

Terms and conditions of 100M Steady Speed Guarantee

For the purpose of this document, “**HKBN**” means the relevant Service provider for your chosen Services as set out in the agreement, registration form, service installation form and application form, being either (i) Hong Kong Broadband Network Limited, or (ii) HKBN Enterprise Solutions Limited.

1. **GUARANTEE:** The connection speed measured at the access point provided by HKBN, the service provider of the Service, in accessing the speed test server www.speedtest.com.hk via Hong Kong Internet Exchange “HKIX” (“HKBN Speed Test”). The access point generally refers to the wallplate at Subscriber’s premises. This guarantee shall not be less than 80% of subscribed speed from above test result. The guaranteed speed is only applicable to broadband service based on either Metro Ethernet technology (with CAT 5-E cable connected to Subscriber’s premises) or Fibre-to-the-Office technology.
2. **SYSTEM REQUIREMENTS:** Intel Pentium 4 3GHz CPU or above, 1GB system memory or above, Windows 7 or above and 10/100M Ethernet card or higher processing power are highly recommended by HKBN. If the Business Broadband Service shall be affected by the computer software installed by the Subscriber or other related factors which may have an adverse impact on the transmission speed, HKBN and/or the third party provider shall not be obliged to make the above guarantee even if the Subscriber is fully equipped with a computer system that meets the minimum system requirements as recommended above.
3. The abovementioned guarantee may not be applicable to Subscriber whose computer system does not meet the minimum system requirements as recommended by HKBN, including but not limited to computer performance, software, applications and their settings, hardware equipment such as network card or cables, or sharing devices or routers.
4. **Application procedures:** If any Subscriber of 100M designated broadband service plan whose computer is equipped with the recommended system requirements considers that HKBN failed to provide the guaranteed steady uploading/downloading transmission speed, please call its Customer Service Hotline at 128 180, and request its Customer Service Officer over the phone to conduct a preliminary transmission speed test for the network. In case HKBN fails to provide the guaranteed transmission speed due to possible network problem, Customer Service Officer shall arrange a technician to conduct on-site testing for the Subscriber.

5. On-site testing method: HKBN shall arrange a technician to attend the Subscriber's premises according to the scheduled appointment time. The technician shall be conducting the HKBN Speed Test onsite with the CAT 5-E cable and PC that meets the recommended system requirements. Once the HKBN Speed Test is conducted, the transmission speed will be displayed immediately. If the test result indicates that the transmission speed can meet the guaranteed speed of 80Mbps, it means that the broadband service provided by HKBN has passed the speed test. The validity of claims for compensation shall be based on the test result and HKBN's decision shall be final and conclusive. HKBN shall not conduct any inspection or computer system settings for Subscriber.
6. Compensation Calculation: If the test result has confirmed that the broadband service provided by HKBN fails to achieve the guaranteed speed, HKBN shall compensate the Subscriber with twice the amount of the service fee charged for the number of the affected days calculated on a pro-rata basis. The total amount of compensation shall not exceed the monthly service fee that the Subscriber is deemed to pay in accordance with the service plan that he/she subscribed in that particular month. The compensation amount shall be credited to the Subscriber's HKBN account as shown in the next billing invoice for set off of service fee and shall not be converted into cash. Compensation will not be applicable to any month with service fee waiver offered by HKBN.
7. Definition of "Affected Days": It is defined as the number of days counted from the date that Subscriber's calling to the Service Hotline for a valid reporting until the date the service is resumed to normal. Even if the broadband service cannot meet the guaranteed speed under the on-site testing as mentioned in Clause 5, the number of Affected Days shall be limited to a cap of 2 days under the following circumstances if : (i) Subscriber does not accept HKBN's arrangement of on-site testing;(ii) HKBN is not able to arrange an onsite testing within two days after receiving Subscriber's reporting due to the restriction of the management office of the premises;(iii) technician is not able to contact the Subscriber at the scheduled appointment time for on-site testing; or (iv) any other unforeseeable and uncontrollable circumstances in which HKBN is not able to arrange the technician to conduct onsite testing as scheduled.
8. The abovementioned guarantee does not cover circumstances where the internet service or transmission speed is affected by periodic or emergent network maintenance or the network upgrading work, or by HKIX or by situations that HKBN cannot reasonably foresee.
9. If the test result meets the transmission speed guaranteed by HKBN under the "100M Steady Speed Guarantee" or if, after investigation, the problem is caused by the

Subscriber (for example, the Subscriber does not equipped with a computer system that meets the minimum system requirement as recommended by HKBN or any other factors) rather than network of HKBN and/or third party provider of the Service (if applicable), the Subscriber shall pay HKBN an on-site inspection charge of an amount to be determined by HKBN at its sole discretion from time to time. Such charge will be published at www.hkbn.net/en.

10. “Steady Speed Guarantee” only applies to 100M service plan.
11. HKBN reserves all rights to revise the testing standards, compensation rules and to cancel the “Steady Speed Guarantee” Program anytime. In case of any disputes, HKBN’s decision shall be final and conclusive.