

**APPLICATION GUIDELINE FOR
SUBSIDY SCHEME FOR ENCOURAGING
EARLY DEPLOYMENT OF 5G**

[Application was closed on 31 December 2022]

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CONTENTS	PAGE
1. GENERAL	1
1.1 Background	1
1.2 Objective	1
1.3 Subsidy Amount	1
1.4 Eligibility of the Applicant	2
2. APPLICATION	2
2.1 Application Period	2
2.2 Submission of Applications	3
2.3 Processing of Applications	3
3. ASSESSMENT CRITERIA	4
3.1 Essential Requirements	4
3.2 Other Considerations	5
4. SUBSIDY ARRANGEMENT	6
4.1 Approval of Project Budget	6
4.2 Disbursement of Subsidy	7
5. PROJECT IMPLEMENTATION	7
5.1 Project Coordinator	7
5.2 Report on Project Progress	7
5.3 On-site Visit and/or Demonstration	8
5.4 Completion Report and Audited Accounts	8
6. SHARING OF EXPERIENCE AND BEST PRACTICES	8
7. OTHER TERMS AND CONDITIONS	9
7.1 Terms of the Project	9
7.2 Relationship of the Parties	9
7.3 Suspension or Termination of the Grant of Subsidy	9
7.4 Assignment and Sub-contracting	10
7.5 Ownership of Software, Hardware, Intellectual Property Right and Copyright	10
7.6 Indemnity	10
7.7 Prevention of Bribery	11
7.8 Data Privacy Requirements and Disclosure of Information	11
7.9 Severability	12
7.10 Governing Law and Jurisdiction	12
7.11 Contracts (Rights of Third Parties) Ordinance	12
8. ENQUIRIES	12

1. GENERAL

1.1 Background

- 1.1.1 Hong Kong has entered the 5G era mobile communications in April 2020 with mobile network operators launching 5G services. Given that 5G technology has the characteristics of high speed, low latency communications, and support of a large number of connected Internet of Things (IoT) devices at the same time, it will significantly enhance reliability and resilience of services with minimum human intervention through automation and remote control.
- 1.1.2 Since early 2020, the COVID-19 pandemic has hard hit various sectors in Hong Kong and brought paradigm shift to many industries. As part of the Government's initiatives to maintain a vibrant economy in Hong Kong, it is considered that early adoption of 5G technology will stimulate innovation and enhance the competitiveness of various sectors especially at this difficult time.
- 1.1.3 In the above connection, the Government has launched the Subsidy Scheme for Encouraging Early Deployment of 5G ("Scheme") under the second round of Anti-epidemic Fund to encourage various sectors (e.g. health care, transport and logistics, tourism, professional service, building and construction, property management, retail, manufacturing, catering and entertainment etc.) to innovate and improve their competitive edge through the early deployment of 5G.
- 1.1.4 The Office of the Communications Authority ("OFCA") is tasked to administer the Scheme. This Application Guideline for Subsidy Scheme for Encouraging Early Deployment of 5G ("Guideline") is issued to facilitate interested parties to submit applications for the Scheme. All interested parties are advised to read the Guideline carefully prior to preparing their applications.

1.2 Objective

- 1.2.1 The Scheme aims to encourage various sectors, through the provision of financial incentives, to have an early adoption of 5G technology to foster innovation and smart city applications, and to improve efficiency of their operations and quality of their services that will contribute to enhancing Hong Kong's overall competitiveness.

1.3 Subsidy Amount

- 1.3.1 Under the Scheme, the Government will subsidise 50% of the actual costs directly relevant to deployment of 5G technology in the project, subject to a cap of 50% of the Approved Project Budget (as defined in paragraph 4.1.4 below) or HK\$500,000 or the amount of the remaining subsidy available under the Scheme, whichever is lower.
- 1.3.2 It is estimated that about 200 projects in total can be subsidised under the Scheme, assessed on a first-come-first-served basis, based on the issue date of

the acknowledgement of complete application received.

