

**Hong Kong Tourism Board
Green Tourism Pilot Scheme
Guide to Application**

Table of Contents

	<u>Page</u>
I. Introduction	3
1.1 Background	3
1.2 Objectives of the Fund	3
II. Application for Green Tourism Pilot Scheme	3
2.1 Eligibility Criteria	3
2.2 Application Procedures	4
2.3 Deadline for Submission	4
2.4 Methods of Application Submission	4
2.5 Enquiries During the Application Period	5
III. Assessment of Applications	5
3.1 Evaluation Panel (EP)	5
3.2 Assessment Procedures	7
3.3 Notifications of Results and Offer Letter	8
IV. Funding Support	10
4.1. Scope of Funding	10
4.2 Contractual Requirements with Hong Kong Tourism Board	10
4.3 Payment Arrangements	13
4.4 Use of Information	14
4.5 Insurance	14
V. Monitoring Mechanism	14
5.1 Progress Report and Evaluation Report	14
5.2 Monitoring Visits and Meetings	15
VI. Intellectual Property Rights and Personal Data	15

Annex – Personal Information Collection Statement

Note:

This Guide should be read in conjunction with the Green Tourism Pilot Scheme Application Form.

The Content of this Guide may be reviewed and updated from time to time. Up-to-dated version of this Guide is available at the Hong Kong Tourism Board's PartnerNet website (<http://partnernet.hktb.com>).

**Hong Kong Tourism Board
Green Tourism Pilot Scheme
Guide to Application**

(Note: This Guide should be read in conjunction with the Green Tourism Pilot Scheme Application Form.)

I. Introduction

1.1. Background

1.1.1 To encourage the tourism sector to develop a greater variety of tourism products to attract more visitors to Hong Kong, the Hong Kong Tourism Board (HKTB) is introducing the Green Tourism Pilot Scheme to encourage tour operator to create more in-depth Green Tourism products.

1.1.2 This Guide aims to provide information to applications for the Green Tourism Pilot Scheme. In this Guide, unless the context otherwise specifies, any terms defined or expressions used in this Guide shall bear the meanings set out in the Green Tourism Pilot Scheme Application Form.

1.2 Objectives of the Fund

The Green Tourism Pilot Scheme aims to offer an incentive to local travel trade partners in providing more varieties of green tourism products.

II. Application for Green Tourism Pilot Scheme

2.1 Eligibility Criteria

2.1.1 The applicant must hold a valid Travel Agents Licence issued by the Registrar of Travel Agents unless otherwise exempted under the Travel Agents Ordinance.

2.1.2 The applicant must be the organizer of the tour product.

2.1.3 The proposed products in the application should:

- (a) be a regular land tour product offer for inbound visitors with tour products organized in Hong Kong
- (b) focus on in-depth Green Tourism
- (c) be guided by a professional tour guide
- (d) operate 5 days per week and a subsidy will be granted if the condition at paragraph 4.1.1 is met
- (e) in strict compliance with environmental protection principles (<http://www.natureintouch.gov.hk/download>)

2.2. Application Procedures

- 2.2.1 Invitations for applications for the Green Tourism Pilot Scheme will be announced through the Hong Kong Tourism Board's PartnerNet website (<http://partnet.hktb.com>), and via the Travel Industry Council for circulation to its members.
- 2.2.2 This Guide to Application and the up-to-date Application Form can both be downloaded from the Hong Kong Tourism Board's PartnerNet website.
- 2.2.3 Applicants wishing to apply for more than one Green Tourism product should complete a separate application form for each individual product.
- 2.2.4 Applicants may write to the Secretariat to withdraw an application before the agreement (see section 4.2 below) is signed.

2.3. Deadline for Submission

- 2.3.1 The deadline for the application of the Green Tourism Pilot Scheme will be **on 28 Sep 2017**. Late application and application with incomplete details will not be considered.

