



PILOT PROGRAMME TO ENHANCE TALENT TRAINING FOR THE INSURANCE SECTOR

FINANCIAL INCENTIVE SCHEME FOR PROFESSIONAL TRAINING – INSURANCE SECTOR

- Guidance Notes for Application -

1. INTRODUCTION

1.1 In May 2016, the Legislative Council approved a funding of Hong Kong Dollars one hundred million (HK\$100 million) to implement a three-year pilot programme (starting from 2016) to enhance talent promotion and training for the insurance sector and the asset and wealth management sector (“**Pilot Programme**”). Of the HK\$100 million, about HK\$50.3 million is allocated to the four initiatives under the Pilot Programme for the insurance sector. The **Financial Incentive Scheme for Professional Training** (“**FIS**”) is one of the four initiatives.

1.2 The Government has set up a Steering Committee for the Pilot Programme (“**Steering Committee**”) to monitor the operation and progress, as well as to review the implementation of the Pilot Programme and make recommendations, and has engaged the Vocational Training Council (“**VTC**”) as the implementation agent. Vetting Committee on the FIS (“**Vetting Committee**”) has been formed to approve and prioritise training proposals, and to evaluate the effectiveness of the approved training courses and recommend improvement measures.

2. OBJECTIVES

2.1 The Pilot Programme primarily aims to attract more young people to pursue a career in insurance, to expand the pool of talents for the insurance sector and to **enhance the professional competency of insurance practitioners** so as to promote the sustainable growth of the insurance sector of Hong Kong.

2.2 To enhance the professional competency of the insurance sector, there is a demand for advanced and high-quality training in technical aspects of insurance business and topical areas arising from the latest developments in the insurance industry both locally and internationally. However, due to budgetary constraints, the industry is not able to organise such quality and in-depth training activities.

2.3 The FIS serves to subsidise the three self-regulatory organisations (“**SROs**”) (i.e. the Insurance Agents Registration Board (“**IARB**”) (including the Hong Kong Federation of Insurers which sets up the IARB), the Hong Kong Confederation of Insurance Brokers and the Professional Insurance Brokers Association) to organise the aforesaid training activities, focusing on functional or topical areas in insurance to fill the skills gaps in specific areas of insurance business, in particular, general insurance, professional brokerage and functional areas of life insurance including underwriting, claims management, compliance and policy operation services.

2.4 The FIS aims to provide high-quality and in-depth standard training at an affordable cost for existing insurance practitioners who wish to enhance their professional knowledge.

3. SCOPE OF APPLICATION

3.1 Application for the organisation of training activities may include but not limited to seminars, conferences, courses and online learning platform which are of high professional merit in fulfilling the objectives and assessment criteria outlined in sections 2 and 5 herein respectively.

3.2 The Proposals shall be non-profit making in nature.

4. APPLICATION FOR FUND

4.1 Each SRO (“**Applicant**”) may submit more than one training activity for each proposal (“**Proposal**”) and each Proposal should be set out in one application form (“**Application**”).

4.2 Each Applicant may partner with training institute(s) to deliver the Proposal.

4.3 No application fee is charged for the Application.

4.4 Application form (“**Application Form**”) can be obtained from and should be returned, when completed, to the Secretariat of the Vetting Committee, VTC by the following means:

By email at: instalent@vtc.edu.hk; or

By mail to: Secretariat of the Pilot Programme to Enhance Talent Training for the Insurance Sector
Vetting Committee on the Financial Incentive Scheme for Professional Training
c/o PEAK, Vocational Training Council
9/F, VTC Tower, 27 Wood Road, Wanchai, Hong Kong
(Attn.: Mr. Eric Cheng)

4.5 Application will commence on 2 November 2017. Applicants shall submit Application(s) by 5:00pm, 31 January 2018. For Application(s) submitted by post, the date on the postmark should not be later than the above end date of the Application. Application(s) received after such end date will not be accepted.