1.4 Eligibility of the Applicant

- 1.4.1 An applicant applying for the Scheme must be:
- (a) an entity registered in Hong Kong under the Business Registration Ordinance (Cap. 310);
 - (b) an entity incorporated and registered in Hong Kong under the Companies Ordinance (Cap. 622);
 - (c) an entity established in Hong Kong by relevant ordinances as statutory bodies;
 - (d) a University Grants Committee-funded institution, or self-financing degree-awarding institution registered under the Post-Secondary Colleges Ordinance (Cap. 320);
 - (e) a charitable organisation registered under Section 88 of the Inland Revenue Ordinance (Cap. 112);
 - (f) a school registered under the Education Ordinance (Cap. 279) or a school entirely maintained and controlled by the Government; or
 - (g) a Government department.
- 1.4.2 An applicant must have substantive business or operation in Hong Kong before 1 January 2020 and is still in operation at the time of application. For the avoidance of doubt, an entity holding a “shell” business registration will not be regarded as having substantive business or operation in Hong Kong.
- 1.4.3 Each applicant shall be eligible to receive subsidy under the Scheme for one project only.
- 1.4.4 Double subsidy is not allowed. If a project under application has received or will receive any direct grant from other funding/subsidy programme(s) provided by the Government, the applicant shall not receive any subsidy under the Scheme for the same project.
- 1.4.5 OFCA reserves at all times the right to determine whether and how an applicant is eligible to apply for subsidy under the Scheme.

2. APPLICATION

2.1 Application Period

- 2.1.1 The Scheme is originally open for application from 5 May 2020 until 31 May 2021, or until the total amount of subsidy under the Scheme is exhausted, whichever is earlier. The deadline for application was extended to 31 July 2022 following the announcement by the Government in July 2021. On 20 June 2022, the Government announced a further extension of the deadline for application to 31 December 2022.

2.2 Submission of Applications

- 2.2.1 To apply for the subsidy under the Scheme, the applicant should read this Guideline carefully and complete the application form at the Annex (“Application Form”) and provide all documents as requested in the Application Form. No application fee will be charged.
- 2.2.2 The Application Form (in Microsoft Word format) can be downloaded from OFCA’s website (www.ofca.gov.hk/5g-subsidy). The Application Form is available in English and Chinese, and can be completed in either language.
- 2.2.3 The completed Application Form together with all required supporting documents must reach OFCA on or before 31 December 2022. Late submission of an application will not be accepted. An application should be submitted through the following means:
- (a) By post or in person to: OFCA, 29/F, Wu Chung House, 213 Queen’s Road East, Wanchai, Hong Kong. The application should be enclosed in an envelope marked “**Application for Subsidy for Early Deployment of 5G**”; or
 - (b) By email to: 5g-subsidy@ofca.gov.hk. After submitting the application by email, the applicant shall submit the hardcopy of the original Application Form with signatures (together with all required documents) by post or in person to OFCA within ten working days. **Failure to provide the hardcopy of the original Application Form with signatures by the specified deadline shall render the application unsuccessful.** If there is any inconsistency or ambiguity between the version submitted by email and the hardcopy submitted by post or in person, the hardcopy shall prevail.
- 2.2.4 An applicant shall submit its application at its own costs and expenses. The Government shall not be liable for any costs, losses or expenses whatsoever incurred by the applicant in connection with the preparation and submission of its application.

2.3 Processing of Applications

- 2.3.1 OFCA reserves at all times the right to request additional information and/or documents from an applicant for the purpose of processing and assessing the application.
- 2.3.2 When OFCA is satisfied that all required information and/or documents in relation to an application has been provided, OFCA will send the applicant an acknowledgement of complete application received.
- 2.3.3 In the event that the applicant fails to provide information and/or documents as requested by OFCA before the specified deadline, the application will not be considered further. For the avoidance of doubt, for an application submitted

by email, the failure to provide the hardcopy of the original Application Form with signatures by the specified deadline shall render the application incomplete and the application will not be considered further.

