

# **Guide to Application for The Ping Wo Fund Sponsorship Scheme 2023-24**

## **I. Objective**

- 1.1 The Ping Wo Fund Sponsorship Scheme (“the Scheme”) is launched by the Ping Wo Fund Advisory Committee (“the Committee”) to encourage community organisations to organise public education projects in order to prevent and alleviate gambling-related problems.

## **II. Application for Sponsorship**

### **2.1 Eligibility criteria for applicant organisation**

- 2.1.1 An applicant organisation shall be a registered non-profit-making organisation (including a charitable organisation) or a statutory body. The applicant organisation is required to indicate its eligibility in the application form and provide the relevant supporting documents<sup>1</sup> by the application deadline<sup>2</sup>. Failure in providing supporting documents by the application deadline may render the application invalid.
- 2.1.2 When an organisation and its unit(s) submit an application, they shall be regarded as a single group. Each group is allowed to submit only one application (i.e. one proposed project). If an organisation and its unit(s) have submitted more than one application, the applicant organisation/unit(s) should decide which application they would pursue. If the organisation and its unit(s) fail to reach an agreement on the application to be pursued, the Committee reserves the right to decide whether the applications will be further processed and, if so, which one will be processed.
- 2.1.3 If a joint application is made (i.e. an application jointly made by two or more eligible organisations), a principal or lead organisation must be indicated and be responsible for matters relating to the application. All organisations making a joint application shall state clearly in the application form their respective responsibilities.

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<sup>1</sup> A charitable organisation eligible for tax exemption under section 88 of the Inland Revenue Ordinance shall provide a copy of the relevant supporting document issued by the Inland Revenue Department. Other non-profit-making organisation shall provide the following supporting documents for verification: (a)(i) a certificate of incorporation issued under the Companies Ordinance; or (ii) a notification of establishment of a society issued under the Societies Ordinance; or (iii) a certificate of registration of a society issued under the Societies Ordinance; **and** (b)(i) a Constitution or (ii) a Memorandum of Association and/or Articles of Association duly signed by the Chairman and one other office-bearer of the organisation concerned to the effect that it is a true copy. **The Constitution or the Memorandum of Association and/or Articles of Association must clearly indicate that members of the organisation shall not take any shares of the income or assets upon dissolution.**

- 2.1.4 If the applicant organisation intends to accept financial support and/or commercial sponsorship in kind from, other than the Ping Wo Fund (“the Fund”), any persons, organisations or Government departments, it is required to provide the relevant details in the estimated income and expenditure in the application form or the Committee has the right to withdraw the sponsorship. Under no circumstances will the applicant organisation be allowed to seek and/or accept donations and/or commercial sponsorships that may be, in the opinion of the Committee, in direct conflict with policies and interests of the Fund or any Government bureaux or departments (e.g. donations and/or commercial sponsorships from tobacco companies or alcoholic drinks companies). If the Committee considers the acceptance of donations and/or commercial sponsorships by an applicant organisation inappropriate, it will not process the application.
- 2.1.5 The Committee reserves the right to disqualify an applicant organisation and/or co-organiser on the grounds that the applicant organisation and/or co-organiser has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to cause or constitute the occurrence of offences endangering national security or otherwise the exclusion of the eligibility of the related organisation is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety.

## 2.2 Requirements on a proposed project

- 2.2.1 The proposed public education projects must bear **direct relevance** to the objective of the Scheme (*see paragraph 1.1 of this Guide*).
- 2.2.2 The applicant organisations should organise projects that could:
- (a) promote the important message of “Healthy Living • No Gambling” to the general public;
  - (b) raise public awareness of the risks involved in various new and popular gambling channels;
  - (c) promote the counseling and treatment services financed by the Ping Wo Fund (“the Fund”) and remind the participant to pass on the messages to others in needed;
  - (d) promote proper concepts of financial management and developing positive values<sup>3</sup>; or

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<sup>3</sup> The programmes which promote concepts of financial management and development of positive values should show their direct relevance with anti-gambling.

(e) strengthen the message of anti-gambling to high-risk groups.

2.2.3 **Priority would be given to programmes focusing on the public education on problems associated with illegal online gambling.** The applicant organisations which propose such projects should state clearly in its application the type(s) of illegal online gambling activities the projects would be focused on (such as online casino, sports / e-sports betting, betting through gaming applications, etc.), the target audience (i.e. the general public or at-risk online gamblers) and how the projects could help prevent and alleviate problems associated with illegal online gambling.

