



Film Development Fund Scheme for Financing Film Production Application Form for Government Finance ("Application Form")

Notes for Application

- 1 Please read the Guide to Application of the Film Development Fund (FDF) Scheme for Financing Film Production ("Guide") carefully before completing this Application Form.
- 2 Unless the context otherwise requires, terms defined and expressions used in this Application Form shall bear the meanings set out in the Schedule of Definitions of this Application Form.
- 3 This Application Form is provided in Chinese and English versions. An Applicant may complete either the Chinese or English version for submission.
- 4 The information provided in this Application Form and the certified true copies of the supporting documents submitted will be used in the manner stated in the Guide.
- 5
 - 5.1 Please tick "✓" the boxes under "Note 2" of the last page of this Application Form and where applicable.
 - 5.2 Please delete as appropriate.
 - 5.3 Please provide additional supporting information in separate sheets, if required.
- 6 As the Film Development Fund Scheme for Financing Film Production ("Fund Scheme") aims to assist in the sustainable development of the Hong Kong film industry, applications which have more production components (including post-production works) carried out in Hong Kong will be favourably considered.

For Official Use Only

Ref. No.:

Date/Time of Receipt:

To: The Government of the Hong Kong Special Administrative Region (“Government”) as represented by the Head of Create Hong Kong (Note 1) (Note 2)

Film Development Fund Scheme for Financing Film Production
 (“Fund Scheme”)

We, the limited liability company whose particulars appear in Field 1 of Section I of this Application Form (“Applicant”), hereby apply to the Government for part-financing of the Applicant’s film project (“Film Project”) and enclose a Production Proposal at Appendix A, a Proposed Budget at Appendix C, and provide the following information relevant to the Film Project in support of this Application.

We confirm that whether or not for bona fide commercial reasons, we must not, whether on our own or in collusion with others (including our Associate and Associated Person) enter into, facilitate or permit any transaction, agreement or arrangement, whether or not legally binding, which in the opinion of Government, directly or indirectly, has as its purpose or effect or one of its purposes or effects (other than de minimis), the contravention or avoidance of the requirements of this Application Form or the

In signing below we confirm that –

- (i) Section I of this Application Form has been completed fully and correctly to the best of our knowledge and belief; and
- (ii) We have read and understood, and hereby give/make, the Undertaking and Declaration at Section II of this Application Form.

Signed by Applicant

Applicant (Company Name) : _____

Authorised Person (Name) : _____

(Position) : _____

(Telephone No.) : _____

(Email Address) : _____

Signed by Applicant / the authorised person for and on behalf of Applicant

(Signature) : _____ (Company Chop) : _____

Date : _____

Signed by Witness

Witness (Name) : _____

(Telephone No.) : _____

(Email Address) : _____

(Address) : _____

(Signature) : _____

Date : _____

Section I "Particulars of the Applicant"

1 Name of the Applicant

(Chinese)

(English)

2 Business Registration Information (Please provide a certified true copy of the current Certificate of Business Registration) (Note 2.1)

Business Registration No. :

Expiry Date :

Registered Office Address:

3 Incorporation Registration Information

(Please provide a certified true copy of the Certificate of Incorporation, and the certified true copies of the latest annual return together with any Notification of Change of Secretary and Company Director, and a certified true copy of the Certificate(s) of Change of Name (if any), filed with the Companies Registry) (Note 2.2) (Note 2.3)

Certificate of Incorporation No. :

Date of Incorporation (Note 3) :

4 Correspondence Address

(Chinese)

(English)

Contact Person:

Telephone No. :

Fax No. :

Email Address :

5 The following person(s) is/are the person(s) who has/have a Controlling Interest in the Applicant (Note 2.14) (Note 8)

5.1 For individual(s) :

a. Name :

Identification Document and Number:

Address :

b. Name :

Identification Document and Number:

Address :

c. Name :

Identification Document and Number:

Address :

5.2 For corporation(s) :

a. Name of Company:

Certificate of Incorporation No. :

Company Director(s) :

Registered Office Address :

b. Name of Company:

Certificate of Incorporation No. :

Company Director(s) :

Registered Office Address :

c. Name of Company:

Certificate of Incorporation No. :

Company Director(s) :

Registered Office Address :

6 Financial Conditions of the Applicant (Note 2.4) (Note 4)

In the twelve (12) months immediately preceding the date of this Application:

- 6.1 Has the Applicant refinanced, sought any relief from or extension of or compromised or restructured any credit facility, loan or financial accommodation with any banks, financial institutions or money lenders?

No Yes (Please give details)

- 6.2 Has the Applicant paid or been liable to pay any default interest on any credit facility, loan or financial accommodation with any banks, financial institutions or money lenders?

No Yes (Please give details)

- 6.3 Has any credit facility, loan or financial accommodation granted by any person to the Applicant or any interest in respect thereof been overdue for three (3) months or more, in aggregate?

No Yes (Please give details)

- 6.4 Has the Applicant provided any indemnity, guarantee or any financial assistance or support (in any form) to any person (including any Company Director, shareholder, Associate or Associated Person of the Applicant)?

No Yes (Please give details)

7 Other Financial Support from the Government (Note 5)

Is the Applicant receiving or applying for any financial support (whether in the form of equity or loan financing, grant or sponsorship or any other form) from Government for the Film Project (other than this Application)?

No Yes (Please give details)

8 The Fund Scheme (Note 6)

- 8.1 Has the Applicant, or any Company Director, Associates or Associated Persons of the Applicant applied for or received any Government Finance for film production whether for this Film Project or any other film whatsoever under this Fund Scheme up to the date of this Application?

No Yes (Please give details)

- 8.2 Is the Applicant currently involved directly or indirectly in any capacity or by any style or description in two (2) or more Approved Film Projects which are under production under this Fund Scheme (other than the Film Project)?

No Yes (Please give details)

- 8.3 Is the Film Producer of the Film Project currently involved directly or indirectly in any capacity or by any style or description in two (2) or more Approved Film Projects which are under production under this Fund Scheme (other than the Film Project)?

No Yes (Please give details)

- 8.4 Is the Film Director of the Film Project currently involved directly or indirectly in any capacity or by any style or description in one (1) or more Approved Film Projects which are under production under this Fund Scheme (other than the Film Project)?