- 2.3.4 Applications which (i) meet the eligibility criteria specified in paragraph 1.4 above and (ii) have been issued with acknowledgement of complete application received, will be assessed by an inter-departmental assessment committee (“Assessment Committee”) in accordance with the assessment criteria and considerations set out in paragraphs 3.1 and 3.2 below.
- 2.3.5 OFCA and/or the Assessment Committee may seek third party’s professional advice in relation to the assessment of the application. The applicant shall irrevocably authorise, consent and agree that OFCA and/or the Assessment Committee may, whenever it considers appropriate, use or disclose to any person in such form and manner any information of the application for the purpose of its assessment.
- 2.3.6 After the completion of assessment and subject to the recommendation of the Assessment Committee, OFCA will make a final decision on whether to approve an application. The applicant will be notified by OFCA in writing whether its application is successful or not. For a successful applicant, OFCA will issue a letter of acceptance (“Letter of Acceptance”) with the details of approval and requirements for inter alia compliance with the Terms of the Project (as defined in paragraph 7.1.1 below) for acceptance by the successful applicant of the offer to be granted subsidy under the Scheme (“Grantee”).
- 2.3.7 OFCA reserves the right to consider lapsing the application approval decision in case where the applicant fails to submit the duly signed Letter of Acceptance to OFCA on or before the deadline for acceptance of the offer without justifications deemed acceptable by OFCA.
- 2.3.8 OFCA reserves at all times the right to determine whether and how an application for the Scheme is successful at its sole discretion.
- 2.3.9 All the information submitted to OFCA regarding application for subsidy for early deployment of 5G will not be returned.

3. ASSESSMENT CRITERIA

3.1 Essential Requirements

- 3.1.1 An application must fulfil all of the following requirements, failing which it will not be considered further:
 - (a) 5G technology must be deployed and is the primary enabler in the project;
 - (b) The project must demonstrate to the Assessment Committee’s satisfaction that there are substantive benefits (e.g. improvements in efficiency,

productivity, quality of service and/or other relevant key parameters) to be brought to the business/sector concerned in Hong Kong through the deployment of 5G technology in the project, in comparison to the deployment of previous generations of mobile technologies (4G/3G technologies);

- (c) The project must demonstrate to the Assessment Committee's satisfaction sufficient features and extents of innovation or cross-sectoral synergy, e.g. the project for the deployment or application of 5G technology in the business/sector concerned is novel; or the project can promote substantive benefits for entities in two or more sectors. A project with the general use of 5G devices and services by the applicant and its employees will not be considered as demonstrating any innovation or cross-sectoral synergy; and
- (d) The applicant undertakes to complete the project according to the schedule proposed in the application and submit the Completion Report, Audited Accounts (as defined in paragraph 5.4.1 below) of the project and other relevant documents to OFCA within two months upon completion of project or by 31 August 2023, whichever is earlier. For the purpose of the Scheme, "Completion of project" means the completion of deliverable(s) proposed by an applicant and accepted or revised by the Assessment Committee. In case of a large-scale/complex project, an applicant may consider proposing project milestones as project deliverable(s) for the purpose of fulfilling the requirement of "completion of project" under the Scheme.

3.2 Other Considerations

3.2.1 While applications will generally be processed on a first-come-first-served basis (based on the issue date of the acknowledgement of complete application received) and assessed against the essential requirements specified in paragraph 3.1 above, the Assessment Committee and OFCA may take into account other relevant considerations in assessing, or deciding whether to approve, an application (as the case may be).

3.2.2 For example and without limitation to paragraph 3.2.1 above, the following types of applications may not be considered for grant of subsidy:

- (a) An application which is essentially a replica of application(s) previously submitted by other applicant(s); and
- (b) An application involves a project which is unlikely to complete (i.e. complete the deliverable(s) proposed by an applicant and accepted or revised by the Assessment Committee) within the projected timeframe or before 31 August 2023, whichever is earlier. For the avoidance of doubt, even if an applicant makes an undertaking as mentioned in paragraph 3.1.1(d) above, its application may **not** be considered if upon verification, the Assessment Committee or OFCA is not satisfied that the applicant is

able to complete the project and submit the Completion Report, Audited Accounts of the project and other relevant documents to OFCA within two months upon completion of project or by 31 August 2023, whichever is earlier.

- 3.2.3 OFCA reserves at all times the right to determine whether and how an application for the Scheme is successful at its sole discretion.

4. SUBSIDY ARRANGEMENT

4.1 Approval of Project Budget

- 4.1.1 An applicant shall submit in its application the project budget, with breakdown of cost items that are directly relevant to the deployment of 5G technology in the project. The project budget shall cover the period from the project commencement date to the project completion date. Costs incurred prior to the project commencement date or costs to be incurred after the project completion date will not be covered under the Scheme.
- 4.1.2 Only cost items (such as hardware cost, software cost and manpower cost) that are considered directly relevant to the deployment of 5G technology in the project as well as audit fee relating to the project will be covered in the Scheme.
- 4.1.3 The following cost items will not be covered under the Scheme:
- (a) building facilities (including office, laboratory, accommodation) – rates, rental, renovation, and operation, repair and maintenance expenses;
 - (b) costs of setting up office or forming association/consortium;
 - (c) utilities – charges for electricity, gas, water;
 - (d) transportation and travelling expenses;
 - (e) general administration and office expenses;
 - (f) staff provident fund handling charges, staff training and development costs, and staff facilities;
 - (g) entertainment expenses and any prizes, either in the form of cash or other types of souvenirs;
 - (h) advertisement and marketing expenses; and
 - (i) capital financing expenses (e.g. mortgage and interest on loans/overdrafts).

