

Community Participation Funding Programme on Equal Opportunities Guidelines for Applications (2023-24)

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I. Objective

- 1.1 Operated by the Equal Opportunities Commission (“EOC”), the Community Participation Funding Programme on Equal Opportunities (“Funding Programme”) aims to provide funding support to worthwhile projects designed to engage different sectors of the community to raise awareness of Hong Kong’s anti-discrimination ordinances, and/or promote equal opportunity and inclusion of women and men, people with disabilities, people with family status, as well as people of different races.

II. Application

2.1 Categories

- 2.1.1 The 2023-24 Funding Programme consists of two categories (“Categories”) open for application, namely “General Projects” and “Thematic Projects”.

- 2.1.2 The category “General Projects” is open to projects designed to:

- (a) raise awareness of any of the four anti-discrimination ordinances in Hong Kong, namely the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487), the Family Status Discrimination Ordinance (Cap. 527) and the Race Discrimination Ordinance (Cap. 602); or
- (b) promote gender equality, disability equality and inclusion, family status equality, and/or racial equality and inclusion in general.

- 2.1.3 The category “Thematic Projects” is open to projects with a specific focus on one of the following themes:

- (a) preventing sexual harassment in the workplace;
- (b) promoting accessibility and universal design in products, services and/or environments;
- (c) creating family- and breastfeeding-friendly workplaces; and
- (d) fostering racial inclusion in education, employment, housing and/or access to services.

2.2 Eligibility

- 2.2.1 The applicant shall be a non-profit-making organisation legally registered under the laws of the Hong Kong Special Administrative Region (“Applicant”) and fall within one of the following categories:

- (a) a society established in Hong Kong under the Societies Ordinance

(Cap. 151);

- (b) a company incorporated under the Companies Ordinance (Cap. 622 or under the former Companies Ordinance as defined in Cap. 622);
- (c) a charitable institution or trust of a public character exempt from tax under the Inland Revenue Ordinance (Cap.112);
- (d) an incorporated management committee, school management company or management committee established or registered under the Education Ordinance (Cap. 279); or
- (e) a body established under any other ordinances of Hong Kong.

For the avoidance of doubt, an application may be submitted by a sub-group of an organisation, provided that the sub-group falls within one of the categories above.

2.2.2 The Applicant shall be the organiser of the project. Applications can be made jointly by two or more organisations, provided that all the organisations fall within paragraph 2.2.1. A principal applicant shall be designated to undertake all matters relating to the application and be responsible for the planning, implementation and accounting management of the project upon the EOC's approval of funding. The respective responsibilities of the organisations must be stated clearly in the Application Form. The EOC shall NOT be liable for any dispute arising from or in respect of any arrangements between the principal applicant and other organisation(s) in relation to the project.

2.2.3 The following projects are not eligible for funding by the EOC:

- (a) projects of a fund-raising, profit-making or commercial nature;
- (b) projects of a wholly or largely recreational nature, such as parties, picnics and carnivals;
- (c) research studies;
- (d) existing or ongoing projects which are financially self-sufficient; and
- (e) projects that receive or will receive sponsorship from any other organisation.

2.2.4 If the Applicant intends to implement the proposed project as part of a larger project or together with other activities, the details of the separate activities must be stated clearly in the Application Form.

2.2.5 The proposed project shall be carried out in Hong Kong.

- 2.2.6 The time span of the project shall not exceed one (1) year. The Applicant shall include in the Application Form a clear implementation timeline covering all the activities under the proposed project, as well as a completion date for the project. Successful Applicants shall ensure that the project is implemented in strict accordance with the proposed timeline. In the event of any delay in the implementation of the project, the EOC may terminate its funding support and demand a return of any funds advanced to the successful Applicant unless prior approval for postponement is obtained from the EOC (see paragraphs 4.4.3 and 4.4.4).
- 2.2.7 The Applicant shall appoint a person (“Project Coordinator”) who shall be responsible for overseeing the proposed project, monitoring the proper use of funds, liaising with the EOC and reporting progress or results of the project. The Person-in-charge of the organisation shall not be the same person as the Project Coordinator.
- 2.2.8 Each applicant is not encouraged to submit more than one application under each of the Categories.

2.3 Application Procedures and Deadline for Submission

- 2.3.1 Applications shall be made via the Application Form and comply with all the conditions set out herein. The Application Form and the Guidelines for Applications can be downloaded from the EOC website: <https://www.eoc.org.hk/en/news-and-events/events-and-programmes/eoc-events/community-participation-funding-programme>.
- 2.3.2 Applications shall be submitted by post or in person to the EOC by **19 September 2023, 5:45pm** (“Application Deadline”). Applicants shall deliver the following application documents to the EOC Office, 16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong during business hours (8:45am to 5:45pm) from Monday to Friday on or before the Application Deadline:
- (a) one original and two duplicate copies of the completed Application Form;
 - (b) documentary proof of eligibility, such as registration documents (see paragraph 2.1.1); and
 - (c) other supporting documents as required in the Application Form.
- 2.3.3 Late or incomplete applications will not be considered. Submissions by post with a postmark date later than the Application Deadline will not be accepted.

