

Case Summary

Initiation of the case



HK Productivity Council (HKPC) referred complaints relating to D-Biz to Commission



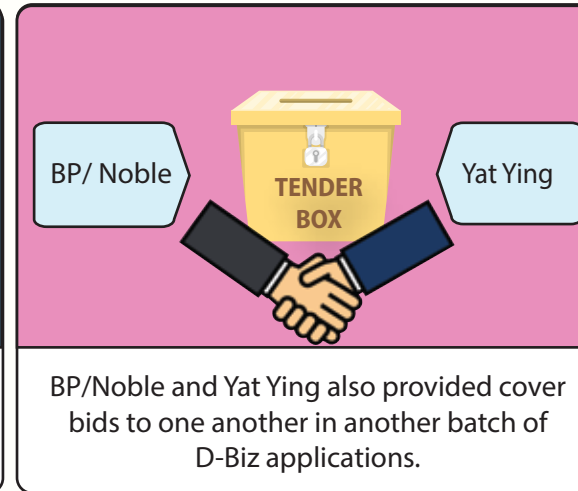
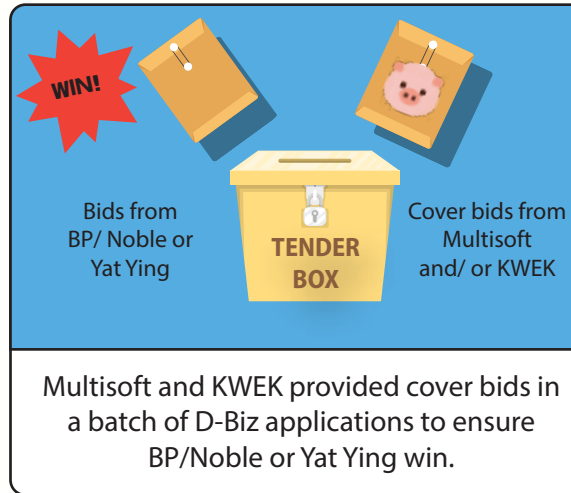
Commission requested HKPC to provide it with data on D-Biz applications and conducted screening on almost 14,000 applications



Unusual bidding features identified, Commission conducted an investigation

The Commission's Case

Multisoft, BP/Noble, KWEK and Yat Ying^[1] engaged in practices including **cover bidding** when providing quotations for IT solutions in applications for government subsidy under D-Biz



As a result, **BP/Noble** and **Yat Ying** would win projects of their respective customers.

Commission believes that such conduct amounts to Serious Anticompetitive Conduct in the form of price-fixing, customer allocation, bid-rigging and/or sharing competitively sensitive information.
189 D-Biz applications were affected, with approved government funding totalling around **HK \$13 million**.

Enforcement

Commission is seeking orders before the Competition Tribunal:

- Declaration of contravention of the First Conduct Rule
- Imposition of pecuniary penalties
- Recovery of the Commission's costs of investigation and proceedings
- Respondent undertakings to adopt an effective compliance programme
- Director disqualification order

Respondents^[1]

- Multisoft
- BP/Noble
- KWEK
- Yat Ying
- 3 individuals

[1] Multisoft, BP/Noble, KWEK and Yat Ying refer to Multisoft Limited and its parent company MTT Group Holdings Limited; BP Enterprise Company Limited and Noble Nursing Home Company Limited; KWEK Studio Limited and Yat Ying Hong respectively.