

Smart Traffic Fund Application Form

I. Project and Applicant Information

Project Title (English):	
Project Title (Chinese):	
Name of the Applicant (English):	
Name of the Applicant (Chinese):	
Date of Establishment: (DD / MM / YYYY)	
Business Registration No. (if applicable):	
Website(s) of the Applicant (if applicable):	
Address:	<div style="padding-left: 40px;"> <input type="checkbox"/> This address is the actual location of the Applicant. <input type="checkbox"/> This address is for registration purpose only, the actual office location is : </div>
Email Address:	
Telephone Number:	
No. of Employees in Hong Kong ¹ :	Full Time: Part Time:

¹ The number of employees in Hong Kong shall include individual proprietors, partners and shareholders actively engaged in the work of the Applicant as well as salaried employees of the Applicant, including full-time or part-time salaried personnel directly paid by the Applicant, both permanent and temporary.

II. Overview of Applicant

Applicant Category:

Public Sector

- ☐ R&D Centres
 - Automotive Platforms and Application Systems R&D Centre
 - Hong Kong Applied Science and Technology Research Institute
 - Hong Kong Research Institute of Textiles and Apparel
 - Logistics and Supply Chain MultiTech R&D Centre and
 - Nano and Advanced Materials Institute
- ☐ Local Universities funded by University Grants Committee (UGC)
- ☐ Non-profit and / or charitable professional bodies, trade associations and non-government organisations.
- ☐ Institutions in List 1 of the Designated Local Research Institutions designated by the Commissioner for Innovation and Technology in accordance with Section 1 of Schedule 45 of the Inland Revenue Ordinance (Cap. 112) except Local Universities funded by UGC and R&D Centres

Corporate Sector

- ☐ Companies
- ☐ Institutions, professional bodies, trade associations and non-government organisations not covered by the above.

III. Project Summary

1. Please indicate the nature of the proposed project.

☐ Pure Research Project

☐ Research and Application Project

2. Please provide a summary of the project objectives, research methodology involved, impact and benefits, etc. (no more than 400 words)

(Chi)

(Eng)

3. Estimated Project Cost (HK\$'000)²	
Applicant's Contribution (HK\$'000)	
Net Amount Requested from the Fund (HK\$'000)	

4. Schedule of the Project Period	
Commencement Date (DD / MM / YYYY):	
Completion Date (DD / MM / YYYY):	
Project Duration (months):	

² These figures will be generated automatically after completing the Financial Considerations on Section VIII.

5. Related Information			
(a) Whether previous research has been done in relation to the proposed research work?			
<input type="checkbox"/> Yes. (Please list previous projects and funding obtained, e.g. Innovation and Technology Fund (ITF), Universities Grants Committee (UGC)/Research Grants Council (RGC) etc.)			
Project Reference No	Project Particulars	Funding Obtained	Status of Project
<input type="checkbox"/> No.			
(b) Please indicate whether the Applicant has received / has applied / is applying / plans to apply for other funding support provided by the HKSAR Government for carrying out the proposed project ³ ?			
<input type="checkbox"/> Yes Project Title: _____ Name of the funding scheme/source: _____ Status of Application(s): <input type="checkbox"/> Approved (Application No.: _____) (Please specify the Approved Funding Amount HK\$/Other Currencies: _____) <input type="checkbox"/> Rejected (Application No.: _____) <input type="checkbox"/> Under processing (Application No.: _____) <input type="checkbox"/> Withdrawn (Application No.: _____)			<input type="checkbox"/> No

³ Projects that have already obtained / would obtain other sources of funding support provided by the HKSAR Government will NOT be eligible for the Smart Traffic Fund.

IV. Project Specifications

1. Project Deliverables (no more than 300 words)

Please provide a brief description of the project deliverables in both qualitative and quantitative terms and the timeframe required for achieving it.

2. Wider Total Effect

Please provide details on whether this project is related to other projects (Smart Traffic Fund; previous or on-going) and will create synergy.

3. Key Performance Indicators

The Applicant should set out the key performance indicators for assessing the effectiveness of the project and also state specifically how to evaluate the effectiveness of the project. The focus of both the key performance indicators and the methodology should be on the outcome and impact of the project, and these should be measured quantitatively as far as possible.

