



**HONG KONG
HOUSING SOCIETY**
香港房屋協會

Our Reference: CTT/465/241028-KL-LawS

28 October 2024

By Email (dsg@hklawsoc.org.hk) & By Post

Deputy Secretary General
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road Central
Hong Kong
(Attention: Mr Kenneth Fok)

Dear Sir

**Invitation to Law Firms in Hong Kong for Enrolment in
the Building Construction Solicitors List of the Hong Kong Housing Society**

The Hong Kong Housing Society (HKHS) intends to review its current list of in-house Building Construction Solicitors. Qualified law firms will be chosen from this list to provide legal services for building construction related issues on the HKHS's upcoming development projects. We kindly request your assistance in inviting Hong Kong law firms registered with the Law Society of Hong Kong to apply for inclusion in our Building Construction Solicitors List (The List).

Law firms that meet the **Criteria** outlined in **Appendix I** and are interested in providing legal services for the HKHS are invited to submit enrolment applications. Applicants should complete the standard **Proforma** provided in **Appendices II(a) and II(b)** and submit supporting documents as explicitly required. Applicants meeting the Mandatory Requirement in Section 1 of **Appendix I** will have their completed Proforma and accompanying information evaluated in accordance with the **Marking Scheme** detailed in **Appendix III**. Those applicants achieving not less than 75 scores in the Marking Scheme will be considered for inclusion in The List.

The application period will commence from the date of this letter and end on **28 November 2024 (Thursday)**. Successful applicants will be notified individually, tentatively by January 2025. Law firms on The List will be shortlisted for appointment according to the prevailing tendering policy of the HKHS.

We would greatly appreciate your assistance in distributing the above information to Hong Kong law firms registered with the Law Society and in inviting their interest and applications. A soft copy of the Proforma can be obtained by emailing Ms Polly Ng (pypollyng@hkhs.com).

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Please submit the completed standard Proforma to the HKHS as specified below by
28 November 2024 (Thursday):

**Hong Kong Housing Society
Projects Division
8/F 1063 King's Road
Quarry Bay
Hong Kong**

Attention: Mr Franco Cheung, Director (Projects)

For more information, please contact Mr Kelvin Lee at 2839 7368 or Ms Charlotte Wong at 2839 7325.

A web-post regarding the above invitation is also available on our Corporate website for reference, through the following links:

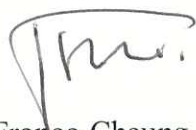
<https://www.hkhs.com/en/notices/invitation>

<https://www.hkhs.com/tc/notices/invitation>

<https://www.hkhs.com/sc/notices/invitation>

Thanks in advance for your kind attention and assistance.

Yours faithfully
For and on behalf of
Hong Kong Housing Society



Franco Cheung
Director (Projects)

Encl

FC/KL/CLW/pn

Hong Kong Housing Society
Criteria for Inclusion into the Building Construction Solicitors List

Section 1 - Mandatory Requirement

An applicant must satisfy all criteria in this Section, failing which his application will not be proceeded further.

1.1 Establishment of the Firm

The Law Firm (the Firm) should be a Hong Kong Law Firm registered with the Law Society of Hong Kong and should have been established in Hong Kong for at least 10 years (Change of Firm's name due to acquisition and / or merger during the last 10 years is admissible subject to submission of relevant supporting documents.);

1.2 Accountant's Report

The Firm should have Accountant's Reports in compliance with the Accountant's Report Rules (Cap 159, Section 73) for the past 3 years from the date of application; and

1.3 Professional Indemnity Insurance

The Firm should have maintained a valid professional indemnity insurance with minimum amount of indemnity of HK\$50,000,000.00.

Section 2 - Area of Expertise (subject to marking)

2.1 Non-Contentious Construction Related Matters

Proven experience and track records in providing legal advisory services in:

- 2.1.1 Advising and drafting new clauses in conditions of contract / amendment to conditions of contract;
- 2.1.2 Advising clients of implications to their legal / contractual positions in existing contracts following latest court decisions on major and fundamental legal principles and / or promulgation of new statutes or Ordinances; and
- 2.1.3 Advising and vetting draft contract conditions and documents on ad hoc basis.

Hong Kong Housing Society
Criteria for Inclusion into the Building Construction Solicitors List

Section 2 - Area of Expertise (subject to marking) (Cont'd)

2.2 Contentious Building Construction Related Matters

Proven experience and track records in providing legal advisory services in:

- 2.2.1 Advising clients of their legal and contractual position in relation to contentious issues in service agreements and construction contracts;
- 2.2.2 Providing legal advice to clients in mediation / adjudication / dispute resolution proceedings;
- 2.2.3 Providing legal advice to clients in legal proceedings including arbitration and / or litigation; and
- 2.2.4 Providing legal advice to clients in other proceedings including drawing up a settlement agreement, supplemental agreement, novation agreement, and others relating to liquidation and / or termination of consultants / contractors.

