

Salespersons of fitness centre imprisoned for engaging in aggressive commercial practices

Four salespersons of a fitness centre were sentenced today (September 5) after earlier conviction of engaging in aggressive commercial practices, in contravention of the Trade Descriptions Ordinance (TDO), at Kowloon City Magistrates' Courts. Two of them were sentenced to imprisonment for three weeks and the other two persons were sentenced to carry out community service of 120 hours and 90 hours. The four persons were also ordered by the court to pay compensation of \$21,000 in total to the two victims. This is the first case of contravention of the TDO involving the fitness industry with sentences of imprisonment.

Hong Kong Customs earlier received information alleging that four salespersons of a fitness centre in Mong Kok had engaged in unfair trade practices in the supply of fitness service.

After investigation, it was revealed that the four salespersons used aggressive commercial practices to coerce two customers into procuring fitness club memberships. They asked two young victims to do a survey on the street and then took them to the fitness centre involved and lured them to sign agreements for purchasing fitness plans. They further imposed influence on them to withdraw cash from their bank accounts for making payment for the fitness packages. Customs subsequently brought prosecutions against the salespersons.

Customs reminds traders to comply with the requirements of the TDO. Consumers are also reminded to 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).