Respondents have contravened the First Conduct Rule by engaging in price fixing, market sharing and/or bid rigging in relation to the provision of air conditioning maintenance, installation, repair, and/or replacement works in Hong Kong (“the Contravention”).

The Applicant further states that the 5<sup>th</sup> Respondent is a person involved in the Contravention.

The Applicant seeks the following orders:

- (a) a declaration that the 1<sup>st</sup> to 4<sup>th</sup> Respondents have contravened the First Conduct Rule;
- (b) a declaration that the 5<sup>th</sup> Respondent is a person involved in the Contravention;
- (c) pecuniary penalty against all the Respondents;
- (d) an order prohibiting the 2<sup>nd</sup> to 5<sup>th</sup> Respondents from engaging in any conduct that may constitute the Contravention; and



(e) an order against the 1<sup>st</sup> to 4<sup>th</sup> Respondents 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 25 May 2023

Registrar  
Competition Tribunal