Key Performance Indicators	Evaluation Method

4. Location of Research Activities

Please provide details on the geographical location(s) where the research activities will be undertaken: local vs. outside Hong Kong; in R&D Centres/universities/ Science Park, etc.

Location	Name/Place of Research Institute(s)	Percentage of research activities to be Undertaken ⁴ , in terms of expenditure.
Local		

⁴ The sum of this column should be 100%.

Outside Hong Kong		

5. Project Milestones

Please set out the milestones pertaining to the key activities and deliverables to be achieved at different stages of implementation.

Milestone	Period	Key activities and deliverables involved

6. Intellectual Property Rights

☐ I/We warrant that the performance of the project and the exercise by the Government of any of the rights granted under the funding agreement will not infringe any intellectual property rights.

(a) The Applicant shall disclose disputes within or outside Hong Kong over intellectual property right about the Applicant's proposed project, if any, for the Secretariat to consider the eligibility of the application.

☐ There is no intellectual property right dispute about the proposed project.

☐ There is intellectual property right dispute about the proposed project. Details of the dispute(s) is / are as follows:

<p>(b) Please explain whether the research will lead to patent(s) or other IP rights?</p>	
<p><input type="checkbox"/> Yes. (Please set out a plan for application for patent or other IP rights)</p>	<div data-bbox="349 1014 1319 1715" style="border: 1px solid black; height: 313px; width: 608px;"></div>
<p><input type="checkbox"/> No.</p>	
<p>(c) Please indicate whether background IPs/patents of a third party will be used in the research project, and if so, whether consent/licence for use of such IPs has been/will be obtained.</p>	

☐ Yes. (Please provide details.)

☐ No.

(d) Please set out the proposed ownership and/or right to use the IPs of the deliverables arising from the proposed project.

(e) Please set out with justifications the sharing of IP benefits among all parties concerned.

7. Compliance of laws of Hong Kong

- ☐ I/We declare that the proposed project complies with all regulations and laws of Hong Kong. Under no circumstances will the Government be held liable for any breach of regulation or law.

V. Relevance to the Scope of the Fund

1. Please provide details on how does the project relate to the Scope of the Fund and relevant Government's policies, including the 'Smart City Blueprint for Hong Kong 2.0'⁵ and/ or 'Smart Mobility Roadmap for Hong Kong'⁶ for promoting smart mobility in Hong Kong.

⁵ Smart mobility is one of the six major areas mentioned in the 'Smart City Blueprint for Hong Kong 2.0' published by the Government in December 2020 (<https://www.smartcity.gov.hk/>).

⁶ The Transport Department published the 'Smart Mobility Roadmap for Hong Kong' in July 2019 (https://www.td.gov.hk/filemanager/en/publication/smr_roadmap_hk.pdf).

VI. Innovation and Technology Components

1. Technical Proposal

Please provide details on the viability of the proposal from the technical perspective, including R&D methodology to achieve each milestone, details of each milestone and the responsible parties, preliminary research results and supporting data, and the targeted results.

2. The Applicant shall highlight and explain the innovation and technological achievements brought about by the project, the improvements over existing products and technologies, and how such innovation and technological achievements are relevant to the scope of the Fund.

3. Privacy

The Applicant shall identify any potential privacy issues arising from the adoption of the proposed innovations and technological achievements and propose mitigation measures.

Potential privacy concern(s)	Mitigation measure(s)

I/we ☐ will / ☐ will not engage an independent party for carrying out a Privacy Impact Assessment on verifying the compliance of prevailing privacy-related laws and regulations. Subject to the ceiling stipulated in the application guide, I/we understand that the cost will be reimbursed by the Fund.

4. Cyber Security Test

The Applicant should explain how to address cyber security issues arising from the adoption of the proposed innovations and technological achievements and state the relevant testing method, the industrial standard to be adopted and the expected results. The Applicant may leave this part blank if cyber security test is not applicable to the proposed project.

Cyber Security Test method	Expected results

VII. Technical and Management Capability

1. Please provide the the name, qualification, experience and past achievements of the following key project team members.