2.2.4 Activities with young people or families as targeted groups of beneficiaries are encouraged.

2.2.5 The proposed project must take place in Hong Kong. Projects, in the opinion of the Committee, which are likely to constitute or cause the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security, used for profit-making, fund-raising, commercial, religious or political purposes, or be in conflict with policies and interests of the Fund or any Government bureau or department will **not** be sponsored.

2.2.6 A project under application **must be completed within two years** upon approval of the sponsorship. Application for an extension of the completion deadline must reach the Committee with sufficient grounds two months before the original deadline approved for the project. The Committee will handle the case based on individual circumstances.

2.2.7 Applications for sponsorship of activities that have already commenced will not be considered.

2.2.8 The applicant organisation must assign a person-in-charge to supervise the implementation of the project, monitor the proper use of the sponsorship in accordance with the approved budget, observe the principle of economy when using the sponsorship, liaise with the Secretariat to the Ping Wo Fund Advisory Committee (“the Secretariat”) and report on the progress of the project.

## 2.3 **Application procedures and deadline for submission**

2.3.1 Applicant organisations are required to submit the Application Form and the following documents to the Committee **on or before the extended deadline of 6 October 2023 (Friday) by email ([pingwofund@hyab.gov.hk](mailto:pingwofund@hyab.gov.hk))** or by post (Address: 13/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong) –

- (a) **duly completed Application Form (at Annex A) in PDF and MS Word file format<sup>4</sup> with the signature of the person-in-charge;**
- (b) a project proposal (including details of proposed activities and budget);
- (c) a copy of the organisation's registration document; and
- (d) the supporting documents detailed in *footnote 1* as applicable.

The application form can be downloaded from the Home and Youth Affairs Bureau website ([www.hyab.gov.hk](http://www.hyab.gov.hk)) and the Ping Wo Fund website ([www.donotgamble.org.hk](http://www.donotgamble.org.hk)).

For postal applications, the postmark will be taken as the submission date, while the date of acknowledging receipt will be deemed the same for application by email. Applications submitted by fax or late applications will **not** be considered. If a Black Rainstorm Warning Signal or Typhoon Signal No. 8 or above is issued by the Hong Kong Observatory between 9:00 a.m. and 5:00 p.m. on 6 October 2023, the deadline for submission will be extended to the following working day.

2.3.2 It is the responsibility of the applicant organisation to ensure that the application form and relevant documents submitted are complete and accurate. The application will not be considered if the application form is not duly completed, or the applicant organisation fails to submit all the required documents and information set out in this Guide and the application form.

2.3.3 The Secretariat may request the applicant organisation to provide supplementary documents and information and/or seek clarification from the applicant organisation in relation to the application submitted. The applicant organisation shall reply to the Secretariat in writing within the specified period. Failure to do so will result in the application not being considered by the Committee without further notice.

2.3.4 All submitted application documents and materials, whether accepted or not, will not be returned to the applicant organisation. The applicant organisation should make its own copies of these documents for record purposes.

## **2.4 Notification of results**

2.4.1 Under normal circumstances, the applicant organisations will be notified of the results in writing in around three months after the deadline for submission. The Committee's decision shall be final and binding on all applicant organisations.

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<sup>4</sup> The content in the MS Word file should be the same as the application form submitted in PDF file format.

2.4.2 The Committee reserves the right to announce the application results and to disclose the list of successful applicant organisations, titles of approved projects, amounts of sponsorship and other information relevant to the approved projects without prior consent of applicant organisations.

## **2.5 Acceptance of sponsorship**

2.5.1 A written notification specifying the activities approved and the amount of sponsorship approved will be issued to the successful applicant organisation. **The organisation shall organise and use the sponsorship in accordance with the details set out in the project proposal and the written notification. Otherwise, the Committee has the right to revoke the funding and the successful applicant organisation must refund the whole amount involved.**

2.5.2 If the successful applicant organisation accepts the offer of sponsorship and agrees to comply with the guidelines set out in the written notification, it has to return a duly signed Letter of Acceptance to the Committee within the time-frame specified in the written notification and **take forward the relevant activities within three months upon approval of the sponsorship.** Any requests for an extension of the above three-month period must reach the Committee with full justifications within two months upon approval of the sponsorship.

