

Funding Other Film-related Projects under the Film Development Fund

(Guidelines on Application)

I. Objective

To subsidise projects and activities conducive to the development of Hong Kong film industry. For details, please refer to Appendix 1.

II. Vetting of Application

Applications for the Film Development Fund (Fund) are considered by the Film Development Council (FDC) and its Fund Vetting Committee (FVC). The Permanent Secretary for Culture, Sports and Tourism (PSCST), acting for and on behalf of the Government, will consider whether to approve an application and make disbursement upon the advice of the FDC. For details, please refer to Appendix 3.

III. Vetting Criteria

The FDC and its FVC will consider applications according to the Scope of Fund and Approval Criteria in Appendices 1 and 2 respectively.

Notwithstanding anything to the contrary in these Guidelines on Application, the Government reserves the right to reject an application on the grounds that the applicant organisation 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 rejection of the application 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.

IV. Application Date

The Fund is open for application all year round.

V. Guidelines on Completion of Application Form

A. General

1. Please submit 3 copies of the application form. No application fee is charged. Each applicant organisation may submit more than one application.
2. The application form can be completed either in Chinese or English.
3. Application from organisations not incorporated in the Hong Kong Special Administrative Region will not be considered.
4. The application form is divided into two parts: “Details of Applicant Organisation” and “Details of Project”. Applicant organisations should complete both parts and attach documentary evidence as

required. For information not applicable to the project, please fill in “NA” or “Nil”.

5. All monetary figures should be in Hong Kong currency.
6. Information provided should be concise. Use additional sheets if necessary. The FDC Secretariat will verify the eligibility of the applicant organisation and all information in the application form. The FDC Secretariat may require the applicant organisation where necessary to clarify the information provided or to submit supplementary information.
7. Please send your application to:

Hong Kong Film Development Council Secretariat
40/F, Revenue Tower,
5 Gloucester Road,
Wan Chai,
Hong Kong.
8. If you have any difficulties in preparing your application or require any further information, please contact the FDC Secretariat (Tel. No.: 2594 5846; Fax No.: 2824 0595; E-mail: info@fdc.gov.hk).

B. Points to Note

Part I — Details of Applicant Organisation

1. Applicant Organisation
 - The applicant organisation means the principal organiser of the project proposed. If the project involves more than one party, you should state clearly in the application form which is the applicant organisation.
2. Correspondence Address
 - The FDC Secretariat will contact the applicant organisation at this address. For any change of the correspondence address, please inform the FDC Secretariat within one month.
3. Name of Person-in-Charge
 - The Person-in-Charge means the person in charge of the (principal) applicant organisation. For any change of the Person-in-Charge, please inform the FDC Secretariat within one month.
4. An applicant organisation must be a company/body corporate incorporated in Hong Kong under the Companies Ordinance (Cap.622) or other laws of the Hong Kong Special Administrative Region.
5. Nature of business of the applicant organisation and its relationship

with the film industry.

- Please illustrate which sector of the film industry the applicant organisation belongs to or how its business relates the film industry.

6. Project Team

- The applicant organisation should appoint a Project Coordinator to plan and execute the project, monitor the use of funds, submit periodic progress reports to the FDC Secretariat and liaise with the FDC Secretariat on matters related the project. For any change of the Project Coordinator or the Deputy Project Coordinator, please inform the FDC Secretariat within one month.

7. Declaration

- The person-in-charge of the applicant organisation should ensure the information provided for the project is factually correct.

Part II — Details of Project

1. Background of Project

1.1 Title of Project

- Keep the project title concise.

1.2 Objective(s) of Project

- Please select a project objective as appropriate. You can select more than one objective. If none of the options is appropriate, please state the objective(s) under the “others” item.

1.3 Details of Project

- Please give a detailed description of the project with respect to its background, objectives, contents, deliverables, implementation plans, etc. Use separate sheets if necessary.

1.4 Please state in what way the deliverables of the project will be beneficial to the film industry.

- Please explain how the deliverables of the project will facilitate the current, intermediate and long-term development of Hong Kong’s film industry.

