

Registration of General Building Contractors and Specialist Contractors

This practice note covers solely the registration of general building contractors and specialist contractors. Minor works contractors registration is separately explained in Practice Note for Registered Contractors 69.

2. Sections 8, 8A, 8B, 8C, 8D, 8E and 8F of the Buildings Ordinance (BO) govern the current contractors registration system. The prime objective of the system is to ensure that only contractors who are able to perform their duties and responsibilities in a competent manner as well as fully conversant with the relevant statutory requirements and the current building control system are registered and allowed to carry out building works and street works.

Registers of Contractors

3. Under section 8A of the BO, there are three contractors' registers, namely the general building contractors' register, the specialist contractors' register and the minor works contractors' register, being kept by the Building Authority (BA). In respect of the specialist contractors' register, sub-registers of different categories of specialized works are maintained.

4. The names of the contractors in the registers are published annually in the Gazette. Relevant registration particulars of the contractors, including the name of the contractor, the name of the person appointed by the contractor to act for the contractor for the purposes of the BO, hereinafter referred to as the Authorized Signatory (AS), its registration number and the expiry date of its registration are also posted on the Buildings Department website.

Categories of Specialized Works

5. Section 8A(2) of the BO empowers the BA to designate, by notice in the Gazette, categories of building works as specialized works that are required to be carried out by registered specialist contractors (RSC). Currently, there are five categories of works designated as specialized works. They are:

- (a) demolition works;
- (b) foundation works;
- (c) ground investigation field works;
- (d) site formation works; and
- (e) ventilation works.

Scope of Works

6. Registered general building contractors (RGBC) may carry out general building works and street works which do not include any specialized works in the designated categories while RSC may only carry out specialized works in their corresponding categories in the sub-registers in which they have been entered. RGBC may also carry out all types of minor works as stipulated in Part 2 of Schedule 1 of the Building (Minor Works) Regulation (B(MW)R) while RSC may only carry out the minor works as specified in section 28(1)(b) to (e) of the B(MW)R according to their corresponding categories in the sub-registers in which they have been entered.

7. A building owner is required to appoint contractors from the appropriate register corresponding to the category of building works to be carried out. The scope of works of RGBC and that of RSC in the demolition, foundation, ground investigation field works, site formation and ventilation categories are detailed at Appendices A to F.

8. To facilitate the operation of the construction industry, certain general building works are permitted to be carried out by more than one category of contractors. Detailed guidelines are provided at Appendix G.

Requirements for Registration

9. Under section 8B(2) of the BO, an applicant for registration as an RGBC or RSC must satisfy the BA on the following aspects:

- (a) if it is a corporation, the adequacy of its management structure;
- (b) the appropriate experience and qualifications of its personnel;
- (c) its ability to have access to plant and resources; and
- (d) the ability of the person appointed to act for the applicant for the purposes of the BO to understand building works and street works through relevant experience and a general knowledge of the basic statutory requirements.

Authorized Signatory, Technical Director and Other Officer

10. In considering each application, the BA is to have regard to the qualifications, competence and experience of the following key personnel of the applicant:

- (a) a minimum of one AS appointed by the applicant to act for the applicant for the purposes of the BO;
- (b) for a corporation – a minimum of one director from the board of directors of the applicant, hereinafter referred to as a ‘Technical Director’ (TD) for the purpose of ensuring that the works are carried out in accordance with the BO. Thus, the TD should be authorised by the board to:

- (i) have access to plant and resources;
 - (ii) provide technical and financial support for the execution of building works and street works; and
 - (iii) make decisions for the company and supervise the AS and other personnel.
- (c) for a corporation which appoints a director who does not possess the required qualification or experience as TD to manage the carrying out of building works and street works - an 'Other Officer' (OO) or an AS authorised by the board of directors to assist the TD.

11. In addition to the above key personnel, the applicant is also required to demonstrate that it has employed appropriate qualified staff to assist the applicant and the above key personnel to execute, manage and supervise the building works and street works.

12. The qualifications and experience of the above key personnel required for registration as RGBC and RSC in the demolition, foundation, ground investigation field works, site formation and ventilation categories are also stated at Appendices A to F.

13. General guidelines on acceptance of academic qualifications for these key personnel are summarised at Appendix H.

Persons Eligible to be the AS, TD or OO

14. The following persons are eligible to become the AS and TD of the applicant:

- (a) if the applicant is an individual, the applicant is the only person eligible to act as the AS;
- (b) if the applicant is a partnership, any partner appointed by all the other partners is eligible to act as the AS; and
- (c) if the applicant is a corporation, a suitable person appointed by the board of directors is eligible to act as the AS, whereas the TD must be a director appointed under the Companies Ordinance and appointed by the board of directors to perform the role as TD.

15. A person is permitted to take up the roles of the AS as well as the TD of a corporation at the same time provided that he meets the requirements of both the AS and TD.

16. If an OO is required, he is permitted to assist one TD only. In such case, the AS is not permitted to take up the role of an OO.

Appointment of AS / TD / OO for Registered Contractors

17. To ensure that adequate supervision and proper management are provided for carrying out of building works and street works and to avoid possible situations of conflict of interest, persons who have been accepted by the BA as the AS / TD / OO for a registered contractor will not be accepted as the AS / TD / OO for another contractor simultaneously for its registration, except for the special circumstances stipulated in paragraph 27 below.

Contractors Registration Committee

18. Contractors Registration Committees (CRC) are independent bodies appointed by the BA under section 8 of the BO. The function of a CRC is to assist the BA in considering applications for inclusion in the contractors' registers by:

- (a) examining the qualifications of applicants;
- (b) inquiring as the CRC considers necessary to ascertain whether an applicant has the relevant experience;
- (c) conducting interviews with the applicants and their key personnel; and
- (d) advising the BA to accept, defer or reject applications for inclusion in the relevant register.

19. Under section 8B(10) of the BO, the BA must not include the name of an applicant in the register of general building contractors or specialist contractors unless the relevant CRC so recommends. Besides, the BA may seek advice from the relevant CRC in respect of applications for addition of AS / TD / OO to a registered contractor.

20. In processing applications for renewal and restoration of names to the registers, the BA may also seek advice from the relevant CRC under section 8C(4) and section 8D(3) respectively of the BO.

Composition of a CRC

21. Under section 8(3) of the BO, a CRC appointed to assist the BA in considering applications for inclusion in the register of general building contractors shall consist of:

- (a) the BA's representative;
- (b) 3 persons, 1 of whom is nominated by each of the Architects Registration Board (ARB), the Engineers Registration Board (ERB) and the Surveyors Registration Board (SRB) from the lists of authorized persons (AP), registered structural engineers (RSE) and registered geotechnical engineers (RGE);
- (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;

/(d) ...

- (d) 1 person nominated by The Hong Kong E & M Contractors' Association Limited; and
- (e) 1 person selected by the BA from among persons nominated by such bodies as the BA may think fit.

22. Under section 8(3A) of the BO, a CRC appointed to assist the BA in considering applications for inclusion in the register of specialist contractors shall consist of:

- (a) the BA's representative;
- (b) 3 persons, 1 of whom is nominated by each of the ARB, the ERB and the SRB from the lists of AP, RSE and RGE;
- (c) 3 persons nominated by The Hong Kong Construction Association Ltd.; and
- (d) 2 persons selected by the BA from among persons nominated by such bodies as the BA may think fit.

23. Under section 8(6) of the BO, the members of the committee will elect the Chairman from the members of the committee other than the BA's representative.

Inclusion of Names in the Registers

24. The application procedures, requirements and scope of interview for new applications for registration are set out at Appendix I.

Renewal and Restoration of Registration

25. The application procedures, requirements, scope of interview for renewal of registration and restoration of names to the registers and fast-track processing of applications for renewal of registration are set out at Appendix J.

Addition and Resignation of AS / TD / OO

26. The procedures for addition and resignation of AS / TD / OO and fast-track processing of application for addition of AS under special circumstances are set out at Appendix K.