No Yes (Please give details)

9 Filmography (Among the Applicant, the Film Producer and the Film Director, one (1) category or a total of two (2) categories must have produced a total of at least two (2) Released Films immediately preceding the date of the Application.)

- 9.1 a. Number of Released Films produced by the Applicant immediately preceding the date of this Application: _____

b. Number of Released Films produced by the Film Producer of the Film Project immediately preceding the date of this Application: _____

c. Number of Released Films produced by the Film Director of the Film Project immediately preceding the date of this Application: _____

- 9.2 Please provide information of any two (2) of Released Films referred to in 9.1 under Filmography at Appendix B.

Section II "Undertaking and Declaration"

In consideration of the Government considering and /or approving this Application for Government Finance, the Applicant hereby undertakes, warrants, declares and agrees and with continuing effect that –

- 1 the Applicant has carefully read and fully understood the Guide and the Government Disclaimers in Section III of this Application Form;
- 2 the Applicant is eligible to apply for Government Finance according to Eligibility Criteria prescribed by the Government in the Guide;
- 3 without prejudice to and notwithstanding any specific request for information and documents in this Application Form, the Guide or otherwise, to the best of its knowledge and belief, the information and supporting documents provided to Government in connection with its Application, whether in its own hand or not, ("Information") are true, up-to-date, accurate and complete in all respects. The Applicant has not withheld, and is not aware of, any material facts or circumstances that have not been disclosed to Government and which might influence the assessment of its Application or the decision of Government as a prudent financier in considering whether or not to provide Government Finance to the Applicant;
- 4 if this Application is successful, the Applicant will within such time limit as prescribed by the Government in the Offer Letter
 - 4.1 incorporate or procure the incorporation of a new company in Hong Kong ("ProdCo") to be the recipient of the Government Finance, to enter into the Transaction Documents and to produce and complete the Film Project in accordance with the provisions of the Transaction Documents;
 - 4.2 submit to the Government for its approval the proposed shareholder(s) and Company Director(s) of ProdCo;
 - 4.3 submit to the Government the names and details of all persons who Control ProdCo;
 - 4.4 submit to the Government all other information relating to ProdCo as required by the Government from time to time;
 - 4.5 procure ProdCo to execute in favour of the Government a written undertaking on the same terms set out in this Undertaking and Declaration (with such changes as the Government considers necessary to reflect the role and capacity of ProdCo in the Film Project) and deliver the written undertaking duly executed by ProdCo to the Government within the prescribed time limit;
- 5 no person(s) other than the Applicant and/or the person(s) who has/have a Controlling Interest in the Applicant (as listed in Field 5 of Section I of this Application Form) and who is /are approved by the Government shall be the shareholder(s) of ProdCo;
- 6 no person(s) other than the person(s) approved by Government shall be the Company Director(s) of ProdCo;
- 7 ProdCo shall immediately prior to the execution of the PFA, be free and clear of all liabilities and encumbrances;
- 8 without prejudice from 9.1 to 9.7 below, the Applicant shall do all acts and things as are necessary to ensure that ProdCo will be able to produce and to complete the Film Project and to comply with the provisions of Transaction Documents;
- 9.1 unless the Government otherwise approves, prior to the incorporation of ProdCo, all Intellectual Property Rights in the Proposed Film and in all its underlying rights materials (including the work on which the Film Project is based, the screenplay, the music created for incorporation into the Proposed Film and the design materials for the Film Project) that are created or existing prior to the date of incorporation of ProdCo ("Relevant IPRs") shall be the sole and exclusive property of the Applicant and shall be vested in the Applicant until the assignment of the Relevant IPRs to ProdCo;
- 9.2 unless the Government otherwise approves, on the date of incorporation of ProdCo or as soon thereafter as practicable, the Applicant shall assign the Relevant IPRs to ProdCo to the effect that the Relevant IPRs shall henceforth be the sole and exclusive property of ProdCo and shall remain vested in ProdCo until the assignment of the Relevant IPRs to the Government;
- 9.3 unless the Government otherwise approves, all Intellectual Property Rights in the Proposed Film and in all its underlying rights materials (including the work on which the Film Project is based, the screenplay, the music created for incorporation into the Proposed Film and the design materials for the Film Project) that are created or existing on or after the date of incorporation of ProdCo shall be the sole and exclusive property of ProdCo and shall be vested in ProdCo immediately upon creation and before the use of such materials by ProdCo in or in relation to the Film Project and prior to the assignment of such Intellectual Property Rights to the Government;
- 9.4 regarding all materials which have Intellectual Property Rights, such as music and performances, which are used for the Proposed Film or the Film Project and in respect of which any Intellectual Property Right is vested in a third party, the Applicant or ProdCo must obtain all necessary licences before the use of such materials;
- 9.5 the Applicant and ProdCo will waive and will procure all relevant authors and directors to waive all moral rights (whether past, present or future) in the Proposed Film and all related materials under the Film Project, such waiver to take effect as from the date of incorporation of the materials in the Proposed Film and the Film Project;
- 9.6 the Applicant and ProdCo will provide all necessary documentary evidence to prove a satisfactory Chain of Title for the Proposed Film and all its underlying rights materials, including all related Intellectual Property Rights assignments from Film Producer, Film Director, Scriptwriter, Leading Actor and Leading Actress, Supporting Actor and Actress, Director of Photography, Art Director, Costume Designer, Composer, Image Designer (if any), etc. and Authorization Letter of Work on which the script is based (if any)
- 9.7 unless the Government otherwise approves, the Applicant will, immediately following the incorporation of ProdCo, assign to and vest in ProdCo all its other rights and benefits in the Film Project;
- 10 without prejudice to (12) below, regardless of whether the Information has been marked "Confidential" or not, the Applicant authorizes and will procure ProdCo to authorize the Government to release to the public the names of the Company Directors of the Applicant and ProdCo, the name of the Film Project, and the names of the Film Director, the Film Producer and all other Film Crew and Cast of the Film Project;
- 11 this Application may not be processed by the Government if the Applicant fails to provide all the information required by the Government;
- 12 all persons whose personal or other data have been included in the information provided to the Government have consented to the provision of such data to the Government for such purposes and for disclosure to such parties as referred to in paragraph 18 of the Guide;
- 13 the Applicant and ProdCo will use the Government Finance (i) for the sole purpose of carrying out and completing the Film Project and for no other purposes; and (ii) strictly in accordance with the Proposed Budget at Appendix C of this Application Form as approved by the Government;
- 14 the Applicant is not in breach of or in default under any agreement to which the Applicant is a party or which is binding on the Applicant or any of the Applicant's property to an extent or in a manner which might have a material adverse effect on the Applicant's business or financial conditions. Save as disclosed in this Application, none of the matters set out in Field 6 of Section I of the Application Form has occurred or arisen in the 12 months immediately preceding the date of this Application;