1.5 Target Sector(s) of the Project

- Please select the appropriate sector(s). You can select more than one sector. If none of the options is appropriate, please state the target sector under the “others” item.
- 1.6 Please state the type and level of technical or non-pecuniary support, if any, the project will be able to secure from any people or organisation(s) within the film industry.
- Technical or non-pecuniary support may include manpower, consultancy service, training, provision of equipment and premises, etc. Level of support refers to the need for additional conditions and duration of support, etc. If pecuniary support will also be provided by people or organisations within the film industry, please specify in item 3.3 (Budget – Amount of Sponsorship/Funding from Other Sources).
- 1.7 If any specific technology will be adopted in the project, please describe that technology.
- Please explain why such technology is required; from where such technology is imported; how advanced such technology is as compared with other similar technologies; why other similar technologies are not selected; and what the actual cost of employing such technology will be.
- 1.8 Will the project duplicate or to a certain extent duplicate with the past or current activities, researches or services of other organisations?
- Please note whether the project proposed duplicates with the current activities of other organisations.
- 1.9 Please elaborate on the channels through which you will promote and make available the deliverables of the project to the film industry.
- Please describe your promotion programme for sharing the benefits of the projects with the industry. Please note the effectiveness of the promotion channels.

2. Schedule of Project Implementation

2.1 Implementation Schedule

- Please state the commencement date and completion date of the project as well as the total time required.

2.2 Stages of Implementation

- Please specify the major phases of implementation as well as the completion date of each phase.
- Generally speaking, the period of project implementation should not exceed two years.

3. Budget

Applicant organisations should state clearly the budget for the project according to the specified format.

3.1 Expenditure

3.1.1 Manpower

Only manpower cost directly arising from the project would be funded by the FDF. In preparing the budget for manpower, please state clearly the rank, number of persons at each rank and salary for each of them. Please note that no additional emoluments shall be paid out of the funds to any person working on or otherwise involved in the project who is either already on Government payroll or on the payroll of a Government subvented organisation/institution. Project Coordinator, Deputy Project Coordinator and Team Members who are currently full-time staff of the applicant organisation cannot charge their staff time to the project cost.

3.1.2 Equipment

Equipment means the equipment to be used for carrying out the project.

3.1.3 Other Expenses

These include all other costs directly arising from the project such as patent registration fee and audit fee directly related to the project.

3.1.4 Total Expenditure

These include the total expenditure of the manpower cost, equipment expenses and other expenses.

3.2 Income

Income means the fees charged for services (such as consultation service) rendered to the industry. The applicant organisation should state clearly under the “Remarks” item all the assumptions and bases of projection on which the income figures are calculated.

3.3 Amount of Sponsorship/Funding from Other Sources

Funding from other sources also includes funds sponsored by the industry.

3.4 Net Amount Requested from the Fund

This is the total project cost after deducting the funding from other sources and expected income generated during the project period. Interest income generated from the grant should also be included as part of the grant in the financial statement and should be used solely for the purpose of the project.

* **Unallowable costs**

All indirect costs, rental of premises of subsidised organisation, administration overheads, entertainment expenses, meal expenses and costs not related to the project are not fundable.

4. Other Information Required

4.1 Have you ever applied for the Film Development Fund before?

- If you did, please state the title(s) of project(s) and date of application and indicate whether the application has been approved or is still being processed.

4.2 Have you ever sought funding support for this project from other sources?

- If the answer is “No”, please go to item 4.4.

4.3 Have you ever attempted to seek funding support for the project from the following sources?

- Please report such applications and submit documentary evidence.

4.4 Other institutions/organisations involved in the project.

- These include collaborative institutions or organisations. Please state their roles, contribution and mode of participation.

4.5 Intellectual property

4.5.1 Please indicate whether the project would generate or involve any intellectual property rights. If the answer is “No”, please go to item 4.5.3.

4.5.2 The applicant organisation may seek legal advice on matters related to intellectual property.

4.5.3 The applicant organisation may seek legal advice on patent application for the deliverables of the project.

Annex (Curriculum Vitae)

Please state relevant experience of yourself or your project team members.