Sharing of AS / TD / OO Among a Holding Company and its Subsidiary Companies

27. To cater for the special circumstances of subsidiary companies owned by a holding company, sharing of AS / TD / OO among a holding company and its subsidiary companies is permitted subject to the requirements as set out at Appendix L.

Job Reference, Conviction Records, Suspension from Tendering and Past Performance

28. Guidelines on submission of job reference and consideration of conviction records and records of suspension from tendering for public projects are given at Appendix M. Information on the measurement of past performance via the Contractor Performance Enhancement Scheme is given at Appendix N.

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Requirements on Qualifications and Experience for Registration as a General Building Contractor

Scope of Works

The registered general building contractor (RGBC) is qualified under the BO to carry out any building works and street works which are not designated by the BA as a category of specialized works.

2. Works which may be carried out by more than one category of contractors are detailed at Appendix G.

Qualification and Experience Requirements

3. The minimum requirements on the qualifications and experience of the key personnel of an RGBC are given in the following table:

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
1	3 years' local experience in building industry. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	5 years' experience in building industry. [See Note (a)] Has worked for not less than 18 months in local building project(s). [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	-	-
2	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' local experience in building industry. [See Note (a)] Has worked for not less than 18 months in local building project(s). [See Note (b)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	-	-

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Appendix A
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
3	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' experience in building industry. [See Note (a)] Has worked for not less than 18 months in local building project(s). [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	3 years' local experience in building industry. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]
4 [See Note (d)]	3 years' experience in building industry. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	12 years' experience in building industry. [See Note (a)] Has worked for not less than 30 months in 5 local building projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	12 years' experience in building industry. [See Note (a)] Has worked for not less than 30 months in 5 local building projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
			OR Alternative Requirement 1, 2 or 3 above			

/Notes

Notes to Paragraph 3

- (a) Experience in building industry should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 6 November 2000. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RGBC. Only courses with adequate coverage and appropriate proportion of subjects relevant to construction technology (e.g. construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

(Rev. 12/2004)

**Requirements on Qualifications and Experience for
Registration as a Specialist Contractor in the Demolition Works Category**

Scope of Works

All demolition works to which the Building (Demolition Works) Regulations apply are specialized works of the demolition works category unless all the following circumstances exist:

- (a) The building to be demolished is not in Scheduled Area Number 1.
- (b) No part of the building to be demolished exceeds 10m above adjacent ground.
- (c) No structural element to be demolished has a clear span exceeding 6m or a cantilever span exceeding 1m.
- (d) No part of the building to be demolished is in pre-stressed concrete construction.
- (e) No part of the building to be demolished is an earth-retaining structure with retaining height exceeding 1.5m.
- (f) There are no other buildings within 5m from the building to be demolished.

2. Works which may be carried out by more than one category of contractors are detailed at Appendix G.

Qualification and Experience Requirements

3. The minimum requirements on the qualifications and experience of the key personnel of a registered specialist contractor in the demolition works category (RSC(D)) are given in the following table :

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Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
1	5 years' local experience in building industry, of which 2 years' experience was in demolition. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	5 years' experience in demolition. [See Note (a)] Has worked for not less than 18 months in 7 local demolition projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)] Has completed Demolition of Building Course for Supervisors /Foremen organised by CICTA or Module Certificate in Building Demolition Course organised by IVE	-	-
2	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' local experience in demolition. [See Note (a)] Has worked for not less than 18 months in 7 local demolition projects. [See Note (b)]	A bachelor degree or equivalent in a relevant field. [See Note (e)] Has completed Demolition of Building Course for Supervisors /Foremen organised by CICTA or Module Certificate in Building Demolition Course organised by IVE	-	-

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
3	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' experience in demolition. [See Note (a)] Has worked for not less than 18 months in 7 local demolition projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)] Has completed Demolition of Building Course for Supervisors /Foremen organised by CICTA or Module Certificate in Building Demolition Course organised by IVE	5 years' local experience in the building industry, of which 2 years' experience was in demolition. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]
4 [See Note (d)]	5 years' local experience in building industry, of which 2 years' experience was in demolition. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	12 years' experience in demolition. [See Note (a)] Has worked for not less than 21 months in 7 local demolition projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course Has completed Demolition of Building Course for Supervisors /Foremen organised by CICTA or Module Certificate in Building Demolition Course organised by IVE	-	-

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system.	12 years' experience in demolition. [See Note (a)]	Was an authorized signatory under the previous registration system.	-	-
		Has completed a recognized top-up course	Has worked for not less than 21 months in 7 local demolition projects. [See Note (b)]	Has completed a recognized top-up course		
		Has completed Demolition of Building Course for Supervisors/ Foremen organised by CITA or Module Certificate in Building Demolition Course organised by IVE	Has completed Demolition of Building Course for Supervisors /Foremen organised by CICTA or Module Certificate in Building Demolition Course organised by IVE			
			OR Alternative Requirement 1, 2 or 3 above			

CITA Construction Industry Training Authority
IVE Hong Kong Institute of Vocational Education

/Notes

Notes to Paragraph 3

- (a) Experience in building industry/demolition should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 31 March 2001. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(D). Only courses with adequate coverage and appropriate proportion of subjects relevant to construction technology (e.g. construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

(Rev. 12/2010)

**Requirements on Qualifications and Experience for
Registration as a Specialist Contractor in the Foundation Works Category**

Scope of Works

All foundation works, except where the penetration depth of the foundation element does not exceed 3 m, are specialized works of the foundation works category.

2. Works which may be carried out by more than one category of contractors are detailed at Appendix G.

Qualification and Experience Requirements

3. The minimum requirements on the qualifications and experience of the key personnel of a registered specialist contractor in the foundation works category (RSC(F)) are given in the following table :

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
1	5 years' local experience in building industry, of which 2 years' experience was in foundation. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	5 years' experience in foundation. [See Note (a)] Has worked for not less than 18 months in 7 local foundation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	-	-

Appendix C
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
2	8 years' experience in managing a building contractor company or equivalent. [See note (c)]	-	5 years' local experience in foundation. [See Note (a)] Has worked for not less than 18 months in 7 local foundation projects. [See Note (b)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	-	-
3	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' experience in foundation. [See Note (a)] Has worked for not less than 18 months in 7 local foundation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	5 years' local experience in the building industry, of which 2 years' experience was in foundation. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]
4 [See Note (d)]	5 years' local experience in building industry, of which 2 years' experience was in foundation. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	12 years' experience in foundation. [See Note (a)] Has worked for not less than 21 months in 7 local foundation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	12 years' experience in foundation. [See Note (a)] Has worked for not less than 21 months in 7 local foundation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
			OR Alternative Requirement 1, 2 or 3 above			

Notes to Paragraph 3

(a) Experience in building industry/foundation should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.

(b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.

/(c)

(c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.

(d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 31 March 2001. These applicants may continue to apply under alternative requirements 4 and 5.

(e) The higher certificate, diploma or university degree should be in the field of construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(F). Only courses with adequate coverage and appropriate proportion of subjects relevant to construction technology (e.g. construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

**Requirements on Qualifications and Experience for Registration as a
Specialist Contractor in the Ground Investigation Field Works Category**

Scope of Works

The scope of works for registered specialist contractors in the ground investigation field works category (RSC (GIFW)) is as follows:

- (a) all exploratory drilling, boring, excavation and probing of land for obtaining information on ground conditions, and includes the installation of instrument, sampling, field testing in boreholes, and any other associated site operations;
- (b) pre-drilling for foundation works;
- (c) proof-drilling for cast-in-place concrete foundation, mini-piles and socketed H-piles; and
- (d) field testing of ground, the loading capacity of which has been improved by ground treatment.

