



**HONG KONG CYBERPORT MANAGEMENT COMPANY LIMITED**

**(香港數碼港管理有限公司)**

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# **Digital Transformation Support Pilot Programme**

## **Guide and Conditions for Funding Applicants**

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# 1 Introduction

- 1.1 The Digital Transformation Support Pilot Programme (the “**Programme**”) was launched in **January 2024** to provide local small and medium enterprises (“**SMEs**”) with subsidies on a one-to-one (1:1) matching basis in order to assist SMEs in applying ready-to-use basic digital solutions. A provision of HK\$500 million has been set aside by the Government of the Hong Kong Special Administrative Region (the “**Government**”) for matching purposes.
- 1.2 The scope of the Programme covers the Food and Beverage and Retail (excluding Food and Beverage) Industry Sectors, has been expanded to cover Tourism and Personal Services Industry Sectors with the coverage as per Annex C, starting from 30 December 2024.
- 1.3 This “Guide and Conditions for Funding Applicants” (this “**Guide**”) sets out the guidelines and the terms and conditions for the application and use of the funding support of the Programme. Entities interested in applying for the funding support of the Programme shall read this Guide carefully before submitting an application. Any funding support approved will be subject to the terms and conditions set out in this Guide, and by submitting an application, the applicant shall be deemed to have read and accepted the terms and conditions set out in this Guide.
- 1.4 Hong Kong Cyberport Management Company Limited (“**HKCMCL**”) is the administrator of the Programme. For any queries about this Guide or the Programme, please contact HKCMCL through the channels listed in <https://dtspp.cyberport.hk/contact>.

# 2 Objective

- 2.1 The Programme aims to achieve the objective of expediting the pace of digital transformation of SMEs by providing funding support on a 1:1 matching basis to SMEs in adopting pre-assessed off-the-shelf, readily available digital solutions in targeted solution categories.

### 3 Eligibility

3.1 Entities applying for funding support under the Programme (the “**funding applicant**” or “**applicant**”) must fulfil the following requirements:

- (a) having registered in Hong Kong under the Business Registration Ordinance (Cap. 310)<sup>1</sup> or being hawkers with valid fixed-pitch hawker licence under the Hawker Regulation (Cap. 132AI);
- (b) not being a listed company in Hong Kong, a statutory body, or a government-subvented organisation<sup>2</sup>;
- (c) having substantive business operation<sup>3</sup> or establishing business<sup>4</sup> in the following Industry Sectors (the “**Target Industry Sectors**”) in Hong Kong:
  - Food and Beverage
  - Retail (excluding Food and Beverage)<sup>5</sup>

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<sup>1</sup> The Business Registration Ordinance provides that certain businesses are exempted from registration, including business carried on by such hawkers who require licences under the Hawker Regulation except business carried on inside the main structure of a building.

<sup>2</sup> A government-subvented organisation means an organisation that receives subvention from the Government on a recurrent basis. The subvention contributes towards the organisation's operational expenses, in exchange for its service to the public. The recurrent subvention may account for the bulk of the organisation's income or may just be a token contribution/sponsorship forming a small percentage of the organisation's total income.

<sup>3</sup> An individual/enterprise holding a shell business registration (i.e. an individual/enterprise who has not commenced business after obtaining a business registration certificate or has already ceased its business operation) or having its main business operation outside Hong Kong or having ceased its business operation or becoming dormant will not be regarded as having a substantive business operation in Hong Kong.

<sup>4</sup> To establish business in Hong Kong an entity must maintain an address of place of business in Hong Kong and hold a valid Business Registration Certificate under the Business Registration Ordinance. For the purpose of this section, a tenancy agreement of a term of no less than 6 months in Hong Kong is considered valid proof of the applicant's presence of substantive business operations.

<sup>5</sup> Eligible retail stores under the Retail Industry Sector include the holder of Fixed-Pitch Hawker Licence but exclude those operated under a food licence issued by FEHD, hawkers with Itinerant Hawker Licences, mobile stalls and counters in department stores without a separate payment system, stores operating under a short-term tenancy of a duration less than six months and retail stores conducting non-store retailing via mail order, internet or direct marketing sales only.

- Tourism<sup>6</sup>
- Personal Services<sup>7</sup>

(d) having less than 50 full-time employees<sup>8</sup>

- 3.2 Submission of multiple applications by the same applicant is not permitted. For details, please refer to Section 6 – Application Procedure. The funding support will only be awarded once to an eligible applicant.
- 3.3 The Government and/or HKCMCL reserve at all times the right to determine whether an entity is eligible to apply for the Programme.
- 3.4 The Government and/or HKCMCL reserve at all times the right to adjust, expand or alter the Target Industry Sectors for the Programme with Annex C amended from time to time as the Government and/or HKCMCL deem fit.
- 3.5 HKCMCL reserves at all times the right to adjust, update or alter The Eligible Licences and Document Proofs of operation for the Target Industry Sectors (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>) (the “**Licence List**”) from time to time.

