

## **General Conditions of Grant for Annual Donation – Capital and Procurement Projects**

### **IMPORTANT NOTE**

Procedures and conditions set out in this document (including any annex attached therein) should be followed by all recipient organisations in executing the approved projects. Failure of which may result in termination / withdrawal of the approved donation. The Board of Management of the Chinese Permanent Cemeteries may demand an immediate return or refund of any payment already disbursed. Any non-compliance will also be considered for your Organisation's future donation application(s), if any.

## **1. USE OF FUNDS**

- 1.1 Funds must be expended judiciously within the ambit of the approved project and in the most cost-effective manner to achieve the specified purpose(s).
- 1.2 Recipient organisation (“the Organisation”) should adhere to the itemized budget approved by the Board of Management of the Chinese Permanent Cemeteries (“BMCP”) as detailed in Annex A of the Approval Letter.
- 1.3 All items procured for the project should be necessary and for immediate usage. If circumstances change and the original requested item(s) are no longer in need, the Organisation should duly inform BMCP and should not procure the item(s).
- 1.4 BMCP will not be responsible for any financial outlay beyond the ambit of the approved project, or expenses incurred before the date of the Approval Letter. BMCP will not support the Organisation’s recurrent cost and expenses on operating equipment for general operation.
- 1.5 The Organisation shall be reimbursed the approved amount of donation or the actual allowable cost expended within the scope of the project, whichever is lower. If donation has been released to the Organisation in advance, any unspent balance must be returned to BMCP within 2 months upon completion, suspension or termination of the project as directed by BMCP. Depending on the circumstances, the Organisation is required to submit an Auditor's report (for project of approved sum of \$100,000 or above) / Accountant’s report (for project of approved sum below \$100,000) upon BMCP’s request.
- 1.6 BMCP will not consider request for supplementary funding. It is the sole responsibility of the Organisation to top-up any remaining balance (when only part of the project cost is supported by BMCP) or extra cost to ensure completion of the project without significant impediment in scale and in scope.
- 1.7 The donation is solely and entirely for the approved scopes of the project and must not be assigned, applied or reserved for any past, present or future expenses outside the approved scopes of the project.

## **2. PROJECT IMPLEMENTATION**

- 2.1 The Organisation should adhere to the approved project plan with its best endeavors. For **any key variation in the scope, nature and/or content (including variation in item or quantity) of the project, prior written approval from BMCP must be obtained.** Request for variations must be lodged to BMCP in writing. The Organisation should give reasons / justifications for the proposed change and provide supporting document to substantiate the request.

- 2.2 In the event of any failure / anticipated failure to comply with the scheduled completion date, the Organisation should submit a written request with justifications for extension of the project schedule to BMCCPC for consideration and approval as soon as possible and not later than 2 months prior to the original project completion date.
- 2.3 The Organisation should appoint a project coordinator to carry out the project. In case of replacement, the Organisation should inform BMCCPC as soon as possible.
- 2.4 The Organisation must ensure that the project is carried out in full compliance with the prevailing statutory requirements.
- 2.5 No funding should be used for the promotion of any political / religious / commercial causes.
- 2.6 The Organisation should keep proper record of all items acquired with BMCCPC's funds and ensure that the items are properly kept.
- 2.7 **If the Organisation intends to accept external sponsorship for the project from any organisation / person other than BMCCPC, prior notice in writing must be given to BMCCPC.** If BMCCPC considers it inappropriate to co-sponsor the project with that organisation / person, it may withdraw its own grant and demand immediate return of any payment already disbursed.
- 2.8 Prior written approval of BMCCPC is required if the Organisation wishes to name a project with donation by BMCCPC under the name of another sponsoring organisation / person.

