



Our Ref: DMD/PDS/AY/MM/CONSULT/LEGAL/cl

20 March 2024

By Post

Deputy Secretary General
The Law Society of Hong Kong
3/F, Wing On House
71 Des Voeux Road Central
Hong Kong

(Attn: Mr Kenneth Fok)

Dear Mr. Fok,

Invitation to the Members of the Law Society of Hong Kong to enroll for the Hong Kong Housing Society Property Development and Conveyance Solicitors List

The Hong Kong Housing Society (“HKHS”) wishes to review and expand the existing Property Development and Conveyance Solicitor List (“The List”). As such, we would like to seek for your kind assistance to invite the members of the Law Society of Hong Kong (“the Members”) to submit application to enroll onto the List.

Interested solicitors firms are welcome to submit application to HKHS to enroll onto the List if they consider that their firms are able to meet the selection criteria at **Appendix I**. Applicants are requested to provide evidence to substantiate their track record and experience in each area of practice or field as itemized in the credit rating system at **Appendix II** according to the standard pro forma provided by HKHS. Applicants who are able to achieve 80 scores or above and fulfil certain criteria will be considered for admission onto the Tier 1 List. Tier 1 solicitors firms are expected to provide full legal services to HKHS. Otherwise applicants who achieve 60 scores or above and have certain experience of conveyancing will be considered for admission onto the Tier 2 List for handling conveyancing and leasing works for HKHS.

The subject matter will be opened for application from date of this letter till 10 May 2024. Successful applicant will be notified individually tentatively by mid/ late June 2024. Solicitors firms on the List will be appointed to provide legal consultancy services according to the tendering policy of HKHS.

We shall be much obliged if you would inform the Law Society members to consider the above invitation. Should any solicitors firm be interested in the subject matter, please contact our Ms. Monique Mok at 2839-2766 (via email tymoniquemok@hkhs.com) who will transmit the softcopy of the standard pro forma to the solicitors firms for application purposes. The completed standard proforma should be sent to:

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

**Attention: Mr. Alan Yeng
Assistant General Manager (Sales & Marketing)**

For further information, please feel free to contact our Ms. Monique Mok at 2839-2766 or the undersigned at 2839-7759.

We thank you for your kind attention and are looking forward to your favorable reply.

Yours faithfully
For and on behalf of
Hong Kong Housing Society



Alan Yeng
Assistant General Manager (Sales and Marketing)

Encl

Section I

Mandatory Requirement of the Solicitors Firms (Submission of evidence is required)

1. Year of Services

- 1.1 The firm should have been established for at least 10 years. (Change of firm name due to acquisition and merger during the last 10 years is permitted subject to support of relevant documents)

2. Professional Indemnity

- 2.1 Minimum HK\$80,000,000.00

Section II

Selection Criteria for Property Development and Conveyance Solicitors List

1. Property Development

Proven experience and track records in providing legal advisory services in areas of:-

- 1.1 Lease modification, land grant conditions & building covenant extension
- 1.2 Trespassing and encroachment
- 1.3 Judicial review
- 1.4 Town planning submissions under the Town Planning Ordinance (Cap 131)

2. Pre-sale Consent Application

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

- 2.1 Handling the pre-sale under the Residential Properties (First-hand Sales) Ordinance (Cap 621) for approval of consent scheme and non-consent scheme
- 2.2 Preparing, drafting and submitting Sub-DMC and Management Agreement of completed residential / commercial composite development projects to the relevant government authorities for approval

3. Property Conveyance & Leasing

Proven experience and track records in providing legal advisory services in areas of:-

- 3.1 Handling conveyancing of domestic and non-domestic properties after issuance of Occupation Permit or Certificate of Compliance. Legal representation, attend to the execution of the Agreement for Sale and Purchase, Assignments and all other necessary documents for sale of domestic / non-domestic properties.

- 3.2 Handling building management and maintenance matters under Building Management Ordinance (2) (BMO) (Cap 34) and Deed of Mutual Covenants (DMC).
- 3.3 Working together with the authorized persons (AP) to prepare the Sub-DMC plans, agreement for sale and purchase plans and assignment plans.
- 3.4 Handling car park operator lease.
- 3.5 Liaison with government authorities including but not limited to Legal Advisory and Conveyancing Office, Lands Department, Government Property Agency.
- 3.6 Building defects and small claims proceedings under the Small Claims Tribunal Ordinance (Cap 338).
- 3.7 Residential and commercial leasing under Landlord & Tenant (Consolidation) Ordinance (Cap 7).
- 3.8 Powers of Attorney Ordinance (Cap 31).
- 3.9 Enduring Powers of Attorney Ordinance (Cap 501).
- 3.10 Legal discharge of the loan schemes:
 - Home Starter Loan Scheme
 - Sandwich Class Housing Loan Scheme
 - Sandwich Class Housing Extended Loan Scheme
 - Top up Loan
 - Albert House Loan