Completing the Application Form

4.6 The Applicant shall duly complete all sections in the Application Form, either in English or in Chinese, and submit all supporting documents as specified in the Application Form, including but not limited to the following:

(a) Proposal Sections B & C of the Application Form

- (i) The Applicant shall complete Section B and Section C;
- (ii) Section B Item 2 When elaborating the “Objectives” of the Proposal, clear description of teaching objectives with reference to “Course content” (i.e. Section B Item 4) and what the Applicant intends the participants to learn by the end of the course shall be set out;
- (iii) Section B Item 5 When elaborating the “Learning outcome” of the Proposal, clear description of the takeaway, usually an assessable outcome, of the participants shall be set out. This includes what participants must be able to do or comprehend by the end of the course;
- (iv) Section B Item 9 Please indicate if attendance will be taken at the training activities. Please also indicate if participants are required to attain a minimum percentage of attendance;
and
- (v) Section B Item 16 When elaborating the performance indicators of the Proposal, the Applicant shall propose evaluation methods and performance indicators for its Proposal. Such evaluation methods and performance indicators shall encompass qualifiable and quantifiable deliverables to be supported by rationalised and

documentary evidence such as survey results, online responses and the like.

(b) Partnering Training Institute(s) Section E of the Application Form Where a Proposal involves partnering training institute(s), the Applicant shall include detailed information of the training institute(s) as follows:

- (i) Background and expertise and, in particular, track records and experience in carrying out training activities similar to those under the Proposal;
- (ii) The division of work, and service fees payable to the partnering training institute(s). For the avoidance of doubt, this part shall only be completed if the partnering training institute(s) serves as **service agent** of the Applicant charging the latter a fee for the provision of services for the implementation of the Proposal (e.g. a tertiary institution sending a teaching staff to deliver a seminar at a cost); and
- (iii) The control and monitoring mechanism by the Applicant to ensure budgetary control and that the partnering training institute(s) is / are to carry out the relevant training activities effectively and efficiently.

(c) Budget Section F of & Annex 1 to the Application Form

- (i) All monetary figures must be in Hong Kong currency;
- (ii) The proposed budget for implementing the Proposal shall specify the estimated expenditure, income and revenue (including but not limited to any speaker fee and relevant daily expenses, venue cost, advertising cost, course materials cost, manpower cost), any non-cash subsidies used to support the Proposal, as well as the assumptions used for calculating the proposed budget;
- (iii) The expected expenditure of each category should be drawn up reasonably with a view to buffer for any unforeseen fluctuation of cost.
- (iv) If manpower expenses are included in the budget, the successful Applicant shall only account for the cost of short-term / part-time staff employed for the implementation of training courses, or man-hour spent on the preparation of teaching / publicity materials and supporting on-site logistics of the training courses. Applicant will be required to provide employment contract of short-term / part-time staff to substantiate the cost.
- (v) The proposed budget should also include a cash flow statement designating milestones / deliverables for financial entries and outlay;
- (vi) In considering the amount of fund under the FIS to be granted (“**Fund**”), the Vetting Committee will take into account, among other things, the net project costs, i.e., the expected expenditure of the Proposal as reduced by the expected income (e.g.

registration fee).

(d) Project coordinator Section G of the Application Form

- (i) The Applicant should nominate a project coordinator (“**Project Coordinator**”) for each Application;
- (ii) Project Coordinator refers to a staff of the Applicant; and
- (iii) Project Coordinator should be responsible for –
 - administering and operating the implementation of the Proposal;
 - managing the partnering training institutes(s) (if any) in the Proposal;
 - monitoring the expenditure and ensuring the proper use of the Fund in accordance with the approved budget and the conditions set by the Vetting Committee (if any); and
 - answering enquiries from and attending meetings with the Government, Steering Committee or Vetting Committee (if required).

(e) Declaration Sections H of the Application Form The Applicant shall complete and sign this section which signifies the Applicant’s knowledge of and agreement to be bound by, among other things, the terms and conditions in the Application Form and in these guidance notes (“**Guidance Notes**”).