- 2.3.4 To facilitate assessment of the applications, the EOC may request Applicants to submit additional or supplementary information.
- 2.3.5 Applications will not be returned to the Applicants once submitted to the EOC.
- 2.3.6 Requests from Applicants made later than the Application Deadline for amending a previously submitted application will not be accepted.
- 2.3.7 In case Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal is in force for any duration between 2pm and 5:45pm on the day of Application Deadline, the closing date and time for applications will be extended to 5:45pm on the next working day (excluding Saturdays).
- 2.3.8 The personal data provided in the applications may be used and disclosed in accordance with the “Personal Information Collection Statement” in the Application Form.

2.4 Notification of Results

- 2.4.1 Applicants will be notified of the result of their applications in writing (“Result Notification”) by **November 2023** tentatively. Under no circumstances shall an application be deemed to be successful unless and until the applicant has been notified as such in writing by the EOC. The EOC’s decision on the result of the application shall be final.
- 2.4.2 The EOC reserves the right to announce the application results and to disclose the list of successful applicants, the projects funded, the amount of funding, and other information pertaining to the funded projects.

2.5 Acceptance and Undertaking Form

- 2.5.1 Each successful Applicant will receive, along with the Result Notification, an Acceptance and Undertaking Form (“Undertaking”) which sets out the amount of funds to be offered by the EOC and the funding terms and conditions. The successful Applicant will be required to sign and return the Undertaking to the EOC within the period specified therein (“Offer Period”) if it accepts the proposed funding. Before the receipt of the Undertaking signed by the successful Applicant, the EOC may at any time withdraw the offer to make the proposed grant of the funds. If the EOC has not received the Undertaking signed by the successful Applicant upon the expiry of the Offer Period, the Applicant shall be deemed to have declined the offer, and the EOC may automatically withdraw the proposed grant of funds without the need to give notice.

2.6 Withdrawal of Application

2.6.1 Applicants may withdraw their applications prior to the date of the Result Notification by writing to the EOC and providing reason(s) for the withdrawal. Such withdrawal shall be irrevocable.

2.6.2 Upon receipt of the written notice of the withdrawal, any approval or conditional approval of funding by the EOC shall cease to be valid.

2.7 Briefing Session and Enquiries

2.7.1 The EOC will hold two briefing sessions in the EOC office on **17 August 2023** (English session) and **22 August 2023** (Cantonese session) to enable Applicants to have a better understanding of the Funding Programme. Details on enrolment are available on the EOC website: <https://www.eoc.org.hk/en/news-and-events/events-and-programmes/eoc-events/community-participation-funding-programme>.

2.7.2 Enquiries about the Funding Programme should be addressed to the EOC as follows:

Address: Equal Opportunities Commission
16/F., 41 Heung Yip Road
Wong Chuk Hang, Hong Kong

Telephone: 2511 8211

Fax: 2511 8142

Email: eocinfo@eoc.org.hk

2.7.3 Information provided by the EOC in response to enquiries about the Funding Programme may be shared by the EOC with other organisations.

III. Assessment of Applications

3.1 Community Participation and Publicity Committee

3.1.1 The Community Participation and Publicity Committee (“CPPC”) of the EOC, comprised of the EOC Chairperson and EOC Members, is responsible for considering applications and approving funding of projects under the Funding Programme.

3.1.2 To avoid conflict of interest, all Members of the CPPC shall comply with guidelines on declaration of interests drawn up by the EOC.

3.1.3 The offer of any advantage to an EOC officer or a CPPC member with a view to influencing the outcome of the applications is an offence under the Prevention of Bribery Ordinance (Cap. 201). Any such offer by an

Applicant or its employee(s) or agent(s) will render the application null and void.

- 3.1.4 If an application includes any information, documents or materials that contain intellectual property rights held by the Applicant or a third party, the Applicant shall grant, or procure from the relevant third party where applicable, a licence for the EOC and its authorised users to copy, access and circulate the information, documents or materials for the purpose of assessing the application.