4. General Administration

- 4.1 Proven experiences and track records in providing legal advisory services in the areas of:
 - 4.1.1 Personal Data (Privacy) Ordinance (Cap 486)
 - 4.1.2 Anti-discrimination Ordinance:
 - Sex Discrimination Ordinance (Cap 480)
 - Race Discrimination Ordinance (Cap 602)
 - Disability Discrimination Ordinance (Cap 487)
 - Family Status Discrimination Ordinance (Cap 527)

5. Establishment of the Property Development and Conveyance Team of the Firm (The Team)

- 5.1 The Team should be established for a minimum of 10 years (Subject to support of relevant documents, change of firm's name due to acquisition and merger during the last 10 years is permitted).
- 5.2 The Team should have at least 10 persons.

- 5.3 A minimum of 3 persons must be full time qualified solicitors.
- 5.4 One of the solicitors should be responsible for conveyancing and have at least 10 years post qualification full time services with the Team.
- 5.5 The other two solicitors should have at least 5 years post qualification full time service with the Team.
- 5.6 A minimum of 3 persons must be full time conveyancing clerks.
- 5.7 One of the conveyancing clerks should have at least 10 years' experience of which 5 years must be gained through serving in the Team.
- 5.8 The Team should have experience and capacity in handling the conveyance of a minimum no. of 250 residential units in one project within 2 weeks.
- 5.9 The Team should have experience and capacity in handling government accommodation conveyancing within the project.
- 5.10 The firm should have acquired a valid professional indemnity of at least HK\$80,000,000.00.

Selection Criteria and Credit Rating System for Property Development and Conveyance Solicitors List

I. Mandatory Requirement of the Solicitors Firms (Submission of evidence is required)

1. Year of Services

- 1.1 The firm should have been established for at least 10 years. (Change of firm name due to acquisition and merger during the last 10 years is permitted subject to support of relevant documents)

2. Professional Indemnity

- 2.1 Minimum HK\$80,000,000

II. Credit Rating System for the Selection of the Solicitors Firm

Criteria			Credit Rating (Points)	Max. Point(s)	Performance Measures	Score (Internal use)
Property Development and Conveyance (Total Max. Points: 100)						
1.	<u>Property Development</u>					
1.1	Lease modification, land grant conditions & building covenant extension		1 point per one completed project	5	Submit job reference	
1.2	Trespassing and encroachment			2		
1.3	Judicial review			3		
Sub-Total Credit Points for Criteria 1				10		
2.	<u>Pre-sale Consent Application</u>					
2.1	Experience in handling the pre-sale under the Residential Properties (First-hand Sales) Ordinance (Cap 621)			10	Submit Evidence	
	2.1.1	Number of new housing projects ⁽¹⁾ in Hong Kong handled by the firm within the last 10 years				
		• Consent Scheme	2 points per one consent scheme		Submit Evidence	
		• Non-consent Scheme	1 point per one non-consent scheme			

Criteria			Credit Rating (Points)	Max. Point(s)	Performance Measures	Score (Internal use)
2.2	Experience in preparing, drafting and submitting Sub-DMC and Management Agreement of completed residential / commercial composite development projects to the relevant government authorities for approval					
	2.2.1	No. of sub-DMC and Management Agreement handled by the firm within the last 20 years	One Sub-DMC and MA: 2 points	4	Submit evidence	
Sub-Total Credit Points for Criteria 2				14		
3.	<u>Property Conveyance and Leasing</u>					
3.1	Experience in handling conveyancing of domestic and non-domestic properties after issuance of Occupation Permit or Certificate of Compliance within the last 10 years					
	3.1.1	No. of assignments for first and/or second-hand residential flats in Hong Kong (whether the firm acted for the vendors or the purchasers) handled by the firm within the last 10 years	<1,200: Disqualified 1,200 – 1,999: 6 points ≥2,000: 10 points	10	Submit evidence	
	3.1.2	No. of assignments for non-domestic properties in Hong Kong (whether the firm acted for the vendors or the purchasers) handled by the firm within the last 10 years	Score per Assignment \$25M - \$49.99M: 1 point \$50M - \$199.99M: 2 points \$200M - \$499.99M: 3 points \$500M - \$999.99M: 4 points ≥ \$1,000M: 5 points	10	Submit evidence	
		• Considerations				

