

Guide to Application for HKCA Construction Safety Fund

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1. General

1.1 Objective

The Construction Safety Fund (CSF) was established by the Hong Kong Construction Association (HKCA) in April 2018 to provide financial support to new ideas and researches which aim at improving physical or behavioural safety practices throughout the supply chain of construction industry in Hong Kong.

The CSF is administered by the Construction Safety Fund Committee upon the advice of a Grant Assessment Panel mentioned in paragraph 3.1 below.

The projects which may be supported by the CSF include new safety initiatives to prevent fatalities, injuries and accidents on construction sites, new safety ideas, tools or equipment or methods to improve safety standards, practices and know-how on construction sites, etc.

1.2 Eligibility

Contractors, workers, trade and industrial organisations, professional bodies or research institutes, etc. and all other industry stakeholders are eligible to apply. Projects which are or will be in receipt of other Government funding support will not be considered.

1.3 Amount of grant

The maximum amount of grant for each approved project is HK\$250,000. Higher grant may be given if the proposal and scope do justify.

1.4 Terms and conditions for funding support

The successful applicant will be required to sign a Grant Agreement with HKCA and comply with all the terms and conditions laid down in the Grant Agreement, this Guide and all directives and correspondences issued by the Chief Executive of the HKCA (CEHKCA) from time to time in respect of the project.

The successful applicant will be required to appoint a project coordinator who will be responsible for overseeing the implementation of the project, monitoring the

proper use of fund in accordance with the approved budget, exercising economy in the use of fund, liaising with the HKCA Secretariat and attending meetings on the project.

To facilitate monitoring and evaluation of funded projects, the successful applicant will be required to submit Progress/Final Reports and income and expenses statements in respect of the project. HKCA has the right to request access to any information related to the projects. The successful applicant shall allow HKCA to make public the final reports/deliverables upon completion of the project.

2. Application

2.1 Application procedure

Applications for the CSF are accepted all year round. To apply for the CSF, the applicant shall submit a Project Proposal together with a duly completed Application Datasheet for the Construction Safety Fund. Copies of the Application Datasheet can be obtained from the Secretariat or downloaded from the website (www.hkca-csf.com). The applicant is only required to submit the Project Proposal and Application Datasheet in either Chinese or English. No application fee will be charged.

The following documents shall be required for an application:

- (A) A Project Proposal with skeleton details including the nature and description of the project, applicant(s), administering institution(s) if any, amount, duration and deliverables, etc.
- (B) Duly completed and signed Application Datasheet; and
- (C) Registration documents of the applicant (if applicable) – Business Registration Certificate, Certificate of Incorporation, Certificate of Registration of a Society, Certificate of Registration of Trade Union and Articles of Association.

The original of the above supporting documents may be required for verification upon request.

The Project Proposal, Application Datasheet and supporting documents shall be sent to the Secretariat in person, by post or electronically (Address: 3/F, 180-182

Hennessy Road, Wanchai, Hong Kong). Acknowledgement will be sent to the applicant upon receipt of an application by the Secretariat.

2.2 Withdrawal

The applicant may write to the Secretariat to withdraw an application at any time before a Grant Agreement is signed between HKCA and the applicant.

3. Assessment and Vetting Procedures

3.1 Assessment procedure

The Secretariat will conduct a preliminary assessment of all applications and seek clarification or supplementary information from the applicant. Representatives of the applicant may be required to attend assessment meetings to present their project proposals and answer questions from the members of the Construction Safety Fund Committee.

The Construction Safety Fund Committee chaired by the President of HKCA comprising the Chairman of Health and Safety Committee of HKCA and the CEHKCA will assess applications, formulate funding decisions for each project, and monitor funded projects. The Construction Safety Fund Committee is supported by the Grant Assessment Panel comprising members of the Health and Safety Committee of HKCA from the technical perspective.

Applicants will be informed of the outcome after the Construction Safety Fund Committee has made the decisions.

3.2 Assessment timetable

Under normal circumstances, it takes about 60 working days to process an application. The processing time refers to the time taken by the Grant Assessment Panel to conduct preliminary assessment on an application and submit recommendations to the Construction Safety Fund Committee for decision.