3.2 Assessment Criteria

- 3.2.1 In considering each application, the CPPC will take into account:
- (a) the relevance of the proposed project to the objective and specific themes (if applicable) of the Funding Programme;
 - (b) the potential impact of the proposed project, having particular regard to whether there is a precisely defined target audience, a comprehensive publicity strategy, and a clear set of deliverables, key performance indicators and expected outcomes;
 - (c) the media relations plan for the proposed project (e.g. interview / feature story pitches to journalists, press conferences, etc.);
 - (d) the social media presence of the Applicant and potential synergy with the EOC's own social media platforms (Instagram, Facebook and LinkedIn);
 - (e) feasibility of the proposed activities;
 - (f) the implementation timeline of the proposed project;
 - (g) the budget and cost-effectiveness of the proposed project;
 - (h) the background of the Applicant, having particular regard to its experience in promoting equal opportunities and performance under previous editions of the Funding Programme (if applicable);
 - (i) other applications submitted by the same Applicant (if applicable); and
 - (j) other factors as appropriate in the circumstances including, without limitation, the matters set out in paragraph [9.3] below
- 3.2.2 The EOC may revise the assessment criteria from time to time upon review and recommendation by the CPPC.

IV. Funding Support

4.1 Funding Limit

4.1.1 The maximum amount of funding to be granted for each approved project within the “General Projects” category and the “Thematic Projects” category is, respectively, HK\$100,000 and HK\$150,000.

4.2 Budget and Use of Funds

4.2.1 The EOC will only provide direct and one-off financial support to meet the cost of specified expenditure items that are essential to implement the approved project. Generally, subject to paragraph 4.2.3, the EOC’s funding for successful Applicants may cover:

- (a) costs of additional manpower directly incurred by the project;
- (b) publicity expenses directly incurred by the project;
- (c) equipment and venue rental, costs of purchases of goods and services, and expenses for consumables directly incurred in organising activities under the project;
- (d) souvenirs, prizes and awards in direct connection with the project; and
- (e) other expenditure items directly related to the implementation of the project.

4.2.2 Applicants shall include in their application a budget covering all the expenditure items of the proposed project. Details (e.g. quantity and estimated unit price) and justification shall be given for the proposed items where appropriate. The actual amount of funding provided by the EOC for successful Applicants may vary from the proposed budget, depending on the nature of the project, the amount of applications received and other circumstances.

4.2.3 The following conditions and requirements shall be observed by all Applicants in preparing the budget, and by all successful Applicants in implementing the project:

- (a) Expenses from purchasing fixed assets, such as computers and furniture, will not be reimbursed by the EOC;
- (b) Publicity expenses generally shall not exceed 15% of the total amount of funding requested of the EOC – prior and written approval shall be sought from the EOC for exceeding the limit;
- (c) Travel expenses may be reimbursed only if they arise directly from the project and only if the form of transport used is the most inexpensive option available on each occasion. Taxi fares may be

reimbursed only in exceptional circumstances and justification must be given in writing;

- (d) Any fee given to speakers or instructors of talks, classes, workshops or similar activities under the project shall not exceed HK\$400 per hour, and the total amount of such fees generally shall not exceed 20% of the total amount of funding requested of the EOC – prior and written approval shall be sought from the EOC for exceeding the limit;
- (e) Volunteers engaged by successful Applicants to assist in organising activities under the project shall not receive any emolument except for allowances. The daily amount of allowance shall not exceed HK\$50 per person for half-day volunteers (serving for up to 4 hours) and HK\$100 per person for full-day volunteers (serving for more than four hours);
- (f) Salary expenses generally will not be reimbursed. The EOC may, however, provide funding for successful Applicants to employ temporary workers for the sole purpose of implementing the approved project. Persons already employed by the Applicant do not fall within this category. Applicants shall indicate clearly in their budget the pay rate of the temporary worker(s) and the duration of the employment. The total expenditure related to the employment shall not exceed 18% of the total amount of funding requested of the EOC;
- (g) Venue hiring costs will not be reimbursed if the venue is owned, occupied or operated by the Applicant or its affiliated organisations;
- (h) Expenses on souvenirs shall not exceed HK\$100 per guest or participant;
- (i) Expenses per prize or award for competitions or similar activities shall not exceed 10% of the total amount of funding requested of the EOC; and
- (j) Any prize or award given out in connection with the project shall not be in the form of money or things convertible into money (e.g. gift cheques issued by banks).

4.2.4 Applicants shall adopt an environmentally friendly approach when proposing production of any printed materials, such as posters, leaflets, brochures and booklets. Clear justifications shall be given in the application for the quantity of printed materials proposed, if any.

- 4.2.5 Successful Applicants shall use the funds provided by the EOC in strict accordance with the budget approved by the EOC, and for the sole and exclusive purpose of implementing the project.
- 4.2.6 The EOC reserves the right to terminate its funding support or reduce the amount of funding for the project if the EOC opines that the successful Applicant has failed to meet its obligation under paragraph 4.2.5.