### 3. QUOTATION AND TENDER REQUIREMENTS

- 3.1 The Organisation should ensure that the purchase of goods and services in relation to the approved project be made on arm's length and competitive basis by obtaining quotations/tenders from a number of suppliers as stipulated in the following table:-

	<b>Value of a single procurement / contract</b>	<b>Quotation / tender requirement<sup>1</sup></b>
a.	Exceeding \$5,000 but not over \$50,000	At least 2 written quotations obtained

<sup>1</sup> If the Organisation has more stringent internal policies or guidelines on quotation / tender requirement, the Organisation is encouraged to follow its own internal policies or guidelines as long as the quotation / tender requirement under this General Conditions of Grant can be fulfilled.

	<b>Value of a single procurement / contract</b>	<b>Quotation / tender requirement<sup>1</sup></b>
b.	Exceeding \$50,000 but not more than \$200,000	At least 2 written quotations obtained (invitation for quotation has to be sent to at least 5 bidders)
c.	Exceeding \$200,000 but not more than \$750,000	At least 3 written quotations obtained (invitation for quotation has to be sent to at least 5 bidders)
d.	Exceeding \$750,000 but not more than \$1,430,000	Tenders from at least 5 bidders are required
e.	Exceeding \$1,430,000	Open tender is required

- 3.2 The tender / quotation limits must be interpreted strictly and the Organisation should not evade the limits by separating contracts or dividing procurement requirements into installments.
- 3.3 The lowest quotation in full compliance with the specifications should normally be accepted. However, **the Organisation may, on justifiable grounds and with the prior written consent from BMCPCC, invite or accept quotation / tender from less than the prescribed number of bidders or not accepting the lowest conforming quotation / tender. Justifications together with substantiating documentary proof should be provided to BMCPCC for consideration.**
- 3.4 In the case of restricted tender, the reasons for inviting particular contractors or suppliers for tenders should be properly documented and available for BMCPCC's inspection upon request.
- 3.5 All requirements and specifications of the intended procurements should be clear and made known to the potential suppliers and contractors on fair basis. The brand name of an item should not form part of the specification in soliciting tender / quotation. The Organisation should keep proper record of the quotations / tenders received and submit them with the Quotation / Tender Record Form<sup>2</sup>.
- 3.6 Quotations / tenders obtained **before the issue date of the Approval Letter** will not be accepted.
- 3.7 The Organisation should ensure that its staff / members are aware of situations where conflict of interest may arise. A system should be in place for declaration of interest in case a staff or a member of the Organisation has any real or perceived conflict of interest while implementing the approved project. Conflict of interest

<sup>2</sup> Quotation/Tender Record Form can be downloaded in our website: (<https://www.bmcpcc-shine.org.hk/application>)

situations may lead to criminal sanctions under the Prevention of Bribery Ordinance (Chapter 201) or other relevant ordinances in Hong Kong. BMCP expressly reserves the right to terminate / withdraw the grant and to demand immediate return of any payment already disbursed to the Organisation should any irregularities or criminal elements are discovered.

- 3.8 The Organisation should ensure that segregation of duties is reasonably adopted in the purchase of goods, equipment and the procurement of services. An independent responsible person at an appropriate level within the Organisation should be designated as the approving officer. The person who is authorized to approve the purchase should be different from the person who is responsible for soliciting quotations / tenders.

#### 4. MONITORING AND PERIODIC REPORTING OF FUNDED PROJECTS

- 4.1 A Progress Report<sup>3</sup> (in PDF format) summarizing key developments and progress of the approved project should be furnished to BMCP by email (donation@bmcpc.org.hk) by **the first working day of March, June, September and December** thereafter until completion of the project. The submission date of the first Progress Report will be the first working day of December of the year the project is approved.
- 4.2 **Within 2 months** after the completion of the project, a Final Report<sup>3</sup> certified by a senior officer of the Organisation and a Financial Report<sup>3</sup> certified by the Financial Controller (or a senior officer in similar capacity) should be forwarded to BMCP.
- 4.3 The Organisation should submit the aforesaid reports on time and respond to BMCP's enquiries within reasonable time limit.
- 4.4 BMCP may appoint an auditor or consultant to review the reports prepared by the Organisation. The Organisation should render assistance to facilitate the said audit or review, including but not limited to access to all documents and records pertaining to the project.
- 4.5 Members / representatives of BMCP may pay surprise visit to the Organisation from time to time to review progress of the project.