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<sup>6</sup> Applicants with business operations in the Tourism Industry Sector are particularized and defined in Annex C, and for the purpose of the Programme, specifically exclude (a) stores operating under a short-term tenancy of a duration less than six months; (b) establishment without a separate payment system; and/or (c) store conducting non-store services only or via internet or direct marketing sales only.

<sup>7</sup> Applicants with business operations in the Personal Services Industry Sector are particularized and defined in Annex C, and for the purpose of the Programme, specifically exclude (a) stores operating under a short-term tenancy of a duration less than six months; (b) mobile stalls and counters and/or establishments without a separate payment system; and/or (c) stores conducting non-store services only or via internet or direct marketing sales only.

<sup>8</sup> A full-time employee means an employee who is under a continuous contract of employment as defined in the Employment Ordinance (Cap. 57). Excluding part-time employees. In respect of a company which is a member of a group of companies which are ultimately controlled by a company or individual (whether such control is by way of voting rights, board composition or shareholding), all the full-time employees within the group of companies will be counted and shall be less than 50 in order for such company to be eligible as an applicant for this Programme.

## 4 Funding Scope

- 4.1 The Programme provides funding support to applicants for adopting the pre-assessed solution packages listed at <https://dtspp.cyberport.hk/solutions> (the “**Solution List**”).
- 4.2 The purchase, rental or subscription of equipment, hardware, software and any other assets is allowed if it forms an essential part of the solution package, and is subject to the following rules:
- a) the title and interest in the new equipment, hardware, software and any other assets purchased with funds under the Programme shall vest with the applicant;
  - b) all items purchased, procured or leased with funds under the Programme shall be licenced products (to the extent that a licence is required for the use of such item) and shall not infringe any third-party intellectual property rights; and
  - c) the risk in using the equipment, hardware, software and any other assets will be borne by and remained with the applicant.
- 4.3 The solution of an approved application shall be fully deployable and ready for use by the applicant (the “**Solution Deployment**”) within 6 months after the approval of the application. For subscription-based solutions, funding support for up to two years of the subscription period is allowed.

## 5 Funding Amount

- 5.1 Funding support of up to HK\$50,000 for each eligible applicant will be provided on a 1:1 matching basis for the cost of the adopted solution listed in the Solution List. The applicant must contribute to at least half of the total cost of the adopted solution in cash. Any failure to comply with this requirement will constitute a material breach and will give HKCMCL the right to terminate the funding to the

applicant and to require the applicant to refund all disbursed funding under the Programme in accordance with Section 10.

- 5.2 Contribution by the applicant in kind or any non-cash consideration will not be accepted.
- 5.3 Items covered by an approved application (including, without limitation, those contributed by the applicant or the Programme) shall not receive funding support from other local public funding sources.

## 6 Application Procedure

- 6.1 The Programme is open for applications to Food & Beverage, Retail (excluding Food and Beverage), Tourism and Personal Services Industry Sectors. New digital solutions and solution categories will be added to the Solution List to enrich the choices of the applicants.
- 6.2 The schedule and the available digital solution categories can be found at <https://dtspp.cyberport.hk/batches>.
- 6.3 Applicants that have submitted an application pending for approval shall not submit another application until the originally submitted application is either rejected or withdrawn.
- 6.4 Applicants with approved applications shall not apply again.
- 6.5 Before submitting their applications, applicants shall first register a funding applicant account at the Programme's website (<https://dtspp.cyberport.hk/fa-register>). Applicants can then identify the solution they wish to adopt in the Solution List and approach the solution provider directly to understand the functionality of the solution and ascertain whether the solution meet their requirements. An applicant shall click the "Enquire" button in the solution details webpage to obtain the confirmation of the solution provider that it can offer the solution package to the applicant. After receiving the confirmation from the solution provider, the applicant can proceed to complete the online application form.

- 6.6 Only one solution package can be selected under each application. Applicants are advised to explore and compare different solutions and solution providers before selecting the solution to be included under their applications.
- 6.7 Please note that inclusion on the Solution List does not imply that any solution or solution provider is endorsed by the Government or HKCMCL. Neither the Government nor HKCMCL provides any representation or warranty as to the quality or other characteristics howsoever of any of the goods or services provided in the solution.
- 6.8 Applicants shall submit their applications through the Programme's website described above or shall authorize the solution provider of the selected solution package to submit and follow up their applications. Submissions by any other means, including, but not limited to, email or post, will not be accepted.
- 6.9 During the submission of an application, the applicant will be asked to:
- provide the entity's name and address of the applicant, the contact information of the primary contact person and the Industry Sector of the applicant;
  - indicate the solution it wishes to adopt which is not currently in use or there is enhancement on technical or functional feature(s) against the technology solution which is currently in use;
  - upload the supporting documents listed in Annex A for eligibility proof; and
  - upload the Applicant Declaration (<https://dtspp.cyberport.hk/declaration>) duly signed by the owner or a director of the applicant entity with entity chop to signify its agreement to the terms and conditions of the application.
- 6.10 Upon successful completion of the submission, an application number will be assigned and sent to the applicant by SMS message and by email (if the applicant provided its email address in the application). The applicant is reminded to keep this application number in safe custody as it will be used in subsequent communications with HKCMCL regarding the application.
- 6.11 By submitting an application, the applicant shall be deemed to have accepted and be bound by the terms and conditions under this Guide.

