

Fitness centre staff receive heaviest-ever penalty for engaging in aggressive commercial practices

â€‹Six staff members of two fitness centres were earlier convicted at the District Court for engaging in aggressive commercial practices in the course of selling fitness services, in contravention of the Trade Descriptions Ordinance (TDO). Some of the staff members were also convicted of false imprisonment, common assault and theft. The six staff members were sentenced to imprisonment of nine to 20 months today (March 25). They were also ordered by the court to pay compensation of about \$270,000 in total to the eight victims of the case.

This is the first unfair trade practice case heard in the District Court, and the imprisonment involved is also the heaviest penalty imposed among cases of a similar nature since the TDO was amended in July 2013.

Hong Kong Customs welcomes the sentences, which have achieved a deterrent effect where the imprisonment sentences have reflected the seriousness of the offence. A clear warning has been imposed on unscrupulous practitioners in the industry.

Customs earlier received information alleging that staff members of two fitness centres in Mong Kok and Yau Ma Tei were suspected of engaging in unfair trade practices when selling fitness services, and coercing customers to procure fitness services contracts.

After investigation, it was revealed that the staff members of the two fitness centres lured eight victims on the street to go to the fitness centres situated in commercial buildings. The victims were told that they had already signed the fitness services contracts. The staff then pressured the victims and coerced them to provide their bank account information and balances to make instant payments for the contracts by means of cash, credit card or bank account transfer. The highest contract price counted for a single case has exceeded \$240,000.

Customs reminds traders to comply with the requirements of the TDO while consumers should procure services from reputable shops.

Under the TDO, any trader commits an offence of engaging in aggressive commercial practices if harassment, coercion or undue influence is used to impair the consumer's freedom of choice or conduct in relation to the product concerned, causing the consumer to make a transactional decision. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Members of the public may report any suspected violation of the TDO to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email

account (crimereport@customs.gov.hk).