Project Director	
Project Manager	
Team Leader(s)	
Specialist(s)	

(a) Please advise whether there are any completed or on-going non-Smart Traffic Fund projects in the same/related areas undertaken by the key project team members.

☐ Yes. (Please set out details of the project as follows.)

Project Title	Brief descriptions, hurdles resolved and key deliverables	Commencement Date	Completion Date

☐ No

(b) Please indicate if the Project Manager has sufficient capacity to handle the project satisfactorily and state the number of projects under his purview or any other significant commitments during the project period.

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2. Previous performance records of the Applicant in the Fund		
(a) Any completed or ongoing project(s) undertaken by the Applicant (and the Applicant's group or organisation, if any) and/or key project team members that are supported by the Fund?		
<input type="checkbox"/> Yes. (Please list projects reference no, project title and funding obtained.)		
Project Reference No	Project Title	Funding Obtained (HK\$'000)
<input type="checkbox"/> No.		
(b) Is this application a re-submission of a previously rejected application of the Fund?		
<input type="checkbox"/> Yes. <input type="checkbox"/> No.		

<p>If yes,</p> <p>(i) please set out the project reference number of the previous application;</p>
<p>(ii) please highlight the main differences between this application and the previous one; and</p>
<p>(iii) please explain how the differences have addressed the concerns previously raised by the Management Committee.</p>
<p>(c) Was this application rejected by other Government funding scheme?</p>
<p><input type="checkbox"/> Yes. (Please provide details, for instance, name of funding scheme, application number etc.)</p> <p><input type="checkbox"/> No.</p>

VIII. Financial Considerations

1. Estimated Project Cost	
Please list all the expenditure items to be incurred within the project period and provide breakdown of each item in the following sections.	
Cost Category	Estimated Expenditure (HK\$'000)
Manpower (a)	
Equipment (b)	
Other Direct Costs (c)	
Administrative Overheads (for Public Sector Research Institutions only) (d)	
Total Estimated Expenditure (A) = (a)+(b)+(c)+(d)	

Manpower (a)					
Position/ Rank	No. Required	Duration (months)	Monthly rate or equivalent (HK\$'000)	Total (HK\$'000)	Job Description

- ☐ I/We confirm that the manpower costs estimation complies with the requirements given in the Smart Traffic Fund Guide to Application.

Note:

- For Public Sector Research Institutions Applicant, please indicate by labelling with @ the manpower to be covered by in-kind contribution.*
- Please indicate by labelling with # directly employed full-time staffs.*

Equipment (b)				
Equipment to be used	Quantity	Unit cost (HK\$'000)	Total (HK\$'000)	Remarks (e.g. Why essential for the project; if procurement of equipment is required, reasons why existing equipment cannot be used/shared for the project; how equipment will be treated after completion of the project etc. Please indicate also if the equipment is to be procured or rented.)

Note:

1. *For Public Sector Research Institutions Applicant, please indicate by labelling with @ the equipment to be covered by in-kind contribution*

Other Direct Costs (c)				
Item	Quantity	Unit cost (HK\$'000)	Total (HK\$'000)	Justifications

Note:

1. *For Public Sector Research Institutions Applicant, please indicate by labelling with @ the consumables to be covered by in-kind contribution*
2. *Please refer to the list of unallowable cost items in the Guide to Application.*

Administrative Overheads (for Public Sector Research Institutions only) (d)	
Total (HK\$'000)	

Note: The administrative overheads to be included in the project budget can be at most 15% of the funding requested (net of overheads).

Estimated Project Income to be Received During Project Period (B)		
Please list all the estimated income (e.g. licence fees, royalties, etc.) to be received, if any, and provide breakdown of each item and the basis of estimation in the following sections.		
Source of Income	Basis of Projection / Assumptions	Amount (HK\$'000)
	Total:	

Sponsorship (C)				
Name of Sponsor	Cash Sponsorship (HK\$'000)	Details (e.g. description of equipment/ consumables and basis of conversion to cash value) ⁷	Cash Equivalent (HK\$'000)	Total (HK\$'000)
Local				

⁷ For Applicant except Public Sector Research Institutions, in-kind sponsorship will not be considered in the calculation of the Applicants' Contribution.