Criteria		Credit Rating (Points)	Max. Point(s)	Performance Measures	Score (Internal use)
3.2	Experience in handling building management and maintenance matters under Building Management Ordinance ⁽²⁾ (BMO) (Cap 34)				
	3.2.1 No. of cases handled under BMO by the firm within the last 10 years	One case: 1 point	4	Submit evidence	
3.3	Experience in working together with the authorized persons (AP) to prepare the Sub-DMC plans, agreement for sale and purchase plans and assignment plans				
	3.3.1 No. of relevant cases handled by the firm within the last 10 years	One case: 1 point	2	Submit evidence	
3.4	Experience in handling car park operator lease				
	3.4.1 No. of car park operator lease(s) handled by the firm within the last 10 years	One case: 1 point	2	Submit evidence	
3.5	Experience in liaison with government authorities including but not limited to Legal Advisory and Conveyancing Office, Lands Department, Government Property Agency				
	3.5.1 No. of relevant cases(3) handled by the firm within the last 10 years	One case: 1 point	3	Submit evidence	
3.6	Building defects and small claims proceedings under the Small Claims Tribunal Ordinance (Cap 338)	One case: 1 point	3	Submit evidence	
3.7	Residential and commercial leasing under the Landlord and Tenant (Consolidation) Ordinance (Cap 7)	One case: 1 point	3	Submit evidence	
3.8	Powers of Attorney Ordinance (Cap 31)	One case: 1 point	2	Submit evidence	
3.9	Enduring Powers of Attorney Ordinance (Cap 501)	One case: 1 point	2	Submit evidence	
Sub-Total Credit Points for Criteria 3			41		

Criteria			Credit Rating (Points)	Max. Point(s)	Performance Measures	Score (Internal use)
Note:	(1) A new housing project is a housing project for development in Hong Kong which involves at least 100 assignments of residential flats from the developer/ Hong Kong Housing Authority/ Hong Kong Housing Society to individual purchasers with such assignments being executed within a period of 6 months. (2) Please provide evidences and specify the nature of works relating to BMO. (3) Please provide evidences and specify the nature of works relating to liaison with relevant government authorities.					
4.	<u>General Administration</u>					
4.1	Proven experience and track records in providing legal advisory services in the areas of:					
	4.1.1	Personal Data (Privacy) Ordinance (Cap 486)	1 point per one completed project	3	Submit job reference	
	4.1.2	Anti-discrimination Ordinance (Cap 480, 602, 487, 527)		2		
Sub-Total Credit Points for Criteria 4				5		
5.	<u>Establishment of the Property Development and Conveyance Team of the Firm (The Team)</u>					
5.1	The Team should be established for a minimum of 10 years Less than 10 years More than 10 years		Disqualified 2 points	2	Submit evidence	
5.2	The Team should have at least 10 persons			0 point for non-compliance	3	Submit staff list and brief resume
5.3	A minimum of 3 persons must be full time qualified solicitors		3		Submit evidence	
5.4	One of the solicitors should be responsible for conveyancing and have at least 10 years post qualification full time services with Team		3			
5.5	The other two solicitors should have at least 5 years post qualification full time service with the Team		3			
5.6	A minimum of 3 persons must be full time conveyancing clerks		3			
5.7	One of the conveyancing clerks should have at least 10 years' experience of which 5 years must be gained through serving in the Team			3		

Criteria			Credit Rating (Points)	Max. Point(s)	Performance Measures	Score (Internal use)
5.8	5.8.1	The Team should have experience and capacity in handling the conveyance of a minimum no. of ≥ 250 residential units in one project within 2 weeks	1 point per one completed project	2	Submit evidence including past record with details	
	5.8.2	The Team should have experience and capacity in handling the conveyance of < 250 and ≥ 150 residential units in one project within 2 weeks		1		
5.9	The Team should have experience and capacity in handling government accommodation conveyancing within the project		1 point per one completed project	3	Submit evidence	
5.10	Professional Indemnity		Disqualified; 0 point; 4 points;	4	Submit evidence	
	Less than	\$80,000,000.00				
	Minimum	\$80,000,000.00				
	Above	\$150,000,000.00				
Sub-Total Credit Points for Criteria 5				30		
Total Max. Point				100		

III. Supplemental Information**Legal Fee Charges as of [month / year]**

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

Note

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