The list of unallowable cost items set out above is for illustration only and is **not** exhaustive.

- 4.1.4 The amount of the costs that is determined to be covered under the Scheme (“Approved Project Budget”) and the amount of subsidy that is prepared to be granted (“Approved Subsidy”) will be set out in the Letter of Acceptance issued to the successful applicant. The Approved Subsidy is equal to 50% of the Approved Project Budget or HK\$500,000 or the amount of the remaining subsidy available under the Scheme, whichever is lower.

- 4.1.5 OFCA reserves at all times the right to determine the Approved Project Budget and the Approved Subsidy.

4.2 Disbursement of Subsidy

- 4.2.1 The actual entire amount of subsidy to be granted to a Grantee (“Actual Entire Subsidy”) is equal to 50% of the actual costs directly relevant to the deployment of 5G technology in the project, subject to a cap of the Approved Subsidy. OFCA reserves at all times the right to make the final decision on whether to grant and the amount of Actual Entire Subsidy.
- 4.2.2 The subsidy will be granted to the Grantee in two portions.
- 4.2.3 The first portion of subsidy is equal to 50% of the Approved Subsidy, which will be granted to the Grantee after the Grantee has submitted to OFCA a duly signed Letter of Acceptance.
- 4.2.4 The second portion of subsidy is equal to the Actual Entire Subsidy minus the first portion of subsidy granted to the Grantee. The second portion of subsidy will be granted to the Grantee within 30 days after OFCA issued a notice of completion (“Notice of Completion”) indicating its satisfaction that the project has been fully and properly implemented and completed, and all required documents and information have been received by OFCA on time. Please refer to paragraphs 5.1 to 5.4 below for the detailed requirements. The Grantee will not be entitled to the second portion of subsidy if it fails to comply with, inter alia, any of the requirements specified in paragraphs 5.1 to 5.4 below.
- 4.2.5 If the Actual Entire Subsidy is less than the first portion of subsidy, the Grantee shall return to OFCA the excess payment (of which the amount and payment method to be determined by OFCA) within 30 days upon issue of Notice of Completion to OFCA.

5. PROJECT IMPLEMENTATION

5.1 Project Coordinator

- 5.1.1 A Grantee shall appoint a project coordinator who shall act as the main contact point with OFCA. The project coordinator shall be responsible for overseeing the implementation of the project and liaising with OFCA. The project coordinator must be readily contactable by telephone and email throughout the duration of the project.

5.2 Report on Project Progress

- 5.2.1 For the purpose of monitoring project implementation, OFCA may require a Grantee to submit a brief report giving the progress of the project. If requested by OFCA, the Grantee shall submit such report.

5.3 On-site Visit and/or Demonstration

- 5.3.1 OFCA may conduct on-site visit to the premises of or controlled by the Grantee, and/or require the Grantee to conduct a demonstration, to show that the project is being implemented or completed, as the case may be, in accordance with the Terms of the Project. If OFCA makes such a request, the Grantee shall facilitate the conduct of such visit and/or demonstration on a timely manner.

5.4 Completion Report and Audited Accounts

- 5.4.1 The Grantee shall complete the project and submit a completion report (“Completion Report”) and audited accounts (“Audited Accounts”) of the project to OFCA within two months after project completion or 31 August 2023, whichever is earlier.
- 5.4.2 The Completion Report shall include the project description, a summary of the work and deliverable(s) completed and achieved under the project as well as an evaluation of the project including the assessment of the result, performance and benefits achieved as proposed in the application submitted to OFCA. The Completion Report shall also provide evidence to show the completion of the project to OFCA’s satisfaction. The Grantee shall, upon request, provide the additional documents and/or information to OFCA before the specified deadline to show the completion of project.
- 5.4.3 The Completion Report shall be signed by the senior management, a member of the governing body or the proprietor (as the case may be) of the Grantee.
- 5.4.4 The Grantee shall provide a non-confidential version of the Completion Report and irrevocably authorise, consent and agree that OFCA may publish the report, or any information contained in the report, in such form and manner as it considers fit.
- 5.4.5 The Audited Accounts shall cover the period from project commencement date to the project completion date. In the Audited Accounts, the auditor is required to express an opinion as to whether the Grantee has complied, in all material respects, with all the Terms of the Project when preparing the project accounts and to make full disclosure of any material non-compliance.