- 15 no corporate action or other steps have been (or are being or are intended to be) taken, and no legal proceedings have been started (or are impending or being threatened), for the winding-up, bankruptcy, dissolution, administration or re-organization of the Applicant or for the appointment of a receiver, administrator, administrative receiver, trustee or similar officer over the Applicant or any or all of its revenue and assets;
- 16 the Applicant is not involved in any litigation, arbitration or administrative proceedings (whether inside or outside Hong Kong) and no claim (whether inside or outside Hong Kong) is presently in progress or pending or threatened against the Applicant or any of its assets;
- 17.1 no principal photography and/or Post-Production of any part of the Proposed Film has been or will be commenced prior to the date of the Government's written acknowledgement of receipt of the Application (failure to observe this clause will render the Application ineligible);
- 17.2 if principal photography and/or Post-Production of any part of the Proposed Film is commenced after the date of the Government's written acknowledgement of receipt of the Application and before the Applicant being notified in writing of the result of the Application:-
 - (a) the Government (i) is under no obligation to approve the Application; and (ii) shall not bear any responsibilities or liabilities arising from or in connection with the production (including pre-production, principal photography and Post-Production) and Completion of the Proposed Film or any activities relating thereto;
 - (b) the Applicant is commencing the principal photography and/or Post-Production at its own risk and shall bear all responsibilities and liabilities arising therefrom or in connection therewith, including but not limited to, (i) shortage of finance (if any) if the Application is not approved by the Government; and (ii) all responsibilities and liabilities arising from or in connection with the production (including pre-production, principal photography and Post-Production) and Completion of the Proposed Film or any activities relating thereto;
- 17.3 subject to 17.1 and 17.2, the Applicant shall promptly update and inform the Government of the progress of production schedule of the Proposed Film (including but not limited to the respective dates of commencement and completion of the principal photography and the respective dates of commencement and completion of the Post-Production of the Proposed Film) and submit the relevant evidences including but not limited to call sheets, daily reports and footages to the Government.
- 18 If the Application is approved, the Applicant is obliged to sign the Production Finance Agreement with the Government before a deadline specified by the Government, and in any case no later than the Completion date of the A-Copy of the Proposed Film.
- 19 the Government has the right to review and revise the arrangements and requirements regarding this Fund Scheme at any time and from time to time as the Head of Create Hong Kong may deem necessary in order to ensure that the objectives of this Fund Scheme as specified in the Guide will be properly achieved and the Applicant shall comply with such other requirements or directives as may be issued by the Government in writing from time to time;
- 20 the Applicant undertakes to inform the Government immediately if any Information provided in connection with this Application is no longer applicable, true, accurate or complete;
- 21.1 the Government, its authorised users, assigns and successors-in-title shall not be restricted from doing any acts which are restricted by copyright under sections 22 to 29 of the Copyright Ordinance (Cap. 528 of the Laws of Hong Kong) in respect of the Application Form and its accompanying documents submitted by the Applicant for purposes including but not limited to the evaluation of the Applicant's Application, management of the Production Finance Agreement and all other purposes incidental thereto;
- 21.2 the Application Form and all the related materials submitted by the Applicant does not and will not infringe the Intellectual Property Rights, performers' rights and/or moral rights of any person
- 22 if any undertaking, warranty or declaration given by the Applicant in this Undertaking and Declaration is not up-to-date, true, accurate or complete or if the Applicant fails to comply with any provisions of this Undertaking and Declaration, without prejudice to any powers, rights, remedies and claims that the Government may have under this Undertaking and Declaration or in law, the Government shall be entitled to reject immediately this Application or, as the case may be, terminate immediately the provision of Government Finance to ProdCo and require ProdCo to repay to the Government forthwith upon demand all moneys advanced to ProdCo together with interest thereon calculated at HIBOR (computed by reference to an interest period selected by the Government) plus 1.5 percent per annum on such sums from but excluding the date of advance to and including the date of actual payment by ProdCo calculated on a daily basis;
- 23 the Government reserves the right to, at any time, obtain further information or document from the Applicant and/or ProdCo;
- 24.1 neither the Applicant nor any of its officers, employees and agents has or will have any association or connection with any staff member of the Hong Kong Film Development Council or any member of the Fund Vetting Committee of this Fund Scheme which may reasonably be considered to give rise to a situation where the financial, professional, commercial, personal or other interests of such persons, conflict or compete, or may conflict or compete, with such member's duties to Government in relation to this Fund Scheme; or
- 24.2 the Applicant has declared in writing in this Application the full extent of any association or connection which it or any of its officers, employees or agents has as described in 24.1;
- 25 the script of the Proposed Film has been registered with the Federation of Hong Kong Filmmakers;
- 26 in any three (3) of the five (5) categories of Main Film Crew and Cast (namely, Film Producer, Film Director, Scriptwriter, Leading Actor and Leading Actress) described in Field 7 of Production Proposal at Appendix A, at least one (1) person employed in each such category must be a permanent resident in Hong Kong;
- 27 the Applicant is fully aware of the serious offences created under the Theft Ordinance (Chapter 210 of the Laws of Hong Kong) (including sections 17 (Obtaining property by deception) and 18 (Obtaining pecuniary advantage by deception)) and the Prevention of Bribery Ordinance (Chapter 201 of the Laws of Hong Kong) (including section 8 (Bribery of public servants by persons having dealings with public bodies));
- 28 the Applicant shall obtain the Government's prior written approval for any changes to the information and any other information and documents provided to the Government under the Guide or otherwise;
- 29 much of the information relevant to its eligibility and continuing entitlement under the Fund Scheme, whether as an Applicant or as a successful Applicant, is known or available to it or could be known or available to it by making reasonable and timely enquiries of others;
- 30 the Applicant fully understands that non-disclosure or misrepresentation of any information provided by the Applicant would entitle the Government to reject its Application;
- 31 all Company Directors of the Applicant and all persons having a Controlling Interest in the Applicant have made the Statutory Declaration in the form set out in Appendix E and Appendix F (as the case may be)(Note 8);
- 32 this Undertaking and Declaration shall be governed by and construed in accordance with the laws of Hong Kong and the Applicant and the Government shall irrevocably submit to the exclusive jurisdiction of the Courts of Hong Kong; and
- 33 the Applicant has read the provisions of this Undertaking and Declaration carefully and fully understood its obligations and liabilities under this Undertaking and Declaration.