- Relevant experience may include working experience directly or indirectly related to the film industry, particularly experience relevant to the planning and implementation of the project proposed.

VI. Administrative Highlights

A. Announcement of Vetting Result

The FDC Secretariat will inform the applicant organisation in writing the result of vetting. If an application is rejected, reasons will be provided. In the case of rejection, the applicant organisation may amend the project proposal and then re-apply.

B. Signing of Undertaking

The subsidised organisation has to sign an undertaking, agreeing to complete the project on schedule, to report progress of the project for monitoring purpose, to disseminate project results, etc. The subsidised organisation shall also represent, warrant and undertake to the Government that it shall ensure the observance by itself, its employees, agents and sub-contractors and by all other persons hired or commissioned by it to perform the project (or any part thereof) of The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region and other relevant laws of Hong Kong, and shall not engage in any acts or activities that are, in the reasonable opinion of the Government, likely to constitute or cause the occurrence of offences endangering national security under The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region or other relevant laws of Hong Kong, or which, in the reasonable opinion of the Government, would otherwise be contrary to the interest of national security. If the subsidised organisation is in breach of the undertaking, the FDC may terminate the funding and claim for repayment of all funds paid to the subsidised organisation. The breach of undertakings will be a consideration when the organisation submits applications again in future.

C. Payment of Funds

The FDC Secretariat will pay approved funds according to the form and conditions stated by the FDC.

D. Implementation of the Project

The subsidised organisation should implement and complete the project according to the proposal submitted, and keep all invoices for inspection. Any major modification of the project shall have the prior consent of the

FDC. For minor modifications (such as changing the date of implementation due to bad weather), approval of the FDC Secretariat is required.

E. Progress Report

Organisations which receive payment by instalments should submit progress reports as required by the FDC, normally before each instalment is paid. The FDC will examine the reports and decide whether funding support should terminate, or whether any instalment or the final instalment should be paid. The subsidised organisation shall provide clarification and additional information on the contents of any progress report as required by the FDC, and shall allow the FDC Secretariat to inspect and acquire any document related to the project.

F. Final Report

Within one month of completion of the project, the subsidised organisation shall submit to the FDC a final report.

G. Rights Reserved by the Government

The Government reserves the right to withdraw a funding approval upon the occurrence of the following events: (a) the subsidised organisation has engaged or is engaging in acts or activities that are, in the reasonable opinion of the Government, likely to constitute or cause the occurrence of offences endangering national security or which would, in the reasonable opinion of the Government, be otherwise contrary to the interest of national security; (b) the continued engagement of the subsidised organisation or the continued performance of the project is, in the reasonable opinion of the Government, contrary to the interest of national security; or (c) the Government reasonably believes that any of the events mentioned above is about to occur.

H. Government Disclaimer

Applicant organisations should note that applications may not be approved, and even if approved, the amount approved may be different from the one proposed in the application. Moreover, completion reports may not be accepted, and even if accepted, the approved amount may not be disbursed in full. Should the applicant organisations choose to incur/commit any expenditure for the projects under application before funding approval is

confirmed, they will have to bear their own risk and pay for the incurred/committed expenditure themselves in case their funding applications are rejected or only partially approved subsequently. In the event of a rejection of the funding application or a partial approval of the funding application or a withdrawal of the funding approval (as the case may be), the Government shall not be responsible for any claim, legal proceeding, liability, loss (including any direct or indirect loss, any loss of revenue, profit, business, contract or anticipated saving), damages (including any direct, special, indirect or consequential damages of whatsoever nature) or any cost or expense, suffered or incurred by the applicant organisation or subsidised organisation (as the case may be) arising out of or in relation to the rejection of its funding application or partial approval of its funding application or withdrawal of the funding approval.