2. The following list of works, not exhaustive, are examples of works which are required to be undertaken by RSC (GIFW):

Types of Works	Details of Works
Excavation	Trial pits, trial trenches, slope surface stripping.
Boreholes	Hand auger boring, corehole drilling, light cable percussion boring, rotary open hole drilling, rotary core drilling.
Sampling	Disturbed samples, U76 samples, U100 samples, split barrel standard penetration test samples, thin-walled piston samples, continuous soil and rock samples, rotary core samples, Mazier samples, block samples, groundwater samples and vibro-coring.
Instrumentation	Installation of instruments e.g. piezometers, standpipes, tensiometers, piezometer buckets, inclinometers, extensometers.
Field Testing in Boreholes	Standard penetration test, vane shear test, permeability tests, packer (water absorption) test, plate test, pressuremeter test, borehole discontinuity survey (impression packer survey) and cone penetration test.
Cast-in-Place Concrete Foundation	Pre-drilling to determine rockhead level, core-drilling to verify quality of founding stratum.
Ground Treatment	Field testing to verify load carrying capacity of treated ground.

3. Works which may be carried out by more than one category of contractors are detailed at Appendix G.

Qualification and Experience Requirements

4. The minimum requirements on the qualifications and experience of the key personnel of RSC(GIFW) are given in the following table :

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
1	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)] Has worked for not less than 18 months in 10 local ground investigation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	-	-

Appendix D
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
2	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' local experience in geotechnical works, of which 3 years' experience was in ground investigation. [See Notes (a)] Has worked for not less than 18 months in 10 local ground investigation projects. [See Note (b)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	-	-
3	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)] Has worked for not less than 18 months in 10 local ground investigation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]

Appendix D
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
4 [See Note (d)]	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	12 years' experience in ground investigation. [See Notes (a)] Has worked for not less than 21 months in 10 local ground investigation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	12 years' experience in ground investigation. [See Note (a)] Has worked for not less than 21 months in 10 local ground investigation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
			OR Alternative Requirement 1, 2 or 3 above			

/Notes

Notes to Paragraph 4

- (a) Experience in geotechnical works/ground investigation should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/RGE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RGE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 2 July 2002. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of geotechnical engineering, geology, engineering geology or construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(GIFW). Only courses with adequate coverage and appropriate proportion of subjects relevant to geotechnical engineering, geology, engineering geology or construction technology (e.g. soil and rock mechanics, foundation engineering, applied geology, earth science, construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

**Requirements on Qualifications and Experience for
Registration as a Specialist Contractor in the Site Formation Works Category**

Scope of Works

All site formation works are specialized works of the site formation category, unless all the following circumstances exist:

- (a) The maximum gradient across the lot from boundary to boundary is not more than 15 degrees.
- (b) The overall gradient of an area bounded by lines 10m outside the lot boundary in any direction is less than 15 degrees.
- (c) There is no slope within the area 10m outside the lot boundary steeper than 30 degrees or higher than 1.5m.
- (d) There is no retaining wall or terrace wall, either within the lot or within the area 10m outside the lot, which is higher than 1.5m.
- (e) No retaining walls or terrace walls higher than 1.5m are to be constructed.
- (f) No slopes steeper than 30 degrees nor higher than 1.5m are to be constructed.
- (g) The combined height of retaining wall and slope to be constructed does not exceed 1.5m.

2. Works which may be carried out by more than one category of contractors are detailed at Appendix G.

Qualification and Experience Requirements

3. The minimum requirements on the qualifications and experience of the key personnel of a registered specialist contractor in site formation works category (RSC(SF)) are given in the following table :

/1

Appendix E
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
1	5 years' experience in geotechnical works, of which 3 years' experience was in local site formation. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	5 years' experience in geotechnical works, of which 3 years' experience was in local site formation. [See Note (a)] Has worked for not less than 18 months in 7 local site formation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	-	-
2	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' local experience in geotechnical works, of which 3 years' experience was in site formation. [See Note (a)] Has worked for not less than 18 months in 7 local site formation projects. [See Note (b)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	-	-
3	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' experience in geotechnical works, of which 3 years' experience was in local site formation. [See Note (a)] Has worked for not less than 18 months in 7 local site formation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	5 years' experience in geotechnical works, of which 3 years' experience was in local site formation. [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]

Appendix E
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
4 [See Note (d)]	5 years' experience in geotechnical works, of which 3 years' local experience was in site formation [See Note (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	12 years' experience in site formation. [See Note (a)] Has worked for not less than 21 months in 7 local site formation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	12 years' experience in site formation. [See Note (a)] Has worked for not less than 21 months in 7 local site formation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
			OR Alternative Requirement 1, 2 or 3 above			

/Notes

Notes to Paragraph 3

- (a) Experience in geotechnical works/site formation should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/RGE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RGE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 31 March 2001. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of geotechnical engineering or construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(SF). Only courses with adequate coverage and appropriate proportion of subjects relevant to geotechnical engineering or construction technology (e.g. soil and rock mechanics, foundation engineering, construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

(Rev. 12/2004)

**Requirements on Qualifications and Experience for
Registration as a Specialist Contractor in the Ventilation Works Category**

Scope of Works

All ventilating system works to which the Building (Ventilating Systems) Regulations apply are specialized works under the ventilation category.

2. Works which may be carried out by more than one category of contractors are detailed at Appendix G.

Qualification and Experience Requirements

3. The minimum requirements on the qualifications and experience of the key personnel of a registered specialist contractor in the ventilation works category (RSC(V)) are given in the following table :

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
1	5 years' local experience in ventilating system works. [See Note (a)]	A diploma, higher certificate or equivalent in a relevant field. [See Note (e)]	3 years' local experience in ventilating system works. [See Note (b)]	A diploma, ordinary certificate or equivalent in a relevant field. [See Note (e)]	-	-
2	8 years' experience in managing a ventilation contractor company or equivalent. [See Note (c)]	-	3 years' local experience in ventilating system works. [See Note (b)]	A diploma, higher certificate or equivalent in a relevant field. [See Note (e)]	-	-
3	8 years' experience in managing a ventilation contractor company or equivalent. [See Note (c)]	-	3 years' local experience in ventilating system works. [See Note (b)]	An ordinary certificate or equivalent in a relevant field. [See Note (e)]	3 years' local experience in ventilating system works. [See Note (a)]	A diploma, higher certificate or equivalent in a relevant field. [See Note (e)]

4 [See Note (d)]	5 years' local experience in ventilating system works. [See Note (a)]	A diploma, higher certificate or equivalent in a relevant field. [See Note (e)]	8 years' local experience in ventilating system works [see Note (a)], of which 5 years were endorsed experience [see Note (b)].	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
5 [See Note (d)]	8 years' local experience in managing a ventilation contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	8 years' local experience in ventilating system works [see note (a)], of which 5 years were endorsed experience [see Note (b)].	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
		OR Alternative Requirement 1, 2 or 3 above				

Notes to Paragraph 3

(a) Experience in ventilating system works should be substantiated by project details and endorsed by the employers concerned, an AP, a Registered Professional Engineer(RPE) of a relevant field, the Registered Contractors(RC) or the government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. contract documents may also be acceptable.

(b) Experience should be substantiated by project details and endorsed by an AP, a RPE in a relevant field, the RC or the government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.

/(c)

- (c) Experience in managing a ventilation contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 31 March 2001. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The ordinary certificate, higher certificate or diploma should be in the field of building services, mechanical engineering or electrical engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(V). Only courses with adequate coverage and appropriate proportion of subjects relevant to ventilation works (e.g. ventilation systems, building services, electrical, mechanical and fire engineering, engineering mechanics, thermodynamics, fluid mechanics, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

(Rev. 12/2004)

**Works Which May be Carried out
by More Than One Category of Contractors**

The detailed scope of works for each category of contractors is stated in Appendices A to F to this practice note. It is difficult to give an exhaustive or absolute demarcation among the scope of works of different categories of contractors. Whether the contractors in a category possess the recognized competence, experience, expertise, plant and resources in carrying out the proposed works should be the primary consideration of the AP/RSE/RGE. Additional guidelines in paragraph 3 below are provided for reference.

2. In situations not covered by any of the published guidelines and when unique site characteristics call for special consideration, the AP/RSE/RGE of the proposed works are expected to make professional judgment according to the aforesaid principles on the selection of the appropriate category of contractors. Should such circumstances arise, the BA will consider proposals from the AP/RSE/RGE on a case by case basis.