2.4 Methods of Application Submission

- 2.4.1 To make an application, the following documents should reach the Secretariat at the following address: *Hong Kong Tourism Board, 9th – 11th Floors, Citicorp Centre, 18 Whitfield Road, North Point, Hong Kong*, during ordinary business

hours (9:00 a.m. to 5:30 p.m.) from Monday to Friday (other than a general holiday) on or before the application deadline:

- (a) original completed Application Form plus three copies of the completed form;
- (b) a disk/USB copy of the completed Application Form (together with supporting documents / information);
- (c) documentary proof of eligibility to apply (please refer to paragraph 2.1.1 above);
- (d) four copies of relevant registration documents;
- (e) four copies of other supporting documents / information as required in the Application Form;
- (f) declaration of interest (please refer to paragraph 3.1.4.); and
- (g) any other additional information relevant to the application.

2.4.2 Applicant may be required to submit additional or supplementary information to support its application. Applicant should provide the Secretariat with the requested clarification, information and documents from time to time.

2.5. Enquiries during the Application Period

2.5.1 Applicants may contact the Secretariat at telephone no. 2807 6294, fax no. 2807 6590 or email address: fundingscheme@hktb.com for enquiries and assistance.

2.5.2 Information provided in response to enquiries received by the Secretariat may be shared without notice to the applicants with other individuals or organizations as the Secretariat considers necessary.

III. Assessment of Applications

3.1 Evaluation Panel (EP)

3.1.1. The EP, comprising representatives from Government departments, and members with experience in tourism industry, has been appointed to consider the applications and provide recommendations for Marketing and Business Development Committee (MBD Committee) of the Hong Kong Tourism Board to endorse funding approval related matters.

- 3.1.2. To avoid conflict of interest, all members of the EP need to comply with the Guidelines of declaration of interests issued by the Independent Commission Against Corruption (ICAC) of Hong Kong.
- 3.1.3. The offer of advantage to any public officers in the Hong Kong Tourism Board or members of the EP or the MBD Committee with a view of influencing the outcome of an application is an offence under the Prevention of Bribery Ordinance (Cap. 201). Applicants should not offer any advantage (as defined in the Ordinance) to these personnel while having dealings of any kind with the Hong Kong Tourism Board. Any such offer by an applicant or his employee(s) or agent(s) will also render the application null and void and agreement signed rescinded. Fund granted, if any, shall be recovered by the Hong Kong Tourism Board. The related applicant will be required to return the Green Tourism Pilot Scheme in full immediately upon demand by Hong Kong Tourism Board.
- 3.1.4. Applicant and its Associates who are involved in the Project shall each submit a declaration of potential conflict of interest to the EP upon:
- (a) submission of the application; and
 - (b) every submission for payment.

Associates mean any person or corporation who has Control, directly or indirectly, over the applicant.

Control in relation to another person means the power to secure:

- (a) by means of the holding of shares or interests or the possession of voting power in or in relation to that or any other person; or
- (b) by virtue of any powers conferred by any constitution, memorandum or articles of association, partnership, agreement or arrangement (whether legally enforceable or not) affecting that or any other person; or
- (c) by virtue of holding office as a Director in that or any other person;

that the affairs of the first-mentioned person are conducted in accordance with the wishes of that other person.

If the Applicant or any Associates involved in the Project commit any offence under the Prevention of Bribery Ordinance (Cap. 201) or under any law of a similar nature in relation to the application or the agreement, the Hong Kong Tourism Board shall be entitled to reject the application, terminate the agreement if entered and demand return of funding in full immediately, and suspend the applicant from future Green Tourism Pilot Scheme and any funding applications from the Hong Kong Tourism Board.

3.2 Assessment Procedures

- 3.2.1 All Application Forms together with the information and supporting documents submitted with them will be acknowledged by the Secretariat within 7 days upon receipt of application.
- 3.2.2 The applicant is required to provide all related information of the applicant and in respect of the planning, and operation of the tour product to the Secretariat, for the purpose of assessing the application by EP.
- 3.2.3 The Secretariat will screen an application to ascertain whether it meets all eligibility criteria. Applicants may be requested to provide clarification and/or supplementary information on the application. The Secretariat will also summarize all relevant information submitted by the applicant for the EP's assessment during EP meeting.
- 3.2.4 In considering an application, the EP will take into account the following:
- (a) overall organization competency, such as company background, history, financial position and size, and whether the company has the credential and experience in managing tour product of similar scale;
 - (b) desirability of the project, in terms of technical practicality, value for money and quality of the tour product;
 - (c) tour product's ability to attract visitors;
 - (d) compliance with the rules, regulations and requirements of the country parks, Geopark and/or other places covered in the itinerary of the tour product;
 - (e) the expertise or professionalism of the tour guide;
 - (f) the uniqueness and specialty of the green tour product;

- (g) the transportation arrangement;
- (h) target achievements of the tour product, measured by media exposure in consumer and public relations promotions, and target number of tour participants generated;
- (i) whether the applicant is able to prove to the satisfaction of the EP that the proposed operational plan is prudent and realistic and other factors which the EP considers relevant.