- 6.12 It is the responsibility of a successful applicant to promptly notify HKCMCL if the cost of the adopted solution has at any time or for any reason been reduced so that the amount of the approved funding support becomes more than half of the total cost of the adopted solution. The approved funding support will be adjusted down to no more than half of the total cost in this case. If the cost of the adopted solution has at any time or for any reason been increased, the amount of the approved funding support shall remain unchanged.
- 6.13 Applicants may withdraw their applications prior to approval. After its application is withdrawn, an applicant may submit a new application again if the relevant application batch is still open for submission.
- 6.14 A quota will be set for the Programme. Once the number of submissions reaches the designated quota, no further submissions will be accepted.
- 6.15 Applicants encountering difficulties in submitting their applications may contact HKCMCL for assistance through the channels listed in <https://dtspp.cyberport.hk/contact>.

## 7 Vetting of Applications

- 7.1 All applications will be processed in accordance with the order they reach HKCMCL. Upon receipt of an application, HKCMCL will conduct eligibility checking. HKCMCL may seek clarification or supplementary information from the applicant or the solution provider if it deems necessary at its sole discretion. An incomplete application will not be further processed until the applicant has rectified the errors or provided all the necessary information. HKCMCL will only continue to process the application after the applicant has provided the outstanding information or documents<sup>9</sup>.
- 7.2 The actual processing time will depend on the number of applications received at the time, the clarity of the information provided, etc. An applicant will be notified

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<sup>9</sup> The application may be considered withdrawn if the information/clarification requested by HKCMCL is not provided within 14 calendar days. The applicant may however submit a new application once all the necessary documents and/or requested information are available.

of its funding application results within 2 months after receipt of full and complete information from the applicant. Applicants can check the status of their applications in the Programme's website through their assigned application numbers.

- 7.3 Eligible applications will be submitted to an independent Vetting Committee for consideration and approval. The Vetting Committee will be composed of members from the industries, professionals and the Government. Its composition can be found at <https://dtspp.cyberport.hk/vettingcommittee>.
- 7.4 Following the endorsement of the Vetting Committee, the applicants of the approved applications will be notified by SMS message and by email (if the applicant provided its email address in the application). The applicants can check the details of their approved applications (such as the approved funding support amount, funding disbursement schedule, etc.) in the Programme's website through their assigned application numbers. The solution provider of the adopted solution in an approved application will also be notified by email.
- 7.5 Applicants are reminded that the approval of an application does not result in the placing of the order of the solution package with the solution provider. Applicants are required to conclude a sales and purchase agreement or service agreement with the solution provider separately and independently for the procurement of the solution package. Neither the Government nor HKCMCL will be involved in the business arrangements between the applicant and the solution provider.
- 7.6 In the event of the applicants being disqualified or rejected applications, applicants will be informed. The applicants concerned may choose to submit a new application.
- 7.7 The Government and HKCMCL reserve the right to disqualify an applicant or reject an application on grounds that at their sole and absolute discretions consider appropriate, including, but not limited to:
- The applicant is subject to any bankruptcy or winding up petition or liquidation proceeding of whatever nature, or a receiver has been or will likely be appointed to manage the whole or part of the affairs of the applicant, or a provisional liquidator, liquidator or administrator has been or is likely to be appointed to receive and distribute the whole or any part of assets of the applicant, or a resolution is passed for the winding up of the applicant, or if the

applicant makes an assignment for the benefit of or composition with its creditors generally or threatens to do any of these things, or any judgement is made against the applicant, or any similar occurrence under any jurisdiction that affects the applicant; or

- The cessation of business by the applicant or any changes in circumstances causing the non-operation of business of the applicant; or
- A false, misleading, inaccurate or incomplete statement or representation is contained in the information submitted in the application; or
- The applicant is in default of any of its obligation(s) under any other grant agreement entered into with any local public funding sources, whether or not in relation to the Programme; or
- The applicant has engaged, is engaging, or is reasonably believed to have engaged or be engaging in acts or activities that are likely to cause or constitute the occurrence of offences endangering national security or otherwise the exclusion is necessary in the interest of national security, or is necessary to protect the public interest of Hong Kong, public morals, public order or public safety; or
- It is necessary to ensure the prudent use of the funding under the Programme.

