

28 February 2025

For Immediate Release

## **Competition Commission welcomes conviction in Hong Kong's first criminal case for non-compliance of its investigation powers**

The Competition Commission (Commission) welcomes today's conviction of an individual following a trial before the West Kowloon Magistrates' Courts. This is the first criminal prosecution and conviction for non-compliance with the Commission's investigation powers.

Ms Lui Miu Ching Jessica was convicted of disposing of and concealing documents, in contravention of Section 53(1)(a) of the Competition Ordinance (Cap. 619) (Ordinance), and was sentenced to imprisonment for two months. The defendant was granted bail pending her appeal.

The case originated from an investigation carried out by the Commission into a suspected price-fixing cartel among cleansing service companies. During the Commission's execution of search warrants at the offices of the companies involved, Ms Lui, an employee of one of the cleansing companies, attempted to delete five documents and a number of computer links that were potentially relevant to the Commission's investigation. As a consequence, the Commission referred the case to the Hong Kong Police Force for criminal investigation.

The Commission's investigation powers enshrined in the Ordinance include requiring any person to produce documents or information and to attend before it to answer questions relevant to its investigations, as well as entering and searching relevant premises pursuant to a court warrant. Non-compliance with the Commission's investigation powers is a criminal offense.

Section 53 of the Ordinance stipulates that any person, having been required to produce a document under the Commission's investigation powers, destroys, disposes of, falsifies or conceals that document, shall be liable on conviction to a fine of up to HK\$1,000,000 and imprisonment for up to two years.

Additionally, Section 54 and 55 specify that any person obstructing the Commission's search pursuant to a warrant, or providing false or misleading information, is also liable to a maximum fine of HK\$1,000,000 and imprisonment for up to two years. Section 52 provides that a person who fails to provide the Commission with the documents and information so required without reasonable excuse, or fails to attend before the Commission without reasonable grounds, may be liable to a maximum fine of HK\$200,000 and imprisonment for up to one year. Whoever instructs or assists any person in their obstruction in the Commission's investigations may also be subject to criminal prosecution.

The Commission reiterates that obstructing its investigation powers is a serious criminal offense. The conviction today underscores the gravity of such actions and serves as a strong deterrent against attempts to interfere with the Commission's enforcement work.

The Commission expresses its gratitude to the Police for their assistance in this case.

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