

**General Conditions of Grant for
Annual Donation –
Community Building / Life Education Projects**

IMPORTANT NOTE

Procedures and conditions set out in this document (including any annex attached therein) should be followed by all recipient organizations 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 any payment already disbursed. Any non-compliance will also be considered for your Organization's future donation application(s), if any.

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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 organization (“the Organization”) should adhere to the budget approved by the Board of Management of the Chinese Permanent Cemeteries (“BMCPC”) as detailed in Annex A of the Approval Letter. Except for items not allowed for budget virement as detailed in Annex A of the Approval Letter, the Organization is allowed to reallocate the budget provided that expenses on approved items would not exceed their respective maximum support level.
- 1.3 The expenditure on staff cost, trainer’s fee, speakers and judges allowance for the project should not exceed 50% of the approved budget.
- 1.4 For any staff recruited for the project, the Organization should bear no less than 50% of their remunerations and related expenses.
- 1.5 BMCPC will not be responsible for any financial outlay beyond the ambit of the approved project or project expenses incurred before the date of the Approval Letter. BMCPC will not support the Organization’s recurrent cost and expenses on operating equipment for general operation.
- 1.6 The Organization 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 Organization in advance, any unspent balance must be returned to BMCPC within 3 months upon completion, suspension or termination of the project as directed by BMCPC.
- 1.7 BMCPC will not consider request for supplementary funding. It is the sole responsibility of the Organization to top-up any remaining balance (when only part of the project cost is supported by BMCPC) or extra cost to ensure completion of the project without significant impediment in scale and in scope.
- 1.8 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 Organization should adhere to the approved project plan with its best endeavors. **For any key variation in the scope, nature and/or content of the project, prior written approval from BMCPC must be obtained.** Request for variations must be lodged to BMCPC in writing. The Organization should give reasons / justifications for the proposed change and provide supporting document to substantiate the request.

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- 2.2 In the event of any failure / anticipated failure to comply with the scheduled completion date, the Organization should submit a written request with justifications for extension of the project schedule to BMCPC for consideration and approval as soon as possible and not later than 2 months prior to the original project completion date.
- 2.3 The Organization should appoint a project coordinator to carry out the project. In case of replacement, the Organization should inform BMCPC as soon as possible.
- 2.4 The ownership, copyright and all other intellectual property (“Copyright”) in all reports of research, videos, CD ROMs, software, scripts, handbooks or other such materials so created as a result of the project (“Project Materials”) shall be vested in and belong to BMCPC. BMCPC may use the reports or other such materials for any purpose at any time and the Organization shall not use the reports or other such materials outside the purpose/objectives of the project without the prior written approval of BMCPC. Should the Organization has difficulty in conveying Copyright to BMCPC, the Organization should inform BMCPC and BMCPC may, upon the request of the Organization, allow sharing of Copyright with the Organization/author/creator of the Project Materials or allow the Organization to own the Copyright provided that the Organization allows and undertakes to assign BMCPC the unrestricted right to inspect, use, reproduce or adopt the Project Materials.
- 2.5 The Organization must ensure that the project is carried out in full compliance with the prevailing statutory requirements. Audio-visual materials funded by BMCPC should not contain anything that would infringe any intellectual property rights or any rights of portrait, privacy, secrecy or publicity. The Organization must ensure that there is no such infringement. Prior approval from the copyright owner should be sought if the Organization intends to use materials created by others. The Organization must hold BMCPC harmless from any action or claim and shall fully indemnify BMCPC for any action or claim that the content of the productions infringes the copyright or intellectual property rights of others.
- 2.6 No funding should be used for the promotion of any political / religious / commercial causes.
- 2.7 The Organization should keep proper record of all items acquired with BMCPC’s funds and ensure that the items are properly kept.
- 2.8 The Organization must hold BMCPC harmless and fully covered from any action or claim under adequate and appropriate insurance policy with BMCPC named as the insured party for activities under the approved project. BMCPC hereby expressly disclaims any liability, financial or otherwise, arising out of or incidental to the implementation of the project. The Organization shall fully indemnify BMCPC in this respect.

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- 2.9 Expenses on tutor / coach / venue and facilities rental and other manpower charged by units / centres / divisions of the same parent Organization should not be treated as allowable project expenses. If the Organization would procure items or services from units / centres / divisions of the same parent/controlling Organization, the Organization should seek prior written approval from BMCPC before the procurement. The Organization should provide justification on why such procurement cannot be arranged with other service providers. BMCPC shall not be responsible for such expenses if the Organization fails to do so.
- 2.10 Recruitment of staff for implementation of the project, if any, shall be processed on fair and impartial basis. The terms and conditions of employment shall not exceed those of the comparable posts in the civil service. The Organization should forward the job advertisement, appointment contract issued together with the personal particulars and resume of the staff appointed for the project to BMCPC for reference.
- 2.11 If the project involves appointment of trainer(s) / tutor(s) / project personnel(s), the Organization should keep proper record of the appointment contract(s) issued together with the personal particulars and resume(s) of the trainer(s) / tutor(s) / project personnel(s) appointed for the project. The resume(s) should clearly indicate the qualifications and experience of the appointed trainer(s) / tutor(s) / project personnel(s). Such documents should be properly retained for 3 years after completion of the project and should be made available for BMCPC's inspection upon request.
- 2.12 **If the Organization intends to accept external sponsorship for the project from any organization / person other than BMCPC, prior notice in writing must be given to BMCPC.** If BMCPC considers it inappropriate to co-sponsor the project with that organization / person, it may withdraw its own grant and demand immediate return of any payment already disbursed.
- 2.13 Prior written approval of BMCPC is required if the Organization wishes to name a project with donation by BMCPC under the name of another sponsoring organization / person.