2.5.3 The Committee may withdraw the approved amount of sponsorship at any time prior to its receipt of the organisation's duly signed Letter of Acceptance. If the Committee has not received the duly signed Letter of Acceptance from the successful applicant organisation upon expiry of the time specified in the written notification, it shall be deemed that the organisation has not accepted the offer of sponsorship.

2.5.4 Once an application has been approved by the Committee, any requests for an increase in the amount of sponsorship will not be considered.

## **2.6 Withdrawal of an application**

2.6.1 A successful applicant organisation may write to the Committee to withdraw its application within seven calendar days upon receipt of the written notification. Such withdrawal is irrevocable.

2.6.2 On receipt by the Committee of the notice of withdrawal, any approval, conditional approval or approval-in-principle previously issued by the Committee shall cease to be valid.

### **III. Assessment of Applications**

#### **3.1 Assessment Panel**

3.1.1 An Assessment Panel will be set up by the Committee to assess eligible applications and make recommendations on funding allocation.

3.1.2 The offer of an advantage to any government officials, the Committee or members of the Assessment Panel for the purpose of influencing the outcome of an application is an offence under the Prevention of Bribery Ordinance (“PBO”) (Cap. 201). Any such offers by an applicant organisation or its director(s), employee(s), agent(s), consultant(s), contractor(s) and other personnel involved in the project will render the application invalid. No further consideration will be given to such application. Even if the application has been approved, the Committee has the right to cancel or terminate the offer of sponsorship to the applicant organisation.

#### **3.2 Assessment criteria and procedures**

3.2.1 **The Committee will only consider applications which are in compliance with all the eligibility criteria as set out in this Guide and the application form.** The Committee will consider and determine the applications according to the factors set out below:

- (a) whether the theme and content of the project are in line with the objectives of the Fund and the Scheme ;
- (b) organisation, arrangements and management of the project (including whether the project is well-thought-out and appropriate, and take into account the different needs of the target beneficiaries);
- (c) whether the project scope and content are substantive, in-depth and innovative;
- (d) project scope (e.g. number of participating schools / community organisations and anticipated number of beneficiaries) and the implementation timetable;
- (e) expected outcomes, key performance indicators, methods / mechanisms for measuring performance and evaluating effectiveness of the project, etc.;
- (f) financial arrangements (including whether the budget is well-thought-out and prudent and whether the project is cost effective);
- (g) background of the applicant organisation (e.g. whether the applicant has any record of applying for the Scheme and its track record and performance are

satisfactory); and

(h) any other factors that the Committee may consider relevant.

- 3.2.2 When assessing an application, the Committee may, if necessary, take into account the comments on the proposal from relevant Government bureaux/ departments and professionals from the relevant perspectives, and the track record of the applicant organisation in implementing projects under other funding schemes administered by the Government.
- 3.2.3 The Committee reserves the right to disclose the information provided by applicant organisations to a third party for the purpose of assessing applications.
- 3.2.4 A detailed breakdown of items to be sponsored under application should be included in the project proposal. Applicants can apply for sponsorship from the Fund for the whole activity or for individual items of the project.

#### **IV. Sponsorship**

##### **4.1 Project budget**

- 4.1.1 The maximum sponsorship of each proposed project shall be **HK\$400,000**. The sponsorship level may, however, be raised to **HK\$680,000** for large-scale and/or territory-wide projects that can bring long-term effects and benefit a large number of participants. **Examples of projects of large-scale and/or territory-wide projects in the past three years include the production of anti-gambling short videos for broadcasting in primary and secondary schools and on the Internet; anti-gambling drama performances in primary and secondary schools, shopping malls and public places.** That said, whether the sponsorship amount could be raised to more than HK\$400,000 should be determined on a case-by-case basis and the actual sponsorship amount approved for each project will be subject to the merits of individual applications.
- 4.1.2 When drawing up the budget, applicant organisations must list out each expenditure item and its breakdown in details. The proposed expenditure items must meet the actual needs, be detailed, reasonable and properly justified. The amount sought must be supported by evidence, prudent and pragmatic.
- 4.1.3 In general, the sponsorship provided under the Scheme shall not be used for meeting recurrent expenditure, such as operational expenses of offices including but not limited to those involved in the setting up or refurbishing of an office for the applicant organisation, the provision of facilities at the premises and for the office, the costs for fitting-out, repair and maintenance; rent and rates; expenses on utilities, telephone calls, fax and broadband services; the purchase of fixed assets (e.g. equipment, furniture); the production of items for sale; expenses on