3.2.5 The EP may, in its absolute discretion, decide whether or not to approve an application; the appropriate amount of the Green Tourism Pilot Scheme to be approved, and the appropriate terms and conditions to apply to individual tour product.

3.2.6 The EP may impose additional terms and conditions in the agreement(s). It may also stipulate specific terms and conditions on the use of the allocated Green Tourism Pilot Scheme.

3.2.7 The EP may propose to the MBD Committee of the Hong Kong Tourism Board to impose additional terms and conditions in the agreement(s). It may also stipulate specific terms and conditions on the use of the allocated Green Tourism Pilot Scheme.

3.2.8 The applications of the Green Tourism Pilot Scheme will be disqualified if the same tour products are having any sales or funding agreements with Hong Kong Tourism Board or other Government departments or are applying any Hong Kong Tourism Board or other Government departments funding programme.

3.3 Notification of Results and Offer Letter

3.3.1 Under normal circumstances, applicants will be notified of the result of the application in writing within 4 weeks after the evaluation panel meeting, provided that all information (including any supplementary information) required for assessment of the applications is submitted.

3.3.2 If an application is rejected, the decision is final and absolute. There is no appeal mechanism, but an applicant that failed in the selection may submit a fresh application for another round of selection (if any) later on.

- 3.3.3 A written notification will be sent to the successful applicant. The written notification will set out the major terms and conditions of the proposed funding.
- 3.3.4 The successful applicant will be required to sign and return a reply slip attached to the written notification to the Secretariat within the specified period of time if it accepts the proposed Green Tourism Pilot Scheme subject to the terms and conditions set out in the written notification.
- 3.3.5 Once the reply slip is signed by the successful applicant and received by the Secretariat, subject to the satisfaction of the conditions set out in the written notification, the Hong Kong Tourism Board may, in its sole discretion and without prior notice to the successful applicant, announce the details of the Green Tourism Pilot Scheme tour product and the identity of the successful applicant publicly and prepare the agreement(s) for execution by relevant parties.
- 3.3.6 In the event that the proposed tour product requires compliance with certain statutory requirements or other permission, approvals or requirements of the relevant bodies or authorities under the Law of Hong Kong or overseas jurisdiction, it is the responsibility of the relevant applicant to submit the necessary application and obtain the required approval from the relevant bodies or authorities.
- 3.3.7 Under the above circumstances or any other circumstances the EP consider appropriate, the written notification issued to a successful applicant may be conditional, subject to the completion of additional required formalities within a specific period of time, or approval-in-principle may be given to the application subject to completion of additional procedures within a specified period of time.
- 3.3.8 If the applicant subsequently failed to complete the procedures, the EP may propose to the MBD Committee of the Hong Kong Tourism Board to withdraw the approval and the written notification.
- 3.3.9 Under no circumstances will the Hong Kong Tourism Board, the MBD Committee or the EP accept liabilities for compensation to the applicant.

3.3.10 Neither the Hong Kong Tourism Board, the MBD Committee nor the EP is bound to accept or support any application submitted.

IV. Funding Support

4.1 Scope of Funding

4.1.1 The funding provided by the Green Tourism Pilot Scheme should solely be used to support the approved operation cost with a maximum amount at HK\$2,100 per selected green tour product per day. Only **tours with three or more participants** will be granted subsidy from this Scheme.

4.1.2 The maximum funding support from the Hong Kong Tourism Board shall be limited to HK\$273,000 per approved application running for at least 6 months.

