

Regulatory Framework for Opening, Operating and Closing a Business

Disclaimer: Any information rendered in this document is for general references only and should not be considered as legal advice. Users are strongly advised to seek independent legal advice if they are in doubt of their legal position.

Market Competition - Public Procurement

No.	Regulatory Framework	Link
<i>Tendering phase</i>		
1.	The standard bidding documents contain sustainability clauses in all model documents	➤ Memo on Green Government Buildings
2.	Defining minimum content requirements for procurement plans	➤ Procuring bureaux/departments are required provide a forecast of tender requirements for procurement of goods and general services to be arranged in the next 24 months in order to make government's procurement plan more visible to potential suppliers/services providers, especially for starts-ups and Small and Medium Enterprises (SMEs). ➤ Development Bureau Technical Circular (Works)

No.	Regulatory Framework	Link
3.	Designating a specialized and independent authority to receive procurement challenges filed by firms on decisions issued by the procuring entities	<ul style="list-style-type: none"> ➤ The Review Body on Bid Challenges (Review Body) is established pursuant to Article XVIII of the World Trade Organization (WTO) Agreement on Government Procurement (GPA) to consider a challenge against an alleged breach of the GPA in a covered procurement. The Review Body also considers challenges of covered procurements under the free trade agreements between Hong Kong, China and its trading partners.
4.	An aggrieved bidder has the right to appeal decisions on challenges made by the authority that receives procurement challenges	<ul style="list-style-type: none"> ➤ Order 53, Cap. 4A the Rules of the High Court
5.	There are legally binding time limits to resolve a procurement challenge for all types of challenges	<ul style="list-style-type: none"> ➤ For cases handled by the Office of Ombudsman, 10-15 working days for case closed after initial assessment due to jurisdictional restrictions and 3-6 months for other cases. [Ref. performance pledge of the Office of Ombudsman] ➤ For cases handled by the Independent Commission Against Corruption (ICAC), within 12 months for pursuable corruption investigations completed. [Ref. performance pledge of the ICAC] ➤ For challenges handled by the Review Body on Bid Challenges, please refer to the Rules of Operation of the Review Body
6.	There is a legal recourse for an aggrieved bidder experiencing delays in either challenge or review processes for all types of challenges	<ul style="list-style-type: none"> ➤ Order 53, Cap. 4A the Rules of the High Court

Public Services that Facilitate Trade

[Including services provided by government bureaux and departments, and other public organisations]

Disclaimer: There are other digital public services that aim to facilitate business and compliance in Hong Kong. Please refer to the webpages of individual bureaux / departments / public organisations for details.

Market Competition - Public Procurement

No.	Public Services	Link
<i>eProcurement Platforms</i>		
1.	Operational central electronic public procurement (e-procurement) portal in Hong Kong SAR, China used by all the procuring entities	➤ Doing Business with the Government

No.	Public Services	Link
2.	<p>Fully digitised features available in the central electronic public procurement portal:</p> <ul style="list-style-type: none"> • Registering as a vendor • Accessing notices on procurement opportunities • Accessing bidding documents • Asking a procuring entity for clarifications • Submitting tenders • Submitting bid security with electronic validation • Bid opening • Virtual workspace to manage tender procedures (including operative tools for members of the evaluation committee) • Notification of decisions (clarifications, awards, contract signing, etc.) • Accessing award decisions (including their rationale) • Submitting performance guarantee with electronic validation • Accessing contracts 	<ul style="list-style-type: none"> ➤ Doing Business with the Government ➤ e-Tendering System

No.	Public Services	Link
	<ul style="list-style-type: none"> • Accessing contract amendments • Submitting invoices to the procuring entity • Module for framework agreement management • E-catalogue of approved suppliers • Green catalogue • E-contract management and implementation module • Receiving payments from the procuring entity • Access to specifications, standards, or criteria for eco-labels and environmentally preferable goods and services 	
3.	Features supported by the central e-procurement portal available for procurements of goods, works, and services	➤ Doing Business with the Government

No.	Public Services	Link
4.	<p>There is a data portal that provides open access to the following types of data in machine readable format:</p> <ul style="list-style-type: none"> • Data on tenders (including description, dates, category of spending, estimated value, contracting authority, and identification of bidders) • Data on suppliers 	<ul style="list-style-type: none"> ➤ Lists of Public Works Contractors ➤ Number of suppliers in the supplier lists ➤ Contracts awarded in the last 12 months ➤ Open Tenders issued via e-Tender Box (ETB) of Government Logistics Department (GLD)