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3. QUOTATION AND TENDER REQUIREMENTS

- 3.1 The Organization 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:-

	Value of a single procurement / contract	Quotation / tender requirement¹
a.	Exceeding \$5,000 but not over \$50,000	At least 2 written quotations obtained
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 Organization 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 Organization may, on justifiable grounds and with the prior written consent from BMCPC, 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 BMCPC 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 BMCPC's inspection upon request.

¹ If the Organization has more stringent internal policies or guidelines on quotation/tender requirement, the Organization 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.

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- 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 Organization should keep proper record of the quotations / tenders received for 3 years after completion of the project.
- 3.6 Quotations / tenders obtained **before the issue date of the Approval Letter** will not be accepted.
- 3.7 The Organization 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 Organization has any real or perceived conflict of interest while implementing the approved project(s). Conflict of interest situations may lead to criminal sanctions under the Prevention of Bribery Ordinance (Chapter 201) or other relevant ordinances in Hong Kong. BMCPC expressly reserves the right to terminate / withdraw the grant and to demand immediate return of any payment already disbursed to the Organization should any irregularities or criminal elements are discovered.
- 3.8 The Organization 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 Organization 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 Report² (in PDF format) summarizing key developments and progress of the approved project(s) should be furnished to BMCPC 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 3 months** after the completion of the project, a Final Report² certified by a senior officer of the Organization, a Financial Report² certified by the Financial Controller (or a senior officer in similar capacity) and 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) should be forwarded to BMCPC.
- 4.3 BMCPC may appoint an auditor or consultant to review the reports prepared by the Organization. The Organization 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. The key financial and related supporting

² Documents can be downloaded in our website:
(http://www.bmcpc.org.hk/tc/resource_center/download_zone/donation/index.html)

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documents should be properly retained for 7 years after completion of the project and should be made available for BMCPC's inspection upon request.

- 4.4 The Organization should submit the aforesaid reports on time or respond to BMCPC's enquiries within reasonable time limit.
- 4.5 The Organization should invite Board Members/representatives of BMCPC to participate in at least one of the key activities of the project. Board Members/representatives of BMCPC may also pay surprise visit to the Organization from time to time to review progress of the project.

5. DISBURSEMENT OF DONATION

5.1 Reimbursement

5.1.1 The Organization will normally receive the donation by reimbursement. Request for reimbursement should be lodged within 3 months after completion of the project and settlement of full project payment be made by submitting the followings to BMCPC:-

- Final Report of the project;
- Financial Report of the project; and
- Auditor's report / Accountant's report certified by a public accountant for the project.

5.1.2 **The last date for lodging any claim for payment is 3 months after completion of the project. Failure to do so may result in the approved donation being reverted to BMCPC without further notice.**

5.2 Advance Payment

Organization may request for advance payment and BMCPC will generally give not more than 30% of the approved sum to the Organization for implementation of the project. For request of advance payment for more than 30% (with ceiling at 50%) of the approved sum, the Organization should provide justification with supporting documents to BMCPC for consideration. Actual advance payment amount shall be subject to the absolute discretion of BMCPC.

6. ACKNOWLEDGEMENT

- 6.1 **The Organization must arrange appropriate acknowledgement to BMCPC for the implementation of the approved project.** The location, design and wordings of the acknowledgement should be submitted to BMCPC for prior approval. Such acknowledgement should include BMCPC's logo which shall not be smaller or less prominent than those logos of the Organization or other sponsors' logo (if any). The specification of BMCPC's logo is obtainable via BMCPC's website³.



6.2 Equipment

- 6.2.1 For equipment purchased with BMCPC's funds, the Organization is required to affix a permanent acknowledgement in a prominent position on the 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:



- 6.2.2 In occasion where installation of acknowledgement on the equipment is not practicable, the Organization should include a note of thanks with an introduction of BMCPC in its annual report, newsletter, other relevant publications, or website or to place a notice inside premises of the Organization. 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.

³ http://www.bmcpc.org.hk/tc/resource_center/download_zone/donation/index.html

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6.3 Promotional / Printed items

Acknowledgement and logo of BMCPC should be included in all publicity or published materials associated with the project. **The Organization should submit drafts of all publicity or published materials to BMCPC for approval at least 1 week before production.** BMCPC shall not be responsible for any expenses incurred on such items or materials if the Organization fails to do so.

6.4 Programmes / Ceremonial activities

For ceremonial activities, briefing sessions or other similar events of the programme, the Organization is required to give an introduction of BMCPC. The Organization may broadcast BMCPC's corporate video or distribute BMCPC's leaflets to participants. Details of such arrangement should be recorded and reported in the Final Report to be submitted to BMCPC. For copies of BMCPC's corporate video or leaflets, please contact the Corporate Communications Unit of BMCPC via email (donation@bmcpc.org.hk).

7. RETURN OR REFUND OF THE FUNDS TO BMCPC

7.1 BMCPC reserves the right to terminate the Approved Amount at any time at its sole discretion.

7.2 BMCPC reserves the right to demand from the Organization an immediate return or refund to BMCPC the full amount of the funds or any part thereof already advanced by BMCPC, if BMCPC is of the opinion that:

- (a) any of the conditions has been breached or will likely be breached; or
- (b) the Organization 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 BMCPC 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 BMCPC 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 Organization should make sure that the data providers are aware of such arrangement and give consent to forward their personal data to BMCPC for the above-mentioned purpose.

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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. Such access and corrections should be addressed in writing to the Secretariat of BMCPC.

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 BMCPC 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.