VII. Handling of Information

1. The Authority (which for the purpose of this paragraph means all or any of the Government and the FDC (including its Secretariat)) is committed to ensuring that all personal data submitted under an application is handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (Cap 486) (“PDPO”). Personal data provided in relation to an application may be used by the Authority and disclosed among them for the following purposes:
 - (a) the processing and authentication of applications;
 - (b) payment of Government grant and any refund thereof;
 - (c) the daily operation of the FDF Scheme;
 - (d) meeting the requirements to make disclosure under the requirements of any law;
 - (e) statistics and research; and
 - (f) any purposes relating to any of the above.
2. Personal data provided in an application will be kept in confidence. They may however be disclosed by the Authority to any of the following parties for the purposes set out in the above paragraph:
 - (a) any person (including the agent, the contractor or the third party service provider of the Government) who is involved in the FDF Scheme;
 - (b) subject to (c), any other person under a duty of confidentiality to the Authority;

- (c) (in relation to the names of the Directors/Sole Proprietor/Partners of the successful Applicant Company/Sole Proprietorship/ Partnership) the public; and
 - (d) any person to whom the Authority is under an obligation to make disclosure under the requirements of any law.
3. According to Section 2.3.3 of the Code of Practice on the Identity Card Number and Other Personal Identifiers issued by the Privacy Commissioner for Personal Data, the Authority will obtain the identity card number of the applicant organisation in order to verify the identity of the identity card holder.
 4. According to Sections 18 and 22 and Principle 6 of Schedule 1 of PDPO, the individuals whose personal data are provided in an application has a right of access and correction with respect to the personal data provided including the right to obtain a copy of the personal data provided in the application.
 5. The person to whom access to data or correction of data or for information of the policies and practices and kinds of data held is to be addressed as follows:

Senior Executive Officer (Administration)
Culture, Sports and Tourism Bureau
21/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

A fee will be charged in accordance with the PDPO for providing access to or correcting any data and for providing the information.
 6. In the interests of transparency of the operations of the Fund, by signing and submitting an application, a successful applicant organisation consents to the disclosure of details of the project to the public. Even if an application is not successful, by submitting an application, the applicant organisation shall be deemed to have consented to the disclosure of the name of the applicant organisation, project title and amount of funds sought to the public for general information.

Funding Other Film-related Projects under the “Film Development Fund”**Scope of the Fund**

Funding Other Film-related Projects under the “Film Development Fund” aims to achieve the following major goals through funding of projects:

- (i) Promote Hong Kong films on the Mainland and overseas;
- (ii) Facilitate film production and financing;
- (iii) Stimulate further improvement in the quality of local film production and services;
- (iv) Enhance the interest and appreciation of films by the audience;
- (v) Nurture talents in various fields of the film industry including film production and distribution;
- (vi) Enhance the professional and technical level of local film workers;
- (vii) Assist the film industry to grasp and apply advanced technologies so as to strengthen the audio-visual effects of films; and
- (viii) Improve the production and operating environment of the film industry.

Funds would only be granted to projects that can achieve the aforesaid goals.

Funding Other Film-related Projects under the “Film Development Fund”**Criteria for Approving Applications**

- (1) An applicant organisation should normally be a locally incorporated institution/organisation engaged in film business or a related body. The FDC Secretariat can also apply for funding.
- (2) Projects under application must be beneficial to the overall development of the local film industry, such as enhancing the competitiveness of the local film industry.
- (3) Benefits accrued from the projects must serve the interests of the entire film industry, and not just an individual private company or a consortium of private companies.
- (4) Projects should mainly be non-profit making by nature. Special consideration will be given to those projects which can eventually become self-financing.
- (5) Funds approved can only be used on non-recurrent expenditure.
- (6) Funds approved cannot be used to create any civil service posts.
- (7) In examining an application, the following must be taken into consideration:
 - (i) the benefits that a project may bring to the local film industry;
 - (ii) the need for such a project;
 - (iii) the technical and project management capabilities of the applicant institution/organisation;
 - (iv) whether the implementation schedule of the proposed project is well planned and whether the time required for implementation is reasonable;
 - (v) whether the proposed budget is reasonable and realistic;
 - (vi) whether there is/will be any duplication in terms of the work carried out by other institutions; and
 - (vii) for a project involving recurrent expenditures (such as salaries and other administrative expenses), the period required for such expenditures and whether the project can be self-financing after a certain period of time.

