

Terms and conditions of Steady Speed Guarantee (only applies to 100M service plan)

1. **GUARANTEE:** The connection speed measured at the access point provided by HKBNES through HKBN, the service provider of the Service, in accessing the speed test server www.speedtest.com.hk through 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, HKBNES and HKBN 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 HKBNES, 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 HKBNES failed to provide the guaranteed steady uploading/downloading transmission speed, please call its Subscriber Service Hotline 128 180 and request its Subscriber Service Officer over the phone to conduct a preliminary transmission speed test for the network. In case HKBNES fails to provide the guaranteed transmission speed due to possible network problem, Subscriber Service Officer shall arrange a technician to conduct on-site testing for the Subscriber.
5. **On-site testing method:** HKBNES 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 HKBNES has passed the speed test. The validity of claims for compensation shall be based on the test result and HKBNES' decision shall be final and conclusive. HKBNES 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 HKBNES fails to achieve the guaranteed speed, HKBNES 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 HKBNES 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 HKBNES.
7. **Definition of "Affected Days":** It is defined as the number of days counted from the date that Subscriber's calling to the Subscriber Service Hotline 128 180 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 HKBNES' arrangement of on-site testing;(ii) HKBNES 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 HKBNES 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 HKBNES cannot reasonably foresee.
9. If the test result meets the transmission speed guaranteed by HKBNES 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 the network of HKBNES and/or any third party providers of the Service (including HKBN), the Subscriber shall pay HKBNES an on-site inspection charge of an amount to be determined by HKBNES at its sole discretion from time to time.
10. "Steady Speed Guarantee" only applies to 100M service plan.
11. HKBNES reserves all rights to revise the testing standards, compensation rules and to cancel the "Steady Speed Guarantee" Program anytime. In case of any disputes, HKBNES' decision shall be final and conclusive.