3. Additional guidelines on the demarcation of different scope of works among categories of contractors are as follows:

(a) Temporary Works

RGBC, RSC(F), RSC(SF) and RSC(D) may generally carry out temporary works which are associated with the execution of the respective types of general building works and specialist works. These temporary works include hoarding, covered walkways, sheet piling, soldier piling, pipe piling, shoring, rock filled slopes for demolition, protective and precautionary measures.

(b) Pile Cap Works

Pile cap works may be carried out either by RGBC or RSC(F). These contractors may also carry out the associated temporary works, such as excavation and lateral support works, which are necessary for the construction of the pile caps.

(c) Basement Works

Excavation for basements, construction of basement walls, slabs and drains, which do not form part of pile caps fall within the scope of works of the RGBC.

(d) Foundation Works

Diaphragm walls should be carried out by RSC(F) when the penetration depth exceeds 3m. The penetration depths of foundation elements are generally measured from the ground level which may be existing or newly formed. Spread footing and raft foundation works may be carried out by either RSC(F) or RGBC.

(e) Landscape and Street Works

On grade roads, streets, landscape features, etc., should generally be carried out by RGBC. Such works which do not involve the construction of a roof or foundation, and drains associated with landscape works in the periphery of buildings not forming part of the permanent drains of buildings may also be carried out by RSC(SF).

(f) Retaining Structures

Retaining structures involving diaphragm walls, bore-piles, caissons or other foundation works, excluding those mentioned in paragraph 3(a) above should be carried out by RSC(F).

Appendix B of PNAP APP-18 stipulates that mini piles are not to take lateral loads and therefore not commonly used in site formation works. Its construction could be up to 400mm diameter and should therefore be carried out by an RSC(F) or if less than 3m deep, by RGBC but not RSC(SF).

(g) Dredging Works

The general meaning of dredging in construction involves taking up of mud from sea or riverbeds that should generally be classified as site formation works. If the said works fall within the scope of works as set out in Appendix E of this practice note, it should be carried out by RSC(SF), otherwise, it should be carried out by RGBC.

(h) Reclamation Works

Reclamation works usually involves the forming of land, construction of seawalls or retaining structures and should be considered as site formation works to be carried out by RSC(SF).

(i) Trial Pit Works

Trial pit works should normally be carried out by RSC(GIFW). Other registered contractors except RSC(V) may also carry out such works if the trial pits are excavated solely for the following purposes:

- (i) exposing existing shallow foundations;
- (ii) locating utilities, underground structures and installations;
- (iii) verifying the density of the backfill soil behind retaining structures (Note: insitu-density test has to be carried out by a laboratory which is accredited by the Hong Kong Accreditation Service for performing such test); and

- (iv) other studies not involving the investigation of ground conditions or soil/rock descriptions, e.g. archaeological studies.

(j) Installation and Inspection of Fire Dampers

Fire dampers may be installed either by RGBC or RSC(V). For fire dampers installed by RGBC, RSC(V) should be engaged to inspect and certify that the fire dampers are in safe and efficient working order pursuant to Clause E8.3 of the Code of Practice for Fire Safety in Buildings. For fire dampers installed by RSC(V), the same RSC(V) could inspect and certify the fire dampers. Requirements on the inspection and certification of fire dampers by RSC(V) are provided in PNRC 25.

(9/2013)

**General Guidelines on Acceptance of Academic Qualifications
for the Purpose of Contractors Registration**

The requirements of academic qualifications for different categories of registered contractors are stipulated in Appendices A to F. For the purpose of contractors registration, the BA adopts the following general guidelines for considering if the academic qualification of an applicant is at or equivalent to the level specified in Appendices A to F:

- (a) Diplomas and certificates should be awarded by The Hong Kong Institute of Vocational Education (IVE) or technical institutes which are approved or recognised by the Vocational Training Council (VTC) or awarded by local universities funded by the University Grants Committee (UGC).
- (b) Higher diplomas and higher certificates should be awarded by the IVE or technical colleges which are approved or recognised by the VTC or awarded by local universities funded by the UGC.
- (c) Bachelor degrees and higher degrees should be awarded by local universities funded by the UGC or recognised by the Hong Kong Institute of Architects (HKIA), the Hong Kong Institution of Engineers (HKIE) or the Hong Kong Institute of Surveyors (HKIS).
- (d) For the purpose of contractors registration, a local professional qualification e.g. MHKIA, MHKIE in relevant discipline and MHKIS of relevant division is deemed equivalent to a degree in the related field of studies under paragraph 1(c) above.
- (e) For the purpose of contractors registration, degrees awarded by universities or recognised by institutions other than those mentioned in paragraph 1(c) above are classified as higher diplomas.
- (f) For the purpose of contractors registration, non-graduate vocational qualifications awarded by institutions other than those mentioned in paragraph 1(a) and (b) above are subject to the individual consideration by the CRC/BA.

2. Apart from the above parameters, the BA and the CRC may accept alternative qualifications in the appropriate fields which have been justified by relevant public organisations for academic accreditation or professional institutes as equivalent level to that required. Such organisations and institutes include the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ), HKIA, HKIE and HKIS.

/3.

3. Non-local academic qualifications accredited by the professional institutes or public organisations such as the counterparts of HKIA, HKIE, HKIS, VTC, HKCAAVQ in the corresponding countries where the qualifications have been awarded, may be acceptable as at equivalent level of local qualifications. However, persons with such qualifications are required to attend an interview conducted by the CRC.

**Inclusion of Names in the Registers of
General Building Contractors and Specialist Contractors**

Application for Inclusion in the Register

Applicants for inclusion in the register of general building contractors or specialist contractors are required to submit the following documents to the BA for consideration :

- (a) a duly completed specified form (BA 2);
- (b) supporting documents on :
 - (i) the qualifications and experience of the AS and other assisting personnel; and
 - (ii) the applicant's ability to have access to plant and resources;
- (c) for a partnership, an authorization letter from the rest of the partners regarding the appointment of the partner as the AS;
- (d) for a corporation, a statement with documentary proof on :
 - (i) the qualifications and experience of the TD and OO (if applicable) responsible for technical administration;
 - (ii) the management structure and organization chart of the company and its decision making mechanism for technical and financial matters; and
 - (iii) a resolution from the board of directors regarding the appointment of the AS, TD and OO (if applicable) for the company;
- (e) declarations in BD standard forms which cover **exhaustively** the conviction/disciplinary/suspension records of the applicant, AS, TD and OO as set out in Appendix M;
- (f) documents relating to business registration as set out in Appendix M; and
- (g) the prescribed fee in accordance with Building (Administration) Regulation 42.

/Requirements ...

Requirements and Scope of Interview for New Applications

2. For new applications, the AS, and where the CRC considers necessary the TD/OO, will represent the applicant to attend a full-scope interview conducted by the CRC.

3. The purpose of the interview is to ascertain whether the AS/TD/OO possesses the qualifications and experience required for carrying out his designated functions, and that he has the competence to apply such knowledge in executing and supervising the building works and street works. In particular, assessment in respect of the following aspects will be made by the CRC:

- (a) the applicant's submitted documents as required under paragraph 1 above;
- (b) if it is a corporation, the adequacy of the management structure of the applicant;
- (c) the appropriate experience, qualifications and competence of the personnel;
- (d) the applicant's ability to have access to plant and resources; and
- (e) the ability of the AS to apply knowledge in the following aspects :
 - (i) the statutory role, functions and duties of an RGBC or an RSC as the case may be in relation to the role and responsibilities of the BA in respect of private building developments in Hong Kong;
 - (ii) the objectives of the BO and Regulations and the mechanism of control in respect of the execution and supervision of building works;
 - (iii) a general awareness of local conditions sufficient to enable him to practise in Hong Kong efficiently and effectively without having to make frequent enquiries on matters of common local knowledge;
 - (iv) a working knowledge and principles of the BO and Regulations, relevant codes of practice, practice notes, circular letters and other advisory information, and allied matters such as Factories and Industrial Undertakings Ordinance and the requirements of other authorities which exercise control over the carrying out of building works;
 - (v) the fundamental procedures that a registered contractor must follow in order to meet local statutory requirements; and

/(vi) ...