4.3 Surplus and Deficit

- 4.3.1 Successful Applicants shall undertake to return any residual funds and operating surplus generated from the project to the EOC, up to the amount of the approved funds for the project plus the interest generated or which should have been accrued to the Project Account as defined under paragraph 5.3.1. The surplus funds shall be returned by the successful Applicant within one month after satisfactory submission of the Financial Report by way of issue of a crossed cheque payable to “Equal Opportunities Commission”. The EOC reserves the right to take legal action in case of unreasonable delay in the return of such funds.
- 4.3.2 Successful Applicants shall assume all liability arising from any deficit of the project. If it is reasonably foreseeable that the total expenditure of the project will exceed the original budgeted expenditure, the successful Applicant shall inform the EOC in writing immediately, regardless of the amount of the deficit. The successful Applicant shall bear any shortfall in order to complete the project.

4.4 Budget and Project Variations

- 4.4.1 In no circumstances will the EOC increase the total amount of funding for an approved project as set out in the Result Notification.
- 4.4.2 Successful Applicants shall seek prior and written approval from the EOC for any change to the approved budget unless the change involves solely a variation of individual expenditure items within 10% of the originally approved amount, with the total budget remaining unchanged or becoming lower than the original amount.
- 4.4.3 Successful Applicants shall seek prior and written approval from the EOC for any change to the approved project, including but not limited to:
- (a) changes in the implementation timeline;
 - (b) changes in the publicity plan;
 - (c) changes in the nature, content, size or scope of any activity under the project; and

- (d) changes in key personnel, including the Project Coordinator and the Person-in-charge of the organisation.

4.4.4 Requests for approval for the purposes of paragraphs 4.4.2 and 4.4.3 shall be made by the successful Applicant to the EOC in writing at least 14 working days before the proposed variation is intended to take effect.

4.4.5 If a successful Applicant makes any variation to the approved budget or project without receiving prior approval from the EOC in accordance with paragraphs 4.4.2, 4.4.3 and 4.4.4, the EOC may, without any prejudice to the rights, claims or remedies it may have, terminate its funding support or reduce the amount of funding for the project.

V. Accounting and Branding Requirements

5.1 Payment and Reimbursement Arrangements

5.1.1 Successful Applicants normally will be required to settle by themselves the expenditure of the approved project first. They may apply for reimbursement by the EOC after the project is completed.

5.1.2 Notwithstanding paragraph 5.1.1, if successful Applicants intend to apply for advance payment, they may do so by submitting the duly signed Advance Payment Request Form when returning the First Progress Report (see paragraph 6.1.1). However, the EOC will only consider disbursing the advance payment on the following conditions:

- (a) The amount of the advance payment requested does not exceed 35% of the total amount of funding approved;
- (b) The First Progress Report has been completed to the satisfaction of the EOC; and
- (c) The successful Applicant does not have any outstanding or incomplete project or report under previous editions of the Funding Programme.

5.1.3 Unless the EOC accepts a request for advance payment, funds will only be disbursed after completion of the project in accordance with paragraph 5.1.4.

5.1.4 The successful Applicant shall submit the Final Project Report and Financial Report to the EOC by the deadlines specified under paragraphs 6.1.1. If the EOC is satisfied with the reports and that the project has been completed in accordance with the original proposal (and any approved variations if applicable), the EOC will disburse to the successful Applicant any outstanding funds subject to adjustments based on compliance or

otherwise by the Applicant with relevant requirements, including those set out in the Guidelines for Application and the Acceptance and Undertaking Form.

- 5.1.5 Expenditure incurred by the successful Applicant before the date on the duly signed and submitted Acceptance and Undertaking Form will not be reimbursed by the EOC.
- 5.1.6 If the actual expenditure of the approved project is less than the amount of funding originally approved by the EOC, the amount of reimbursement will be capped at the actual expenditure. If the EOC has disbursed an advance payment which exceeds the actual expenditure, the successful Applicant shall repay the difference to the EOC.
- 5.1.7 All expenditure items must be supported by the original receipts as proof of payment. Invoices, delivery notes and quotations shall not be regarded as proof of payment. All receipts must be certified by the Person-in-charge of the organisation or the Project Coordinator with signature and the successful Applicant's chop. The name and signature of the certifying person shall tally with those shown in the original application (or a subsequently completed Personnel Change Form, if applicable). The original receipts submitted to the EOC will not be returned to the successful Applicant.

5.2 Books of Accounts and Records

- 5.2.1 Successful Applicants shall maintain proper and separate books of accounts in accordance with prevailing accounting standards and practice in Hong Kong, as well as all relevant records of the project (including electronic records).
- 5.2.2 The books of accounts and records of the project shall be kept for inspection by the EOC or its authorised representatives during the duration of the project and for a period of at least 7 years after the completion of the project or the termination of funding support. Successful Applicants shall also maintain all the original invoices and bills (including quotations and relevant documents on procurement, and electronic records) in respect of the project and shall produce them for inspection by the EOC or its authorised representatives upon request during the aforesaid period.

