HONG KONG BAR ASSOCIATION

Secretariat: LG2 Floor, High Court, 38 Queensway, Hong Kong
E-mail: info@hkba.org Website: www.hkba.org
Telephone: 2869 0210 Fax: 2869 0189

Press Release (For immediate release)

Report on the Hong Kong Bar Association ("HKBA") Tai Po Fire Taskforce on Law Review ("Taskforce")

1. It has been almost a year since the Tai Po Wang Fuk Court fire. The HKBA would like to take this opportunity to express our concern and support to the families of the 168 victims and the about 2,000 families that have been affected.

2. The HKBA, as a professional legal organisation, established the Taskforce last January, focusing on reviewing 4 key areas of law, namely criminal law, competition law, construction law and laws relating to building management / incorporated owners. The Taskforce has studied relevant ordinances of 7 overseas jurisdictions, and conducted legal and technical review. The HKBA hopes that this report can provide some direction and reference value to law reform.

3. In the report, the Taskforce proposed approximately 50 legislative amendments in relation to at least 6 existing ordinances, including the Competition Ordinance (Cap. 619), the Building Management Ordinance (Cap. 344), the Buildings Ordinance (Cap. 123), and the Fire Services Ordinance (Cap. 95); across areas such as bid-rigging, tender specifications, declaration of interests, project safety and risks, with a view to ensuring a transparent bidding and evaluation process, severing chains of vested interests, and curbing anti-competitive practices.

4. The studies, reviews and compilation of this report started independently before, and were carried out without reference to, the Independent Committee Report, and the systemic reforms / proposed law amendments announced by the Government several days ago.

5. Taskforce's major areas of consideration include:

(1) <u>The criminalisation of bid-rigging</u> (Competition Ordinance (Cap. 619))

(a) The HKBA supports in principle making amendments to the Competition Ordinance to criminalise bid-rigging, operating in parallel to the civil regime, and suggests further safeguards against double jeopardy.

(b) Under the new criminal offence, the elements of the crime, including the definition of bid-rigging, the burden of proof, the *mens rea* etc., must be clearly defined.

(c) Given the parallel existence of the existing civil regime and the new criminal offence, clarification must be made as to how the immunity currently provided under the pre-existing civil leniency arrangements under the Competition Ordinance would work when criminal charges are laid. This is important so as to ensure that the proper incentive is maintained for potential whistleblowers to come forward and assist the authorities in uncovering anti-competitive behaviour.

(2) <u>"Two-envelope" tendering and the disclosure of past safety record</u> (Building Management Ordinance (Cap. 344))

(a) The HKBA suggests amendments to the Building Management Ordinance so that where an Owners' Corporation's project exceeds a prescribed value, tenders must be submitted in "two envelopes": one with the technical proposal and the other with the price proposal. Price proposals may only be opened once the minimum score specified in the evaluation of technical proposals has been met. This would encourage a focus on ensuring quality.

(b) The tender documents must disclose the relevant evaluation criteria and their respective weightings, and this information must be made known to all property owners.

(c) The HKBA further suggests amending the Ordinance so that for tenders above a prescribed value, every tenderer (including consultants) must disclose prescribed past safety records in a standard form, and a tenderer falling below a prescribed standard must not be considered.

(3) <u>Safety points system and the disclosure of conflict of interests</u> (Buildings Ordinance (Cap. 123))

(a) The HKBA suggests amending the Ordinance to establish a safety points system. Contractors who lose points as a result of safety convictions and disciplinary findings exceeding a prescribed limit are barred for a defined period from Owners' Corporations' projects or

works above a prescribed value, and the system must extend to related companies and controlling minds.

(b) The HKBA also suggests amending the Ordinance to include a statutory requirement that Registered Structural Engineers, Authorized Persons and other similar professionals disclose actual and potential conflicts of interest both before and after appointment.

(4) **New responsibilities, new systems and new penalties** (Fire Services Ordinance (Cap. 95))

(a) The HKBA recommends the introduction of a statutory responsibility for property management companies (alongside property owners) to maintain fire safety equipment.

(b) It would also be beneficial to introduce a new 5-year renewal professional registration scheme for Registered Fire Services Installation Contractors and a new professional registration regime for Fire Service Installation Technicians.

(c) Other recommendations include: (i) enhancement of Fire Services Department ("**FSD**")'s powers to abate fire hazards and the introduction of new penalties for breaches; (ii) requirement that fire alarm shutdowns should require FSD's prior approval.