2.3 General Administration

Proven experience and track records in providing legal advisory services in:

- 2.3.1 Buildings Ordinance (Cap 123);
- 2.3.2 Prevention of Bribery Ordinance (Cap 201);
- 2.3.3 Independent Commission Against Corruption Ordinance (Cap 204);
- 2.3.4 The Ombudsman Ordinance (Cap 397);
- 2.3.5 Personal Data (Privacy) Ordinance (Cap 486);
- 2.3.6 Intellectual Property Right (Patents Ordinance (Cap 514) / Copyright Ordinance (Cap 528));
- 2.3.7 Competition Ordinance (Cap 619);
- 2.3.8 Contracts (Rights of Third Parties) Ordinance (Cap 623); and
- 2.3.9 Security of Payment.

Hong Kong Housing Society
Criteria for Inclusion into the Building Construction Solicitors List

Section 3 - Construction Team (the Team) (subject to marking)

3.1 Establishment of the Team

The Firm should have an established construction team (the Team) specialized in building construction related legal services. The Team should comply with the following requirements:

- 3.1.1 The Team should have at least 5 years sound track record and experience in local building construction related legal services and dispute resolution;
- 3.1.2 The Team should be a sizable construction team of not less than 4 people including 2 full time qualified solicitors with strong building construction knowledge locally; and
- 3.1.3 The leader of the Team should have at least 10 years local expertise and experience in building construction related legal services and dispute resolution experience.

3.2 Clientele

- 3.2.1 The Firm should have a balanced client base of developers and contractors, and should not be heavily based on contractors.

Hong Kong Housing Society
Building Construction Solicitors List – Proforma

Please submit supporting documents / information where so explicitly stated. For demonstration of experiences in other areas, whilst supporting documents are not required, a short description of the nature of each experience is required. These experiences should also be within the last 10 years.

Section 1 - Mandatory Requirement		Description
1.1	Establishment of the Firm <i>Change of Firm's name due to acquisition and / or merger during the last 10 years is admissible subject to submission of relevant supporting documents.</i>	Please <u>submit</u> a copy of Business Registration.
1.2	Accountant's Report	Please <u>submit</u> Accountant's Reports in compliance with the Accountant's Report Rules (Cap 159, Section 73) for the past 3 years from the date of application.
1.3	Professional Indemnity Insurance	Please <u>submit</u> a copy of a valid professional indemnity insurance policy and highlight the amount of indemnity.

Section 2 - Area of Expertise		Job Reference		
2.1	Non-Contentious Construction Related Matters	Item	Month / Year	Description
2.1.1	Experience in advising and drafting new clauses in conditions of contract / amendment to conditions of contract			
2.1.2	Experience in advising clients of implications to their legal and contractual positions in existing contracts following latest court decisions on major and fundamental legal principles, and / or promulgation of new statutes or Ordinances			
2.1.3	Experience in advising and vetting draft contract conditions and documents on ad hoc basis			

Section 2 - Area of Expertise (Cont'd)		Job Reference		
2.2	Contentious Building Construction Related Matters	Item	Month / Year	Description
2.2.1	Experience in advising clients of their legal and contractual position in relation to contentious issues in service agreements and construction contracts			
2.2.2	Experiences in providing legal advice to clients in mediation / adjudication / dispute resolution proceedings			
2.2.3	Experience in providing legal advice to clients in legal proceedings including arbitration and/or litigation			
2.2.4	Experience in providing legal advice to clients in other proceedings including drawing up a settlement agreement, supplemental agreement, novation agreement, and others relating to liquidation and / or termination of consultants / contractors			

Section 2 - Area of Expertise (Cont'd)		Job Reference		
2.3	General Administration	Item	Month / Year	Description
2.3.1	Buildings Ordinance (Cap 123)			
2.3.2	Prevention of Bribery Ordinance (Cap 201)			
2.3.3	Independent Commission Against Corruption Ordinance (Cap 204)			
2.3.4	The Ombudsman Ordinance (Cap 397)			
2.3.5	Personal Data (Privacy) Ordinance (Cap 486)			
2.3.6	Intellectual Property Right (Patents Ordinance (Cap 514) / Copyright Ordinance (Cap 528))			
2.3.7	Competition Ordinance (Cap 619)			
2.3.8	Contracts (Rights of Third Parties) Ordinance (Cap 623)			
2.3.9	Security of Payment			

