

Trade Descriptions Ordinance (Cap. 362)

Undertaking to an authorized officer of the Customs and Excise Department
given for the purposes of Section 30L of the Trade Descriptions Ordinance (Cap 362)
by PSP (HK) No. 1 Limited
Company No. (CR No.): 2066904
Business Registration No. (BR No.): 63043043

Company/ Person giving this undertaking

- (1) This undertaking is given to an authorized officer of the Customs and Excise Department (“**C&ED**”), the Government of the Hong Kong Special Administrative Region by PSP (HK) No. 1 Limited, a company incorporated in Hong Kong, (CR No. 2066904; BR No. 63043043) , whose registered address is located at Suites 1706-1708, 17/F, China Merchants Tower, Shun Tak Centre, 168-200 Connaught Road Central, Hong Kong (“**PSP 1**”) for the purposes of Section 30L of the Trade Descriptions Ordinance (Cap. 362) (the “**Ordinance**”).

Background

- (2) PSP 1, trading as RedBox Storage, engages in the provision of self-storage unit rental services (the “**Business**”). PSP 1 carries on the Business at 2/F - 8/F, 2-8, Shing Wan Road, Tai Wai, Shatin, New Territories, Hong Kong.
- (3) On 24 June 2016, a customer rented a mini-storage unit from PSP 1. The customer was mistakenly quoted by PSP 1 that the area of the rented mini-storage unit was 54 square feet, while it was found to be 44 square feet (the “**Quotation**”). As such, the Quotation amounted to a false trade description as defined in section 2 of the Ordinance.
- (4) The C&ED accordingly conducted an investigation into PSP 1 to determine whether a false trade description was applied to the rental service supplied to the customer on 24 June 2016.
- (5) After investigation, the C&ED confirmed that the area of the concerned mini-storage unit was 44 square feet and the Quotation provided by PSP1 was false. PSP 1 was therefore confirmed to have applied a false trade description to the mini-storage rental service supplied to the customer on 24 June 2016, and violated section 7A of the Ordinance.
- (6) PSP 1 admitted that PSP 1 had engaged in the conduct described at paragraphs 3 and 5 above. After notification of the incident, PSP 1 took a number of actions (including):
 - a. correcting its software management system to ensure that measurements for the relevant units are correct;
 - b. providing immediate staff training to ensure that exact measurements are only provided after the area of the mini-storage units have been measured by the customers with a measuring tape;
 - c. attending training provided by the C&ED regarding the Ordinance; and
 - d. commencing a review of the Company’s processes and procedures and operations manual.
- (7) PSP 1 agrees to give an undertaking under section 30L of the Ordinance and not to continue or repeat the conduct mentioned in paragraph (3) above, nor to engage in conduct of that kind, or any conduct of a substantially similar kind, in the course of its trade or business.

Commencement of Undertaking

- (8) This undertaking comes into effect when:
- a. the undertaking is executed by PSP 1; and
 - b. an authorized officer of the C&ED accepts the undertaking so executed.
- (9) Upon commencement of this undertaking, PSP 1 undertakes to assume the obligations set out in paragraph (10) below.

Undertakings

- (10) PSP 1 undertakes for the purposes of section 30L of the Ordinance, that:
- a. for a period of 24 months, it will not continue or repeat the conduct mentioned in paragraph 3 above in which it had engaged, and will ensure that it will not in the course of trade or business engage in conduct of that kind, any conduct of a substantially similar kind, or activities which will be in contravention of Part II or IIB of the Ordinance;
 - b. it will continue to provide training to staff so as to ensure that its staff understand the requirements and the regulations under the Ordinance and comply with the same;
 - c. it will carry out internal reviews on staff performance to ensure compliance with the Ordinance for the purpose of implementing the undertaking at (a) above;
 - d. it will give any other assistance, information or cooperation to the C&ED for the purpose of the compliance checks on PSP 1 during the period of this undertaking.

Acknowledgement

- (11) PSP 1 acknowledges that:
- a. Pursuant to section 30L of the Ordinance, 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 publications;
 - c. this undertaking in no way derogates from the rights and remedies available to any other persons 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 10 May 2017

SEALED with the Common Seal of)
PSP (HK) No. 1 Limited)
and **SIGNED** by)
XXXX Tyrrell, Director)
for and on behalf of the said)
PSP (HK) No. 1 Limited)
in the presence of:)

(signed)

WAN XXX SZE / Fund Accountant

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

(signed)

Authorized Officer

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YIP Wai-sim (Head of Intellectual Property Investigation Bureau)

This 16th day of June 2017