Section III "Government Disclaimers"

- 1 Whilst the information provided by the Government in the Application Form and in the Guide has been prepared in good faith, it does not claim to be comprehensive or to have been independently verified. Neither the Government, nor any of its officers, agents or advisors, accepts any liability or responsibility as to, or in relation to, the adequacy, accuracy or completeness of the information contained in the Application Form, the Guide or any other written or oral information which is, has been or will be provided or made available to any Applicant; nor do they make any representation, statement or warranty, express or implied, with respect to such information or to the information on which the Application Form or the Guide is based. Any liability in respect of any such information or any inaccuracy in the Application Form or the Guide or omission from the Application Form or the Guide is expressly disclaimed. Nothing in the Application Form, the Guide or in any other written or oral information which is, has been or will be provided or made available to any Applicant should be relied on as a representation, statement or warranty as to the intentions, policy or action in future of the Government, its officers or agents.
- 2 The submission of any proposal by an Applicant shall be taken to be an acceptance of the terms of the Government Disclaimers in Section III.
- 3 The invitation for submission of Applications under this Fund Scheme does not constitute an offer nor does it constitute the basis of any contract which may be concluded in relation to the Fund Scheme or the carrying out of and completion of any film.
- 4 Each Applicant should make its own independent assessment of the proposed terms of this Fund Scheme after making such investigation and consulting its own professional advisers and taking such other advice as may be prudent in order to assess the risks and benefits of the Application for Government Finance well as in respect of any financial, legal, tax and other matters concerning a film production project.
- 5 The Government reserves the right, without prior consultation or notice, to change the proposed term of this Fund Scheme. The Government also reserves the right to terminate any or all negotiations in its discretion before executing any binding contract with a successful Applicant and/or ProdCo.
- 6 Applicant should note that Application may not be approved, and even if approved, the Government Finance may be different from the one proposed in the Application. Should the Applicant choose to incur/commit any expenditure for the Film Project under Application before funding approval is confirmed, Applicant will have to bear its own risk and pay for the incurred/committed expenditure itself in case its funding Application is rejected or only partially approved subsequently.

I Definitions

Schedule of Definitions

A-Copy	means a release print that is the final version of a film to which editing, score, dubbing, special effects, mixing completed and colour correction have been incorporated in the laboratory, and is ready for general distribution and exhibition after the Government's approval under the Production Finance Agreement.
Application Form	means this application form together with all Schedules, Appendices and other supporting documents attached thereto.
Approved Film Project	means the film project for which approval is given of an application for funding, financing or any other financial support by the Government.
Associate	of any person means: <ol style="list-style-type: none">1 a relative or partner of that person; or2 a company one or more of whose directors is in common with one or more of the directors of that person.
Associated Person	in relation to another person means: <ol style="list-style-type: none">1 any person who has Control, directly or indirectly over the other; or2 any person who is Controlled, directly or indirectly, by another; or3 any person who is Controlled by, or has Control over, a person at (1) or (2) above.
Chain of Title	in relation to any work in which any Intellectual Property Rights or moral rights subsist, means a set of documents which shows and deduces how "title" to or ownership of and the rights and interest of the work have been transmitted to its current owner from its original author/creator and how the moral rights of the author/creator/director/performer of the work have been transmitted to or released or waived in favour of its current owner including all related Intellectual Property Rights assignments from Film Producer, Film Director, Scriptwriter, Leading Actor and Actress, Supporting Actor and Actress, Director of Photography, Art Director, Costume Designer, Composer, Image Designer (if any), Visual Effects Director (if any), etc. and Authorization Letter of Work on which the screenplay is based (if any).
Company Director	means any person occupying the position of director by whatever name called and includes a de facto or shadow director.
Completed Film	means a feature drama film, that is produced and completed in all respects for commercial distribution by film distributors, and is ready for immediate commercial release in Hong Kong commercial theatres, and "Completion" in relation to a film shall be construed accordingly.
Control, Controlled, Controlling Interest	<ol style="list-style-type: none">1 means the power of a person (including any Associate or Associated Person), directly or indirectly (whether through one or more intermediaries or otherwise) to direct or influence or cause the direction or influence of the management, policies or affairs of another person in one or more of the following ways:<ol style="list-style-type: none">1.1 by means of the holding of shares or interests or the possession of voting power in or in relation to that or any other person; or1.2 by virtue of powers conferred by any constitution, memorandum or articles of association, partnership, agreement or arrangement (whether legally enforceable or not) affecting that or any other person; or1.3 by virtue of holding office as a Company Director in that or any other person; or1.4 by any other means;2 "influence" for the purpose of this definition includes the holding of 15% or more of the shares or interests or the possession of voting power in or in relation to any person referred to in (1.1) above.
Delivery Materials	means the materials listed out in "Delivery Materials" at Appendix D.
Government Finance	means the provision by the Government of a sum to finance in part the production and Completion of the Proposed Film and the Film Project under the Fund Scheme.
HIBOR	means the rate for the relevant period displayed on Reuters screen page 9898 on the day on which HIBOR would customarily be fixed for such period. If the agreed page or service is replaced or ceases to be available, the Government may, after consultation with the Applicant, specify another page or service displaying the appropriate rate.
Intellectual Property Rights	means patents, trade marks, 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.
Offer Letter	means the Offer Letter referred to in paragraph 15 of the Guide.
PFA	means the Production Finance Agreement made between the Government and ProdCo which sets out the terms and conditions on which Government Finance is to be advanced to ProdCo.
Post-Production	in relation to a film means the performance of all post-production services, acts, matters or things including looping, dubbing, voice-overs, retakes, trick shots, optical soundtracks, foreign language versions, cover shots, added scenes and reshooting for the film for producing the film to the point of the Completion of the Film Project required by the Government under the PFA.
Proposed Film	means the film proposed by the Applicant to be produced under the Film Project.
Released Film	means a feature drama film, that is produced and completed in all respects for commercial distribution by film distributors, and has already been released in Hong Kong commercial theatres.
Transaction Documents	means all agreements that may be made by the Government, ProdCo or any other person involved in a Film Project in relation to the Film Project.