## 8 Monitoring of Approved Applications

- 8.1 It is the applicant's responsibility to monitor the work of the solution provider and the implementation of the solution, and to resolve any disputes with its solution provider.
- 8.2 HKCMCL may conduct random checks on the implementation and usage progress of approved applications. Applicants are required to cooperate with such checking and promptly reply to any queries or requests made by HKCMCL.
- 8.3 The funding applicant of an approved application must submit documents as listed in Annex B for First Disbursement upon confirmation of Solution Deployment within 6 months after the approval of the application and a final report for Second Disbursement electronically as listed in Annex B through the Programme's website within **[14 calendar days]** after the expiration of 6 months from the application approval date. The final report shall include the following:

- A summary of deliverables with reasonable evidence and documentary proof (e.g. delivery receipts, photos of the solution in use within the subsidy period); and
- the feedback to the solution provider

The Government and/or HKCMCL reserve the right to ask for return or on-hold of the disbursement if the funding applicant or the solution provider of the selected solution package cannot meet the deadline.

- 8.4 The Government and/or HKCMCL reserve the right to, either in its own capacity or jointly, seek restitution of any funding support paid if the applicant fails to fulfil the final report requirement.

## 9 Disbursement of Funding

- 9.1 The funding applicant is required to apply the funding disbursement and the funding will be disbursed under the following mechanism:

- (a) An initial payment of 50% of the approved funding support (the “**First Disbursement**”) will be paid to the solution provider upon the funding applicant’s confirmation of the Solution Deployment and provision of satisfactory evidence prescribed at Annex B (e.g. receipt from the solution provider showing that it has paid its matching share of the cost for the adopted solution) through the Programme’s website within 6 months after approval of the application. Any other relevant supporting documents may be requested to the satisfaction of HKCMCL; and
- (b) After 6 months from the approval of the application<sup>10</sup>, the remaining amount of the approved funding support (the “**Second Disbursement**”) will be paid to the solution provider upon approval by HKCMCL of the final report prescribed at Annex B and provision of any other relevant supporting documents which may be requested by HKCMCL.

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<sup>10</sup> Regardless of the subscription period (up to two years), the applicant is required to submit the final report within [**14 calendar days**] from the expiration of 6 months after the approval of the application.

- 9.2 Further to the stipulation in provision 9.1, the payment of the approved funding support is subject to the further restrictions below:
- (a) Payment of the First and the Second Disbursement will only be made to the solution provider after all the documents requested by HKCMCL are deemed to the satisfaction of HKCMCL;
  - (b) In case that there is any amendment, alteration, cancellation or termination of the concluded sales and purchase or services agreement rendering the amount of paid funding support to exceed half of the total costs of the adopted solution after such amendment, alteration, cancellation or termination, the funding applicant shall notify HKCMCL promptly. HKCMCL is entitled to require to refund the part of the funding support paid which exceeds half of the revised total costs of adopted solution.
- 9.3 After each disbursement of funding, the applicant will receive a notification by SMS message and by email (if the applicant provided its email address in the application) and the related solution provider will receive a notification by email.
- 9.4 Time is of the essence in respect of the Solution Deployment and the submission of the required documents for the funding. Late submission of the required documents specified above may lead to withholding, reduction or cessation of the funding support for the approved application at the sole discretion of the Government and/or HKCMCL. Applicants may contact HKCMCL for assistance if they encounter difficulties in submitting the final report and supporting documents through the Programme's website.
- 9.5 The Government and HKCMCL reserve the right to seek clarifications from the applicant and/or the service provider regarding the supporting documents submitted by the applicant.
- 9.6 In case of any dispute between the applicant and solution provider, the Government and HKCMCL shall be entitled to withhold payment of any approved funding without any liability towards the applicant or solution provider.

## 10 Termination

10.1 Each of the Government and HKCMCL may at any time terminate all or any part of the funding support by giving written notice to the applicant with immediate effect and shall have the right to claim for repayment of the disbursed funding in full or in part together with all administrative, legal and other costs incurred and interest accrued up to the date of repayment from the applicant on the occurrence of any of the following events:

- the applicant fails to comply with any terms and conditions set out in this Guide or the Applicant Declaration;
- the Government or HKCMCL has any reasonable ground to believe that the applicant has provided to HKCMCL any materially false, misleading inaccurate or incomplete information during the application or the implementation of the project or any subsequent supporting document is found to be incorrect or incomplete to the extent that the Government or HKCMCL considers to be significant;
- the applicant has acted dishonestly or negligently at any time during or before the application or the implementation of the project, and such act(s) is in any way to the detriment of the Government or HKCMCL or their reputation;
- the implementation of the solution fails in a material way to progress in accordance with the approved application;
- the Government or HKCMCL forms the opinion that:
  - a) it is unlikely that the implementation of the solution will be completed in accordance with the approved application; or
  - b) the project shall be terminated in consideration of the public interest;
- the applicant terminates the procurement of the solution from the solution provider set out in the approved application;
- the applicant is subject to any bankruptcy or winding up petition or liquidation proceeding of whatever nature, or a receiver has been or will likely be appointed to manage the whole or part of the affairs of the applicant, or a provisional liquidator, liquidator or administrator has been or is likely to be appointed to receive and distribute the whole or any part of assets of the applicant, or a resolution is passed for the winding up of the applicant, or if the applicant makes an assignment for the benefit of or composition with its creditors generally or threatens to do any of these things, or any judgement is

made against the applicant, or any similar occurrence under any jurisdiction that affects the applicant;

- the applicant has engaged or is engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security;
- the continued engagement of the applicant or the continued performance of the relevant funding arrangements is contrary to the interest of national security; or
- the Government or HKCMCL reasonably believes that any of the events mentioned above is about to occur.