**Concerned items in the Agreement of
Funding Other Film-related Projects under the “Film Development Fund”**

A. Procurement of Equipment, Services, etc.

The subsidised organisation is required to exercise its utmost financial prudence in the procurement of the equipment, goods or services for the purpose of the Project and must, unless otherwise agreed in writing by the Government, adhere to the following procedures:

- (i) For every procurement of the equipment, goods or services in relation to or for the purposes of the Project, the aggregate value of which is more than \$20,000 but below \$500,000, quotations in writing from at least **three** suppliers or service providers shall be obtained;
- (ii) For every procurement of the equipment, goods or services in relation to or for the purposes of the Project, the aggregate value of which is \$500,000 or above but not exceeding \$1.36 million, the subsidised organisation shall obtain quotations in writing from at least **five** suppliers or service providers; and
- (iii) For every procurement of the equipment, goods or services in relation to or for the purposes of the Project, the aggregate value of which exceeds \$1.36 million, there shall be open tendering for such procurement. The subsidised organisation shall conduct the open tendering in accordance with the procedural guidelines on open tendering issued by the Government.
- (iv) In respect of paragraphs (i) and (ii) above where the quality of the equipment, goods or services to be provided is an consideration by the subsidised organisation, separate assessments of the technical and price aspects with pre-determined relative weighting attached to assessment criteria shall be conducted.
- (v) In both scenarios mentioned in paragraphs (i) and (ii) above, the supplier or service provider (as the case may be) that has submitted the lowest bid shall be selected, provided that if the lowest bid is not selected, full justifications for doing so must be given to the Government.
- (vi) Paragraphs (i) – (v) above apply to revenue quotations and tenders in relation to the Project that generate income, except that revenue quotations and tenders shall be assessed on price only. The use of marking schemes and hence a less than 100% price weighting shall be fully justified and the rationale documented.

- (vii) Every procurement of an aggregate value of \$10,000 or above has to be settled by crossed cheque, bank transfer or credit card payment. The subsidised organisation is required to retain a photocopy of the cheque, pay-in slip or bank statement for a period of at least 2 years from the date of completion of the Project for subsequent checking by the Government.

B. Declaration of Interest

- (i) The subsidised organisation is required to ensure that it, its directors and employees, and its sub-contractors, including their associates and associated persons, should not have any actual or potential financial or other interests or have any association or connection with any of the services, goods or equipment to be acquired or procured with the Funds by the subsidised organisation unless the prior written approval of the Government has been obtained.
- (ii) If all or any facts which may reasonably be considered to give rise to a situation set out in paragraph B(i) above, the subsidised organisation must notify the Government in writing immediately.
- (iii) The subsidised organisation is required to ensure that its directors and employees, and its permitted sub-contractors, including their respective associates and associated persons, will inform the subsidised organisation of all facts which may reasonably be considered to give rise to a situation in which the financial or other interests of such persons conflict or compete with the subsidised organisation's obligations to the Government.

C. Submission of the Audited Account

For all Projects lasting less than one year, the subsidised organisation is required to submit to the Government within three months after completion of the Project a final Audited Account which covers the period from the Project's commencement until its completion.

D. Safeguarding National Security

The subsidised organisation shall manage its procurement to the extent that it can disqualify a tenderer/terminate a contract upon the occurrence of any of the following events:

- (a) the tenderer/contractor has engaged or is engaging in acts or activities that are, in the reasonable opinion of the subsidised organisation, likely to constitute or cause the occurrence of offences endangering national security or which, in the reasonable opinion of the subsidised organisation, would otherwise be contrary to the interest of national security;
- (b) the continued engagement of the contractor or the continued performance of the contract is, in the reasonable opinion of the subsidised organisation, contrary to the interest of national security; or
- (c) the subsidised organisation reasonably believes that any of the events mentioned above is about to occur.

**Procedures for Processing Applications for
Funding Other Film-related Projects under the “Film Development Fund”**

