

Provision of Space to Law-related Organisations in the Legal Hub

Guide to Application

1. Objective of Providing Space

- 1.1. The provision of space to law-related organisations (LROs) in the West Wing of the former Central Government Offices (CGO West Wing) and the former French Mission Building (FMB) located in the Central District of Hong Kong seeks to achieve the policy objective of enhancing Hong Kong's position as a hub for international legal and dispute resolution services in the Asia-Pacific region, as stated in the Chief Executive's 2013 to 2018 Policy Addresses and the Financial Secretary's 2014 Budget Speech.
- 1.2. The provision of space to LROs in CGO West Wing and FMB would help achieve the objective of establishing the area as a "legal hub". This will enable LROs to develop their services, and create a favourable environment to attract more international legal, arbitration and mediation institutions to set up offices in Hong Kong, thereby enhancing the competitiveness of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region.
- 1.3. The Administration has briefed the Panel on Administration of Justice and Legal Services of the Legislative Council on the principles and framework for drawing up the mechanism and arrangements for providing accommodation to LROs in CGO West Wing and FMB and the relevant paper can be accessed via the following link –
<http://www.legco.gov.hk/yr13-14/english/panels/ajls/papers/aj0722cb4-939-4-e.pdf>

2. Application

2.1 Eligibility Criteria

The applicant should meet the following eligibility criteria –

- (a) the applicant should normally be a non-profit making or inter-governmental LRO which has been operating in the law-related or dispute resolution field in or outside Hong Kong;
- (b) the services to be provided on the premises should be compatible with

the policy objective of enhancing Hong Kong's status as a hub for legal and dispute resolution services in the Asia-Pacific region; and

- (c) the applicant should not have received a capital grant from the Government or any other sources for constructing or buying its own premises, or subsidy of any kind from any other sources for accommodation support.

2.2 Submission of Application

2.2.1 The applicant shall complete the application form and send the original (and five copies) by hand or by post in sealed envelope to the Department of Justice (DoJ) (Attn.: Special Duties Team) on 9/F, High Block, Queensway Government Offices, 66 Queensway, Hong Kong. For applications from overseas organisations, submission of scanned copies of application form and supporting documents is also acceptable and the documents should be sent to "legalhub@doj.gov.hk".

2.2.2 Supporting documents required for submission usually include the following –

- (a) a copy of the relevant document verifying that the organisation is a non-profit making organisation (such as a Letter of Exemption issued by the Commissioner of Inland Revenue under section 88 of the Inland Revenue Ordinance (Cap. 112));
- (b) a copy of the registration document under the old Companies Ordinance (Cap. 32) or the new Companies Ordinance (Cap. 622) or the Societies Ordinance (Cap. 151) or any other documentary proof of the registration of the organisation;
- (c) a copy of the floor plan of the premises currently used by the organisation, if any, with clear indication of the floor area of individual rooms, facilities and open plan area as well as the total floor area in square meters (please refer to paragraph 2.3 for more details); and
- (d) a copy of the audited financial statement covering the financial year preceding the date of submission of application (including profit and loss statement as well as balance sheet) or any other supporting documents showing the financial position of the organisation as considered acceptable by DoJ.

- 2.2.3 When an applicant organisation is requested by DoJ to provide additional information or documents to support its application, it should supply the information or documents as required within the given time frame.
- 2.2.4 Applications would only be considered as being properly made when DoJ is content that all information required in the application form and the additional information or documents requested by DoJ under paragraph 2.2.3 above, if any, have been submitted. DoJ reserves the right to reject any application which is not properly made.
- 2.2.5 The applicant should facilitate the staff of DoJ or any persons authorised by DoJ to visit the existing premises, if any, of the organisation concerned for the purpose of assessing the application.

2.3 Calculation of Floor Area

There are different measurement terms to describe the floor areas of premises (such as construction floor area, gross floor area, net floor area, saleable floor area, etc.). For consistency in the current exercise, the term “Net Operating Floor Area (NOFA)” normally used in government works projects is to be adopted. (Please refer to the **Appendix** to this Guide for the definition of NOFA (among the definitions of different measurement terms).)

2.4 Deadline for Application

The application deadline is 28 December 2018. Late application will not be entertained.