3.3 Vetting criteria

The following aspects will be considered during the vetting process:

Usefulness of project

- (A) The project shall be able to improve physical or behavioural safety practices.
- (B) The project deliverables shall be of practical use on local construction sites.

Cost-effectiveness

- (C) The project, including the approach to achieve the project objective, shall be cost-effective.

Project implementation

- (D) The implementation plan of the project, including the implementation schedule, shall be effective.
- (E) The applicant and the project team shall have good technical and management capability.
- (F) The proposed budget shall be reasonable and realistic.
- (G) The project shall be completed in 1 year.

Other factors

- (H) Availability of other funding sources.
- (I) There is a demonstrated need for the project deliverables.
- (J) The project will not duplicate the work carried out by other organisations.

All decisions made by the Construction Safety Fund Committee and HKCA are final and binding in all matters relating to the CSF. Applicants are expected to abide by whatever decisions made by the Construction Safety Fund Committee and HKCA.

3.4 Avoidance of conflict of interest

To avoid conflict of interest, the Construction Safety Fund Committee and the Grant Assessment Panel members and Secretariat staff who are directly or indirectly related to an application will be required to declare their interests. Where considered appropriate, the Chairman of the Construction Safety Fund Committee may request the members and the staff concerned to refrain from participating in

the discussion on the relevant application.

3.5 Notification of results

The Secretariat will notify the applicant of the assessment result in writing. If an application is rejected, the Secretariat will inform the applicant the reasons for the decision.

Funding approval will be granted to the applicant upon the signing of a Grant Agreement prepared by HKCA.

4. Funding arrangement/financial management

4.1 Disbursement of grant

Subject to the signing of the Grant Agreement by the applicant and HKCA, HKCA shall provide the grant to the applicant in the following manner:

- (A) For projects with the approved grant not exceeding HK\$250,000 and the implementation period not exceeding 1 year, the grant will be disbursed in one lump-sum, within 30 days from the date of the Grant Agreement.
- (B) With the exception of projects mentioned in (A) above, HKCA shall provide grant to the applicant with negotiable terms and conditions on a case by case basis.

If any of the grant has been spent other than in accordance with the agreement or any amount of the grant is surplus to the requirement of the project, the applicant shall repay that amount to HKCA upon first demand.

The applicant is not entitled to charge any interest or claim any compensation or relief of whatsoever nature against HKCA in the event of any late or withholding of payment of grant for any reason whatsoever.

4.2 Donation

- (A) In consideration of the Grant and the grant of the IP Licence, the Grantee undertakes to make **donations** to HKCA for the operations of the Construction

Safety Fund or other purposes beneficial to the construction industry. Such donations shall be made once every six calendar months (each such period a “**Calculation Period**”) for the ten (10) consecutive Calculation Periods after the date hereof.

- (B) “Donation Amount” means, in relation to each Calculation Period, a donation in an amount equivalent to five per cent (5%) of the Relevant Revenue of such Calculation Period.
- (C) The Grantee shall within [20] Business Days after the last date of each Calculation Period:
 - remit the Donation Amount for that Calculation Period into a bank account specified by HKCA; and
 - deliver to HKCA a Donation Statement for that Calculation Period

4.3 Budget of the project

4.3.1 Expenditure

(A) Scope of funding

Projects funded under the CSF shall be completed in 1 year. Only expenditure directly incurred for the project within the project duration and specified in the approved project proposal can be charged to the grant. Items such as manpower, equipment, expenses for consumables, external consultancy fees, production costs of project deliverables, travelling expenses, external audit fees directly incurred for the project may be funded.

(B) Unallowable costs

The grant will not cover overhead expenses (such as salary, rental, renovation expenses, utility expenses), entertainment expenses, expenses for meals and other administration costs.

4.4 Books and records

- 4.4.1 The applicant shall keep a proper and separate set of books and records for the project. The books and records shall be maintained in such a manner so as to enable the production of statement of income and expenditure and balance sheet in respect of each project. All transactions relating to the project shall be properly

and timely recorded in its books of accounts.