5.3 Bank Account and Interest

- 5.3.1 Successful Applicants shall open under their name and maintain an interest-bearing Hong Kong Dollar account with a licensed bank in Hong Kong within the meaning of the Banking Ordinance (Cap. 155) for the purpose of processing and transacting all receipts and payments relating to the

project (“Project Account”). Payments from that bank account shall be made by the authorised representative(s) of the successful Applicant.

5.3.2 Successful Applicants shall deposit into the Project Account all receipts relating to the project, including but not limited to contributions from the organisation itself and the income generated by the project. All interest shall be kept in the Project Account and shall not be taken out or used for any other purpose.

5.3.3 The EOC reserves the right to claim against a successful Applicant for any loss or damage incurred in connection with or as a result of its failure to comply with the requirements under paragraph 5.3.1 and 5.3.2.

5.4 Procurement and Recruitment

5.4.1 Successful Applicants shall ensure that the Project Coordinator, their directors, employees, agents, contractors, sub-contractors and any other personnel members who are in any way involved in the project will exercise utmost prudence in procuring goods and services in relation to the project.

5.4.2 To ensure value for money, the procurement of goods and services shall be conducted on an open, fair and competitive basis. Successful Applicants shall not select suppliers who are their associates or associated persons.

5.4.3 Procurement of services includes the engagement of or awarding a contract to an agent who generates revenue from assisting in the implementation of the project.

5.4.4 A purchase may include one or more items. For every purchase, successful Applicants shall comply with the following requirements:

- (a) At least 2 written quotations shall be obtained if the value of the purchase exceeds HK\$1,000 but not HK\$10,000;
- (b) At least 3 written quotations shall be obtained if the value of the purchase exceeds HK\$10,000 but not HK\$50,000;
- (c) At least 5 written quotations shall be obtained if the value of the purchase exceeds HK\$50,000;
- (d) The lowest conforming offer shall be accepted; and
- (e) In the event of failure to comply with the requirements set out under paragraphs 5.4.4(a) to (d) above, the successful Applicant shall provide justifications in the Financial Report. The EOC reserves the right not to reimburse the costs of the relevant purchase.

5.4.5 Successful Applicants are responsible for the setting up and operation of a proper procurement and store management system for the project with sufficient checks and control and in accordance with the following principles:

- (a) Public accountability and value for money – the funds provided by the EOC under the Funding Programme are public money. Successful Applicants are accountable to the public for the use of funds under the Funding Programme and shall be prepared to account for any of their procurement decisions publicly. They are obliged to achieve the best value for money for their procurement; and
- (b) Transparent, open and fair competition – all requirements and specifications relevant to a prospective purchase shall be clearly made known to potential suppliers and contractors. It is essential to uphold the principles of fairness and competitiveness and maintain a level playing field throughout the procurement process. All suppliers shall be treated, and seen to be treated, on equal footing. Successful Applicants shall ensure that proper safeguards are put in place to avoid any situations of actual, potential or perceived conflict of interest arising in the procurement process. All employees and agents involved in the project shall be required to declare any conflict of interest in relation to procurement and recruitment, and a mechanism shall be set up by the successful Applicant to mitigate such conflicts.

5.4.6 In relation to the recruitment and management of volunteers, speakers, instructors, temporary workers and any other personnel in relation to the project, successful Applicants shall, and shall ensure that their agents shall, observe the principles of openness, fairness and competitiveness.

5.4.7 Successful applicants shall, and ensure that all volunteers, speakers, instructors, temporary workers, agents and other personnel members they engage for the project shall, comply with all applicable laws, rules and regulations of the Hong Kong Special Administrative Region (“HKSAR”), including but not limited to the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487), the Family Status Discrimination Ordinance (Cap. 527), the Race Discrimination Ordinance (Cap. 602), the Personal Data (Privacy) Ordinance (Cap. 486), the Employment Ordinance (Cap. 57), the Minimum Wage Ordinance (Cap. 608), the Employees’ Compensation Ordinance (Cap. 282) and the Prevention of Bribery Ordinance (Cap. 201).

5.4.8 In the event that a successful Applicant, the Project Coordinator, the Person-in-charge of the organisation, or any of its directors, employees, agents,

contractors, sub-contractors or other personnel members who are in any way involved in the project commit an offence under the Prevention of Bribery Ordinance (Cap. 201), the EOC may terminate its funding support and demand the immediate return of any funds already advanced to the successful Applicant.

5.5 Insurance

5.5.1 Successful applicants or their agents shall procure appropriate insurance policies, including employees' compensation and an all-risk insurance in respect of public liability including coverage of occupier's liability, to meet any claim arising out of or in connection with the project.

5.5.2 Under no circumstances shall the EOC be held liable for any third-party claims for loss or damages arising from or relating to the project.