- (vi) adequate technical knowledge and practical experience in building construction to enable him to discharge his duties as an RGBC or RSC.

An Unregistered Contractor Applying for Registration With the Appointment of a Previously Accepted AS/TD/OO

4. An unregistered contractor applying for registration with the appointment of an AS/TD/OO who has been previously accepted by the BA is still considered as a new application under the BO. Documents as mentioned in paragraph 1 above are required to be submitted to the BA for consideration.

5. For such cases, the AS, and where necessary the TD/OO, will be required to attend an interview and the application will be fully assessed by the CRC. However, if the AS/TD/OO was accepted by the CRC and the BA through a full-scope interview conducted not more than 3 years ago, the interview and assessment will be focused mainly on the following aspects:

- (a) the applicant's submitted documents as required under paragraph 1 above;
- (b) if it is a corporation, the adequacy of the management structure of the applicant;
- (c) the applicant's ability to have access to plant and resources; and
- (d) if the applicant or the proposed AS/TD/OO has been involved in any conviction/disciplinary/suspension incident in respect of the aspects stipulated in paragraph 1(a) to (d) of Appendix M, 4 or more convictions in respect of the aspect stipulated in paragraph 1(e) and 1(f) of Appendix M, or any conviction under the Waste Disposal Ordinance related to illegal disposal of construction waste since his last interview, depending on the nature and gravity of the incident, the interview may also cover assessment on the competence and ability of the personnel, safety management and site management matters, etc. as considered necessary by the CRC/BA.

6. If the AS/TD/OO was accepted by the CRC and BA through a full-scope interview conducted more than 3 years ago and he has not participated in at least one relevant building project as defined in paragraphs 6 and 7 of Appendix M within the 3 years preceding the current application, in addition to the aspects mentioned in paragraph 5 above, the CRC may also assess the AS/TD/OO regarding the new development in the building industry, new legislation, practice notes, codes of practice, circular letters, etc. introduced since his last interview.

7. If an unregistered contractor intends to apply for registration with the appointment of both new and previously accepted AS/TD/OO, the previously accepted AS/TD/OO may not be required to attend an interview if:

/(a) ...

- (a) (i) he was accepted by the CRC and the BA through a full-scope interview conducted not more than 3 years ago; or
- (ii) he has a job reference on a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M within the 3 years preceding his current application; and
- (b) he has not been involved in any conviction/disciplinary/suspension incident in respect of the aspects stipulated in paragraph 1(a) to (d) of Appendix M, 4 or more convictions in respect of the aspect stipulated in paragraph 1(e) and 1(f) of Appendix M, or any conviction under the Waste Disposal Ordinance related to illegal disposal of construction waste since his last interview.

Discretion of the BA and the CRC Regarding the Requirements for and Scope of Interviews

8. In connection with paragraphs 2, 3, 5, 6 and 7 above, it is emphasized that whether a particular AS/TD/OO is required to attend an interview or not and the scope of any such interview are dependent on the circumstances of each case and are solely at the discretion of the BA and the CRC for the purpose of ensuring the required standard of the contractor. Performance of the applicant during the interview, the track records of the applicant, etc, will be taken into consideration in this regard.

(12/2018)

**Renewal of Registration and Restoration of Names to the Register of
General Building Contractors or Specialist Contractors**

Renewal of Registration

Under section 8C(2)(c) of the BO, a registered contractor should apply to the BA for renewal of registration not earlier than 4 months and not later than 28 days prior to the date of expiry of the registration. Application for renewal of registration received by the BA outside the specified time limit under section 8C(2)(c) will not be accepted. The application should comprise:

- (a) a duly completed specified form (BA 2A);
- (b) declarations in BD standard forms covering exhaustively the conviction / disciplinary / suspension records of the applicant, AS, TD and OO as set out in Appendix M;
- (c) a job reference on a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M;
- (d) documents relating to business registration as set out in Appendix M;
- (e) a certificate of attendance for the Performance Enhancement Course as specified in Appendix N (if applicable); and
- (f) the prescribed fee in accordance with Building (Administration) Regulation 42.

2. In general, an application for renewal of registration would not be referred to the CRC for interview and assessment, except in the following circumstances :

- (a) the contractor has been inactive in relevant building works in the past registration period (i.e. without a job reference on a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M); or
- (b) there have been new incidents or circumstances that require further consideration on the suitability of the contractor's registration. New incidents or circumstances include, but not limited to, the contractor's records in respect of the following aspects:
 - (i) a contractor who has been convicted or disciplined under the BO;

/(ii) ...

- (ii) a contractor who has been convicted of a serious labour safety offence (e.g. involving a fatal incident or amputation of limb);
- (iii) a contractor who has been convicted of 7 or more labour safety offences committed within a rolling 6 months;
- (iv) a contractor who has been involved in conviction leading to imprisonment for malpractice or misconduct in building works or construction related activities;
- (v) a contractor who has been convicted of 4 or more offences under section 27(3) of the Public Health and Municipal Services Ordinance committed on the same site within a rolling 3 months;
- (vi) a contractor who has been convicted of 4 or more environmental offences committed on the same site within a rolling 3 months;
- (vii) a contractor who has been convicted under the Waste Disposal Ordinance related to illegal disposal of construction waste;
- (viii) a contractor who has been suspended from tendering by the Development Bureau (DEVB), the Housing Authority (HA) or their related departments, because of factors which infer deficiencies of the contractors in technical competence and management ability, and factors related to standard of works, misconduct and site safety; and
- (ix) a contractor who is required to attend an interview under the Contractor Performance Enhancement Scheme (CPES) as detailed in Appendix N.

Who Should Represent the Contractor to Attend the Interview for Renewal of Registration

3. For a contractor who is required to attend an interview under paragraph 2(b)(i) to (viii) above, all AS who meet any of the criteria below will be required to attend an interview:

- (a) AS who joined the contractor during the period of its current registration will be required to attend an interview if:

/ (i) ...

- (i) he or the projects under his supervision have any conviction or disciplinary records under the BO, suspension or serious labour safety conviction records, 5 or more labour safety conviction records, 4 or more conviction records under section 27(3) of Public Health and Municipal Services Ordinance, 4 or more environmental offences, or any conviction record under the Waste Disposal Ordinance related to illegal disposal of construction waste, during his service with the contractor; or
 - (ii) he was accepted by the CRC and the BA without a full-scope interview when joining the contractor and he has no job reference on a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M in the last 3 years.
- (b) AS other than paragraph 3(a) above will be required to attend an interview if:
 - (i) he or the projects under his supervision have any conviction or disciplinary records under the BO, suspension or serious labour safety conviction records, 5 or more labour safety conviction records, 4 or more conviction records under section 27(3) of Public Health and Municipal Services Ordinance, 4 or more environmental offences, or any conviction record under the Waste Disposal Ordinance related to illegal disposal of construction waste; or
 - (ii) he has no job reference on a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M within the past registration period.

4. For a contractor who is required to attend an interview under paragraph 2(b)(ix) above, only one AS who meets any of the criteria below will be required to attend an interview:

- (a) AS has been accorded with the highest Performance Points (PP) under CPES, irrespective of any remitted points; or
- (b) AS has been accorded with next highest PP, irrespective of the remitted points, and the AS who meets criteria (a) has obtained a certificate of attendance for the Performance Enhancement Course as specified in Appendix N.

5. For a contractor who is required to attend an interview under paragraph 2 above but all of its AS do not fall within the criteria in paragraphs 3 and 4 above, the contractor will have to nominate an AS / TD / OO to attend the interview. The nomination is subject to the agreement of the BA / CRC and, where necessary, the BA / CRC may determine who should represent the contractor to attend the interview.