souvenirs for guests, snacks and uniforms for participants; entertainment expenses incurred by administrative staff of the successful applicant organisation; and payments to members of the successful applicant (who provide services not only for the programme) for their services rendered in connection with the programme. Any expenses incurred for the above purposes will not be sponsored.

4.1.4 An applicant organisation shall ensure that its proposed budget meets the following requirements:

- (a) the total expenditure on publicity (including expenses for opening/closing ceremonies) shall not exceed 10% of the total expenditure of the project. For programmes focusing on the public education on problems associated with illegal online gambling, the Committee **may exercise discretion to allow a higher percentage of expenditure being allocated for publicity on a case-by-case basis if online marketing is adopted for reaching out to at-risk illegal online gamblers;**
- (b) the amount of honorarium given to a guest speaker shall not exceed HK\$1,000 per session (three hours as one session);
- (c) the allowance (if any) for each volunteer of the project shall not exceed HK\$40 (half day) or HK\$80 (whole day);
- (d) an applicant organisation may apply for reimbursement of expenses of beverages for the volunteers of the approved activities if such expenses arise directly from the activities with sufficient grounds (e.g. for outdoor activities, sports activities). The relevant expense shall not exceed HK\$10 per item;
- (e) the amount of prizes for competitions shall not exceed HK\$500 per item, and the maximum amount for each competition shall be HK\$2,000. Prizes in the form of cash or items redeemable for cash (e.g. bank vouchers) are not allowed;
- (f) the amount of souvenirs for participants and gifts for game booths or activities of similar kinds shall not exceed HK\$20 per item, and HK\$5,000 per project. Such souvenirs and gifts shall display the anti-gambling messages and prior approval of the design and quantity of such souvenirs and gifts are required. Souvenirs and gifts in the form of cash or items redeemable for cash (e.g. bank vouchers) are not allowed;
- (g) an applicant organisation may apply for reimbursement of travelling expenses only if such expenses arise directly from the project and must be calculated on the basis of the most economical mode of transport available on each occasion. Taxis may be used only for exceptional cases and with



sufficient grounds; and

- (h) the auditing, administrative and miscellaneous expenses shall not exceed HK\$18,000 or 5% of the total expenditure of the project, whichever is lower.

4.1.5 Generally speaking, the remuneration expenses involved in activities of the project under application shall not exceed 50% of the total sponsorship. Unless prior approval is granted by the Committee after taking into account the nature and actual needs of the activity, the actual remuneration expenses should not exceed 50% of the total sponsorship approved.

4.1.6 Subject to the requirements in paragraph 2.1.4, an applicant organisation may provide or solicit funding support from its internal resources and/or from other sources (such as funding or commercial sponsorship from third parties) to meet part of the total expenditure of the project.

## **4.2 Disbursement of sponsorship**

4.2.1 Sponsorship will be disbursed in two instalments: Half (50%) of the total sponsorship approved will be disbursed as an advance payment upon successful applicant organisation's confirmation of acceptance of the sponsorship. The remaining half (50%) will be disbursed in the form of reimbursement according to the actual expenditure of the project upon its completion and subject to the vetting of the project report and the statement of income and expenditure by the Committee.

4.2.2 The successful applicant organisation shall abide by the requirements set out in this Guide and the written notification and implement the approved project to the satisfaction of the Committee. The successful applicant organisation is required to submit **a project report and a financial report (together with the duly completed Checklist (at Annex B)) to the Committee for vetting within three months upon completion of the approved project.** The project report shall include photographs (saved on USB) or video (if any), promotional materials, publications, a summary report on participants' responses to questionnaires of each activity and any other relevant information (e.g. audio-visual materials, sound recordings). Photographs or video clips submitted by the organisation may be posted on the Committee's website and/or social media pages for future reference. The financial report shall include:

- (a) audited accounts prepared by an independent registered Certified Public Accountant ("CPA") or Auditor; and
- (b) an Auditor's Report, which state that all expenditures on the project to be reimbursed are permissible under the sponsorship approved by the Fund and the use of the sponsorship complies with the terms and conditions of the

written notification.