5.6 Production of Publicity Materials and Articles

5.6.1 "Publicity Materials" refer to any materials intended to publicise the approved project or any activity therein, including but not limited to:

- (a) flyers, leaflets, posters, newsletters, banners and other printed materials;
- (b) electronic versions of materials within paragraph 5.6.1(a);
- (c) webpages;
- (d) promotional emails;
- (e) videos;
- (f) online and offline advertisements;
- (g) social media pages and posts; and
- (h) press releases.

5.6.2 "Articles" refer to any project deliverables produced, collected, distributed or displayed by successful Applicants under the Funding Programme, including but not limited to:

- (a) event backdrops;
- (b) printed and electronic publications, such as guides and booklets;
- (c) written materials;
- (d) drawings and photographs;

- (e) audio-visual materials, such as videos and films;
- (f) exhibition boards;
- (g) training materials, such as presentation slides;
- (h) websites; and
- (i) souvenirs.

5.6.3 Successful Applicants shall include in all Publicity Materials and Articles:

- (a) the statement, **“This project is funded by the Equal Opportunities Commission”**; and
- (b) the disclaimer, **“The content herein does not necessarily reflect the views of the Equal Opportunities Commission.”**

5.6.4 Successful Applicants shall, as far as practicable, include the EOC’s logo in all Publicity Materials and Articles alongside the statement under paragraph 5.6.3(a). Upon completing and returning the Acceptance and Undertaking Form to the EOC, successful Applicants shall make a written request to the EOC for the digital files of the EOC’s logo. The logo is the sole property of the EOC, and shall not be used without prior written authorisation given by the EOC. The EOC reserves the right to take legal action in case of non-compliance, and the right to terminate any prior approval of the use of the logo by a successful Applicant without any liability or compensation.

5.6.5 A list of EOC souvenirs which may be suitable for distribution at public events may be provided upon request, subject to availability.

5.6.6 To ensure compliance with the requirements under paragraphs 5.6.3 and 5.6.4, successful Applicants shall submit a draft or copy of all Publicity Materials and Articles to the EOC and seek the EOC’s approval in writing at least 14 working days before they are made public or available to the participants of relevant activities. In case of non-compliance, the EOC reserves the right to require the successful Applicant to immediately cease using the Publicity Materials or Articles in question, as well as the right not to reimburse the related costs.

5.6.7 If a successful Applicant intends to include information about the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487), the Family Status Discrimination Ordinance (Cap. 527) or the Race Discrimination Ordinance (Cap. 602) in its Publicity Materials and Articles, comments on the information shall be sought from the EOC in writing at least 14 working days before it is made public or

available to the participants of relevant activities. In case of non-compliance, the EOC reserves the right to require the successful Applicant to immediately cease using the Publicity Materials or Articles in question, as well as the right not to reimburse the related costs.

- 5.6.8 Acknowledgements of the EOC made by a successful Applicant under paragraphs 5.6.3 and 5.6.4 do not create any agency relationship or any other relationship beyond the purpose and scope of the approved project between the EOC and the funded organisation.
- 5.6.9 All Articles shall not be for sale or reproduced for sale without prior written approval from the EOC.
- 5.6.10 All Articles shall not contain any content or information unrelated to the project as originally approved by the EOC.
- 5.6.11 All Publicity Materials and Articles shall not contain anything that:
- (a) is likely to incite hatred against, or denigrate or insult any person, organisation or body of persons;
 - (b) is in breach of any law, rule or regulation in force in the HKSAR;
 - (c) is classified as indecent or obscene under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) – if there is doubt as to whether certain Publicity Materials or Articles contains content that may be indecent or obscene, it is in the interest of the successful Applicant to submit them to the Obscene Articles Tribunal for classification before publication or public display; or
 - (d) infringes any intellectual property rights or any other rights of any persons. Successful Applicants are responsible for ensuring that there is no such infringement. If a successful Applicant intends to use materials created by others, prior approval shall be sought from the owners and/or holders of the relevant intellectual property rights.
- 5.6.12 If a successful Applicant intends to distribute Articles or organise activities in a school, agreement shall be sought from the relevant school authorities in advance.
- 5.6.13 If a successful Applicant fails to comply with any requirement under paragraphs 5.6.3 to 5.6.12 above, and such non-compliance is incapable of being remedied (as decided by the EOC at its sole discretion) or if the successful Applicant fails to remedy the non-compliance within the time limit specified by the EOC, the EOC may terminate its funding support and

demand the immediate return of any funds already advanced to the successful Applicant.

VI. Monitoring and Evaluation

6.1 Reporting Requirements

6.1.1 Successful Applicants shall submit:

- (a) the First Progress Report within one (1) month of the date provided by the successful Applicant on the duly signed Acceptance and Undertaking Form;
- (b) the Interim Progress Report within three (3) months of the date provided by the successful Applicant on the First Progress Report, unless the project has been completed before the Interim Progress Report is due; and
- (c) the Final Project Report and Financial Report within two (2) months of the project completion date.