Scope of Interview for Renewal of Registration

6. The interview to be conducted by the CRC will mainly focus on the following aspects:

- (a) if the contractor / AS has been inactive in the past registration period, the CRC will mainly assess the AS's awareness of the new development in the building industry and new legislation, codes of practice, practice notes, circular letters, etc. introduced within the past registration period;
- (b) if there have been new incidents or circumstances that require further consideration on the suitability of the contractor's registration, the scope of interview will depend on the nature and gravity of such incidents and circumstances;
- (c) if the contractor / AS / TD / OO has malpractice, disciplinary, conviction or suspension records, depending on the nature and gravity of the incidents, the scope of interview will cover assessment on the competence and ability of the personnel, safety management and site management matters, etc. as considered necessary by the CRC / BA; and
- (d) if the contractor is required to attend an interview under CPES, the scope of interview will cover requirements of the Minor Works Control System. If the AS is a qualified person under the Mandatory Window Inspection Scheme (MWIS), the scope of interview will also cover the requirements of MWIS.

Fast-track Processing of Application for Renewal of Registration

7. The fast-track processing of application for renewal of registration serves to speed up the renewal process for applicants who comply with the following criteria:

- (a) all documents as required under paragraph 1 above and the information required therein are properly furnished;
- (b) there is no conviction / disciplinary / suspension record of the applicant, AS, TD and OO as declared under paragraph 1 of Appendix M;
- (c) no interview is required to be attended according to CPES as specified in Appendix N; and
- (d) the application is supported by an easy-to-verify valid job reference such as a copy of duly completed statutory certificate with evidence showing that it has been submitted to the appropriate authority to report that the applicant has carried out the relevant works, e.g. Form BA12, BA13, BA14, BA14A submitted to the BA, Annual Inspection Certificate of Ventilation System Works to Fire Services Department, etc.

/8. ...

8. Upon receipt of an application fully meeting with the above criteria, the BA will process such application under the fast-track arrangement and notify the applicant of the result within 28 days of receipt of his application for renewal of registration. Applications not meeting the above criteria will be processed under the normal procedures.

Refusal of an Application for Renewal of Registration

9. Under section 8C(5) of the BO, the BA may refuse an application for renewal of registration -

- (a) if he is satisfied that the applicant is no longer suitable (for any reason) for registration on the relevant register; or
- (b) if the applicant fails to provide relevant information and documentary proof required by the BA including, but not limited to, updated information on matters supplied on previous applications for registration or renewal of registration.

10. For a contractor with more than one AS / TD / OO, if its renewal application is supported by AS, TD and OO who are not required to attend an interview by virtue of paragraphs 3, 4 and 5 above, the renewal application may be accepted without an interview by the support of that AS, TD and OO. However, the other AS / TD / OO of the contractor who is required to attend an interview under paragraph 3, 4 or 5 above, will still have to pass the interview before he can continue to act as the AS / TD / OO for the contractor.

11. An AS / TD / OO who fails in the interview will be disallowed to act for the contractor and, if as a result of this the contractor has no AS / TD / OO to act for it for the purposes of the BO, the renewal application will be refused.

Restoration of Names to the Registers

12. Under section 8D(1) of the BO, a contractor whose name is removed under section 8C(6) of the BO, may within 2 years of the date of the expiry of the registration, apply to the BA for his name to be restored to the register.

13. The application for restoration should be submitted in the specified form (BA2B) together with the documents and fee similar to that stipulated in paragraph 1(b) to (f).

14. In general, an application for restoration of registration would not be referred to the CRC for interview and assessment, except in the following circumstances:

- (a) the contractor has been inactive in relevant building works in the 3 years preceding the date of submission of the restoration application (i.e. without a job reference on a minimum of one relevant building project as defined under paragraphs 6 and 7 of Appendix M); or

/(b) ...

- (b) there have been new incidents or circumstances since the commencement of the last registration that require further consideration on the suitability of the contractor to be restored to the register. New incidents or circumstances include, but not limited to, the contractor's records in respect of the aspects as stipulated in paragraphs 2(b)(i) to 2(b)(ix) above.

15. The scope of interview for restoration applications will in general be same as that detailed in paragraph 6 above. Similar to renewal cases, all AS / TD / OO of the contractor may be required to attend the interview. The selection criteria stipulated in paragraphs 3, 4 and 5 above are also applicable to restoration applications.

16. Applications for restoration to the register submitted after 2 years from the date of expiry of the registration will be considered as new applications. For these cases, all the registration requirements and scope of interview in relation to a new application as detailed at Appendix I will be applicable.

Discretion of the BA and the CRC Regarding the Requirements for and Scope of Interviews

17. In connection with paragraphs 2 to 8, 14 and 15 above, it is emphasised that whether a particular AS / TD / OO is required to attend an interview or not and the scope of any such interview are dependent on the circumstances of each case and are solely at the discretion of the BA and the CRC for the purpose of ensuring the required standard of the contractor. Performance of the applicant during the interview, the track records of the applicant, etc, will be taken into consideration in this regard.

**Addition and Resignation of Authorized Signatories/
Technical Directors/Other Officers**

Addition of a New AS/TD/OO to a Registered Contractor

Registered contractors intending to add a new AS/TD/OO should submit their applications in the specified form (BA 2C) together with the following documents and fee, as the case may be, to the BA for consideration:

- (a) supporting documents on the qualifications and experience of the proposed AS/TD/OO;
- (b) for a partnership, an authorization letter from the rest of the partners regarding the appointment of the partner as the AS;
- (c) for a corporation, a statement on -
 - (i) the management structure and organization chart of the company and its decision making mechanism for technical and financial matters; and
 - (ii) a resolution from the board of directors regarding the appointment of the AS/TD/OO for the company;
- (d) declarations in BD standard forms which cover **exhaustively** the conviction/disciplinary/suspension records of the proposed AS/TD/OO as set out in Appendix M;
- (e) documents relating to business registration as set out in Appendix M; and
- (f) the prescribed fee (for AS only) in accordance with Building (Administration) Regulation 42.

2. The proposed new AS and, where necessary, the new TD/OO will be required to attend a full-scope interview and they will be assessed by the CRC mainly on the following aspects:

- (a) the applicant's submitted documents as mentioned in paragraph 1 above;
- (b) if it is a corporation, the adequacy of the management structure in respect of the role and duties of the AS/TD/OO;
- (c) the appropriate experience, qualifications and competence of the AS/TD/OO; and

/(d) ...

- (d) the ability of the new AS to apply knowledge in the following aspects :
- (i) the statutory role, functions and duties of an RGBC or an RSC as the case may be in relation to the role and responsibilities of the BA in respect of private building developments in Hong Kong;
 - (ii) the objectives of the BO and Regulations and the mechanism of control in respect of the execution and supervision of building works;
 - (iii) a general awareness of local conditions sufficient to enable him to practise in Hong Kong efficiently and effectively without having to make frequent enquiries on matters of common local knowledge;
 - (iv) a working knowledge and principles of the BO and Regulations, relevant codes of practice, practice notes, circular letters and other advisory information, and allied matters such as Factories and Industrial Undertakings Ordinance and the requirements of other authorities which exercise control over the carrying out of building works;
 - (v) the fundamental procedures that a registered contractor must follow in order to meet local statutory requirements; and
 - (vi) adequate technical knowledge and practical experience in building construction to enable him to discharge his duties as an RGBC or RSC.

A Registered Contractor Appointing an AS/TD/OO who has been Previously Accepted by the BA

3. Registered contractors intending to appoint an AS/TD/OO who has previously been accepted by the BA, should submit their applications in the specified form (BA 2C) together with the documents and fee as stipulated in paragraph 1 above, as the case may be.

4. For such cases, since the AS/TD/OO has previously been accepted by the BA, normally the AS/TD/OO will not be required to attend an interview provided that:

- (a) (i) the AS/TD/OO was accepted by the CRC and the BA through a full-scope interview conducted not more than 3 years ago; or
- (ii) the AS/TD/OO has a job reference on a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M within the 3 years preceding his current application;

/(b) ...