4.7 The Proposal has to comply with the laws of Hong Kong. The Applicant shall observe any relevant legal requirements and obtain the relevant permit, license, consent, approval or the like from the authorities concerned.

Re-submission Section A Item 3 of the Application Form

4.8 If an Application has been previously rejected by the Vetting Committee (“**Rejected Application**”), the Applicant shall not re-submit an Application of the same Proposal in any subsequent rounds of application unless significant and substantial changes have been made to that Proposal, or the Applicant is able to produce new information and documents which show an in-depth review of the Proposal. A re-submitted application must be made by way of a fresh and a duly completed Application Form with changes made to the original Proposal under the Rejected Application clearly marked.

Withdrawal of Application

4.9 The Applicant may inform the Secretariat of the Vetting Committee in writing to withdraw its Application at any time before the decision of the Vetting Committee on its Application.

5. VETTING PROCEDURE

5.1 Upon receipt of the Proposal, the Secretariat of the Vetting Committee will conduct a preliminary screening and may seek clarification or supplementary information from the Applicant. Failure to provide such information within specified time will result in the deemed withdrawal of the Application without further notice.

5.2 Having conducted the preliminary screening in paragraph 5.1 above and if considered satisfactory, the Secretariat of the Vetting Committee will proceed to arrange the Vetting Committee to consider the Application.

5.3 The Government, Vetting Committee and/or VTC may invite the Applicant and its team members to attend an interview to present its Proposal and to answer questions about the Proposal.

5.4 The respective chairmen and members of the Steering Committee and the Vetting Committee who are directly related to an Application will not take part in the assessment of the Application. Such a situation arises where such a chairman or member is a member of the Applicant's team, or is the chairman, a deputy chairman or a member of the governing or executive body or a salaried employee (including a member of the teaching staff) of the Applicant or of the partnering training institute(s) (if any).

5.5 Applications will be considered on a case-by-case basis.

Assessment Criteria

5.6 The Proposal will generally be assessed according to how it could, in fulfilling the objectives of the FIS as set out in section 2 above, excel in the following criteria:

- (a) relevance of the topics in relation to the objectives of the FIS;
- (b) impact on the breadth and depth of job knowledge, and professional development of

the insurance sector;

- (c) cost effectiveness, taking into account the cost and the number of practitioners who can benefit from the Proposal;
- (d) availability of similar training in the market;
- (e) quality of the Proposal, including the credential(s) of speaker(s) / instructor(s) (if any), standard of teaching materials (if any), technical feasibility, budgetary control and logistical arrangements; and
- (f) experience and execution capability of the Applicant and any partnering training institute(s) in carrying out the Proposal, e.g. programme management and establishment of a control and monitoring mechanism.

5.7 In addressing the above, the Vetting Committee may consider, among other things, the following:

- (a) whether the Proposal has the potential to help enhance the professional knowledge of the insurance sector in fulfilling the objectives of the FIS as set out in section 2 above;
- (b) whether the target participants may acquire the training through other means (e.g. similar training offered by other training providers currently available in the market or in-house training offered by employers);
- (c) whether the Proposal may be delivered by the Applicant as part of its normal business activities without the Fund;
- (d) whether the programme is / will be accredited with Continuing Professional Development hours;
- (e) whether the overall planning, implementation schedule and duration of the Proposal are practical and reasonable;
- (f) whether the proposed budget is reasonable with realistic assumptions;
- (g) whether the proposed speaker(s) / instructor(s) (if any) is / are suitable for delivering the training;
- (h) whether the Proposal has been financed or should be financed by other public funding sources;
- (i) whether the Proposal is non-profit making in nature;
- (j) whether the capability of the Applicant's team including the partnering training institute(s) (if any), i.e. the team's project management and technical capabilities, expertise, experience, qualifications, track record and resources are available and forthcoming for implementing the Proposal; and
- (k) whether any previously implemented Proposal(s) by the Applicant (including the one(s) implemented by any partnering training institute) was / were carried out effectively and efficiently in compliance with the relevant requirements.