- 4.4.2 The applicant shall maintain, during the continuance of the Grant Agreement and for a minimum of 2 years after the completion of the project or termination of the project agreement, full and proper books of accounts and records of the project (including receipts, counterfoils, vouchers, quotations and tendering documents and other supporting documents). In this connection, HKCA and its authorised representatives shall be allowed access to all or any of the books and records for conducting audit, inspection, verification and copying from time to time upon reasonable notice at any time when such books and records are kept.

4.5 Financial reports

The successful applicant will be required to submit the following financial reports to HKCA:

- (A) An income and expenses statement in respect of the project (together with the progress report as set out under paragraph 5.1(A)).
- (B) Final audited account on the project covering the period from the project commencement date to the project completion date or termination date of the Grant Agreement (together with the Final Report as set out under paragraph 5.1(B)) within 2 months after the completion of a project or the expiry or termination of the Grant Agreement, whichever is earlier.

4.6 Equipment and assets

Unless prior written approval from CEHKCA is obtained, the applicant shall exercise the utmost prudence in procuring equipment, goods or services in relation to and for the project for not more than HK\$50,000 (for any purchase or a series of related purchases) and maintain a register of them.

The applicant shall use the equipment and assets solely for the purposes of the project.

The proceeds from disposal of any such equipment and assets shall form part of the Grant.

4.7 Return of residual funds

Upon the expiry or termination of the Grant Agreement or the completion of the project, whichever is earlier, the applicant shall return to HKCA any residual funds within 1 month after submission of the final audited account of the project.

5. Reporting requirement

5.1 Progress/Final Report

To facilitate the monitoring and evaluation of projects, the applicant will be required to submit the following Progress and/or Final Reports:

(A) Progress Report

For a project with implementation period not exceeding 1 year, the applicant shall submit a Progress Report to HKCA for every 3 months.

(B) Final Report

The applicant shall submit a Final Report covering the period from the project commencement date to the project completion date or the termination date of the Grant Agreement within 2 months upon completion of the project. Among other things, the report should set out quantifiable results and/or a plan for publicity of the project deliverables.

The Secretariat will assess the effectiveness of the project by comparing the project deliverables against its original objectives and targets as set out in the Project Proposal. The Final Report will then be submitted to the Construction Safety Fund Committee for consideration and comments. If necessary, the applicant may be invited to attend activities to present the project deliverables or share its experience.

6. Administrative highlights

6.1 Contractual requirements

The successful applicant shall be required to sign a Grant Agreement prepared by HKCA and to comply with all the terms and conditions of the Grant Agreement, this Guide and the directives and correspondences issued by CEHKCA from time to time in respect of the project in order to obtain the grant. The Grant Agreement will cover the additional obligations, undertakings and indemnity of the successful applicant, the payment of the grant, treatment of intellectual property rights, conflict of interest and governing law and jurisdiction. Under no circumstances would HKCA be required to indemnify an applicant, whether a successful applicant or otherwise, or any employees, agents, servants or associates of the applicant. Nothing in the CSF scheme or the Grant Agreement will render an applicant an employee, agent, servant or associate of HKCA.

6.2 Prior approval requirements

An approved project has to be carried out strictly in accordance with the project agreement. Any modification, amendment or addition to the project or the project agreement, including but not limited to change of project duration, project scope, budget or cash flow projection, or replacement of the project coordinator or deputy project coordinator, shall require prior written approval by CEHKCA.

6.3 Suspension or termination of funding support

HKCA reserves the right to suspend or terminate, after consultation with the Construction Safety Fund Committee, funding support for a project. Circumstances which warrant suspension or termination of funding support may include: a lack of satisfactory progress or a slim chance of completion of a project, the objectives and relevance of the project have been overtaken by events, a breach of the terms and conditions of the project agreement, or if the CEHKCA sees fit to terminate the project in public interest because of changing circumstances. The applicant may have to return all/part of the grant together with all administrative, legal and other costs and interest (regardless of whether the applicant has already spent the grant or not).