4.1.3 The Applicant is required to provide documentary proof of commitment and contribution made by the Applicant to the satisfaction of the Hong Kong Tourism Board on monthly basis which shall include the final participant list from the applicant. Funding payment will be made on reimbursement basis against proofs (as set out herein) of eligible green tour product actually run with funding tier as:

Maximum amount to be supported:

Per tour per day	\$2,100
Per week	\$10,500 (i.e. \$2,100 x 5 days)
Per application	\$273,000 (i.e. \$10,500 x 26 weeks, 6 months)

The Green Tourism Pilot Scheme will last for 6 months. Any approved applications will be subject to a review three months after the tours launch.

In case of discrepancies between the documentary proofs, the Hong Kong Tourism Board has the right to reject the request for funding payment.

4.1.4 The green tour product should be in operation for at least 6 months after its launch.

4.2. Contractual Requirements with Hong Kong Tourism Board

- 4.2.1 The terms and conditions approved by the MBD for the tour product, will be set out in the project agreement(s) (which will be prepared and approved by the Hong Kong Tourism Board) to be signed by the Hong Kong Tourism Board with the successful applicant. The agreement(s) will prescribe in detail the rights and obligations of the successful applicant.
- 4.2.2 The successful applicant must obtain the EP's prior written approval of any changes to the utilization of the funding to the proposed expenditure items as approved. Changes approved by the EP will be incorporated into the agreement as amendment. The successful applicant must not assign or transfer the ownership and/or rights of the tour product in question to third party or make any change to the utilization of funding without the prior written approval of the EP. Any such assignment or transfer or financial changes without prior written approval will deem the funding being cancelled and Hong Kong Tourism Board has the right to terminate the agreement and claim back all or part of the Green Tourism Pilot Scheme whether expended or not in accordance with clause 4.2.7.
- 4.2.3 The successful applicant should immediately notify the Secretariat if there are other material variations or changes to the tour product and the applicant organization, for example, the applicant made changes to the itinerary in which key elements of the tour product has been removed; violation on regulations and/or code of conducts issued by the Travel Industry Council of Hong Kong, change of the licensing status, nature, ownership, management or control of the applicant's company/organization, and in particular where there is change of directors or shareholders or other key personnel of the applicant's company/organization on the project team or any petition for bankruptcy or resolution for winding up is filed against any of them. The EP shall have the right to cancel and terminate the funding agreement if the EP shall consider that any change made will substantially prejudice any of the rights or powers of Hong Kong Tourism Board under the agreement or the applicant's ability to carry out the project or its obligations under the agreement.
- 4.2.4 The agreement(s) may contain such terms and conditions and matters referred to in this Guide, and other matters including but not limited to the governing laws, indemnity, warranty and confidentiality. The successful applicant will be required to comply with confidentiality clauses as the Hong Kong Tourism Board thinks fit as provided for in the agreement on using and protection of

confidential information and other data (including any personal particulars, records and personal data (as defined in the Personal Data (Privacy) Ordinance, Cap. 486, Laws of Hong Kong) and materials of any nature (in or on whatever media)) accessible by the applicant under the agreement or which the Hong Kong Tourism Board has disclosed, supplied, made available or communicated to the successful applicant.

- 4.2.5 The EP shall have the right to impose appropriate sanctions on the successful applicant upon happening of any material variations or changes under Clause 4.2.3 or if the applicant is unable to deliver or carry out the tour product (whether or not outside the control of the applicant). These sanctions may include without limitation to terminate the funding agreement, withdraw or reduce the level of funding, not to disburse the subsequent funding if applicable, or suspend the applicant from future Hong Kong Tourism Board funding programme application, etc.
- 4.2.6 The EP shall have the right to cancel and terminate the funding agreement, withdraw or reduce the Green Tourism Pilot Scheme if the approved Green Tourism Pilot Scheme or any parts of it were abused, used for purposes other than the specified or approved purposes or the applicant fails to provide any reports, or other documents in accordance with this application and the agreement, or any of the data, facts or information represented or provided by the applicant in relation to the application or the tour product is incorrect, untrue, inaccurate or misleading, or the applicant withholds any material data, facts or information in relation to the application or the tour product.
- 4.2.7 If the funding agreement is terminated by EP, the successful applicant may be required to immediately repay all or part of the Green Tourism Pilot Scheme provided to the Hong Kong Tourism Board. The Hong Kong Tourism Board also has the right to claim back all or part of the Green Tourism Pilot Scheme whether expended or not.
- 4.2.8 The applicant shall indemnify the Hong Kong Tourism Board against all loss, claims, demands, damages, costs, expenses, and liabilities suffered or incurred by the Hong Kong Tourism Board or which may be brought or made against the Hong Kong Tourism Board arising out of the breach of any of the terms and conditions of the application and the funding agreement by the applicant; or any claims of whatever nature in relation to the Applicant's tour products or