6.1.2 If a successful Applicant fails to submit any of the reports by the deadline specified under paragraph 6.1.1, the EOC may terminate its funding support and demand the immediate return of any funds already advanced to the successful Applicant.

6.1.3 In reviewing the reports specified under paragraph 6.1.1, the EOC may require the successful Applicant to provide supplementary information, materials or documents by post or by email before a specified deadline. If the successful Applicant fails to comply accordingly, the EOC may terminate its funding support and demand the immediate return of any funds already advanced to the successful Applicant.

6.2 Activity Observation

6.2.1 Successful Applicants shall inform the EOC in writing of the date, time and venue of all the activities to be organised under the approved project at least 14 working days before the activity is held.

6.2.2 To examine the progress and effectiveness of the project, the EOC and its authorised representatives may participate in any activities under the project as observers, and may also conduct visits to the venues of the activities. The EOC may, but is not obliged to, inform successful Applicants in advance of such participation and visits.

6.2.3 As and when required by the EOC, successful Applicants shall make all necessary arrangements to ensure the EOC can conduct the observation and

visits as specified under paragraph 6.2.2, as well as implement any changes instructed or recommended by the EOC in relation to the project or any activity therein. If the successful Applicant fails to comply accordingly, the EOC may terminate its funding support and demand the immediate return of any funds already advanced to the successful Applicant.

VII. Intellectual Property Rights¹

- 7.1 It is the responsibility of the successful Applicants to ensure that they comply with the provisions of the intellectual property laws of Hong Kong. Under no circumstances shall the EOC be held liable for any breaches of Intellectual Property Rights caused by a successful Applicant.
- 7.2 All Intellectual Property Rights in the materials relating to the approved projects created or developed by successful Applicants (“Project Materials”) shall be and remain vested in the successful Applicants upon creation.
- 7.3 Successful Applicants shall grant for the benefits of the EOC, its authorised users, assignees and successors-in-title a non-exclusive, perpetual, irrevocable, royalty-free, worldwide, sub-licensable and transferable licence to do the acts restricted by copyright that are stipulated in sections 23 to 29 of the Copyright Ordinance (Cap. 528) in relation to the Project Materials for any purposes. For any parts of the Project Materials in relation to which a successful Applicant is not empowered to grant the licence aforesaid, the successful Applicant shall undertake to procure at their sole costs and expenses the grant of such rights for the benefits of the EOC, its authorised users, assignees and successors-in-title by the relevant third party Intellectual Property Rights owners.
- 7.4 Successful Applicants shall grant for the benefit of the EOC, its authorised users, assigns and successors-in-title a non-exclusive, perpetual, irrevocable, royalty-free, worldwide, sub-licensable and transferable licence to do the acts restricted by copyright that are stipulated in sections 23 to 29 of the Copyright Ordinance (Cap. 528) in relation to all reports and related materials referred to in paragraph 6.1. For any parts of the reports and materials in relation to which a successful Applicant is not empowered to grant the licence aforesaid, the successful Applicant shall undertake to procure at their sole costs and expenses the grant of such rights for the benefits of the EOC, its authorised users, assigns and successors-in-title by

¹ 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.”

the relevant third party Intellectual Property Rights owners.

7.5 Successful Applicants shall, at their own costs and expenses and before the fixation and/or recording of any performance(s) in relation to the Project Materials, obtain all the consent and clearance from the performer(s) as may be necessary for such fixation and/or recording of the performance(s) and for any use and exploitation of such fixation or recording, or copies thereof, by successful Applicants and the EOC, its authorised users, assigns and successors-in-title as contemplated by the Guidelines for Applications. For the purpose of this paragraph, the terms “performance”, “performer” and “fixation” shall have the same meanings as those assigned to them in section 200 of the Copyright Ordinance (Cap. 528).

7.6 Successful Applicants shall:

- (a) waive and undertake to procure all relevant authors of all items referred to in paragraphs 7.3 and 7.4 to waive all moral rights (whether past, present or future) in the said items; and
- (b) undertake to procure all relevant performers to waive their moral rights over their performances in relation to the Project Materials. Such waiver shall operate in favour of the EOC, its authorised users, assignees and successors-in-title and shall take effect upon the grant of licence to the EOC, its authorised users, assignees and successors-in-title, or upon each of the relevant performance is given.

7.7 Successful Applicants shall warrant to the EOC that:

- (a) the implementation of the approved projects, the provision of any work or material by the successful Applicants in complying with the Guidelines for Applications, or the use or possession by the EOC, its authorised users, assignees and successors-in-title of any such work or material or any part thereof for any of the purposes contemplated by the Guidelines for Applications does not and will not infringe any Intellectual Property Rights and any other rights of any persons.
- (b) in respect of any materials used by the successful Applicants in complying with the Guidelines for Applications and in respect of which any Intellectual Property Rights are vested in a third party, the successful Applicants shall have obtained the grant of all necessary clearances for themselves and their authorised users, and the EOC, its authorised users, assignees and successors-in-title authorising the use of such materials for any of the purposes

contemplated by the Guidelines for Applications.