6.4 Intellectual property rights (IPRs) and the use of project materials

Unless otherwise agreed between the parties:

- (A) The ownership of all Intellectual Property Rights comprised in or derived from the Project Reports (excluding the applicant's materials) shall, as between

HKCA and the applicant, vest exclusively in HKCA; and

- (B) Subject to the applicant complying with its obligations under this agreement, HKCA grants to the applicant a non-exclusive, irrevocable, royalty-free licence to use, reproduce, or otherwise exploit the Intellectual Property Rights comprised in the Project Reports to the extent owned by HKCA.

The applicant represents and warrants to HKCA that the provision and use of the Project Reports in accordance with the agreement will not infringe any third party's Intellectual Property Rights.

6.5 Assignment

6.5.1 Except as provided in paragraph 6.5.2 below, the applicant shall not assign, transfer, sub-contract or otherwise dispose of any or all of its interests, rights, benefits or obligations under the Grant Agreement.

6.5.2 Subject to the prior written approval of HKCA, the applicant may assign, transfer or otherwise dispose of any or all of its interests, rights, benefits or obligations under the Grant Agreement and shall observe all terms and conditions to the approval as HKCA may impose, which may include without limitation to the following:

- (A) Upon HKCA's request, the applicant shall immediately transfer or assign free of charge all the equipment purchased under the grant, the project results and all the IPRs in the project results; and
- (B) The applicant shall return all residual funds to HKCA immediately upon such assignment, transfer or disposal.

6.6 Handling of information

HKCA is committed to ensuring that all personal data submitted under various applications are handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO"). In this regard, the personal data provided in relation to applications made under the CSF will be used by HKCA or its authorised agents for activities relating to:

- (A) the processing and authentication of applications for grant, if any, payment of grants under the CSF and any refund thereof; and
- (B) statistics and research.

The personal data that the applicants provided in their applications will be kept in confidence provided that such obligations and restrictions shall not apply to any disclosure which is necessary for the purposes mentioned in the paragraph above, or any disclosure which is authorised or required by law, or any disclosure which is authorised by the applicant/data subject. If necessary, HKCA will contact the Government and relevant parties to verify the personal data provided in the applications with those held by them for the purposes mentioned in the paragraph above.

6.7 Indemnity

The applicant shall indemnify and keep indemnified each of HKCA, its employees and authorised persons fully and effectively indemnified against

- (i) all action, claims (whether or not successful, compromised, settled, withdrawn or discontinued) and demands threatened, brought or established against HKCA and
- (ii) all costs (including all legal fees and other awards, costs, payments, charges and expenses), losses, damages and liabilities suffered or incurred by HKCA, which in any case arise directly or indirectly in connection with, out of or in relation to a breach of the duty of confidence under general law, the use of any personal data in contravention of the PDPO, any breach of the Grant Agreement by the applicant, the wilful misconduct, default, unauthorised act or wilful omission of the applicant, or any allegation or claim that the use, operation or possession of the project result or the exercise of any rights granted under the Grant Agreement infringes any IPRs of any persons.

6.8 Prevention of Bribery

The applicant shall observe the Prevention of Bribery Ordinance (Cap. 201) ("PBO") and shall procure that its project team, directors, employees, agents, consultants, contractors and other personnel who are in any way involved in the project shall not offer to or solicit or accept from any person any money, gifts or advantages (as defined in the PBO) in relation to the project.

The offer of an advantage to the Secretariat or any member of the Construction Safety Fund Committee and Grant Assessment Panel with a view to influencing the approval of an application is an offence under the PBO. Any such offer by the project team, directors, employees, agents, consultants, contractors and other personnel who are in any way involved in the project will render the application null and void. HKCA may also cancel the application approved and hold the applicant liable for any loss or damage, which HKCA may sustain.

7. Enquiries

Enquiries regarding the CSF can be addressed to:

Address :	HKCA Secretariat, 3/F., 180-182 Hennessy Road, Wanchai, Hong Kong	
Telephone No. :	2572 4414	
Fax No. :	2572 7104	
Email Address :	admin@hkca.com.hk	
Webpage :	www.hkca-csf.com	
Opening Hours :	Monday to Friday	9:00 am – 12:30 pm, and 1:45 pm – 5:30 pm
	Saturday, Sunday and Public Holidays	Closed

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