5.8 The Vetting Committee may, where necessary and appropriate, invite experts, professionals, experienced practitioners and academics to give advice in respect of an Application. Any such persons will also be required to declare whether they are directly related to an Application as in the scenarios outlined in paragraph 5.4 above and, if so, will no longer be invited to assess the Application.

5.9 Notwithstanding anything herein to the contrary, the Government remains the final authority whether or not to approve the Applications, the amount of the Fund to be granted (if at all), any conditions to be attached to the approved Applications and whether or not (and if so, to what extent) to accept any modification, amendment or addition to the terms and conditions specified in paragraph 5.11 below as may be proposed by the successful Applicant. The Government reserves the right to reject an Application.

Notification of Results

5.10 After assessing the Application, the Vetting Committee may either approve or reject the Application. The Secretariat of the Vetting Committee will inform the Applicant the result of the Application within 7 working days of the decision of the Vetting Committee.

5.11 If an Application is approved, the Applicant will be informed of the result together with any terms and conditions that may be imposed by the Government, Steering Committee and / or Vetting Committee, in addition to those specified in the Application Form and the Guidance Notes. In order to comply with any such terms and conditions, the Applicant shall revise its Proposal accordingly before signing the letter of acceptance (“**Letter of Acceptance**”, see paragraphs 5.14 to 5.16 below). The Vetting Committee’s approval of an Application does not entitle the Applicant to acquire any venue or support services from public or private providers. The Applicant shall be responsible for making arrangements for the implementation and execution of the Proposal.

5.12 If an Application is rejected, the Applicant will be informed of the result together with brief reasons explaining the decision of the Vetting Committee.

5.13 In case of doubt or controversy, the Government’s decision shall be final.

Letter of Acceptance

5.14 The successful Applicant shall sign to accept and to comply with the terms and conditions as specified in paragraph 5.11 above, which will be stipulated in the Letter of

Acceptance.

5.15 Any modification, amendment or addition to the terms and conditions specified in the Letter of Acceptance proposed by the successful Applicant shall require the final approval of the Government.

5.16 The Government, Steering Committee and / or Vetting Committee may, from time to time, including but without limitation to those in the Application Form, Guidance Notes and Letter of Acceptance, impose additional terms and conditions, with which the Applicant shall comply.

6. PROGRESS AND POST-IMPLEMENTATION REPORT

6.1 The training activities under the Proposal shall be completed within the period as specified in the Proposal and approved by the Vetting Committee and specified in the Letter of Acceptance. Depending on the nature and duration of the training activities in the Proposal, the Vetting Committee will require a successful Applicant to submit a progress report (“**Progress Report**”) within a timeframe to be specified in the Letter of Acceptance. The Progress Report must include details of the progress of the approved Proposal and a financial statement of the latest financial position on a cash basis accounting approach.

6.2 The successful Applicant shall submit to the Vetting Committee, within 3 months upon completion of the implemented Proposal, a post-implementation report (“**Post-Implementation Report**”) together with a certified account (section 10 below refers) on the final financial position of the implemented Proposal which shall demonstrate that the Fund was fully and properly applied to the Proposal and that all Fund monies were paid, received and expended in accordance with the approved budget. The Post-Implementation Report to be submitted must include details of the results, performance, achievements and evaluation of the implemented Proposal, and shall contain a statement of the total expenditure and income of the implemented Proposal.

7. FUNDING SUPPORT

7.1 There will be a cumulative funding cap of up to HK\$12 million (subject to agreement by the Government on changes to the split of the overall budget of about HK\$50.3 million among the various initiatives under the Pilot Programme outlined in paragraph 1.1 above) for

the FIS for a period of three years from 2016 to 2019, and approved amount of Funds will be disbursed in accordance with section 9 below and relevant arrangements specified in the Letter of Acceptance, and as may be prescribed from time to time by the Government, Steering Committee and / or Vetting Committee.