10.2 Funding support may also be terminated pursuant to the terms and conditions described in the “Guide and Conditions for Solution Providers” (e.g. when the solution provider selected by the applicant is in breach or goes into liquidation). Whether the applicant is obliged to pay to the solution provider any sum originally covered by the funding support after such termination will depend on the terms of the sale and purchase or services agreement entered into between the applicant and the solution provider. Both the applicant and solution provider are advised to address this scenario in their agreement to avoid any potential future dispute. Neither the Government nor HKCMCL owes any liability or obligation to the applicant as a result of any withholding, reduction or cancellation of the funding support pursuant to the terms of the Programme, including but not limited to the terms and conditions in this Guide, the “Guide and Conditions for Funding Applicants” and “Offer to be Bound”. The Government and HKCMCL shall have the right to claim for repayment of the disbursed funding in full or in part together with the administrative, legal and other costs incurred and interest accrued up to the date of payment from the solution provider (but not the funding applicant) in case of termination solely due to any acts or omissions of the solution provider.

10.3 In the event the procurement of the solution in an approved application is terminated by the applicant for whatever reasons, the applicant shall report to HKCMCL immediately and provide the reasons of such termination.

## 11 Duty to Disclose

- 11.1 It is the responsibility of the applicant to promptly notify HKCMCL of any changes in the information provided in the approved application that may affect the eligibility of the applicant or the Programme (including the amount of the funding support to which the applicant is eligible).

## 12 Compliance with the relevant laws and regulations

- 12.1 The applicant undertakes and represents to HKCMCL that it shall comply with all applicable laws regulatory, and governmental requirements in effect and maintain all necessary licences (including but without limitation to those set out in the Licence List) at all times.

## 13 Probity Policy for Applicants

- 13.1 To ensure the openness, fairness and integrity of the Programme, all applicants shall:
- a) observe the Prevention of Bribery Ordinance (Cap. 201) and advise their respective employees, agents, subcontractors and other personnel who are in any way involved in its application/Programme (the "Personnel") that they shall observe the same, and that they are not allowed to offer, solicit or accept from any person any advantages as defined in the Prevention of Bribery Ordinance or do any acts which contravenes the Prevention of Bribery Ordinance in relation to the application;
  - b) comply with the Competition Ordinance (Cap. 619) in all their bids/offers made in relation to the Programme;
  - c) not offer or give or agree to give any person employed by HKCMCL, the Vetting Committee, or any members acting on its behalf, any gift, or favour during the application period or as an inducement or reward for such person's doing or forbearing to do or for having done or forborne to do any act in relation to the Programme or for showing or forbearing to show favour or disfavour to any person in relation to the Programme;

- d) promptly declare and notify HKCMCL in writing of any potential or actual conflicts of interest upon becoming aware of the same. “Conflicts of interest” shall include (but are not limited to) any situation where the private interest of an applicant or its personnel, conflict or compete, or may be expected to conflict or compete, with the role, duties and/or impartiality of such applicant or personnel under the Programme; (e.g. Any relative of any directors and/or employees working in HKCMCL);
- e) apply the funding prudently, efficiently and solely for the purpose of the project approved under the Programme;
- f) abide by the principles of openness, fairness and competitiveness in the procurement of any goods/services in connection with the Programme;
- g) take all necessary measures (including by way of a code of conduct or contractual provisions) to ensure that its personnel are aware of and comply with the requirements under this section; and
- h) When doing business overseas and/or set up legal entities in foreign locations to support local operations, all solution providers and applicants are required to comply with anti-bribery laws and regulations in other jurisdictions when conducting business there or where applicable.

## 14 Disclaimer

14.1 HKCMCL serves only as an administrator of the Programme. By assessing or approving an application, HKCMCL does not provide any guarantees or endorsements to the solutions and solution providers in the Solution List. The applicant shall be solely responsible for ensuring the suitability of the solution selected.

14.2 HKCMCL reserves the right to supplement or change the eligibility criteria and details of the arrangements as set out above from time to time without prior notice. HKCMCL will not be responsible for any acts or omissions of the solution providers. HKCMCL hereby disclaims any responsibility or liability in connection with any dispute as between the applicant and the solution provider, and the applicant shall indemnify and keep HKCMCL indemnified on demand against any costs and expenses incurred by HKCMCL in connection with such dispute.

## 15 Handling of Information

15.1 Subject to the provisions below, information provided by the applicants in their applications and the final reports will be treated as confidential by the Government and HKCMCL. All personal data will be handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance (Cap. 486). In this regard, the Government and HKCMCL shall have the right to disclose, without further reference to the applicants, whenever it considers appropriate, the information to other Government bureaux/departments, statutory bodies or third parties for purposes of processing the application, conducting research and survey, compiling statistics, meeting requirements of the law and / or performing their functions, and if the application is approved, monitoring the project, disbursing funding or other related purposes including publication of the name of applicant(s), funding scope and amount of successful application(s), or if explicit consent to such disclosure is given by the applicant. By submitting the application form, each applicant irrevocably and unconditionally authorises the Government and HKCMCL to make and consents to the Government and HKCMCL making any of the aforesaid disclosure.

