

**MARKET MISCONDUCT TRIBUNAL (“MMT”)****IN THE MATTER OF THE LISTED SECURITIES OF
TIANHE CHEMICALS GROUP LIMITED****Preliminary Conference**

1. By a letter to the Tribunal, dated 19 June 2020, the Securities and Futures Commission (“the SFC”) filed with the Tribunal a Notice to the Tribunal, pursuant to section 252(2) and Schedule 9 of the Securities and Futures Ordinance, Cap. 571 (“the SFO”), requiring the Tribunal to conduct proceedings to determine whether any market misconduct had taken place in relation to the securities of Tianhe Chemicals Group Limited (“Tianhe”) listed on the Main Board of the Stock Exchange of Hong Kong. The Notice identified Tianhe and Wei Xuan as persons suspected to have perpetrated market misconduct (“Specified Persons”). Together with the Notice, the SFC filed with the Tribunal a Synopsis, Hearing Bundles in respect of the evidence of Witnesses, Experts and Exhibits, together with related Indices.
2. By a letter, dated 24 July 2020, the SFC informed the Tribunal that it had served that material on Howse Williams, as the authorised representative of Tianhe, the 1st Specified Person, on 22 and 24 June 2020. By the same letter, and a letter dated 1 September 2020, the SFC informed the Tribunal that it had served that material on Wei Xuan, the 2nd Specified Person by email, on 2 July 2020, and by Hong Kong Speed Post, on 5 August 2020. In the letter of 1 September 2020, the SFC invited the Tribunal to convene a Preliminary Conference.
3. By a letter, dated 4 September 2020 sent by email to the Presenting Officer and Assistant Presenting Officer, the SFC and Howse Williams, acting on behalf of the 1st Specified Person, and by email and post to the 2nd Specified Person the parties were informed that, pursuant to section 30 of Schedule 9 of the SFO, the Chairman had directed that a Preliminary Conference be held at 5 p.m. on 18 September 2020.
4. By a letter from the Tribunal to Howse Williams, dated 17 September 2020, the Chairman refused the request made by Howse Williams, on behalf of the 1st Specified Person, in a letter dated 15 September 2020, that the Preliminary Conference be adjourned to a date to be fixed.

5. In the afternoon of 17 September 2020 the Assistant Presenting Officer, Mr. Jonathan Chang S.C., filed written Submissions with the Tribunal, copied to the Specified Persons. The Tribunal was informed that the ‘Proposed Directions’, which were attached to the Submissions, had been sent to the Specified Persons on 7 September 2020, but no response had been forthcoming.

6. In the early evening of 17 September 2020, the Tribunal received a letter from Howse Williams advising the Tribunal they had “no instructions to attend the Preliminary Conference”.

7. The 1st and 2nd Specified Persons did not attend nor were they represented at the Preliminary Conference.

8. At the conclusion of the Preliminary Conference, the Chairman gave the following directions.

DIRECTIONS

1. The Specified Persons do file with and serve on the Tribunal, providing copies to the SFC, any witness statement(s) and expert report(s) it wishes the Tribunal to receive and consider at the hearing on or before 4 December 2020. Any such material is to be paginated overall and provided in paper and electronic form.

2. The SFC do file with and serve on the Tribunal, providing copies to the Specified Persons any witness statement(s) and expert report(s) in reply it wishes the Tribunal to receive and consider at the hearing on or before 15 January 2021. Any such material is to be paginated overall and provided in paper and electronic form.


3. No further witness statement(s) or expert report(s) may be filed with and served on the Tribunal without the leave of the Chairman of the Tribunal.

4. On or after 15 January 2021, the Chairman will direct the holding of a further Preliminary Conference for the purposes identified in section 31 of Schedule 9 of the SFO, in particular to give directions fixing the hearing dates, the receipt of evidence by audio/video link and the filing with and service on the Tribunal by the parties of written submissions and other material.

5. Costs of this hearing are to be in the cause.

Dated: 18 September 2020




Mr. Michael Lunn
(Chairman)