Non-Local				

Total _____

Applicant's Contribution (D)	
	Amount (HK\$'000)
Sponsorship (C)	
Applicant's cash contribution (E)	
Applicant's in-kind contribution (expressed in cash equivalent) (F)	
Applicant's Contribution (D) = (C) + (E) + (F)	

	Amount (HK\$'000)
Total Estimated Expenditure (A)	
Estimated Project Income (B)	
Estimated Project Cost (G) = A – B	
Applicant's Contribution (D)	
Funding Requested = (G) – (D)	

2. Breakdown of the Estimated Project Cost By Milestones							
Expenditure Item	Expenditure (HK\$)						Total (HK\$'000)
	Milestone	Milestone	Milestone	Milestone	Milestone	Milestone	
Manpower⁸							
Subtotal							
Equipment⁸							
Subtotal							

⁸ Please list the manpower, equipment and other direct costs in accordance with Part VIII Section 1(a), 1(b) and 1(c) above respectively.

Other Direct Costs ⁸							
Subtotal							
Total							

IX. Commercial Viability of Project Deliverables in Hong Kong / Potential Application of Research Results in Hong Kong

1. Please state the stages at which the project is positioned upon commencement and completion (e.g. inception of idea, proof of concept, production of samples/prototypes/tools, conduct of trial schemes, use in public sector/launch into open market, etc.)	
Project commencement	
Project completion	
2. Please provide information in relation to the expectations on the research output and the business plan where appropriate.	
3. Please provide information in relation to the future positioning of the deliverables of the Project in the market vis-a-vis existing products and technologies.	
4. Please elaborate on the overall commercialisation plan, including activities to be undertaken to:	
<ul style="list-style-type: none"> - disseminate the research deliverables; - realise the application of the research deliverables in open market; and/or 	

- market the research results in the commercial world, e.g. target users, marketing strategy including market segmentation and analysis of 4Ps in marketing (Products, Price, Place, Promotion), etc.

For research and application projects, please also provide commercialisation plan.

Please explain also whether there are associated/complementary technology development projects which will contribute to the commercialisation to the deliverables of the project.

5. Please indicate whether further phase of research or application work is required prior to commercialisation.

☐ Yes. (Please provide detail)

☐ No.

6. For research and application project, please examine whether there are/will be competitors and if yes, analyse your strengths/weaknesses/opportunities/threats of the deliverables of the project (i.e. SWOT analysis).

7. For pure research, please explain if the project deliverable would likely lead to improvement of existing technologies or commercialisation of products or technologies under development.

8. For pure research, whether the project deliverables have the potential to be commercialised upon further research and investment.

X. Project Duration / Programme

The Applicant should submit a programme as an attachment to this application form showing realistically his plan to attain milestones, submit his deliverables and complete the project.

XI. Contacts

Primary Contact:	Name (English): _____ Name (Chinese): _____ Position: _____ Company/Organisation: _____ _____	Tel No.: _____ Fax No.: _____ Email Address: _____ _____
Secondary Contact:	Name (English): _____ Name (Chinese): _____ Position: _____ Company/Organisation: _____ _____	Tel No.: _____ Fax No.: _____ Email Address: _____ _____

XII. Attachments to the Application

Please number the supporting document(s) to be submitted together with this form as attachment(s), and provide the file description.

The Applicant should submit a copy of the following as attachment(s) to this application:-

For All Applicants except Public Sector Research Institutions

- (a) Business Registration Certificate;
- (b) Latest Annual Return (or the Incorporation Form for newly established company);
- (c) Notice of Change of Company Secretary and Director (Appointment/Cessation) (if applicable);
- (d) Notice or Certificate of Change of Company Name (if applicable);
- (e) Consent / licence for use of IP rights of a third party (if applicable);
- (f) Constitution and Articles of Association (if applicable);
- (g) Consent from parties referred in this application form;
- (h) Organization chart of the project team with elaborations on the roles and responsibilities of key project team members;
- (i) Manning schedule showing the time to be spent on the project by key project team members;
- (j) Curriculum vitae for key project team members showing their qualifications, experiences, and past achievements;
- (k) Programme of the project;
- (l) Supporting documents from organisations interested in carrying out further research or development based on the deliverables of the project (if applicable); and
- (m) Supporting documents on sponsorship (if applicable).