II. Rules of Interpretation

In this Application Form, unless otherwise provided or the context otherwise requires :

- 1 words denoting the singular number only shall include the plural number also and vice versa;
- 2 words denoting one gender only shall include the other genders;
- 3 all references to a statute, any provision thereof or to any statutory instrument, order or regulation made thereunder shall be construed as a reference to such statute, provision, statutory instrument, order or regulation as the same may have been, or may from time to time be, amended or re-enacted;
- 4 words and expressions extend to their grammatical variations and cognate expressions where those words and expressions are defined in this Application Form; and
- 5 whenever the expression "including" is used in this Application Form, it shall be deemed to mean "including without limitation".

1 Name of the Proposed Film (Chinese) _____
 (English) _____

2 Estimated Length of the Proposed Film (minutes) _____

3 Category of the Proposed Film (under the Film Censorship Ordinance (Chapter 392)) I IIA IIB III

4 Script and Synopsis of the Proposed Film
 Please attach the following documents-
 (i) one (1) copy of the certificate confirming that the script has been registered with the Federation of Hong Kong Filmmakers;
 (ii) two (2) copies of the script written in the industry format with pages numbered (one stapled and one unbound) which shall be duly signed by the Applicant(Note 2.5) (Note 2.6); and
 (iii) a synopsis of the script of the Proposed Film(Note 2.7).

5 If the Screenplay of the Film Project is/are based on any Original Work(s) /Story of Real Person(s)/Story of Main Interviewee(s), the Applicant must list out all related information relating to such Original Work(s) /Story of Real Person(s)/Story of Main Interviewee(s) here and submit the related authorisation document(s) or licensing agreement(s) or release(s)(Note 2.15).

Title of original work(s) / story of real person(s) / story of main interviewee(s) on which the Film Project is based: _____ Type(s): _____

Publisher(s)/Presenter(s)/Manufacturer(s): _____ Owner(s)/Author(s): _____ Date(s) of Creation/Publication/Production: _____

6 Production and Hong Kong Theatrical Release Schedule (Note 2.8)

6.1	Pre-Production	from	year	month	day	to	year	month	day
6.2	Principal Photography	from	year	month	day	to	year	month	day
6.3	Post-Production	from	year	month	day	to	year	month	day
6.4	Estimated Delivery Date of Rough Cut						year	month	day
6.5	Estimated Delivery Date of Final Cut						year	month	day
6.6	Estimated Completion Date of A-Copy						year	month	day
6.7	Estimated Delivery Date of Completed Film (Note 7)						year	month	day
6.8	Estimated Date of Theatrical Release in Hong Kong (if known) (Note9)	from	year	month	day	to	year	month	day

7 Main Film Crew Members and Casts (Note 2.9) (Note 2.10) (Note 10) (Note 11) (Note 12)

	Position	Name	Alias	HK permanent resident		HKID No. (Please provide certified true copies of HKID Cards)
				(Yes)	(No)	
7.1	Film Producer					
7.2	Film Director (Note 2.11) (Note 13)					
7.3	Scriptwriter					
7.4	Leading Actor					
7.5	Leading Actress					

Filmography

Please provide information on at least two (2) Released Films, which have been produced by the Applicant, the Film Producer and/or the Film Director of the Film Project, immediately preceding the date of this Application. Please make copies of this form if necessary.

Released Film	Released Film 1	Released Film 2
(Chinese Title)		
(English Title)		
Duration of the film length (minutes)		
Name of Presenter		
Name of Film Production Company		
Name of Film Producer		
Name of Film Director		
Name of Scriptwriter		
Name of Leading Actor		
Name of Leading Actress		
Release Date/Period in Hong Kong Commercial Theatre		
From (year/month/day)		
To (year/month/day)		
Hong Kong Box Office (HK\$)		

(Please complete this table if the Proposed Film is a Drama Feature Film)