**If the successful applicant organisation fails to provide the required reports or compile the reports in accordance with the Committee's requirements, the Committee will mark the records accordingly for future reference on assessing that organisation's applications for sponsorship. The Committee also has the right to revoke the sponsorship. If the sponsorship is revoked, the organisation must refund the amount involved within the prescribed time.**

- 4.2.3 The successful applicant organisation may be required to submit a progress report of the approved project to the Committee if circumstances so warrant.
- 4.2.4 **The actual expenditure on any individual items in the approved budget shall not exceed the sponsorship amount granted by the Committee for the approved item concerned. Prior written approval must be obtained from the Committee on any changes to any individual items of approved budget. The Committee reserves the right not to reimburse a successful applicant organisation for any expenditure amounts exceeding the approved amount for the item concerned. If the actual expenditure of the project is within the approved sponsorship amount but the actual expenditure on some individual items exceed the approved amount, the Committee may exercise discretion to reimburse no more than 120% of the approved amount of the individual items should sufficient justification be provided by the successful applicant organisation.**
- 4.2.5 All expenditure items must be supported by an original receipt. Delivery notes or quotations cannot be taken as supporting documents for payments. All receipts must be numbered, signed and verified by the person-in-charge of either the project or the organisation, together with the organisation's official chop. The name and signature of the person-in-charge should be the same as those provided in the project proposal. All receipts submitted to the Committee by successful applicant organisations will not be returned.
- 4.2.6 If the actual expenditure of the project is less than the approved sponsorship amount, only the actual amount of expenditure will be reimbursed by the Committee. Moreover, the actual amount reimbursed by the Committee will also depend on the actual scope of activities organised. If part of the activities cannot be conducted as planned, the sponsorship amount may be reduced proportionally regardless of the actual expenditure. Furthermore, if the outcome of the approved project fails to meet the specified performance indicators (e.g. insufficient participants) and the organisation fails to provide a reasonable explanation (failure to recruit eligible participants will not be regarded as a reasonable explanation), the Committee reserves the right to reduce the sponsorship amount or cancel the reimbursement.

- 4.2.7 In any case, any unspent advance payment must be returned to the Committee at the time of submission of the financial report. The amount must be settled by issuing a crossed cheque or a bank cashier order payable to “The Secretary for Home and Youth Affairs Incorporated – The Ping Wo Fund”.
- 4.2.8 The Committee reserves the right to cancel or reduce the approved funding for the funded project if the Committee considers that the successful applicant organisation has used the approved sponsorship or any part thereof for any purpose other than the specified purposes.

### **4.3 Changes to project details**

- 4.3.1 The successful applicant organisation must **submit the duly completed Change Request Form of Approved Project Details (at Annex C)** for seeking the Committee’s approval of any changes to the approved project (including the content and the implementation schedule).
- 4.3.2 If the successful applicant organisation fails to conduct the project as planned and prior approval from the Committee is not obtained, the Committee reserves the right to revoke the sponsorship and require the organisation to refund the amount received (if any).
- 4.3.3 The successful applicant organisation should also inform the Committee of any changes to the responsible person of the organisation or the person-in-charge of the project within two weeks after the change.

## **V. Project Implementation**

### **5.1 Monitoring of projects**

- 5.1.1 The successful applicant organisation shall provide to the Committee details of the approved projects (including the date(s), time and venue(s) of activities) at least two weeks before they are held. Project details provided by the organisation may be posted on the Fund’s website and social media pages so as to enhance publicity and promotion.
- 5.1.2 The Committee may appoint authorised representatives to participate in any sessions of the activities of the approved project as observers. The Committee will normally inform the organisation of the arrangement of visit, but the Committee can also conduct the visit without prior notice.