the Applicant's information or representation on the promotion platform. Such indemnity should cover claims relating to intellectual property rights infringement. The applicant whether successful in its application or otherwise, or any employee, agent, servant or associate of the applicant, shall not seek or claim any compensation, reimbursement, damages, indemnity or waiver from the Hong Kong Tourism Board in relation to the preparation and submission of the application or termination of the funding agreement.

4.2.9 Nothing in this Guide shall constitute a contract. No binding agreement will be made between the Hong Kong Tourism Board and the applicant unless and until the project agreement(s) is duly executed by all parties.

4.3. Payment Arrangements

4.3.1 The Hong Kong Tourism Board will only disburse the Green Tourism Pilot Scheme after the agreement(s) have been duly executed by all parties subject to the terms and conditions of the agreements. The Green Tourism Pilot Scheme will be paid to the applicant after completion of the approved tour product and receipt by the Hong Kong Tourism Board of related invoices, and the participant list of the approved product set out on monthly basis. Funding payment will be made on reimbursement basis against proofs (as set out herein) of approved tour product actually run and at the maximum amount HK\$2,100 per tour per day and HK\$273,000 for a period of 6 months for each application. In case of discrepancies between the documentary proofs, the Hong Kong Tourism Board has the right to reject the request for funding payment.

4.3.2 The successful applicant will be required to submit progress reports and claims monthly to the Secretariat. The successful applicant will also be required to maintain the certified invoices or bills for a period of seven years after completion of the Green Tourism Pilot Scheme and provide them for inspection without delay as and when required by the Secretariat.

4.3.3 The payment may be effected upon (i) satisfactory completion on the tour product before the due date in accordance with the agreement(s); (ii) submission of all proofs as required under claim 4.3.1 to the satisfaction of the EP; and (iii) is further subject to the applicant's full compliance with all its obligations and duties under the agreement(s).

4.3.4 If the successful applicant fails to provide the final evaluation reports as required in paragraph 5.1.1 for review within 3 months after project completion date as stated in original application, the applicant will be suspended from future applications (if any) of Green Tourism Pilot Scheme and any other funding from Hong Kong Tourism Board for a minimum of 24 months.

4.4. Use of Information

Upon signing of the official agreement with the successful applicant, the Hong Kong Tourism Board and the EP have the right to make use of information, disclose or transfer information provided in the applications for the purposes of assessment of the applications, conducting research, arranging publicity of the Green Tourism Pilot Scheme or the funded tour product, monitoring and evaluating the funded tour product, the administration of the Green Tourism Pilot Scheme, or any other related purposes, etc.

4.5. Insurance

4.5.1 The successful applicant will be required in the agreement(s) to procure appropriate insurance policies, covering the personal injury and property loss of the tour participants and for public liability, to meet any claim which may arise as a result from the operation of the tour product.

4.5.2 Under no circumstances should the Hong Kong Tourism Board or the EP be held liable for any third-party claims for loss or damages arising from the operation of the tour product.

V. Monitoring Mechanism

5.1. Progress Reports and Evaluation Reports

5.1.1 The successful applicant will be required to submit the following reports on the Green Tourism Pilot Scheme to the EP:

- (a) where appropriate, monthly reports, tour photos and participants' feedbacks (if applicable);
- (b) final evaluation report (with the invoices) to be submitted within 3 months following the completion of the tour as stipulated in the

agreement(s). The final report should contain the results of the tour including the total number of the visitors joined and the source market.

5.1.2 The Hong Kong Tourism Board shall have the right to claim the applicant against any loss or damages incurred in connection with or as a result of the applicant's failure to handle the funding properly or the applicant breach of the terms and conditions under the application or the funding agreement.

5.1.3 To facilitate evaluation of the application, the applicant will be required to state the tour product's deliverables and targets when they submit the proposals in the Application for consideration by the EP. The targets shall include without limitation, to this set out in paragraph 3.2.4(h).