6. SHARING OF EXPERIENCE AND BEST PRACTICES

- 6.1 A Grantee may be required by OFCA to take part in sharing session(s) for sharing with other parties the outcome of the project as well as the experience it has gained in implementing the project. The sharing session(s) may be conducted in the form of seminar, workshop, conference, exhibition, etc. The Grantee shall comply with OFCA’s requests in this regard, facilitate and participate in the sharing session(s).

- 6.2 A Grantee may be required by OFCA to publish, via electronic means, a non-confidential version of the Completion Report to share the experience it has gained in implementing the project. The Grantee shall comply with OFCA's requests in this regard and shall not charge fees on OFCA in relation to the publication of the report.

7. OTHER TERMS AND CONDITIONS

7.1 Terms of the Project

- 7.1.1 By submitting the Application Form for the Scheme, an applicant agrees to accept and abide by all the provisions of this Guideline, the Application Form, Letter of Acceptance and directives or instructions issued by OFCA (collectively referred to as the "Terms of the Project"). If there is any conflict or inconsistency amongst the above said documents, the following order shall prevail: (a) directives or instructions issued by OFCA to the Grantee; (b) the Letter of Acceptance; (c) this Guideline; (d) Application Form.
- 7.1.2 Without prejudice to the Terms of the Project, OFCA and/or the Government have absolute discretion to decide and interpret all the relevant matters relating to the Scheme.
- 7.1.3 To the maximum extent permitted by law, the Grantee acknowledges that neither the Government nor OFCA will accept any liabilities for any loss, deficit, damage, liability or claim incurred or sustained by the Grantee or any other person in respect of or arising from the project approved under the Scheme.

7.2 Relationship of the Parties

- 7.2.1 Nothing contained or implied in the Terms of the Project or in the arrangements contemplated by it is intended or shall create a partnership, joint venture or association of any kind between OFCA/the Government and the Grantee. The Grantee shall have no authority to enter into any engagement or make any representation or warranty on behalf of OFCA or the Government; or bind OFCA or the Government to any obligation. Nothing contained or implied in the Terms of the Project shall be so construed as to constitute either party hereto, or as between the Grantee and OFCA/the Government, to be the agent of the other.

7.3 Suspension or Termination of the Grant of Subsidy

- 7.3.1 OFCA reserves the right to suspend or terminate the grant of subsidy to a Grantee. Circumstances which warrant suspension or termination may include but not limited to (i) any information provided by the Grantee is found to be false, invalid or inaccurate, (ii) a failure to comply with or a breach of the Terms of the Project by the Grantee, (iii) the Grantee is unable to pay debts generally

as they fall due or is declared bankrupt or insolvent or any proceedings which may result in the winding up or insolvency of the Grantee, (iv) if the Grantee dissolves its business/operation before the project is completed, (v) the Grantee fails to complete or, in OFCA's opinion, likely fails to complete the project, or (vi) the Grantee engages in any conduct which is reasonably considered by OFCA to be prejudicial of the project.

- 7.3.2 Once the grant of subsidy is suspended or terminated, the Grantee shall not be entitled to the receipt of subsidy under the Scheme and shall return all or part of the subsidy which has been granted to the Grantee under the Scheme (regardless of whether the Grantee has already spent the subsidy or not).

7.4 Assignment and Sub-contracting

- 7.4.1 Save as provided in paragraph 7.4.2 below, the Grantee shall not assign, transfer, sub-contract or otherwise dispose of any or all of its rights or obligations under the Terms of the Project.
- 7.4.2 In the event that the Grantee engages the services of service provider(s) to assist it to carry out the project, the Grantee shall not be relieved from any of its obligation and duties under Terms of the Project, shall remain liable for any act or omission of any such service provider(s) as if it were its own and shall secure binding obligations from all such service provider(s) so as to ensure that the Grantee comply with its obligations under Terms of the Project.