#### 5. DISBURSEMENT OF DONATION

##### 5.1 Reimbursement

- 5.1.1 The Organisation will normally receive the donation by reimbursement according to the actual expenditure of the project upon its completion and subject to the vetting of the project reports by BMCP. Request for reimbursement should be lodged within 2 months after completion of the

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<sup>3</sup> Documents can be downloaded in our website: (<https://www.bmcpc-shine.org.hk/application>)

project and settlement of full project payment be made by submitting the followings to BMCP:-

- Financial Report of the project;
- Original / Certified invoices and receipts (certification detailed in para. 5.3).
- Quotation Record / Tender Form together with copies of the invited quotation(s) / tender(s); and
- Final Report of the project.

**5.1.2 The last date for lodging any claim for payment is 2 months after completion of the project. Failure to do so may result in the approved donation being reverted to BMCP without further notice.**

### 5.2 Advance Payment

Organisation may request for advance payment and BMCP will generally give not more than 30% of the approved sum to the Organisation for implementation of the project<sup>4</sup>.

### 5.3 Certifying invoices and receipts:-

5.3.1 All invoices and receipts are to be properly fixed on A-4 sized paper and certified by responsible person of the Organisation (invoice and corresponding receipt should be appeared on the same A-4 sized paper). A covering with the following information should be attached with the certified invoices and receipts.

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<sup>4</sup> For request of advance payment for more than 30% (with ceiling at 50%) of the approved sum, the Organisation should provide justification with supporting documents to BMCP for consideration. There is no guarantee that an application for advance payment for more than 30% would be approved. Actual advance payment amount shall be subject to the sole and absolute discretion of BMCP and cannot be disputed.

Ref No.: \_\_\_\_\_

Project Title: \_\_\_\_\_

Amount of Donation Approved: \_\_\_\_\_

Approved Item No. & Description: \_\_\_\_\_

a. it has been checked correct and no previous claim in respect of the donation has been made;

b. the quotation / tender requirements stipulated in the ‘General Conditions of Grant’ have been duly observed;

c. the goods purchased have been received in good order; and

d. all of the services detailed have been provided and are considered necessary for the project.

Authorized Signature

with Organisation Chop: \_\_\_\_\_

Organisation Name: \_\_\_\_\_

Name of Responsible officer: \_\_\_\_\_

Position: \_\_\_\_\_

Contact Tel. No.: \_\_\_\_\_

Date: \_\_\_\_\_

5.3.2 In the Financial Report submitted, all actual income, expenses and the corresponding invoices and receipts should be classified with detailed breakdown in the same order as in the list of approved items as set out in Annex A of the Approval Letter.

5.3.3 In case a receipt does not show sufficient information of the company or the purchased items, the Organisation should supplement the basic details such as name and address of the company, a brief description of the item etc.

5.3.4 If a particular receipt involves only partial sponsorship, the Organisation should specify the amount sponsored by BMCP.

5.4 The Organisation should respond to BMCP’s enquiries within reasonable time limit.


## 6. ACKNOWLEDGEMENT

- 6.1 The Organisation must arrange appropriate acknowledgement to BMCPCC for the implementation of the approved project. **The location, design and wordings of the acknowledgement should be submitted to BMCPCC for prior approval.** Such acknowledgement should include BMCPCC's logo which shall not be smaller or less prominent than those logos of the Organisation or other sponsors' logo (if any). The specification of BMCPCC's logo is obtainable via BMCPCC's website<sup>5</sup>.