3. Assessment of Applications

- 3.1 Assessment of applications will be considered by a Committee (comprising representatives from DoJ and other government bureaux/departments as well as representatives appointed in personal capacity from the Hong Kong Bar Association, the Law Society of Hong Kong and other relevant sectors) which will provide advice to the Secretary for Justice on the arrangements in relation to the provision of space to LROs in the legal hub, including –
- (a) selection of LROs to be housed in the CGO West Wing and FMB,

- based on assessment of the relative merits of prospective organisations;
- (b) allocation of office space to the selected organisations based on the relevant factors for considerations;
 - (c) determination of the rental charges for the selected organisations;
 - (d) determination of the appropriate terms and conditions of tenancy to be offered to selected organisations; and
 - (e) review of the procedural mechanism from time to time.
- 3.2 If the demand for space outstrips the area that can be provided, the Committee will consider the applications against selection criteria including but not limited to the following –
- (a) the relevance of the applicant’s services to achieving the policy objective set out in paragraph 1.1 above;
 - (b) the years of experience in providing the services concerned, as well as the performance, reputation and contribution of the applicant in the law-related field;
 - (c) the benefits that the applicant will bring in advancing the policy objective, including (in the case of application from LROs from outside Hong Kong) reciprocity in the provision of space to Hong Kong LROs in their home countries / cities (where applicable);
 - (d) the financial position of the applicant and the prospect of its becoming self-financing in the longer-term for paying market rental; and
 - (e) any international obligation or existing commitment to support the applicant.
- 3.3 In considering the space to be provided to individual successful LROs, the Committee will take into account factors including but not limited to the following –
- (a) the nature and scope of service;
 - (b) the number and position of staff;
 - (c) expected utilisation rate of the facilities;
 - (d) the area currently used to provide the service (including similar service provided in comparable jurisdiction(s));

- (e) reference to comparable local and overseas organisations;
- (f) the justification provided in support of the accommodation request;
- (g) flexibility of sharing common facilities with other LROs; and
- (h) any development needs.

4. Approval of Application

- 4.1 For successful applications, the selected LRO (i.e. prospective tenant) will be required to –
- (a) sign a tenancy agreement for an agreed period and other related documents (such as detailed maintenance schedules) with the Government for complying with all the conditions applicable to the use of the premises and lease execution; and
 - (b) sign an undertaking with the Government on detailed conditions and requirements (such as oversight requirements and compliance checking), including the need to provide information and supporting documents on an annual basis.
- 4.2 The selected LROs will be informed of the timing and duration for carrying out fitting-out works in the premises, which will depend on the progress of the renovation projects of the CGO West Wing and FMB. Based on estimation at this stage, the target completion time for the renovation works for CGO West Wing and FMB is the first quarter of 2019 and mid-2020 respectively. Space will be provided to selected LROs thereafter.
- 4.3 Renewal of any tenancy agreement will be subject to application and vetting procedures.

5. Rental Arrangements

- 5.1 The Committee will give advice on the rental charges for the selected LROs. Consideration may be given to providing space to the selected applicant at nominal rental, provided that they meet the criteria set out in paragraph 2.1 above and if their financial position warrants such treatment. The assistance to be provided may be reduced as the financial situation of the LROs improves over time. If it is decided that nominal rental is not merited in a particular case, the Committee will consider the amount of

rental to be charged (which could be concessionary rental or market rental).

- 5.2 The selected LRO should be responsible for other accommodation-related costs, including management fees, electricity charges, refurbishments, repairs and maintenance of specific items, reinstatement costs, etc. as specified in the relevant tenancy agreements.

6. Fitting-out Works

- 6.1 *Fitting-out responsibilities* - The selected LROs should be responsible for all the resources and costs required for meeting their own requirements for fitting-out, fixture, furniture and equipment (on top of that provided by the Government in the premises concerned¹), as well as reinstatement of the premises, etc., to be specified in the relevant tenancy agreement.
- 6.2 *Approval for fitting-out works* - The selected LROs are required to seek approval from the Government before carrying out any fitting-out works and should pay special attention to the heritage value of the premises in question and comply with any requirements that the Government may prescribe for the fitting-out works.

7. Notes on Collection of Information

- 7.1 The personal data contained in the application form are collected for the following purposes –
- (a) determination of eligibility; and
 - (b) assessment of the application.
- 7.2 The applicant's personal data will be handled with care. Such information may be provided to any third parties in connection with the application on a need-to-know basis. The information will not be used for any other purposes. Request for access to or correction of the personal data should be made in writing to DoJ.

¹ The degree of fitting out works to be provided and the level of maintenance responsibility to be taken up by the Government will depend on the heritage status of the building concerned. (In the case of the former French Mission Building (which is a Declared Monument), in view of the technical requirements and constraints for carrying out refurbishment works and the interface with the overall renovation works, the refurbishment works to meet operation needs of LROs will be carried out by the Government in the context of the overall renovation works.)

8. Enquiries

Applicants may contact the Special Duties Team of DoJ for enquiries and assistance regarding the submission of applications at the following addresses and numbers –

Address: 9/F, High Block, Queensway Government Offices, 66 Queensway,
Hong Kong

Email: legalhub@doj.gov.hk

Phone: 2867 4590

Fax: 3582 4470

**Definition of different floor area measurement units
(including, inter alia, the unit “Net Operating Floor Area (NOFA)”)**