VIII. Termination of Funding

8.1 The EOC may terminate its funding support as stipulated in the Result Notification upon an event of default by the successful Applicant, which includes but is not limited to:

- (a) Failure to comply with any part of the Guidelines for Applications;
- (b) Breach of any term or condition of the Acceptance and Undertaking Form;
- (c) Failure to complete the approved project by the date specified in the application; and
- (d) Insolvency of the successful Applicant.

The successful Applicant shall return to the EOC the full amount of any funds already disbursed to the successful Applicant. To the extent required by the EOC, the successful Applicant shall assign to the EOC all its rights, title and interest (including Intellectual Property Rights) in and to the approved project and all its underlying rights materials and all marketing materials relating to the approved project.

IX. Others

9.1 All the personal data collected in the Application Form, the Progress Reports, Final Project Report, Financial Report and related documents will only be used for the purpose of processing and assessing funding application, the daily operation of the Funding Programme, public announcement and publicity, taking remedial or follow-up action, research, recording and preparing statistics, meeting the requirements to make disclosure under the requirements of any law and any purpose relating to any of the above. The personal data provided may be transferred or disclosed to any of the following persons for the above purposes related to the Funding Programme, including the agent, the contractor, the third party service provider and any other person under a duty of confidentiality to the EOC. The individuals whose personal data is provided have rights to request access to and correction of their personal data. Such requests should be submitted in writing to the officer-in-charge of the Community Participation Funding Programme on Equal Opportunities.

9.2 All successful Applicants shall comply with all applicable laws, rules and regulations of the HKSAR in carrying out the approved project. It is the responsibility of all Applicants to obtain all approvals and licenses that are

necessary for carrying out the approved project.

- 9.3 Application from an Applicant (whether as sole applicant or one of the joint applicants) who has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security, or the proposed project which is suspected to involve activities that may violate national security law or other applicable law in Hong Kong or contrary to the interest of national security, will NOT be approved by the EOC.

Notwithstanding any funding approved by the EOC and without prejudice to other rights, claims or remedies of EOC under the Guidelines for Applications, the EOC may at its absolute discretion immediately terminate its funding support as stipulated in the Result Notification or any reduced funding support as decided by the EOC at any stage of the Project, upon the occurrence of any of the following events:-

- a) the successful Applicant (whether as sole applicant or one of the joint applicants) has engaged or is engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security or would otherwise be contrary to the interest of national security;
- b) the continued granting of funding support to the successful Applicant or the continued performance of the approved project is contrary to the interest of national security;
- c) the termination is in the interest of national security;
- d) the EOC reasonably believes that any of the events mentioned above is about to occur.

Upon EOC's termination of its funding support, the successful Applicant shall immediately return to the EOC the full amount of any funds already advanced or disbursed to the successful Applicant.

- 9.4 Under no circumstances shall the EOC or any of its employees or agents be liable for any injury (including death) or any loss, deficit, damage or liability incurred out of or arising from the funded project.

- 9.5 All successful Applicants shall indemnify the EOC, its authorised users, assignees and successors-in-title against all loss, claims, demands, damages, costs, expenses and liabilities suffered or incurred by the EOC, its authorised users, assignees and successors-in-title or which may be brought or established against the EOC arising out of or relating to: (i) breach of a term of the Acceptance and Undertaking Form or of the laws of Hong Kong by the successful Applicants; (ii) the wilful misconduct, default,

unauthorised act or wilful omission of the successful Applicants or their employees or agents; or (iii) any allegation or claim that the use, operation or possession of the Project Materials or the exercise of any rights granted under the Acceptance and Undertaking Form infringes any Intellectual Property Rights or any other rights of any persons.

- 9.6 All Applicants, whether successful in their applications or otherwise, as well as their employees, agents, servants and associates shall not seek or claim any compensation, reimbursement, damages, indemnity or waiver from the EOC in relation to the preparation or submission of the applications.
- 9.7 Provision of funds by the EOC to a successful Applicant for the engagement of volunteers, speakers, instructors and temporary workers in fulfilment of the approved project (“Persons”) does not create any employment nor agency relationship between the EOC and the Persons.
- 9.8 Nothing in the Acceptance and Undertaking Form confers or purports to confer on any third party any benefit or any right to enforce any term of the Acceptance and Undertaking Form pursuant to the Contracts (Rights of Third Parties) Ordinance (Cap. 623).
- 9.9 The Chinese version of the Guidelines for Application is for reference only. In the event of any conflict or inconsistency between the English and Chinese versions of the Guidelines, the English text shall prevail.

- End -