- 6.2 For buildings which have been fitted out / renovated / constructed with BMCPCC's donation of **\$200,000 or above**, the Organisation is required to install a commemorative plaque in a prominent place within the premises of the project or in the user area which would be noticeable to the highest possible number of service users. The size should not be less than 295mm x 420mm. Templates of the plaque are shown below for reference:

### Chinese and English Version

<p><i>Organisation's Logo</i></p>	 <p>華永會 BMCPCC 善克人生 Shine 華人永遠墳場管理委員會</p>
<p>The Renovation Works of (Centre/Organisation) was generously supported by The Board of Management of the Chinese Permanent Cemeteries</p> <p>(Project Completion Date)</p>	<p>(機構中心)蒙 華人永遠墳場管理委員會 慷慨撥款資助裝修工程 立此為誌 (工程完成日期)</p>

<sup>5</sup> <https://www.bmcpc-shine.org.hk/application>



Chinese Version



6.3 Furniture / Equipment

6.3.1 For furniture / equipment purchased with BMCP's funds, the Organisation is required to affix a permanent acknowledgement in a prominent position on the furniture / equipment (paper with lamination is not considered as a permanent acknowledgement). The size should not be less than 70mm x 110mm. Template of the acknowledgement is shown below for reference:



6.3.2 In occasion where installation of acknowledgement on the furniture / equipment is not practicable, the Organisation should include a note of thanks with an introduction of BMCP in its annual report, newsletter, other relevant publications, or website or to place a notice inside premises of the Organisation. For placement of notice inside premises, the notice should be placed in the user area which would be noticeable to the highest number of service users. All note of thanks or notice placed inside premises or website should be posted for no less than 3 months.

#### 6.4 Vehicles

For vehicles purchased with BMCP's donation, the Organisation is required to paint an acknowledgement on left, right and rear sides of the vehicles.

#### 6.5 Naming

For projects with approved funding exceeding \$1 million, BMCP will have the naming right of the premise and the status of the premise should be maintained for at least 6 years. The Organisation is required to update BMCP the conditions of the premise in writing upon BMCP's request.

### **7. RETURN OR REFUND OF THE FUNDS TO BMCP**

- 7.1 BMCP reserves the right to terminate the Approved Amount at any time at its sole discretion.
- 7.2 BMCP reserves the right to demand from the Organisation an immediate return or refund to BMCP the full amount of the funds or any part thereof already advanced by BMCP, if BMCP is of the opinion that:
- (a) any of the conditions has been breached or will likely be breached; or
  - (b) the Organisation may not be able to carry out the scopes or purposes as stated in the application for funding; or
  - (c) there exist any other reasons or factors that BMCP at its sole discretion determines appropriate to require for the return or refund of the funds or any part thereof.

### **8. PERSONAL INFORMATION COLLECTION STATEMENT**

- 8.1 BMCP may from time to time collect personal information of the project participants for the purpose of project monitoring. The personal information obtained will be kept strictly confidential. The Organisation should make sure that the data providers are aware of such arrangement and give consent to forward their personal data to BMCP for the above-mentioned purpose.
- 8.2 The Data Subject has the right to access and correct the personal data provided in accordance with Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486). Such access and corrections should be addressed in writing to the Secretariat of BMCP.

## **9. THE CONTRACTS (RIGHTS OF THIRD PARTIES) ORDINANCE (CAP. 623)**

- 9.1 The Contracts (Rights of Third Parties) Ordinance (Cap. 623) does not apply to the project(s), and the parties do not intend to confer any right in respect of any term of the project(s) to any third party. No third party shall rely on the Contracts (Rights of Third Parties) Ordinance (Cap. 623) to claim against any party to the project(s).

## **10. GENERAL**

- 10.1 The Organisation must ensure the observance of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, the provisions of all applicable laws of the Hong Kong Special Administrative Region and requirements and regulations imposed from time to time by relevant authorities applicable to the approved project. It is the responsibility of the Organisation to obtain all approvals and licenses that are necessary for carrying out the project and to ensure that activities undertaken in the project comply with the laws of Hong Kong.
- 10.2 BMCP has the full discretion to make decisions or determinations in respect of any of the matters mentioned herein and such decisions or determinations shall be final and conclusive and therefore, not open to review or appeal.