## 16 Warranties and Indemnity

16.1 By submitting an application, the applicant warrants that:

- a) It has provided true, full, comprehensive and accurate information to HKCMCL;
- b) It has complied and will comply with the provisions of this Guide; and
- c) It has obtained all relevant consent from the solution provider and/or any other parties in relation to the provision of their information, if any, to HKCMCL, and the further use and disclosure of such information by the Government and HKCMCL.

16.2 The applicant shall indemnify and keep HKCMCL indemnified against all liabilities, costs, expenses, damages and losses (including but not limited to any direct, indirect or consequential losses, loss of profit, loss of reputation and all interest, penalties and legal costs and all other reasonable professional costs and expenses) suffered or incurred by HKCMCL arising out of or in connection with any breach of the warranties contained in this section.

## 17 Assignment

- 17.1 Unless prior written approval from the Government or HKCMCL is obtained, the applicant shall not assign, transfer, sub-contract or otherwise dispose of any or all of its interests, rights, benefits or obligations under the funding arrangement of the Programme.

## 18 Governing Law

- 18.1 The validity, performance and construction of the provisions of this Guide shall be governed by and construed in accordance with the laws of the Hong Kong Special Administrative Region. The courts of Hong Kong shall have jurisdiction to settle any disputes which may arise out of or in connection with this Guide and accordingly any proceeding, suit or action arising out of or in connection with this Guide may be brought in such courts.

## **ANNEX A**

### **Supporting Documents for Applications**

The following supporting documents are required for the processing of the application:

- 1) A copy of a valid Business Registration Certificate of the applicant issued under the Business Registration Ordinance<sup>11</sup> (note: the entity name on the Business Registration Certificate must match with the applicant name specified in the application), or a copy of valid Fixed-Pitch Hawker Licence issued by Food and Environmental Hygiene Department as per the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>) for applicant holding the Fixed-Pitch Hawker licence
- 2) A copy of valid Certificate of Incorporation of the applicant, which is a limited company, issued under the Company Ordinance (note: the entity name on the Certificate of Incorporation must match with the applicant name specified in the application)
- 3) One of the following documents proving the applicant's presence of substantive business operations at the address specified in the application:
  - a) A copy of an electricity bill within the past 6 months; or
  - b) A copy of a water bill within the past 6 months; or
  - c) A copy of a gas bill within the past 6 months; or
  - d) A copy of the tenancy agreement (mandatory for establishing business)
- 4) Documentary proof of belonging to the Target Industry Sectors:
  - a) For Food and Beverage Industry Sector
    - A copy of all applicable eligible Food and Environmental Hygiene Department (FEHD) licences ("FEHD Licence") listed in the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>); or
    - In the case of applicant establishing business in the Food and Beverage Industry Sector: an acknowledgment letter of FEHD licence application issued by Food and Environmental Hygiene Department
  - b) For Retail Industry Sector (excluding Food and Beverage)
    - A photo of the shopfront showing substantial and substantive retail business with a shop sign and a photo showing the sale of product(s); or
    - In the case of applicant establishing business in the Retail Industry Sector: a photo of the shopfront showing the due course of the preparation of the operation of business at the specified address and a photo showing the product(s) to be sold

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<sup>11</sup> The Business Registration Ordinance provides that certain businesses are exempted from registration, including business carried on by such hawkers who require licences under the Hawker Regulation except business carried on inside the main structure of a building.

## **ANNEX A**

### c) For Tourism Industry Sector

- A photo of the shopfront showing substantial and substantive tourism business with a shop sign and photo showing the sale of associated service(s);
- In case of travel agency and short term accommodation activities<sup>12</sup> in the Tourism Industry Sector: A copy of all applicable Eligible Licences at the Tourism Industry Sector specified in the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>);
- In case of other reservation services and tourist-related activities in the Tourism Industry Sector: Copies of necessary licences, permits, certificates and approvals required under the applicable laws (if applicable)
- In the case of applicant establishing business in the Tourism Industry Sector:
  - (1) For Travel Agency and short term accommodation service: an acknowledgment letter of the licence application issued by the relevant authorities
  - (2) For other reservation services and tourist-related activity: a photo of the shopfront showing the due course of the preparation of the operation of business at the specified address and a photo showing the service to be provided

### d) For Personal Services Industry Sector

- A photo of the shopfront showing substantial and substantive personal services business with a shop sign and a photo showing the sale of associated service(s);
- In case of activities at Group (i) to Group (vi) of Annex C<sup>13</sup> in the Personal Services Industry Sector: A copy of all applicable Eligible Licences at the Personal Services Industry Sector specified in the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>);
- In case of other service activities at group (vii) of Annex C<sup>14</sup> in the Personal Services Industry Sector: Copies of necessary licences, permits, certificates and approvals required under the applicable laws (if applicable)
- In the case of applicant establishing business in the Personal Services Industry Sector:
  - (1) For Group (i) to Group (vi): an acknowledgment letter of the licence application issued by the relevant authorities