7.2 Proposals, which are or will be in receipt of financial support from any public funding sources, or form or will form part of a programme so subsidised (whether wholly or partly) by any public funding sources, will not be considered. Public funding sources refer to funding provided by Government bureaux / departments or public organisations receiving recurrent funding from the Government. However, non-cash support from public funding sources (e.g. sponsorship of venue support and ticketing services by the Leisure and Cultural Services Department), may be accepted subject to approval by the Government on a case-by-case basis in light of the prevailing circumstances, upon consulting the Vetting Committee. The Applicant shall inform participants that they should not seek reimbursement of course fee from any other public funding scheme.

7.3 Fund for approved Applications must be used to support solely the training activities covered by the Proposal in the approved Application.

7.4 Fund shall not be used for providing recurrent expenditure, expenditure that incurred in any cases of a normal business operation, such as general administration and overhead cost, and maintenance cost for any hardware and software owned by the Applicant, except for specific costs such as fees for insurance policy as may be approved by the Vetting Committee.

7.5 Actual spending of each expenditure category shall be equivalent to or lower than that in the approved Proposals. Applicants shall cover the shortfall required for the expenditure category in case of extra spending.

7.6 Part of the expenditure for the Proposals shall be met by registration fees received from the participants. In other words, Applicants shall charge participants only a registration fee; and the expenses for organising the training activities in the approved Proposals would be funded by the Government in accordance with the funding arrangement described in section 9 below. Such registration fee shall be all-inclusive. The income so derived from such registration fee will be treated as part of the cash contribution to the Proposal by the Applicant. The basis or assumption(s) on which the expected income is calculated, such as the expected number of participants and estimated registration fees, shall be set out in the Application. In case the actual income from implementing the Proposal is less than that estimated in the Proposal, the Applicant shall cover the shortfall required for the implementation of the Proposal.

The Government will not provide any additional funding.

7.7 The Government, Steering Committee and Vetting Committee do not guarantee that the full amount of fund applied for will be approved. The Applicant shall not assume that similar proposals will be approved in future applications.

8. SUSPENSION OR TERMINATION OF FUNDING SUPPORT

8.1 The Government reserves the right to suspend or terminate, after consultation with the Steering Committee and / or Vetting Committee, funding support for the Proposal if, for example, the progress of the Proposal is unsatisfactory, or the Proposal cannot achieve the minimum size of enrolment, or the chance of completion of the Proposal is slim, or there is a breach of the terms and conditions specified in paragraphs 5.11 and 5.16 above, or if the Government sees it fit to terminate the Proposal in the public interest because of changed circumstances. The Secretariat of the Vetting Committee shall also conduct on-site random checking regularly to the approved training activities to monitor the progress of the Proposal.

8.2 If a successful Applicant, due to unexpected circumstances, wishes to terminate the Proposal, it shall seek prior approval of the Government. The Applicant shall set out the reason(s) of termination and shall provide an exit plan, including without limitation how to deal with matters such as refund of registration fees and payment of outstanding expenses incurred for the Proposal prior to termination, in an orderly manner.

8.3 In the event of suspension and / or termination in paragraphs 8.1 or 8.2 above, the Applicant shall, if so requested by the Government, Steering Committee and / or Vetting Committee, return all or part of the Fund within the time specified. The Government reserves the right to claim from the Applicant all or part of the Fund that have been granted and used by the Applicant.