### **5.2 Important notes**

- 5.2.1 The successful applicant organisation shall comply with all applicable laws and statutes of Hong Kong (including but not limited to The Law of the People's

Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“HKSAR”) (hereinafter referred to as “the Hong Kong National Security Law”) in carrying out the approved project. It is the responsibility of the organisation to obtain all approvals and licences that are necessary for carrying out the approved project and to ensure that, during the implementation of the approved project, all activity contents and formats, information produced, shown and/or distributed in relation to the activity (e.g. publicity materials, audio/visual productions, questionnaires, messages, etc.) are in compliance with the Basic Law and all laws and statutes applicable to Hong Kong, including the Hong Kong National Security Law. For the avoidance of doubt, the successful applicant organisation will not be exonerated from any legal liability by virtue of the Committee’s funding of the project. The HKSAR Government reserves the right to hold the organisation accountable for all losses and liabilities arising from breaches of this Guide, the Rules and any other laws and statutes on the part of the organisation.

- 5.2.2 If the successful applicant organisation is found to be in breach of the terms in this Guide or any other Hong Kong laws and statutes (including but not limited to the Hong Kong National Security Law) after the Committee’s disbursement of approved funds, the Committee may exercise the right to require the organisation to return the disbursed funds to the Committee and cancel the disbursement of the remaining funds.
- 5.2.3 The articles of the approved projects (including audio-visual materials, sound recordings, pictures, written materials and promotional materials) funded by the Fund must not contain content that would be in breach of any law, rule or regulation currently in force in the HKSAR (including but not limited to the Hong Kong National Security Law).
- 5.2.4 In recruiting staff for the project, the successful applicant organisation shall abide by the principles of openness, fairness and competitiveness. Directors or staff members of the successful applicant organisation taking part in a recruitment exercise (e.g. as a recruitment panel member) are all required to declare any conflicts of interest and should not participate in the selection process if a candidate of the relevant post under consideration is his/her family member, relative or close personal friend or any otherwise giving rise to a (actual, potential or perceived) conflict of interest. Failure to take precaution to avoid any perceived conflicts of interest or to properly handle such cases may give rise to criticism about favouritism, abuse of authority or even allegations of corruption. The Committee may require the successful applicant organisation to return to the Committee all or any of the approved funds provided should any irregularities or criminal elements be discovered after the disbursement of the funds to the organisation.
- 5.2.5 The successful applicant organisation shall exercise care in procuring goods or services for the approved project. For the procurement of goods or services, the

successful applicant organisation shall adhere to the following procedures:

- (a) for every procurement where the aggregate value is more than HK\$5,000 but less than HK\$50,000, quotations from at least two suppliers shall be obtained. The successful applicant organisation shall select the supplier with the lowest bid. If the supplier with the lowest bid is not selected, full justifications must be given; and
- (b) for every procurement where the aggregate value is HK\$50,000 or above, quotations from at least five suppliers shall be obtained. The successful applicant organisation shall select the supplier with the lowest bid. If the supplier with the lowest bid is not selected, full justifications must be given.

5.2.6 Unless prior approval from the Committee is obtained, the successful applicant organisation, any persons involved in any way in the approved project, or any persons or companies associated with the successful applicant organisation shall not participate in the quotation or tendering exercise.

### **5.3 Suspension or termination of sponsorship**

5.3.1 The Committee reserves the right to suspend or terminate its sponsorship of an approved project in case of any irregularities (be it observed at the inspection (see paragraph 5.1.2) or identified through other means) Irregularities will include but are not limited to the following:

- (a) the successful applicant organisation drops the approved project, or persistently or flagrantly fails to carry out the whole or part of the approved project in accordance with the project proposal and written notification;
- (b) the successful applicant organisation is wound up or becomes bankrupt;
- (c) the successful applicant organisation or any of its personnel involved in the approved project is found to have committed an offence under the Hong Kong National Security Law, all applicable laws of the HKSAR (including but not limited to PBO) and requirements and regulations imposed from time to time by the relevant authorities applicable to the approved projects;
- (d) **the successful applicant organisation fails to submit relevant reports mentioned in paragraph 4.2.2 within the prescribed time**, or the relevant reports submitted do not meet the requirements of this Guide;
- (e) any parts of the approved sponsorship amount are not spent in accordance with the budget approved by the Committee;
- (f) there is a breach of the terms or conditions of the written notification; or

- (g) the Committee considers it appropriate to terminate the approved project in the public interest. For example, when the successful applicant organisation fails to carry out or complete an activity (such as failure to recruit a sufficient number of eligible participants for the activity) as set out in the approved project proposal within the specified period, it is regarded as an irregularity (see sub-paragraph (a) above). When processing future sponsorship applications (whether made under the Scheme again or other schemes) submitted by the successful applicant organisation, the Committee may also take into account the track record of whether the organisation has implemented the approved project properly.