5.1.4 The year-end/final evaluation report should contain an evaluation of the results of the tour development project and the results should be measured against the agreed deliverables / targets and any other funding conditions applicable to the successful applicant / tour product. In the case that the agreed deliverables / targets and/or other funding conditions cannot be achieved, the successful applicant may be required to provide explanations to the satisfaction of the EP.

5.2. Monitoring Visits and Meetings

5.2.1 EP members and the Green Tourism Pilot Scheme Secretariat, may participate in progress review of the tour product to monitor the progress, including having familiarisation visits of the tour product.

5.2.2 The successful applicant will be required to assist in arranging such visits, and to comply with any formal advice or instructions issued by the EP or the Hong Kong Tourism Board from time to time in respect of tour product.

5.2.3 Familiarization visits of the successful applicant's tour product may be recorded. Such observations will be taken into account by the EP in determining whether there are any breaches of the funding terms and conditions, whether the successful applicant's performance in providing the tour product is satisfactory or not, and whether the tour product fails to achieve the pre-determined deliverables / targets as stated in the agreement(s).

VI. Intellectual Property Rights and Personal Data

- 6.1.1 It is the responsibility of the successful applicant to ensure that they comply with the provisions of the intellectual property laws of Hong Kong. Under no circumstances should the Hong Kong Tourism Board or the EP be held liable for any breaches of Intellectual Property Rights¹ caused by the implementation of the tour product.
- 6.1.2 The Hong Kong Tourism Board and the EP shall be entitled to use the project materials of the tour product, free of charge, for the purposes of tourism promotion. The successful applicant will be required to grant for the benefit of the Hong Kong Tourism Board, its authorized users, assigns and successors-in-title an unconditional, irrevocable, non-exclusive, perpetual, royalty-free and world-wide licence to use the Project Materials of the tour product for the benefit of the Hong Kong Tourism Board, its authorized users, assigns and successor-in-title, for the above purposes and by any means and in any manner.
- 6.1.3 The “Personal Information Collection Statement” (“PICS”) (Annex) will apply to the personal data provided by the applicants in connection with the applications. Before the applicants supply any personal data to the EP in connection with their applications, they must ensure that the relevant data subjects have read the PICS.

– End –

¹ Intellectual Property Rights (IPRs) means “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 (of whatever nature and wheresoever arising, whether now known or hereafter created) and in each case whether registered or unregistered and including applications for the grant of any such rights.”

Annex

Application of the Green Tourism Pilot Scheme Personal Information Collection Statement

Purpose of Collection

1. The personal data provided in the applications and related supporting documents and supplementary information will be used by the Hong Kong Tourism Board and the EP for the following purposes:
 - (a) processing and assessing the applications, conducting related checks, and authentication of the applications for the Green Tourism Pilot Scheme;
 - (b) payment of the Green Tourism Pilot Scheme;
 - (c) preparing statistics and research;
 - (d) arranging publicity;
 - (e) meeting any disclosure requirements;
 - (f) monitoring the performance of the agreement(s) and evaluating the funded tour product;
 - (g) taking any remedial or follow-up action on the funded tour product; and
 - (h) purposes relating to the above.

2. Your provision of all the personal data requested in the application obligatory. Your applications may not be considered if you fail to provide all information as requested.

Classes of Transferees

3. The personal data provided in the applications may be transferred or disclosed to relevant Government bureaux / departments or other relevant persons or organizations or agencies authorized to process the information for purpose relating to paragraph 1 above, or to make any disclosure which is required or authorized by law.

Access to Personal Data

4. Subject to exemption under the Personal Data (privacy) Ordinance, Chapter 486 of the Laws of Hong Kong, you have the right of access and correction with respect

to your personal data as provided for in Section 18 and 22 and Data Protection Principle 6 of Schedule 1 thereof. A fee may be imposed for complying with a data access request.

Enquiries

5. For correction of or access to personal data after submission of the applications, please contact:

Secretariat, Green Tourism Pilot Scheme
Hong Kong Tourism Board,
9th – 11th Floors, Citicorp Centre,
18 Whitfield Road, North Point, Hong Kong

Email: fundingscheme@hktb.com
Phone: 2807 6294
Fax: 2807 6590