7.5 Ownership of Software, Hardware, Intellectual Property Right and Copyright

- 7.5.1 The Government will not own any software, hardware, intellectual property right and/or copyright of projects or proposed projects under the Scheme, whether the application is successful or not.
- 7.5.2 The Grantee will hold all the intellectual property rights arising from the results of the project approved under the Scheme.
- 7.5.3 The Grantee and all project deliverable(s) shall not infringe the intellectual property rights of any person.

7.6 Indemnity

- 7.6.1 The Grantee shall indemnify and keep each of OFCA, the Government, any assigns and successors-in-title of each of them, their employees and authorised persons fully and effectively indemnified against (i) all actions, claims (whether or not successful, compromised, settled, withdrawn or discontinued) and demands threatened, brought or established against OFCA and/or the Government and (ii) all costs (including all legal fees and other awards, costs, payments, charges and expenses), losses, damages and liabilities suffered or incurred by the Government, which in any case arise directly or indirectly in connection with, out of in relation to a breach of the duty of confidence under

general law, the use of any personal data in contravention of the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”), any breach of the Terms of the Project by the Grantee, any warranties or representations made by the Grantee in relation to its application or information provided by the Grantee in its application to OFCA, the wilful misconduct, default, unauthorised act or wilful omission of the Grantee, or any allegation or claim that the use, operation or possession of the project results or the exercise of any rights under the Scheme infringes any intellectual property rights of any persons.

7.7 Prevention of Bribery

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

7.7.2 The offer of an advantage to OFCA or any member of the Assessment Committee with a view to influencing the approval of an application or payment of subsidy is an offence under the PBO. Any such offer by the project team, directors, employees, agents, consultants, contractors and other personnel who are in any way involved in the project shall render the application (regardless of whether the application has been approved by OFCA or not) or subsidy null and void.

7.8 Data Privacy Requirements and Disclosure of Information

7.8.1 The Government is committed to ensuring that all personal data submitted in applications are handled in accordance with the relevant provisions of the PDPO. In this regard, the personal data provided in relation to applications made under the Scheme will be used by the Government or their authorised agents for activities relating to the processing and assessment of applications, grant of subsidy under the Scheme and administration of the Scheme thereof.

7.8.2 The personal data that the applicants provided in their applications will be kept in confidence provided that such obligations and restrictions shall not apply to any disclosure which is necessary for the purposes mentioned in the paragraph above, or any disclosure which is authorised or required by law, or any disclosure which is given by the applicant/data subject.

7.8.3 Applicants/data subjects whose personal data are collected by OFCA under the Scheme may request access to them under the PDPO. A charge will be made to cover the cost of photocopying the data supplied. In addition, if the applicants/data subject considers that the data supplied to OFCA is inaccurate, a request for correction of the personal data may be made in writing after a data access request has been made. Requests for access to personal data submitted in applications under the Scheme can be made in writing to OFCA.

7.9 Severability

- 7.9.1 If any provision of the Terms of the Project is found to be invalid or unenforceable by courts of law, such invalidity or unenforceability will not affect the remainder of the Terms of the Project which will continue in full force and effect.

7.10 Governing Law and Jurisdiction

- 7.10.1 The Scheme shall be governed by and construed according to the laws of Hong Kong in all aspects. The parties irrevocably and unconditionally submit to the exclusive jurisdiction of the courts of Hong Kong.

7.11 Contracts (Rights of Third Parties) Ordinance

- 7.11.1 The application of the Contracts (Rights of Third Parties) Ordinance (Cap. 623) and/or any comparable law in any jurisdiction giving to or conferring on third parties the right to enforce any provisions of Terms of the Project is expressly excluded and no provision of Terms of the Project are, or intended to be, enforceable by any person not being a party to it. Nevertheless, it is hereby declared that the Government may enforce all Terms of the Project.

8. ENQUIRIES

Enquiries regarding the Scheme can be addressed to OFCA through the following means:

Telephone: (852) 2961 6333

E-mail: 5g-subsidy@ofca.gov.hk

Should there be any inconsistency or ambiguity between the English and Chinese version of any Terms of the Project, the English version shall prevail.

OFCA reserves the sole right to update or amend the Guideline as necessary.