Section 3 - Construction Team (the Team)					
3.1 Establishment of the Team		Description			
3.1.1	At least 5 years sound track record and experience in local building construction related legal services and dispute resolution	Item	Month / Year	Job Reference	
3.1.2	Sizable construction team of not less than 4 people including 2 qualified full time solicitors having strong building and construction knowledge locally	No.	Name	Title	Brief Resume
3.1.3	Leader of the Team having at least 10 years local expertise and experience in building construction related matters and dispute resolution experience				
3.2 Clientele		Client List			
		Developers		Contractors	
3.2.1	Balanced client base of contractors and developers				

Hong Kong Housing Society
Supplemental Information on Legal Fee Charges as of November 2021

Please fill in the information below.

Year of Post Qualification Experience of the Solicitors	Rank	Hourly Rate (HK\$)
Over 20 years		
10 – 20 years		
5 – 10 years		
2 – 5 years		
Less than 2 years		

Notes

1. Legal fee charges quoted are for reference only, not for scoring purpose.
2. Please indicate the rank of the solicitors according to the years of experience of the solicitors.
3. The Firm may provide separate legal fee charges schedule if the Firm's structure is different from the above schedule.

Hong Kong Housing Society
Marking Scheme for Inclusion into the Building Construction Solicitors List

Applicants who can achieve not less than 75 scores will be considered for enrolment on The List.

Criteria				
1.	Mandatory Requirement	Pass	Fail	
1.1	Establishment of the Firm			
1.2	Accountant's Report			
1.3	Professional Indemnity Insurance			
2.	Area of Expertise			
2.1	Non-Contentious Construction Related Matters	Max. Score	Performance Measures	Score (Internal use)
2.1.1	Experience in advising and drafting new clauses in conditions of contract / amendment to conditions of contract	7	<i>2 score per one relevant job reference</i>	
2.1.2	Experience in advising clients of implications to their legal / contractual positions in existing contracts following latest court decisions on major and fundamental legal principles and / or promulgation of new statutes or Ordinances	7		
2.1.3	Experience in advising and vetting draft contract conditions and documents on ad hoc basis	7		
Sub-Total for Criteria 2.1		21		

Criteria				
2.2	Contentious Building Construction Related Matters	Max. Score	Performance Measures	Score (Internal use)
2.2.1	Experience in advising clients of their legal and contractual position in relation to contentious issues in service agreements and construction contracts	10	<i>2 scores per one relevant job reference</i>	
2.2.2	Experiences in providing legal advice to clients in mediation / adjudication / dispute resolution proceedings	10		
2.2.3	Experience in providing legal advice to clients in legal proceedings including arbitration and / or litigation	10		
2.2.4	Experience in providing legal advice to clients in other proceedings including drawing up a settlement agreement, supplemental agreement, novation agreement, and others relating to liquidation and / or termination of consultants / contractors	10		
Sub-Total for Criteria 2.2		40		
2.3	General Administration			
2.3.1	Buildings Ordinance (Cap 123)	1	<i>1 score per one relevant job reference</i>	
2.3.2	Prevention of Bribery Ordinance (Cap 201)	1		
2.3.3	Independent Commission Against Corruption Ordinance (Cap 204)	1		
2.3.4	The Ombudsman Ordinance (Cap 397)	1		
2.3.5	Personal Data (Privacy) Ordinance (Cap 486)	1		
2.3.6	Intellectual Property Right (Patents Ordinance (Cap 514) / Copyright Ordinance (Cap 528))	1		
2.3.7	Competition Ordinance (Cap 619)	1		
2.3.8	Contracts (Rights of Third Parties) Ordinance (Cap 623)	1		
2.3.9	Security of Payment	1		
Sub-Total for Criteria 2.3		9		

Criteria				
3.	Construction Team			
3.1	Establishment of the Team	Max. Score	Performance Measures	Score (Internal use)
3.1.1	The Team of the Firm should have at least 5 years sound track record and experience in local building construction related matters and dispute resolution	10	<i>Minimum 1 score per one relevant job reference, additional scores for complicated cases</i>	
3.1.2	The Team should be a sizable construction team of not less than 4 people including 2 full time qualified solicitors with strong building construction knowledge locally	5	<i>Staff list with brief resume</i>	
3.1.3	The leader of the Team should have at least 10 years local expertise and experience in building construction related legal services and dispute resolution experience	5		
Sub-Total for Criteria 3.1		20		
3.2	Clientele			
3.2.1	The Firm should have a balanced client base of developers and contractors, and should not be heavily based on contractors	10	<i>Client list</i>	
Sub-Total for Criteria 3.2		10		
Total Max. Score		100		