- (b) the AS/TD/OO has not been involved in any conviction/disciplinary/suspension incident in respect of the aspects stipulated in paragraph 1(a) to (d) of Appendix M, 4 or more convictions in respect of the aspect stipulated in paragraph 1(e) and 1(f) of Appendix M, or any conviction under the Waste Disposal Ordinance related to illegal disposal of construction waste since his last interview; and
- (c) the CRC considers that the submitted documents of the application are adequate and no clarification with the proposed AS/TD/OO is required.

5. If the criteria stipulated in paragraph 4 above are not satisfied, the CRC/BA may request the proposed AS/TD/OO to attend an interview. The scope of interview will then be determined by the CRC/BA based on the circumstances of the case and the reasons for calling such an interview. The interview may cover assessment on the competence and ability of the personnel, safety management and site management matters, and assessment of the AS/TD/OO regarding the new development in the building industry, new legislation, practice notes, codes of practice, circular letters, etc. which had been introduced since his last interview.

Fast-track Processing of Application for Addition of AS under Special Circumstances

6. For a registered contractor with only one AS, if that only AS ceases to act for the contractor due to some unexpected events, e.g. sudden illness, accidents, deceased or resignation without adequate prior notice, the registered contractor may apply for fast-track processing of the application for approval of an additional AS, subject to the following conditions:

- (a) the registered contractor is a partnership or a corporation;
- (b) there is documentary proof showing the only AS of the contractor is unable to act due to unexpected events;
- (c)
 - (i) the proposed AS was accepted by the CRC and the BA through a full-scope interview conducted not more than 3 years ago prior to the current application; or
 - (ii) the proposed AS was previously interviewed and accepted by the CRC and the BA and he has a job reference of a minimum of one relevant building project as defined in paragraphs 6 and 7 of Appendix M within the 3 years preceding his current application;
- (d) the proposed AS has not been involved in any conviction/disciplinary/ suspension incident in respect of the aspects stipulated in paragraph 1(a) to (d) of Appendix M, 4 or more convictions in respect of the aspect stipulated in paragraph 1(e) and 1(f) of Appendix M, or any conviction under the Waste Disposal Ordinance related to illegal disposal of construction waste since his last interview;

/(e) ...

- (e) if the proposed AS is currently working as the AS/TD/OO for another registered contractor, he has to resign as the AS/TD/OO of that contractor in all categories of works and notify the BA of his resignation; and
- (f) for a partnership, the proposed AS should be a partner appointed by all the other partners to act as AS.

7. Registered contractors intending to apply for fast-track processing of application for addition of AS should submit the application in specified form together with the documents and fee as stipulated in paragraph 1 above and documentary proofs showing compliance with the conditions as stipulated in paragraph 6 above. The applicant should also mark "Application for Fast-track Processing" on the covering letter of the application documents.

8. An application complying with the conditions in paragraph 6 above will be submitted to the CRC for assessment under fast-track arrangement. If the CRC considers that the submitted documents are adequate and no clarification with the proposed AS is required, the AS will not be required to attend an interview by the CRC. In such cases, the BA will normally issue the result letter within 7 working days from the date of receipt of the application.

9. Incomplete applications or applications not complying with the criteria in paragraph 6 above will not be qualified for fast-track treatment.

Resignation of AS/TD/OO

10. Prior notification to the BA is required if any of the accepted AS/TD/OO intends to resign from his duties or will cease to be appointed by the contractor. Retrospective notification to the BA will not be accepted.

11. The registered contractor is required to suspend all the building works and street works immediately if there is no AS appointed to act for the contractor for the purposes of the BO. Similarly, all works should be ceased if there is no TD acting for the contractor and an acceptable replacement is not appointed within a reasonable period of time. Before the AS/TD/OO ceases to act for the contractor, apart from giving the BA an advanced notice, the contractor/AS/TD/OO should liaise with the AP/RSE/RGE with a view to providing necessary measures to ensure the safety and hygiene condition of the site during the period of suspension of works.

Discretion of the BA and the CRC Regarding the Requirements for and Scope of Interviews

12. In connection with paragraphs 2, 4, 5, 6 and 8 above, it is emphasized that whether a particular AS/TD/OO is required to attend an interview or not and the scope of any such interview are dependent on the circumstances of each case and are solely at the discretion of the BA and the CRC for the purpose of ensuring the required standard of the contractor. Performance of the applicant during the interview, the track records of the applicant, etc, will be taken into consideration in this regard.

**Sharing of Authorized Signatories/Technical Directors/Other Officers
Among a Holding Company and its Subsidiary Companies**

To facilitate manpower and resources planning, a holding company and its subsidiary companies may share the same pool of AS/TD/OO provided that the following conditions are satisfied:

- (a) Submission of documentary proof to justify that the holding company has control over the subsidiary companies. The justification should be in the form of a statement from an auditor verifying that:
 - (i) the holding company is a member of each of the subsidiary companies and controls the composition of its board of directors;
 - (ii) the holding company holds more than half of the issued share capital of each of the subsidiary companies; and
 - (iii) the holding company controls at least 75% of the voting power of each of the subsidiary companies;
- (b) A pool of AS/TD/OO is formed for sharing among the companies. The total number of AS/TD/OO in the pool shall not, at any time, be less than the number of companies registered;
- (c) All the AS/TD/OO in the pool must be included in the application for registration of the holding company and each of the subsidiary companies. Any subsequent changes to the AS/TD/OO in the pool should apply to all the concerned companies;
- (d) If at any time the total number of AS/TD/OO in the pool is less than the total number of subsidiaries and holding company registered under the BO, the holding company should reduce the number of registered companies immediately;
- (e) If under certain circumstances, the number of AS in the pool is less than the number of subsidiaries and holding company, and the holding company is unable to indicate which company is to be removed from registration, all the building works undertaken by the subsidiaries and holding company should be suspended until the removal of the concerned company from registration is confirmed by the holding company;

/(f)

- (f) A letter of undertaking on paragraphs 1(d) and 1(e) above from the holding company has to be submitted before the arrangement to share the AS/TD/OO will be accepted by the BA; and
- (g) The arrangement to share AS/TD/OO is only allowed for subsidiary companies and holding company on the same category of registration.

2. Sharing of AS/TD/OO among subsidiary companies of a holding company will also be allowed subject to the same conditions above.

**Conviction / Disciplinary / Suspension Records,
Business Registration Documents and Job Reference**

Conviction / Disciplinary / Suspension Records

Declarations in BD standard forms which cover **exhaustively** the conviction / disciplinary / suspension records of the applicant, AS, TD and OO shall be made in respect of the following aspects :

- (a) conviction / disciplinary action under the BO;
- (b) conviction on labour safety offences under the ordinances and regulations administered by the Commissioner for Labour, such as Factories and Industrial Undertakings Ordinance and Occupational Safety and Health Ordinance. Non-building works related labour safety offences, e.g. failure to ensure the wearing of safety helmet and the use of goggles, will not be taken into consideration. Generally speaking, an offence relating to the course of constructing the works or the manner in which the works are being carried out is considered as an offence relating to building works;
- (c) suspension from tendering by the Development Bureau (DEVB), the Housing Authority (HA) or their related departments. The reasons of the suspension should also be provided. The BA will consider the reasons of the suspension. In general, only factors which infer deficiencies of the contractors in technical competence and management ability, and factors related to standard of works, misconduct and site safety will be taken into consideration;
- (d) conviction leading to imprisonment for malpractice or misconduct in building works or construction related activities;
- (e) conviction under section 27(3) of the Public Health and Municipal Services Ordinance concerning the control of water likely to contain larvae or pupae of mosquitoes administered by the Director of Food and Environmental Hygiene; and

/(f)

- (f) conviction on environmental offences under the ordinances and regulations administered by the Director of Environmental Protection, such as the Air Pollution Control Ordinance, the Noise Control Ordinance, the Waste Disposal Ordinance, the Water Pollution Control Ordinance, the Dumping at Sea Ordinance, the Ozone Layer Protection Ordinance and the Environmental Impact Assessment Ordinance.
2. The above declarations should cover all incidents involving the applicant, AS, TD and OO irrespective of the categories of works the incidents are related.
3. If the AS / TD / OO was previously employed by another contractor, the conviction / disciplinary / suspension records of that contractor in the projects in which the AS / TD / OO had been involved should also be declared. The AS / TD / OO should indicate on the declaration form his role and involvement in the incidents so declared.
4. The duration in which the record of conviction / disciplinary actions / suspension should be covered are as follows :-
- (a) For application for registration or addition of AS/TD/OO, the period should cover 3 years preceding the date of the application for registration;
 - (b) For first-time application for renewal of registration, the period should cover the current registration period preceding the date of submission of the renewal application;
 - (c) For subsequent renewals following the first-time renewal, the period should cover from the date of submission of the last renewal application to the date of submission of the current renewal application; and
 - (d) For application for restoration of name, the period should cover the whole period since the commencement of the last registration to the date of submission of the current restoration application.

