

27 May 2025

For Immediate Release

**Statement on first criminal case in relation to  
failure to attend before the Competition Commission**

In response to the first criminal prosecution for failure to attend before the Competition Commission (Commission) as required without reasonable excuse, the Commission has issued the following statement:

During an investigation into alleged anti-competitive conduct including market sharing among wholesalers at the Aberdeen Wholesale Fish Market<sup>1</sup>, the Commission exercised its investigation powers under Section 42 of the Competition Ordinance (Ordinance) to require an individual under investigation to attend before it at its office. Yet, the individual failed to attend before the Commission as required. The Commission subsequently referred the case to the Police for criminal investigation.

The case was brought before the Eastern Magistrates' Courts for mention today. The individual involved was charged with one count of failure to comply with requirement or prohibition, in contravention of Section 52(1)(b) of the Ordinance. Under this section, any person, without reasonable excuse, failing to comply with the Commission's requirement to attend before it shall be liable to a fine of up to HK\$200,000 and to imprisonment for up to one year on conviction.

The investigation powers conferred by the Ordinance on the Commission include requiring any person to produce documents or information and to attend before the Commission to answer questions relevant to its investigations, as well as entering and searching relevant premises pursuant to a court warrant. Non-compliance with the investigation powers of the Commission is a criminal offence. In February this year, the West Kowloon Magistrates' Courts handed down judgment in the first criminal case for non-compliance with the Commission's investigation powers<sup>2</sup> where the defendant was convicted and sentenced to imprisonment for two months. The defendant was subsequently granted bail pending her appeal.

The Commission would like to reiterate that all persons shall cooperate with its investigations in accordance with the law, and that obstructing the Commission's exercise of its investigation powers constitutes a criminal offence and could lead to serious legal consequences.

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

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<sup>1</sup> See the Commission's [Press Release](#) dated 20 June 2023.

<sup>2</sup> See the Commission's [Press Release](#) dated 28 February 2025.