Proposed Budget

Confidential Appendix C

1 Name of Proposed Film (Chinese)		(English)	
2A	Production Budget for Drama Feature Film		Amount (HKD\$)
2A.1	Production, Main Film Crew and Casts:		
	2A.1.1	Film Producer (No. of persons)	\$
	2A.1.2	Film Director (No. of persons)	\$
	2A.1.3	Scriptwriter (No. of persons)	\$
	2A.1.4	Leading Actor (No. of persons)	\$
	2A.1.5	Leading Actress (No. of persons)	\$
	2A.1.6	Supporting Actor (No. of persons)	\$
	2A.1.7	Supporting Actress (No. of persons)	\$
	2A.1.8	Executive Producer/Line Producer	\$
	2A.1.9	Production Manager	\$
	2A.1.10	Director of Photography	\$
	2A.1.11	Art Director	\$
	2A.1.12	Costume Designer	\$
	2A.1.13	Editor	\$
	2A.1.14	Composer (including creation and recording original score)	\$
	2A.1.15	Action Director (if any)	\$
	2A.1.16	Image Designer (if any)	\$
	2A.1.17	Computer Visual Effect Director (if any)	\$
	2A.1.18	Other Casts	\$
	2A.1.19	Other Film Crews	\$
	2A.1.20	Licence Fee of Work on which the script is based (if any) (see Field 5 of Appendix A)	\$
	2A.1.21	Others (please specify)	\$
	Production, Main Film Crew and Cast Fees (Total) :		\$
2A.2	Principal Photography:		
	2A.2.1	Cinematography and Lighting Equipment	\$
	2A.2.2	Sound Recording	\$
	2A.2.3	Costume, Make-up and Hair-style	\$
	2A.2.4	Decoration, Sets and Props	\$
	2A.2.5	Location Stunts, Action and Pyrotechnic Effects	\$
	2A.2.6	Shooting Location Rental	\$
	2A.2.7	Transportation	\$
	2A.2.8	Film /HD Betacam Tapes /Other Tapes /Hard Disk	\$
	2A.2.9	Film Stills and Film Processing	\$
	2A.2.10	On Set Operation	\$
	2A.2.11	Accommodation and Meals (if any)	\$
	2A.2.12	Others (please specify)	\$
	Principal Photography Fee (Total) :		\$
2A.3	Post-Production:		
	2A.3.1	Editing (including online and offline)	\$
	2A.3.2	Computer Visual and Special Effects/Optical Effects (if any)	\$
	2A.3.3	Footage/Picture/Sound (licence fee) (if any)	\$
	2A.3.4	Music/Song (licence fee) (if any)	\$
	2A.3.5	Sound Effects	\$
	2A.3.6	Looping & Voice-over	\$
	2A.3.7	Dolby Spectral Recording Digital (SRD) Mastering and Encoding Fee; and Dolby SRD Licence Fee & Engineer's Fee	\$
	2A.3.8	Subtitle, Main Title and End Credit (including translation fee)	\$
	2A.3.9	Film Processing and Post-Production Materials (including Film / HD Cam Tapes / Other Tapes / Hard Disks)	\$
	2A.3.10	Optical Soundtrack Processing (if any)	\$
	2A.3.11	Digital Intermediate (D.I.)	\$
	2A.3.12	Trailer(s) and "Making Of" (if any)	\$
	2A.3.13	Transportation	\$
	2A.3.14	Accommodation and Meals (if any)	\$
	2A.3.15	Others (please specify)	\$
	Post-Production Fee (Total) :		\$
2A.4	Others:		
	2A.4.1	Insurance Fee (Note 2.9) (Note 10)	\$
	2A.4.2	Administration Fee (subject to a maximum amount of 2% of Production Budget)(Note 14)	\$
	2A.4.3	Audit Fee (Note 15)	\$
	2A.4.4	Collection Agent Fee and Expenses (around 1-2% of Production Budget)(Note 16)	\$
	2A.4.5	Master Materials Fee (Note 17)	\$
	2A.4.6	Delivery Materials Fee (see Appendix D)	\$
	2A.4.7	Others (please specify)	\$
	Other Fees (Total) :		\$
2A.5	Contingency: (includes reshooting fee)		\$
Production Budget (Total) (subject to a maximum amount of HK\$25,000,000) :			\$
(Note : For the purpose of this Application Form, the sales and distribution expenses in relation to the Proposed Film shall <u>not</u> be included in this Production Budget.)			

(Please complete this table if the Proposed Film is an Animation Feature Film)

Proposed Budget

Confidential Appendix C

1 Name of Proposed Film		(Chinese)	(English)		
2B Production Budget for Animation Feature Film				Amount (HK\$)	
2B.1 Production, Film Crew Members and Casts / Participated Performers:	2B.1.1	Producer / Co-Producer / Executive Producer	(No. of persons)	\$	
	2B.1.2	Film Director	(No. of persons)	\$	
	2B.1.3	Screenwriter (including consultant fee (if any))	(No. of persons)	\$	
	2B.1.4	Leading Male Voice Over	(No. of persons)	\$	
	2B.1.5	Leading Female Voice Over	(No. of persons)	\$	
	2B.1.6	Supporting Male Voice Over	(No. of persons)	\$	
	2B.1.7	Supporting Female Voice Over	(No. of persons)	\$	
	2B.1.8	Associate Producer / Line Producer / Production Executive		\$	
	2B.1.9	Other Casts/Participated Performers		\$	
	2B.1.10	Other Crew Members		\$	
	2B.1.11	Licence Fee of Original Work(s) / Story of Real Person(s) / Story of Main Interviewee(s) on which the Film Project is based (if any) (see Field 5 of Appendix A)			\$
	2B.1.12	Others (please specify)			\$
Production, Film Crew Members and Casts / Participated Performers Fees (Total) :				\$	
2B.2 Production:	2B.2.1	Production Team (including Assistant Producer, Assistant Director, Production Manager, Production Coordinator, Special Effect Director & Technical Director)		\$	
	2B.2.2	Art Directions Team (including Production Designer/Art Director, Assistant Art Director, Character Design, Props Design, Location Design, Visual Effects (VFX) Design & Reference Video Making)		\$	
	2B.2.3 Computer Graphics (CG) Model	2B.2.3.1	Character CG Model		\$
		2B.2.3.2	Prop CG Model		\$
		2B.2.3.3	Background CG Model		\$
	2B.2.4 Animation Production	2B.2.4.1	Two-Dimensional (2D) & CG Storyboards		\$
		2B.2.4.2	2D & CG Animatic; and CG Animation Editor		\$
		2B.2.4.3	2D & CG Animation		\$
		2B.2.4.4	Texture Paint		\$
		2B.2.4.5	2D & CG Background Paint		\$
		2B.2.4.6	Special Effects		\$
		2B.2.4.7	Lighting		\$
		2B.2.4.8	Render		\$
		2B.2.4.9	Composition		\$
		2B.2.4.10	Final Output		\$
		2B.2.4.11	Special Element Shoot		\$
		2B.2.4.12	Others (please specify)		\$
	2B.2.5	"Making Of" (if any)		\$	
	2B.2.6	Account		\$	
	2B.2.7	Film / High Definition (HD) Cam Tapes / Other Tapes / Hard Disks		\$	
2B.2.8	Transportation		\$		
2B.2.9	Accommodation and Meals (if any)		\$		
2B.2.10	Others (please specify)		\$		
Production Fee (Total) :				\$	
2B.3 Post-Production:	2B.3.1	Editing (including Editor, Assistant Editor, Offline Edit and Other Related Fees)		\$	
	2B.3.2	Footage / Picture / Sound (licence fee) (if any)		\$	
	2B.3.3	Music / Song (including fee for Composer (creation and recording original score) and licence fee) (if any)		\$	
	2B.3.4	Sound Effects		\$	
	2B.3.5	Lopping & Voice-over (includes Voice-over casting, Voice-over Director and other Voice-over artists)		\$	
	2B.3.6	Sound Recording (including Foley Design & Recording, Mixing, Studio Rental and Labour)		\$	
	2B.3.7	Dolby Spectral Recording Digital (SRD) Mastering and Encoding Fee; and Dolby SRD Licence Fee & Engineer's Fee		\$	
	2B.3.8	Subtitle, Main Title and End Credit (including translation fee)		\$	
	2B.3.9	Film Processing and Post-Production Materials (includes Film / HD Cam Tapes/ Other Tapes / Hard Disks)		\$	
	2B.3.10	HD Transferring		\$	
	2B.3.11	Digital Intermediate (D.I.)		\$	
	2B.3.12	Optical Soundtrack Processing (if any)		\$	
	2B.3.13	Trailer(s) and "Making Of" (if any)		\$	
	2B.3.14	Transportation		\$	
	2B.3.15	Accommodation and Meals (if any)		\$	
	2B.3.16	Others (please specify)		\$	
Post-Production Fee (Total) :				\$	
2B.4 Others:	2B.4.1	Insurance Fee (Note 2.9) (Note 10)		\$	
	2B.4.2	Administration Fee (subject to a maximum amount of 2% of Production Budget) (Note 14)		\$	
	2B.4.3	Audit Fee (Note 15)		\$	
	2B.4.4	Collection Agent Fee and Expenses (around 1-2% of Production Budget)		\$	
	2B.4.5	Master Materials Fee (Note 16)		\$	
	2B.4.6	Delivery Materials Fee (see Appendix D)		\$	
	2B.4.7	Others (please specify)		\$	
Other Fees (Total) :				\$	
2B.5	Contingency: (includes additional dialogue recording fee)			\$	
Production Budget (Total) (subject to a maximum amount of HK\$25,000,000) :				\$	