9. FUNDING ARRANGEMENT

Disbursement

9.1 Subject to disbursement in compliance with funding criteria as may be prescribed from time to time by the Government, Steering Committee and / or Vetting Committee, Fund for the approved Application may be disbursed as follows:

(a) for approved Application with an amount of Fund equal to or not exceeding HK\$100,000

Fund will be disbursed in two instalments:

- The first instalment, covering 50% of the approved amount of the Fund, will be effected within 30 days from the date of receipt of the Applicant's signed Letter of Acceptance specified in section 5 above;
- The second instalment, covering the remaining 50% of the approved amount of the Fund, will be effected upon receipt of the Post-Implementation Report specified in section 6 above. The second instalment will be disbursed to the Applicant within 30 days from the date of approval of the Post-Implementation Report by the Vetting Committee; and

(b) for approved Application with an amount of Fund exceeding HK\$100,000

Without prejudice to the adjustment which may be made as specified in this paragraph 9.1(b), Fund will be disbursed in three installments:

- The first instalment, covering 40% of the approved amount of the Fund, will be effected within 30 days from the date of receipt of the Applicant's signed Letter of Acceptance specified in section 5 above;
- The second instalment, covering 30% of the approved amount of the Fund, will be effected upon satisfactory implementation progress, accomplishment of approved milestones / deliverables, compliance with the approved cash flow projection and submission of the Progress Report as specified in section 6 above. The second instalment will be disbursed to the Applicant within 30 days from the date of approval of the Progress Report by the Vetting Committee;
- The final instalment, covering the remaining 30% of the approved amount of the Fund, will be effected upon satisfactory completion of implementation, accomplishment of approved milestones / deliverables, compliance with the approved cash flow projection and submission of the Post-Implementation Report as specified in section 6 above. The final instalment will be disbursed to the Applicant within 30 days from the date of approval of the Post-Implementation Report by the Vetting Committee; and
- The Government, Steering Committee and / or Vetting Committee have the discretion to adjust the timing and amount of any installment which may be less (but not more) than 50% of the approved amount.

Separate Account

9.2 The successful Applicant shall maintain a separate account for the approved Proposal within its established accounting system. All receipts, payments and income of the Proposal shall only be used or incurred solely for the Proposal, and shall be shown accurately and clearly in the financial records of the successful Applicant. The successful Applicant shall keep separate records to differentiate the Fund and income from other sources, including sponsorships and donations collected or received specifically for the Proposal.

9.3 The Government reserves the right to claim against the Applicant for any loss, damages, costs, expenses and liabilities suffered or incurred by the Government in connection with or by reason of the Applicant's failure to comply with any terms and conditions specified in paragraph 5.11 or 5.16 above.

Surplus or Deficits

9.4 At the time of the submission of the certified account together with the Post-Implementation Report of the Proposal, the successful Applicant must return to the Government any residual Fund and operating surplus generated from the Proposal (subject to a cap, being the amount of the Fund approved for the Proposal) and any interest income within 30 calendar days upon receipt of the demand note issued by VTC. No residual Fund, operating surplus and interest income may be used for any other purposes unless otherwise approved by the Government, Steering Committee and / or Vetting Committee.

9.5 Under no circumstances will the Government accept any liability for deficits arising from or in relation to an approved Proposal. The successful Applicant shall be solely responsible for any deficits arising from implementing and completing the approved Proposal.

10. CERTIFIED ACCOUNTS

10.1 The successful Applicant shall submit to the Vetting Committee financial statements of the implemented Proposal within three months upon completion of the implemented Proposal (together with the Post-Implementation Report as specified in section 6 above), which shall be duly certified by the chairperson or the chief executive of the successful Applicant that they are prepared and fairly presented in accordance with the relevant laws of Hong Kong and Hong Kong generally accepted accounting principles.

10.2 In the certified accounts submitted in accordance with paragraph 10.1 above, the chairperson or the chief executive of the successful Applicant shall assure that the said accounts contain the requisite financial information including the Fund from the Government and any income from other sources collected or received for the Proposal. The said accounts shall be subject to annual audit as part of the annual audit of the successful Applicant's overall accounts by its auditor. The successful Applicant shall notify the Government timely of any audit comments and recommendations relating to the Proposal and its responses including actions taken or to be taken. The successful Applicant shall accord priority in taking rectification action in respect of any irregularities.

