

Trade Descriptions Ordinance (Cap. 362)
Undertaking to an authorized officer of the Customs and Excise Department
given for the
purposes of Section 30L
by
The Wedding Management Academy (Hong Kong) Limited
Business Registration No. 50419306

Company/Person giving this undertaking

- (1) This undertaking is given to an authorized officer of the Customs and Excise Department of the Government of the Hong Kong Special Administrative Region (“C&ED”) by The Wedding Management Academy (Hong Kong) Limited, a company incorporated in Hong Kong, whose registered address is at Room 205, 2/F, Golden Gate Commercial Building, 136-138 Austin Road, Tsim Sha Shui, Kowloon for the purposes of Section 30L of the Trade Descriptions Ordinance, Cap. 362 (“the Ordinance”).

Background

- (2) The Wedding Management Academy (Hong Kong) Limited is trading as WMA Career Higher Education to provide training programmes or courses for hotel management, event management, wedding planning, bridal makeup, hair styling, weddings and banquets floral arrangement to consumers / students.
- (3) In or around October 2013, it was reported that WMA Career Higher Education had falsely claimed that the graduates of its diploma course in Hospitality Management could be eligible for direct entry to the final year of a degree programme of local universities in the introductory or promotion materials published on its website in contravention of the Ordinance. The C&ED had conducted an investigation into this reported case which alleged that WMA Career Higher Education had offered to supply to consumers / students a service or provide a course programme to which a false trade description is applied.
- (4) The C&ED investigation revealed that a false trade description was applied by WMA Career Higher Education to a diploma course in Hospitality Management in its introductory or promotion materials published on its website. The specific findings by C&ED are that WMA Career Higher Education had, at the material time, offered to supply a service to consumers / students, namely a “BTEC Level 5 HND Diploma in Hospitality Management” course, to which a trade description “the graduate of the BTEC Level 5 HND Diploma in Hospitality Management could be eligible for **direct entry to the final year of a degree programme of the eight local universities**” was applied. Such a trade description could be found in the introductory or promotion materials published on WMA Career Higher Education’s website. It was found that the graduates of the “BTEC Level 5 HND Diploma in Hospitality Management” course could NOT be eligible for **direct entry to the final year of a degree programme of the eight local universities**. Therefore, WMA Career Higher Education had applied a false trade description to its “BTEC Level 5 HND Diploma in

Hospitality Management” course programme which it had offered to consumers / students at the material time.

- (5) The Wedding Management Academy (Hong Kong) Limited trading as WMA Career Higher Education admits that it has engaged in the conduct described at paragraphs (3) & (4) above.
- (6) The C&ED believes that WMA Career Higher Education has engaged in the conduct described at paragraphs (3) & (4) above which constitutes an offence under section 7A of the Ordinance because the C&ED’s investigation revealed that six out of the eight local universities would definitely not accept graduates of the “BTEC Level 5 HND Diploma in Hospitality Management” course for **direct entry to the final year of their degree programmes.**
- (7) WMA Career Higher Education has not yet enrolled any student for the said “BTEC Level 5 HND Diploma in Hospitality Management” course and has removed the false claim from its website or other publication wherever applicable.

Commencement of Undertaking

- (8) This undertaking comes into effect when:
 - (i) the undertaking is executed by The Wedding Management Academy (Hong Kong) Limited; and
 - (ii) an authorized officer the C&ED accepts the undertaking so executed.
- (9) Upon the commencement of this undertaking, The Wedding Management Academy (Hong Kong) Limited undertakes to assume the obligations set out in paragraph (10) below.

Undertakings

- (10) The Wedding Management Academy (Hong Kong) Limited undertakes for the purposes of Section 30L of the Ordinance that for a period of two years:-
 - (a) it will not in a commercial practice:
 - (i) continue or repeat its conduct described at paragraphs (3) & (4) above, or
 - (ii) engage in conduct of that kind, or any conduct of a substantially similar kind, in the course of any trade or business ;
 - (b) it will ensure that its staff will receive adequate training and briefing on the requirements under the Ordinance relating to the provision of services by traders to consumers to comply with the law; and
 - (c) it will give any such assistance, information or cooperation to the C&ED for the purpose of compliance checks on The Wedding Management Academy (Hong Kong) Limited as may be required from time to time.

Acknowledgment

- (11) The Wedding Management Academy (Hong Kong) Limited acknowledges that:
- (a) the C&ED may cause this undertaking to be published in any form and manner, and to any extent, including by publishing it on the C&ED’s public register of Section 30L Undertakings on its website;
 - (b) the C&ED may, from time to time, make public reference to the undertaking including in news media statements and in C&ED’s publications;
 - (c) this undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct of concern; and
 - (d) according to Section 30N(3) of the Ordinance, when the acceptance of this undertaking is withdrawn, a statement of any fact contained in the undertaking may be admitted in evidence in any proceedings in a court relating to the matter to which the undertaking relates, and on its admission, is conclusive evidence in those proceedings of the fact stated in the undertaking.

Executed on 29th day of November 2013

SEALED with the COMMON SEAL)
and SIGNED by CHEUNG xxx Yu xxx, Director)
for and on behalf of THE WEDDING MANAGEMENT) (Signed and Sealed)
ACADEMY (HONG KONG) LIMITED)
in the presence of:)

(Signed)

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(NG xxx Ying, Senior Marketing Officer)

**ACCEPTED BY AN AUTHORIZED OFFICER THE CUSTOMS AND
EXCISE DEPARTMENT PURSUANT TO SECTION 30L OF THE TRADE
DESCRIPTIONS ORDINANCE WITH THE WRITTEN CONSENT OF THE
SECRETARY FOR JUSTICE**

(Signed)

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LAM Po-chuen, Head of Consumer Protection Bureau (3)

This 2nd day of December 2013