For Public Sector Research Institutions Applicant

- (n) Consent / licence for use of IP rights of a third party (if applicable)
- (o) Consent from parties referred in this application form;
- (p) Organization chart of the project team with elaborations on the roles and responsibilities of key project team members;
- (q) Manning schedule showing the time to be spent on the project by key project team members;
- (r) Curriculum vitae for key project team members showing their qualifications, experiences, and past achievements;
- (s) Programme of the project;

- (t) Supporting documents from organisations interested in carrying out further research or development based on the deliverables of the project (if applicable);
- (u) Documentary proof of the value of in-kind contribution (if applicable); and
- (v) Supporting documents on sponsorship (if applicable).

Annex no.	File Name	File Description

XIII. Disclaimers, Declaration and Undertakings

I. Disclaimers

1. Whilst the information provided by the Government in the Guide and the application form 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 Guide, the application form, 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 Guide or the application form is based. Any liability in respect of any such information or any inaccuracy in the Guide or the application form or omission from the Guide or the application form is expressly disclaimed. Nothing in the Guide, the application form nor 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 the application form or any proposal by an Applicant shall be taken to be an acceptance of the terms of the Disclaimers herein.
3. The invitation for submission of applications under the Fund does not constitute an offer nor does it constitute the basis of any contract which may be concluded in relation to the Fund or the carrying out of and completion of any project.
4. Each Applicant should make its own independent assessment of the proposed terms of the Fund 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 the Fund, as well as in respect of any financial, legal, tax and other matters concerning the project.
5. The Government reserves the right, without prior consultation or notice, to change the terms of the Fund, including but not limited to the terms in the Guide and the application form. The Government also reserves the right to negotiate with any Applicant about the terms of its application and terminate any or all negotiations at the Government's discretion before executing any binding contract with a successful Applicant. The Government is not bound to give any reasons therefor.
6. Applicant should note that its application for the Fund may not be approved, and even if approved, the approved amount of funding from the Government may be

different from the one proposed in the application form. All project expenditures should be incurred within the approved project period. Should the Applicant choose to incur/commit any expenditure for the project before funding / approval is confirmed, the Applicant will have to bear its own risk and pay for the incurred/committed expenditure itself. For the avoidance of doubt, Applicant submits its application for the Fund at its own cost and expense. The Government will not be liable for any costs and expenses whatsoever incurred by the Applicant in connection with the preparation or submission of its application or in any related communication with the Government, whether before, on or after the submission connection with the preparation or submission of its application or in any related communication with the Government, whether before, on or after the submission of application.

7. The Government is not bound to accept any application, and reserves the right to accept or reject all or any part of any application at any time and is not bound to give any reasons therefor.

II. Declaration

We hereby declare that:

- (a) this application for the Fund is submitted by _____;
- (b) all factual information provided in this application as well as the accompanying information accurately reflects the status of affairs as at the date of submission. We shall inform the Secretariat of the Fund immediately if there are any subsequent changes to the above information;
- (c) the ideas of the proposed project are original without any constituted or potential act of infringement of the intellectual property rights of other individuals and/or organisations; and
- (d) We have carefully read and agree to the terms and conditions stated in the Undertaking

III. Undertakings

In consideration of the Government considering and /or approving this application for the Fund, 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 this application form, including but not limited to the Disclaimers herein;

2. the Applicant is eligible to apply for the Fund in accordance with 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 the Government in connection with its application, whether in its own hand or not, 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 the Government and which might influence the assessment of its application or the decision of the Government in considering whether or not to provide funding to the Applicant;
4. if this application is successful, the Applicant shall within such time limit as prescribed by the Government
 - 4.1. enter into a fund agreement and to complete the project in accordance with the provisions of the fund agreement;
 - 4.2. comply with all the terms and conditions laid down in the fund agreement, including this application form, and all instructions and correspondences issued by the Government or his or her representative from time to time in respect of the Project;
 - 4.3. submit to the Government all other information as required by the Government from time to time;
5. regarding all materials with intellectual property right vested in a third party that are used for the project, the Applicant must obtain all necessary licences before using such materials for the project;
6. this application may not be processed by the Government if the Applicant fails to provide all the information required by the Government;
7. 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 and for disclosure if the Government considers necessary;
8. the Applicant will use the Fund funding (i) for the sole purpose of carrying out and completing the project and for no other purposes; and (ii) in accordance with the budget as approved by the Government;
9. whether or not for bona fide commercial reasons, the Applicant must not, whether on its own or in collusion with others, 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 the Fund, including the requirements specified in this application form and the Guide;