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<sup>12</sup> Coverage of the Industry Sector refers to Annex C

<sup>13</sup> Coverage of the Industry Sector refers to Annex C

<sup>14</sup> Other services not covered in Group (i) to Group (vi), but included in the Personal Services Industry Sector as per Annex C. Details please refers to the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>)

## **ANNEX A**

- (2) For other service activities at Group (vii): a photo of the shopfront showing the due course of the preparation of the operation of business at the specified address and photo showing service to be provided

- 5) Funding                      Applicant                      Business                      Arrangement                      Declaration  
([https://dtspp.cyberport.hk/doc/DTSPF-Funding-Applicant-Business-Arrangement-Declaration\\_ENG.pdf](https://dtspp.cyberport.hk/doc/DTSPF-Funding-Applicant-Business-Arrangement-Declaration_ENG.pdf))

(Note: applicable when the name shown on the item 3 or 4 hereinabove is not the owner / Director of the applicant entity (except Fixed-Pitch Hawker Licence))

## **ANNEX B**

### **Supporting Documents for the First Disbursement**

The following supporting documents are required for the processing of the First disbursement:

- 1) A copy of invoice(s) in relation to the payment of the adopted solution, duly issued by the Solution Provider (note: The name of the payer on the invoice(s) must match with the applicant's name specified in the application)
- 2) A copy of the payment receipt in relation to the adopted solution, duly issued by the Solution Provider (note: The name of the payer on the receipt must match with the applicant's name specified in the application)

For establishing business at the time of application of specific Target Industry Sector(s):

- 3) For the Food and Beverage Industry Sector
  - a. A copy of all applicable Eligible Licences and/or document(s) specified in the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>)
- 4) For the Retail Industry Sector
  - a. A photo of the shopfront showing substantial and substantive business in relation to the Industry Sector at the specified address with a shop sign; and
  - b. A photo showing the sale of the relevant product(s)
  - c. A copy of all applicable Eligible Licences and/or document(s) specified in the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>)
- 5) For the Tourism Industry Sector and the Personal Services Industry Sector
  - a. A copy of all applicable Eligible Licences and/or document(s) specified in the Licence List (<https://dtspp.cyberport.hk/wp-content/uploads/DTSP-Eligible-Licences-List.pdf>)
  - b. A photo of the shopfront showing substantial and substantive business in relation to the Industry Sector at the specified address with a shop sign; and
  - c. A photo showing the sales of associated service(s)

### **Supporting Documents for the Second Disbursement**

The final report shall include:

- 1) A summary of deliverables with reasonable evidence and documentary proof (e.g. delivery receipts, photos of the solution in use within the subsidy period); and
- 2) The feedback to the solution provider

## **ANNEX C**

### **Coverage of the Expanded Eligible Target Industry Sectors**

#### **1) Tourism**

- Applicants with business operations that are categorised under the “short term accommodation activities” under “accommodation and food services”, and the “travel agency, reservation service and related activities” under the “administrative and support service activities” in the Hong Kong Standard Industrial Classification Version 2.0 (the “**HSIC V2.0**”) published by the Census and Statistics Department of the Government.

The Industry Sector including:

- a) Travel agency, reservation service and related activities
  - Travel agency activities (HSIC Code: 7910); and
  - Other reservation service and tourist-related activities (HSIC Code: 799)<sup>15</sup>
- b) Short term accommodation activities
  - Hotels (HSIC Code: 5501); and
  - Guesthouses, boarding houses and other short-term accommodation activities (HSIC Code: 5509)<sup>16</sup>

(This excludes establishments with operations that are categorised as Personal Services, Retail, or Food & Beverage in this Programme.)

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<sup>15</sup> This includes other travel-related reservation services, ticket sales activities for theatrical, sports and other amusement and entertainment events, provision of visitor assistance services and tourism promotion activities. All such services are independent of travel agent (see HSIC Code: 799).

<sup>16</sup> This Industry Sub-class includes boarding houses; children holiday homes; guesthouses; holiday bungalows; Hostels; inns; rooming houses; youth hostels. This Industry Sub-class excludes: band room operation and rental (at hourly rate) (see HSIC Code: 939900); indoor play area rental (at hourly rate) (see HSIC Code: 939900); long-term furnished accommodation rental (at monthly rate) (see HSIC Code: 6812, 6813).

## **ANNEX C**

### **2) Personal Services**

- Applicants with business operations that are categorised under “other service activities excluding activities of membership organisations” under “social and personal services” in the HSIC v2.0.