(Note : For the purpose of this Application Form, the sales and distribution expenses in relation to the Proposed Film shall not be included in this Production Budget.)

3 Estimated Net Income

(Note: Estimated Net Income refers to the receipts derived from the Film Project after deduction of:-

- (i) all the collection agent's fees, commissions and expenses in relation to the Proposed Film;
- (ii) all the sales agent's fees and commissions (including fees and commissions of all sub-sales agent(s), distributor(s), and sub-distributor(s)) in relation to the Proposed Film; and
- (iii) all the sales agent's expenses (including publicity and distribution expenses) in relation to the Proposed Film.)

Territory Distribution Rights	Hong Kong & Macau	China (excluding Hong Kong, Macau & Taiwan)	Asia (excluding Hong Kong, Macau & China)			Others (please specify)
			Taiwan	Japan & Korea	South East Asia	
3.1 Theatrical Distribution [Theatre, Non-Theatre, Public Release]						
3.2 Television Distribution a [Free TV: Terrestrial Free V, Cable Free TV & Satellite Free TV] b [Pay TV : Terrestrial Pay V, Cable Pay TV & Satellite Pay TV (including Pay-per-view & VOD)]						
3.3 Video Distribution [Home Video (Sell-Thru & Rental), & Public Video (Sell-Thru & Rental)]						
3.4 Internet Distribution [Uploading, Downloading, Browsing, etc]						
3.5 Airline, Ship, Train, Bus & Hotel						
3.6 Original Sound Products						
3.7 Others a [Other Media Distribution, such as Script and Movie Stills Album, Live Performance, Interactive Multimedia Work, all other by-products, etc.] b [Other Authorisations, such as adaptation right (Prequel/ Sequel/Series), remake rights and other authorizations]						
Total (HK\$)						

Estimated Net Income (HK\$)

4 Financing Amount

Please give details of those persons who would finance the Film Project if known at this stage. Please specify the financing amount and financing ratio that you propose the Fund Scheme to contribute to the Film Project in this item. Please see the maximum amount of Government's contribution per approved Film Project under paragraph 5 of the Guide.

4.1 Cash Flow Financing

Cash Source (Note 2.12) (Note 2.13)	Financing Amount (HK\$)	Financing Ratio
a		
b		
c		
d		
e		
f		
g		
h		
Total Financing Amount (HK\$) [equal to the total Production Budget in Field 2 of Appendix C]		100.00%

5 Information on Sales Agreement and Distribution Agreement (if any) (Note 2.10) (Note 10)

Name(s) of sales agent(s) and distribution agent(s)	Specific Rights	Territorial area covered	Value	Status	
				Agreement Signed	Under Negotiation
a				<input type="checkbox"/>	<input type="checkbox"/>
d				<input type="checkbox"/>	<input type="checkbox"/>
c				<input type="checkbox"/>	<input type="checkbox"/>
d				<input type="checkbox"/>	<input type="checkbox"/>
e				<input type="checkbox"/>	<input type="checkbox"/>

Delivery Materials

The following materials in respect of the Film Project are required to be submitted to the Government in accordance with the timeframe set out below:

1 On or Before the Estimated Delivery Date of Completed Film ^(Note 7)

1.1 Film & Video Materials :

1.1.1 one (1) set of HD Betacam Tape containing the Hong Kong theatrical release version of the Completed Film with feature dialogue, music and sound effect tracks, and subtitle; and

1.1.2 one (1) copy of DVD or Blue-ray Disc of item 1.1.1 above.

1.2 Publicity Materials :

1.2.1 four (4) copies of film posters;

1.2.2 one (1) copy of the master set of production stills taken from the film on CD Rom;

1.2.3 an electronic film press kit (including interviews with actors/actresses and other persons connected with the film) (if available); and

1.2.4 a written publicity pack (including production information, biographies of the Leading Actor and Leading Actress, Film Producer, Film Director, Scriptwriter, and the other main film crew, interviews with actors/actresses and other persons connected with the film, feature stories and news release).

1.3 Documents :

1.3.1 a final shooting script signed by the Film Director for deposit at the office of Create Hong Kong.

2 Within three (3) months from the Estimated Delivery Date of Completed Film ^(Note 7)

2.1 Other Materials:

2.1.1 the Audited Statement;

2.1.2 the certificate for public exhibition in Hong Kong under the Film Censorship Ordinance (Chapter 392 of the Laws of Hong Kong); and

2.1.3 the certified true copies of the Hong Kong and (if applicable) international marketing plans for the film.

3 Within one (1) month from the commencement date of the marketing of the Completed Film

3.1 One (1) copy of original soundtrack album; and

3.2 one (1) copy of DVD or Blue-ray Disc containing the Hong Kong theatrical release version.

In this Appendix D, "film" means the Proposed Film to be produced and completed by ProdCo under the Film Project in accordance with the terms of PFA.