- 5.3.2 In case the Committee decides to terminate its sponsorship of the approved project, the successful applicant organisation is required to return to the Committee all payments made by the Committee under the Scheme immediately, together with interest as well as administrative, legal and other costs incurred by the Committee accordingly.

#### **5.4 Claims and liabilities**

- 5.4.1 The Committee shall not accept any responsibilities for any claims, demands or legal liabilities arising from approved projects. Successful applicant organisations should take out public liability insurance for their activities.
- 5.4.2 Under no circumstances shall the Committee accept responsibilities for any deficits arising from approved projects. Successful applicant organisations shall be responsible for all deficits arising from such projects. The successful applicant organisation is required to make up the shortfall on its own in order to complete the approved project.

#### **5.5 Insurance**

- 5.5.1 The successful applicant organisation or its agent(s) shall take out appropriate insurance policies, including but not limited to employee compensation and public liability insurance covering all risks (including coverage for occupier's liability), to meet any claims arising from or in connection with its approved project.

#### **5.6 Intellectual property rights**

- 5.6.1 It is the responsibility of the successful applicant organisation to ensure its compliance with the intellectual property laws of Hong Kong. Under no circumstances shall the Fund and the Committee be held liable for an infringement of intellectual property rights caused by the successful applicant organisations.

- 5.6.2 “Project materials” refers to all deliverables, works of authorship and materials, including but not limited to all reports, teaching/training or other materials, studies, data compiled, diagrams and charts, photographs, videos, drawings, specifications, documents and all drafts thereof, as well as working papers in any forms, developed, written, prepared, produced, created, collected or supplied for the project by the successful applicant organisation, its management teams, partners, employees, authorised sub-contractors, collaborating schools, agents or volunteers.
- 5.6.3 “Intellectual property rights” means patents, trademarks, service marks, trade names, design rights, copyright, domain names, database rights, rights in know-how, new inventions, designs or processes and other intellectual property rights, whether now known or created in future (of whatever nature and wherever arising) and in each case whether registered or unregistered and including applications for the grant of any such rights.
- 5.6.4 The ownership of the project materials and the intellectual property rights therein (other than those project materials where their intellectual property rights are vested in a third party) shall be and shall remain vested in the successful applicant organisation immediately at the time the project materials are created.
- 5.6.5 The successful applicant organisation shall, at its sole cost and expense, grant for the benefits of the Fund, the Committee, the Government (including the Secretariat), its authorised users, assignees and successors-in-title an irrevocable, non-exclusive, worldwide, perpetual, royalty-free, transferable and sub-licensable licence to use the project materials for any purposes in relation to the Scheme. For any parts of the project materials where the successful applicant organisation is not empowered to further grant the licence, the successful applicant organisation shall, prior to the use of the third party materials, procure at its own expense the grant of such rights to the Fund, the Committee, the Government (including the Secretariat), its authorised users, assignees and successors-in-title from the relevant third party intellectual property right owners.
- 5.6.6 The successful applicant organisation must ensure that (a) the implementation of the approved project, its own performance in organising the approved project, or the use, operation or possession of the project materials and/or any other materials or documents (submitted by the successful applicant organisation under the Scheme or any part thereof for any purposes contemplated by the Scheme) by the Fund, the Committee, the Government (including the Secretariat), its authorised users, assignees and successors-in-title does not and will not infringe the intellectual property rights of any persons; and (b) the exercise of any rights granted in this Guide by the Fund, the Committee, the Government (including the Secretariat), its authorised users, assignees and successors-in-title will not infringe any intellectual property rights, performer’s rights or moral rights of any persons.