11. OTHER ADMINISTRATIVE DETAILS

Conduct of Business

11.1 The successful Applicant shall organise itself and develop such plans as are necessary to achieve the objectives of the FIS as set out in section 2 above effectively, efficiently and with due regard to economy, and shall ensure good corporate governance in implementing the Proposal.

Procurement and Hiring of Staff

11.2 The successful Applicant shall abide by the principles of openness, fairness and competitiveness set out in the Government Funding Scheme Grantees' Guidebook issued by Independent Commission Against Corruption in hiring staff and in procuring goods and services for implementing the Proposal, and shall observe all laws regulating the employment of persons in Hong Kong.

Books and Records

11.3 The successful Applicant must keep all financial statements, books and records of the approved Proposal for at least seven years after either the completion date of the implemented Proposal or, if earlier, the termination date referred to in paragraphs 8.1 or 8.2 above, or such other date as may be specified by the Government, Steering Committee and / or Vetting Committee, and shall make them available for inspection by the Government, Steering Committee and / or Vetting Committee upon request.

11.4 The Director of Audit may conduct an examination into the economy, efficiency and effectiveness with which the successful Applicant has used the Fund. The Director of Audit shall have a right of access at all reasonable times to all such documents or information in the custody and control of the successful Applicant as he may reasonably require for conducting an examination and shall be entitled to require, from any person holding or being accountable for any such document or information, such information and explanation as he considers reasonably necessary for that purpose.

Insurance

11.5 The successful Applicant shall take out appropriate insurance policies, including but not limited to, employee compensation, public liability including coverage of occupier's liability and to meet any claim which may arise as a result of the Proposal.

11.6 The actual expenditure for insurance fees may be included in the budget in the Application, provided that it relates solely to the planning and implementation of the Proposal.

Intellectual Property Rights

11.7 Intellectual property rights (“**IPRs**”) means all IPRs arising from the Proposal including patents, trademarks, service marks, trade names, design rights, copyright, domain names, database rights, rights in know-how, new inventions, designs or processes, and other intellectual property rights, in each case whether now known or created in future, regardless of whatever nature and wherever arising, and whether registered or unregistered, and including applications for the grant of any such rights. In submitting the Application and implementing the Proposal, the Applicant shall ensure that no IPRs of any third parties have been or will be infringed.

Prevention of Bribery

11.8 The Applicant shall observe the Prevention of Bribery Ordinance (Cap. 201) (“**PBO**”) and shall advise its employees, subcontractors, agents, partnering training institute(s) (if any) and other personnel who are in any way involved in the Proposal that they are not allowed to offer to or solicit or accept from any person any money, gifts or advantage as defined in the PBO in the conduct of or in relation to the Proposal.

11.9 The offer of an advantage to any Government officers or members of the Steering Committee or Vetting Committee with a view to influencing the vetting and / or approval of the Application is an offence under the PBO. Any such offer will render the Application null and

void. The Government may also cancel the Application approved, terminate the Proposal pursuant to section 8 above and / or hold the Applicant liable for any loss or damage which the Government may sustain.

Applicant Indemnity

11.10 Under no circumstances will the Government be liable or accountable for any claims, loss or damages arising from or in relation to any Proposal. The Applicant shall indemnify the Government against all loss, claims, demands, damages, costs, expenses and liabilities suffered or incurred by the Government or which may be brought or established against the Government arising out of the breach of any of the terms and conditions by the Applicant. An Applicant, whether successful in this Application or otherwise, or any employees, subcontractors, agents, partnering training institute(s) and other personnel who are in any way involved in the Proposal shall not seek or claim any compensation, reimbursement, damages, indemnity or waiver from the Government in relation to the preparation and submission of this Application.

11.11 Nothing in the terms and conditions specified in paragraphs 5.11 and 5.16 above confers or purports to confer on any third party any benefit or any right to enforce any term of the terms and conditions pursuant to the Contracts (Rights of Third Parties) Ordinance (Cap. 623).

**Vocational Training Council
November 2017**