Schedule 1

The criminal record(s) referred to in paragraph (1) in the Declaration

Schedule 2

The criminal record(s) referred to in paragraph (2) in the Declaration

Schedule 1

The criminal record(s) referred to in paragraph (2) in the Declaration

Schedule 2

The criminal record(s) referred to in paragraph (3) in the Declaration

Notes

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- Note 1 : An Applicant shall submit the Application Form duly completed in either English or Chinese and signed to the Head of Create Hong Kong.
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- Note 2 : Each Applicant must submit to the Head of Create Hong Kong certified true copies of the following supporting documents together with the completed Application Form. (Please tick "✓" the boxes below against the item of supporting documents which have been submitted.)
-
- | | |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Note 2.1 : | <input type="checkbox"/> Business Registration Certificate of the Applicant |
| Note 2.2 : | <input type="checkbox"/> Certificate of Incorporation of the Applicant and Certificate of Change of Name of the Applicant (if any) |
| Note 2.3 : | <input type="checkbox"/> Applicant's latest Annual Return together with any Notification of Change of Secretary and Company Director filed with the Companies Registry |
| Note 2.4 : | <input type="checkbox"/> Audited accounts or financial statement of the Applicant (Note 4) |
| Note 2.5 : | <input type="checkbox"/> Certificate of Script Registration issued by the Federation of Hong Kong Filmmakers |
| Note 2.6 : | <input type="checkbox"/> Two (2) copies of script (one stapled and one unbound) must be duly signed by the Applicant with pages numbered and in industry format. |
| Note 2.7 : | <input type="checkbox"/> a synopsis of the script of the Proposed Film |
| Note 2.8 : | <input type="checkbox"/> Shooting Schedule of the Proposed Film |
| Note 2.9 : | <input type="checkbox"/> Identity Cards of the Main Film Crew and Cast of the Film Project ^(Note 12) |
| Note 2.10 : | <input type="checkbox"/> Agreements or letters of intent in respect of engagement of Main Film Crew and Cast, sales and distribution of the Proposed Film, collection arrangement, insurance policy/ quotation etc ^{(Note 10) (Note 11)} |
| Note 2.11 : | <input type="checkbox"/> Film Director's filmography of the Film Project ^(Note 13) |
| Note 2.12 : | <input type="checkbox"/> Cashflow Schedule of the Film Project |
| Note 2.13 : | <input type="checkbox"/> Agreements or letters of intent signed between the Applicant and third-party financiers proving that third-party financing for the Film Project has been secured to the satisfaction of the Government |
| Note 2.14 : | <input type="checkbox"/> Statutory Declarations from all Applicant's Company Directors, shareholders and all persons having a Controlling Interests of the Applicant ^(Note 8) |
| Note 2.15 : | <input type="checkbox"/> The authorisation document(s) or licensing agreement(s) or release(s) of Original Work(s) / Story of Real Person(s) / Story of Main Interviewee(s) (if any) |
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- Note 3 : This refers to the date of the Certificate of Incorporation.
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- Note 4 : If an Applicant is incorporated at least eighteen (18) months before the date of its Application, it shall submit to the Government a certified true copy of its latest audited accounts. If an Applicant is incorporated less than eighteen (18) months before the date of its Application, it shall submit a certified true copy of its latest financial statement.
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- Note 5 : An Applicant will not be eligible for the Government Finance if other financial support (whether in the form of equity or loan financing, grant or sponsorship or any other form) from the Government has been granted for the Film Project.
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- Note 6 : Generally, an Applicant is allowed to receive Government Finance for not more than two (2) film projects at any one time. Hence, if an Applicant or the Film Producer of the Film Project is currently involved directly or indirectly in any capacity or by any style or description in two (2) or more Approved Film Projects which are under production under this Fund Scheme, any application involving the Applicant or the Film Producer will not be considered. In addition, if the Film Director of the Film Project is currently involved directly or indirectly in any capacity or by any style or description in one (1) or more Approved Film Projects which are under production under this Fund Scheme, any applications involving this Film Director will not be considered.
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- Note 7 : The Estimated Delivery Date of the Completed Film is the date stated in Field 6.6 of Appendix A.
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- Note 8 : If the Company Director of the Applicant or the person having a Controlling Interest in the Applicant is a natural person, the Statutory Declaration in Appendix E should be used. If the Company Director of the Applicant or the person having a Controlling Interest in the Applicant is a corporation, a director duly appointed by the corporation shall make the Statutory Declaration in the form set out in Appendix F on behalf of the corporation.
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- Note 9 : Under the Film Censorship Ordinance (Chapter 392), a person who exhibits a film in Hong Kong (e.g. the Completed Film) shall obtain the Certificate of Approval under the said ordinance in respect of the film.
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- Note 10 : The Applicant shall provide a certified true copy of each agreement signed (or to be signed) by the Applicant in relation to the Film Project. If an agreement is not yet available, the Applicant shall provide certified true copy of documentary evidence to support the information supplied in this Field, e.g. letters of consent and quotation.
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- Note 11 : The Applicant shall have checked the availability of the persons concerned and obtained their consent before entering their names in the Application Form. Copies of their Hong Kong Identity Cards certified by the Applicant shall be submitted together with the Application Form. It will be helpful if documentary evidence, e.g. agreements, can be provided to support the information supplied in this Field.
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- Note 12 : In any three (3) of the five (5) categories of Main Film Crew and Cast (namely, Film Producer, Film Director, Scriptwriter, Leading Actor and Leading Actress), at least one (1) person employed in each such category must be a permanent resident in Hong Kong. As the Fund Scheme aims to assist in the sustainable development of the Hong Kong film industry, Applications which have more production components (including post-production works) carried out in Hong Kong will be favorably considered.
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- Note 13 : If the Film Director is a first-time feature director, Applicant shall provide a certified true copy of the Film Director's filmography for reference.
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- Note 14 : Administration Fee includes general office expenses and rental fees, legal services fees, etc.
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- Note 15 : Audit Fee means the fees and costs in connection with the preparation and submission of the Audited Statement as required by the Government.
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- Note 16 : If the Film Project is approved, ProdCo must engage a collection agent to collect monies derived from the Film Project, including distribution income, promotion and sponsorship, and all other profits and incomes, for distribution to the Government and other financiers.
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- Note 17 : General delivery masters for film distribution include original negative and positive films; answer prints; main and end screen credits, and subtitles; original negative and positive films in textless title backgrounds; video masters, audio masters; master copy of score; trailer; making-of; stills and key art of poster; final shooting script and synopsis; Chinese & English dialogues; music cue sheet; and other written publicity materials, etc.
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