## **5.7 Handling of information**

- 5.7.1 The Committee, the Government (including the Secretariat) and the Assessment Panel are committed to ensuring that all personal data provided in application forms under the Scheme are handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (“PDPO”) (Cap. 486). In this regard, such personal data may be used by the Government for the following purposes: (a) processing and verifying applications for sponsorship; (b) disbursing payments of sponsorship (if any) under the Scheme and obtaining refunds of such payments; (c) maintaining the operation of the Scheme; (d) conducting credit checks; (e) monitoring the compliance with the project proposal and written notification; (f) making disclosure subject to the requirements of any applicable legislations; (g) compiling statistics and carrying out researches; and (h) achieving any purposes relating to the above.
- 5.7.2 Personal data provided in application forms will be kept in confidence. However, such data may be disclosed by the Committee, the Government (including the Secretariat) and the Assessment Panel to any of the following persons for the purposes set out in paragraph 5.7.1:
- (a) any persons who are involved in the Scheme;
  - (b) subject to item (c), any other persons owing an obligation of confidence to the Committee, the Government (including the Secretariat) and the Assessment Panel;
  - (c) the public (to whom the name of the successful applicant organisation responsible for implementing the approved project and the names of directors of the organisation are disclosed); and
  - (d) any persons to whom the Committee, the Government (including the Secretariat) or the Assessment Panel is obliged to disclose the data subject to any legislative requirements.
- 5.7.3 A data subject may make a request to the Secretariat for access to his/her personal data under the PDPO. A photocopying fee will be charged by the Secretariat for the provision of the data. In addition, if the data subject considers that the data provided to the Government is inaccurate, he/she may, after access to his/her personal data, request in writing a correction to such data. The Data Access Request Form (Form No. OPS003) issued by the Privacy Commissioner for Personal Data should be used to make requests for access to personal data provided in various application forms.
- 5.7.4 The Committee, the Government (including the Secretariat) and the Assessment Panel have the right to, for the purposes set out in paragraph 5.7.1, make use of or disclose any information provided by an organisation in relation to its application.



## **5.8 Indemnity**

- 5.8.1 The successful applicant organisation shall fully and effectively indemnify and keep indemnified the Fund, the Committee, the Government (including the Secretariat), its authorised users, assignees and successors-in-title against: (i) all actions, claims (whether or not approved, compromised, settled, withdrawn or discontinued) and demands threatened to initiate, brought or established against the Fund, the Committee and the Government (including the Secretariat); and (ii) all costs (including all legal fees, other fees and costs awarded, payments, charges and expenses), losses, damages and legal charges suffered or to be incurred by the Fund, the Committee and the Government (including the Secretariat). The above circumstances arise directly or indirectly out of or in connection with: a breach of the Laws of Hong Kong (including but not limited to the Hong Kong National Security Law) by the successful applicant organisations; the use of any personal data in contravention of the provisions of the PDPO; a breach of the written notification by the successful applicant organisation; wilful misconduct, irregularities, unauthorised act or deliberate omission by the successful applicant organisation; or any allegations or claims that the use, operation or possession of the project materials or the exercise of any rights granted under the written notification infringes the intellectual property rights of any persons.

## **5.9 Prevention of bribery**

- 5.9.1 The successful applicant organisation shall observe the PBO and inform its project team, directors, employees, agents, consultants, contractors and other personnel who are in any way involved in the project that they shall not offer to, solicit or accept from any person any money, gifts or advantages (as defined in the PBO) in relation to the project.

## **5.10 No assignment**

- 5.10.1 The successful applicant organisation, if without prior written approval of the Committee, shall not assign, transfer, subcontract or otherwise dispose of any of or all of its interests, rights, benefits or obligations under the written notification.

## **VI. Acknowledgement of Sponsorship**

- 6.1 The successful applicant organisation shall make the following acknowledgement at the approved projects funded by the Fund – **“Project funded by The Ping Wo Fund”**, and **display the logo of The Ping Wo Fund and the message “Say No to Gambling” or equivalent at the activities.**

- 6.2 Regarding arrangements for the production and distribution of publicity materials sponsored by the Fund and tailored for the nature of the activities, prior approval of the Committee must be obtained on the design and quantity of such materials. **Otherwise, the Committee will not reimburse the successful applicant organisation for any expenditure concerned.** The publicity materials include but not limited to posters, leaflets, souvenirs for participants and prizes for booth games or similar kinds.

## **VII. Enquiries**

- 7.1 For enquiries about the Scheme, please contact the Secretariat by email at [pingwofund@hyab.gov.hk](mailto:pingwofund@hyab.gov.hk) or by phone at 3655 4185.

**Secretariat to the Ping Wo Fund Advisory Committee  
September 2023**