The Industry Sector including:

#### **Group (i) – Massage establishments**

- Massage services (HSIC Code: 9604)<sup>17</sup>  
(Premises regulated under the Massage Establishments Ordinance (Cap. 266))

#### **Group (ii) – Beauty and body prettifying treatment centre**

- Made-up, skin and facial care services (HSIC Code: 960202); and
- Weight control and slimming services (HSIC Code: 960203); and
- Other beauty and body prettifying treatment (HSIC Code: 960299)<sup>18</sup>  
(This excludes premises that are regulated under the Private Healthcare Facilities Ordinance (Cap. 633), and/or provide cosmetic procedures with a higher risk of complications<sup>19</sup> which requires medical practitioners under the Medical Registration Ordinance (Cap. 161) by the Medical Council of Hong Kong)

#### **Group (iii) – Funeral and related businesses**

- Funeral and related activities (HSIC Code: 9608)  
(Premises regulated under the Funeral Parlours Regulation (Cap. 132AD), the Public Health and Municipal Services Ordinance (Cap.132) and the Undertakers of Burials Regulation (Cap 132CB))

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<sup>17</sup> This Industry Class is divided into the following Industry Sub-class(es): Body massage services (HSIC Code: 960401), and Foot reflexology (HSIC Code: 960402). This Industry Class includes establishments mainly engaged in providing massage and acupuncture services. The services help relax people but are related to neither beauty treatment nor accredited medical care.

<sup>18</sup> This industry sub-class includes beauty consultancy services; body piercing services, not involving selling of accessories; hair restoration services (involving no medical process); hair root removal services; manicure and pedicure services; tattooing services. This excludes services that are provided in non-store setting.

<sup>19</sup> Cosmetic procedures with a higher risk of complications shall include but not limited to injectable cosmetic procedures, procedures that involve skin peeling below the epidermal layer of the skin using mechanical or chemical methods, hyperbaric oxygen procedures the use of medical devices (including beauty devices), and/or such other procedures as identified by the Department of Health from time to time.

## **ANNEX C**

### **Group (iv) – Commercial Bathhouse/ Sauna businesses**

- Bathhouse services (HSIC Code: 9603)  
(Premises regulated under the Commercial Bathhouses Regulation (Cap. 132I))

### **Group (v) - Care and training services for pet and animals businesses**

- Care and training services for pets and animals (HSIC Code: 9607)  
[(a) Premises that are regulated under the Public Health (Animals)(Boarding Establishment) Regulations (Cap. 139I); and/or  
(b) Premises which obtained all the necessary permits and/or licences from the relevant authority required for its legal operation of the service(s) in Hong Kong. (if applicable)]  
(This excludes veterinary services (HSIC Code: 730000), such as clinics which practitioners are regulated under the Veterinary Surgeons Registration Ordinance (Cap. 529), registered with the Veterinary Surgeons Board of Hong Kong)

### **Group (vi) – Garage and Vehicle Repair Workshop**

- Servicing and repairing of motor vehicles and motorcycles (HSIC Code: 9510)  
(Premises providing such service(s) which are regulated under the Waste Disposal Ordinance (Cap 354) and the Water Pollution Control Ordinance (Cap. 358))

## **ANNEX C**

### **Group (vii) – Other eligible personal service businesses**

i.e. Premises that provide service(s) other than the listed business premises from the Industry Group (i) to (vi) above. This Group Includes:

- Laundry and dry-cleaning services (HSIC Code: 9601);
- Hairdressing treatment (HSIC Code: 960201);
- Other miscellaneous personal service activities n.e.c. (HSIC Code: 9609)<sup>20</sup>;
- Geomancy, fortune telling and spiritualist services (HSIC Code: 9605);
- Match-making, matrimonial agency and marriage ceremony services (9606);
- Repair of computers and peripheral equipment (HSIC Code: 9521);
- Repair of communications equipment (HSIC Code: 9522);
- Repair of audio and visual electronic products (HSIC Code: 9531);
- Repair of household appliances, home and garden equipment (HSIC Code: 9532);
- Repair of footwear and leather goods (HSIC Code: 9533);
- Repair of furniture and home furnishings (HSIC Code: 9534);
- Locksmith services (HSIC Code: 9535);
- Repair of watches and clocks (HSIC Code: 9536);
- Repair of jewellery (HSIC Code: 9537);
- Repair of other personal and household goods (HSIC Code: 9539)<sup>21</sup>

(This excludes establishments with operations that are categorized as Tourism, Retail, or Food & Beverage in this Programme.)

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<sup>20</sup> The Industry Sub-class 9609 includes: foot bath service without massage; social escort services; valet car parking services; operation of coin-operated personal service machines (photo booths, weighing machines, lockers etc.); miscellaneous personal service activities n.e.c. This excludes services that are provided in non-store setting.

<sup>21</sup> The Industry Sub-class 9539 includes: bicycles, repairing; books, repairing; clothing, repair and alteration; lighter, repairing; musical instrument, repairing; musical instrument, tuning; sporting goods (except sporting guns), repairing; toys and similar articles, repairing; other personal and household goods n.e.c., repairing. This industry subclass excludes: sporting guns, repairing (see HSIC Code: 331100). This excludes services that are provided in non-store setting.