10. 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;
11. for Company Applicants, 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 windingup, bankruptcy, dissolution, administration or re-organisation 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;
12. 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;
13. no R&D activity of any part of the project has been commenced prior to the project commencement date (failure to observe this clause will render the application ineligible);
14. the Government has the right to review and revise the arrangements and requirements regarding the Fund at any time and from time to time as it may deem necessary in order to ensure that the objectives of the Fund 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;
15. 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;
16. if any undertakings, warranty or declaration given by the Applicant in connection with this application is not up-to-date, true, accurate or complete or if the Applicant fails to comply with any provisions of this Disclaimers, Declaration and Undertakings, without prejudice to any powers, rights, remedies and claims that the Government may have under this application form or in law, the Government shall be entitled to reject immediately this application;
17. the Government reserves the right to, at any time, obtain further information or document from the Applicant;
18. the Applicant is fully aware of the obligation to comply with the Laws of Hong Kong and 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));

19. the Applicant shall notify the Government for any changes to the information and any other information and documents provided to the Government in connection with this application or otherwise. The Government may at its absolute discretion reject such changes;
20. much of the information relevant to its eligibility and continuing entitlement under the Fund, whether as an application 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;
21. the Applicant fully understands that non-disclosure or misrepresentation of any information provided by the Applicant would lead to rejection of the application;
22. this Disclaimers, Declaration and Undertaking 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;
23. If any provision of this Disclaimers, Declaration and Undertaking is or becomes illegal, invalid or unenforceable in any respect, such illegality, invalidity or unenforceability shall not affect the other provisions of this Disclaimers, Declaration and Undertaking all of which shall remain in full force and effect; and
24. the Applicant has read the provisions of Disclaimers, Declaration and Undertaking carefully and fully understood its obligations and liabilities thereunder.

IV. Declaration of Interest relating to HKPC Council Members

To facilitate the Government's considering of this application, the Applicant hereby declares and confirms that:-

- ☐ The Applicant is NOT **owned and/or controlled by** a current HKPC Council Member or his/her associate or associated person at the time of filing application.
- ☐ The Applicant is **owned and/or controlled by** a current HKPC Council Member or his/her associate or associated person at the time of filing application. Please fill in the full name of such HKPC Council Member in the box below.

For the purpose of this application,

- (1) "associate" of a person means:

- (a) a relative or partner or director of that person; or
 - (b) a company one or more of whose directors is in common with one or more of the directors of that person.
- (2) “associated person” of a person means:
- (a) any person who has control, directly or indirectly, over that person; or
 - (b) any person who is controlled, directly or indirectly, by that person; or
 - (c) any person who is controlled by, or has control over, the first-mentioned person in clauses 2(a) and 2(b).
- (3) A person having “control” over another person means the power of that person to secure:
- (a) by means of the holding of shares or interests or the possession of voting power in or in relation to the second-mentioned person or any other person; or
 - (b) by virtue of powers conferred by any constitution, memorandum or articles of association, partnership, agreement or arrangement (whether legally enforceable or not) affecting that second-mentioned person or any other person; or
 - (c) by virtue of holding office as director in that second-mentioned person or any other person; that the affairs of that second-mentioned person are conducted in accordance with the wishes of the first-mentioned person.
- (4) “director” means any person occupying the position of a director by whatever name called and includes without limitation a de facto or shadow director. In the context of HKPC, it means a member of HKPC appointed under section 9 of the Hong Kong Productivity Council Ordinance (Cap. 1116) (“member of HKPC”).
- (5) “relative” means the spouse, parent, child, brother or sister of the relevant person, and, in deducing such a relationship, an adopted child shall be deemed to be a child both of the natural parent and the adopting parent and a step child to be a child of both the natural parent and the step parent.

Authorised Signature with Chop

Name of Authorised Signatory

Name of Applicant

Position

Date