6. Please refer to the HKBA's full report regarding its detailed recommendations.

7. The HKBA recognises that law reform must take into account practical, administrative, resource and broader policy considerations. The implementation and prioritisation of any reforms will ultimately be matters for the administration and relevant authorities to determine. The HKBA is aware that the Government plans to amend 6 ordinances and looks forward to the proposed bills and hopes to continue to contribute to the law reform efforts.

8. Finally, the HKBA would like to thank the Competition Commission for maintaining professional and close communication with the HKBA, and the 17 Senior Counsel and barristers who have worked tirelessly to have this report completed within 10 months.

Hong Kong Bar Association

1 November 2026

Photos:

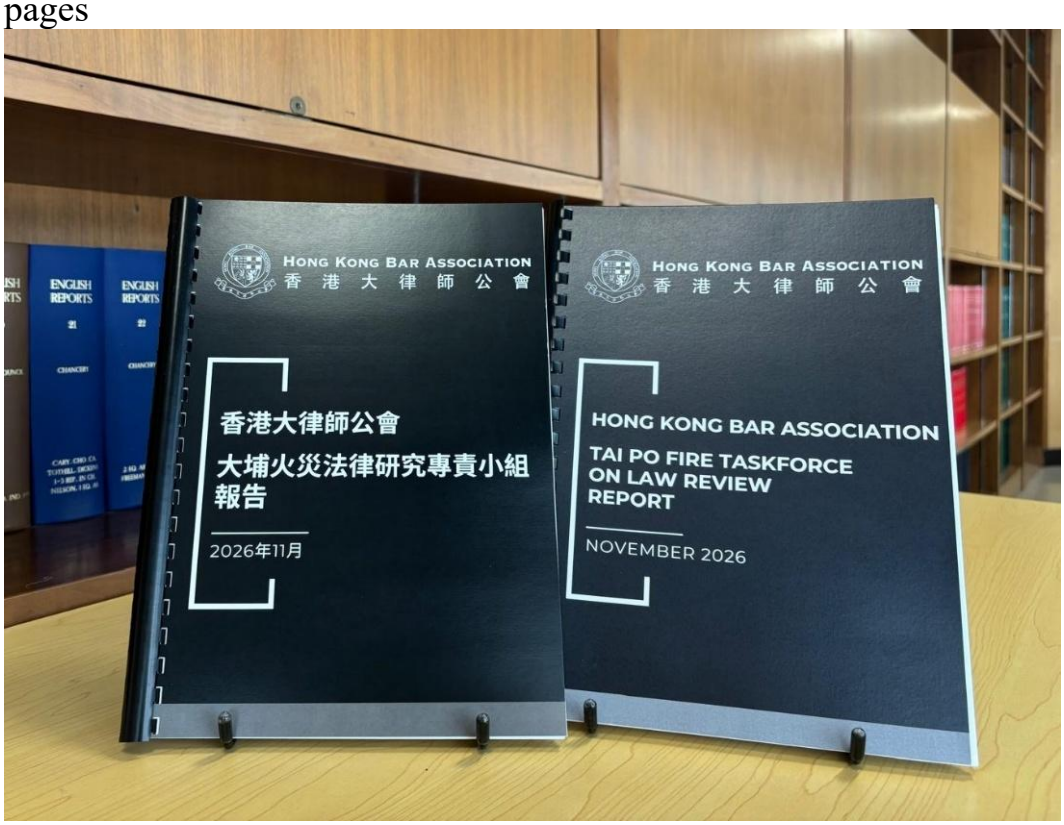
1. Mr. José Antonio Maurellet SC, Chairman of the HKBA, members of the Bar Council, and some members of the Tai Po Fire Taskforce on Law Review. From the left: Mr. Alexander Tang, Deputy Honorary Secretary of the HKBA; Ms. Jacqueline Law, Supporting Member of the Taskforce; Mr. Isaac Chan, Deputy Coordinator of the Taskforce and Bar Council Member; Ms. Teresa Wu, Member of the Taskforce; Mr. Martin Wong SC, Coordinator of the Taskforce and Honorary Secretary and Treasurer of the HKBA; Mr. Julian Cohen, Member of the Taskforce; Mr. José Antonio Maurellet SC, Chairman of the HKBA; Mr. P.Y. Lo, General Editor of the Taskforce; Mr. Martin Hui SC, Member of the Taskforce and Vice-Chairman of the HKBA; Mr. Alex Fan, Special Consultant of the Taskforce; Ms. Catrina Lam SC, Co-Chairman, Committee on Competition Law of the HKBA; and Mr. Jason Fee, Supporting Member of the Taskforce



2. Mr. José Antonio Maurellet SC, Chairman of the HKBA



3. HKBA Report on the Tai Po Fire Taskforce on Law Review with about 140 pages



4. Hong Kong Bar Association