Documents relating to business registration:

5. Business registration documents shall consist:
- (a) a copy of the current Business Registration Certificate (IRDB101) issued by the Inland Revenue Department;

/(b)

- (b) for a corporation,
 - (i) a copy of the current annual return (Form NAR1) to the Companies Registry justifying the directorship of the company; and
 - (ii) a copy of the updated certified extracts of information on the business register (IRBR 152) issued by the Business Registration Office of the Inland Revenue Department when applying for inclusion in register; and
- (c) for an individual or a partnership,
 - (i) a copy of the updated certified extracts of information on the business register (IRBR 152) issued by the Business Registration Office of the Inland Revenue Department when applying for inclusion in register; and
 - (ii) a copy of the updated certified extracts of information on the business register (IRBR 152) or electronic extract of information on the business register issued by the Business Registration Office of the Inland Revenue Department when applying for renewal of registration, restoration of registration, addition of AS/TD/OO.

Job Reference

6. A job reference required for the purpose of registration, renewal of registration and restoration of registration of contractors may include a relevant building project under a main-contract or sub-contract arrangement. Building projects involving works under the BO, public works, works for government departments, the MTR Corporation Limited (MTRCL) are considered acceptable provided that documentary proof such as a specified form or an endorsement letter from the government architect or engineer is provided. For ventilation works, projects granted by other parties may also be accepted so long as the nature of the works are acceptable to the BA and CRC. Document that does not substantiate execution of works such as tender award letter or notice to commencing works (e.g. form BA10) alone is not a sufficient proof.

7. When sub-contracting works are used as a job reference, the documentary proof should also include a signed sub-contract document showing the contractor's role and involvement in the project and that the job reference should be endorsed by the client of the main contract.

(Rev. 7/2015)

Contractor Performance Enhancement Scheme

Background

The Buildings Department (BD) conducts audit checks and, when necessary, site inspections upon receiving submissions under the Mandatory Window Inspection Scheme (MWIS) and the Minor Works Control System (MWCS) to ensure due administration of the Buildings Ordinance (BO). If any irregularities are found, BD will require the concerned registered contractors (RC) to rectify and where applicable, issue warning letters (WL). To enhance the performance of RC and to assist them to better understand the requirements and purposes of the building laws, BD has set up a Contractor Performance Enhancement Scheme (CPES) that makes reference to WL issued to RC.

Implementation Details

2. With effect from 31 December 2019, Performance Points (PP) will be accorded to RC according to the nature and severity of non-compliances when WL is issued to RC. PP accorded for a particular incident as stated in WL will enable RC to better understand their performance in carrying out prescribed inspections and supervising prescribed repair works under MWIS or carrying out minor works under MWCS.
3. When the total PP accorded to RC is 15 or over, BD will issue a notification letter (NL) to invite RC to attend a Performance Enhancement Course (PEC) within three months from the date of the NL. If RC has satisfactorily completed PEC within the specified three months and submitted the certificate of attendance to BD, 15 PP will be remitted. PP will not be remitted if RC has not completed PEC within the specified three months. During RC's registration period, a maximum of 15 PP can be remitted via RC's satisfactory completion of PEC.
4. If RC has been accorded with 15 or more PP (including the situation after discounting the 15 remitted points in paragraph 3 above) at the time of submission of an application for renewal / restoration of registration, RC will be invited to attend an interview with the Contractors Registration Committee (CRC) for processing its applications.
5. For the purpose of paragraph 4 above, PP will be cumulated as follows:
 - (a) for a first-time application for renewal of registration, the cumulative PP will be those accorded in the period between the effective date of the current registration period and the date of submission of the renewal application;
 - (b) for subsequent renewal applications, the cumulative PP will be those accorded in the period between the dates of submissions of the preceding and current renewal applications; and

/(c) ...

- (c) for a restoration application, the cumulative PP will be those accorded within the registration period of last registration up to the date of submission of the current restoration application.

Performance Points

6. Allocation of PP provides a fair and systematic mechanism to reflect performance of RC. PP to be accorded will be based on the nature and severity of the irregularities as listed below.

Item No	Irregularities	PP
Technical		
T1	Not carrying out window inspection / minor works personally (if needed)	7
T2	Works not meeting required statutory or technical standards (i) Aspects on building safety (ii) Other aspects	5 3
T3	Improper supervision of works	5
T4	Minor irregularities in carrying out window inspection and repair works (e.g. rusty window frame unattended)	2
Procedural		
P1	Misrepresentation of a material fact in the submitted documents	7
P2	Material deviations from submitted plans	7
P3	Without obtaining prior approval and consent under the BO for carrying out building works other than minor works / designated exempted works / exempted works	5
P4	Not qualified to certify / carry out respective class / type / item of minor works	5
P5	Not submitting prescribed / specified documents / plans within statutory period	3
P6	Insufficient documents / information	2
P7	Unauthorised use of the BD's logo	2
P8	Repeatedly not responding to BD's written warning concerning aspects of deficiencies or non-compliances without a reasonable explanation	2
Miscellaneous		
M1	Special cases (e.g. blatant cases, extensive quantities or other misconduct)	depending on circumstances (not more than 7)

7. If RC disagrees with the contents of WL including PP accorded for the case, he may seek BD's review by submitting the reasons with documentary proof within one month from the date of WL. The review will be conducted by the relevant Chief Professional Officer who may confirm, reverse or vary the contents of WL within one month after the receipt of RC's submission.

/Performance ...

Performance Enhancement Course

8. PEC is designed to enhance the overall performance of RC in carrying out minor works and prescribed window inspections through better understanding of the legislative requirements, the administrative procedures and relevant technical knowledge. Two types of PEC are arranged to cater for different qualifications of RC. For RC who is qualified as a Qualified Person (QP) under MWIS, PEC will cover the requirements of both MWCS and MWIS. For RC who is not qualified as a QP, PEC will only cover the requirements of MWCS.

9. PEC will be organised by recognised institutions¹. RC should submit an application with the required fee to the institution to enrol. The Authorized Signatory (AS) will represent RC to attend PEC. If RC has more than one AS, the AS to attend PEC should be:

- (a) the AS has been accorded with the highest PP as compared with other AS; or
- (b) the AS nominated by RC if no one AS fits the criteria in (a) above.

10. After completing PEC, a certificate of attendance will be issued by the institution. RC is required to submit the certificate to BD in accordance with paragraph 3 above in order to remit the 15 PP.

11. Notwithstanding the circumstances described in paragraph 3 above, for the purpose of enhancing the performance of RC, RC who has been convicted or disciplined under the BO arising from its carrying out minor works or prescribed window inspection / repair should attend PEC. BD will issue NL to RC to attend PEC within three months from the date of the NL. RC is required to nominate a responsible AS to attend PEC and submit the certificate to BD. For the avoidance of doubt, attendance to PEC will not exempt RC from the requirement, arising from its conviction / disciplinary record, to attend an interview with CRC for processing its application for renewal or restoration of registration.

(11/2019)

¹ Currently, the Hong Kong Institute of Vocational Education will organise such PEC.