

Explanatory Notes for Submission of Supporting Documents for Restoration of Name to the Register

This explanatory notes should be read in conjunction with the Guidance Notes for Applicants on Registration as General Building Contractors/Specialist Contractors or Practice Note for Registered Contractors 38 (PNRC 38).

Applicants are reminded that they should produce **originals** of the required documents for verification when required. Failure or delay in producing the originals may result in refusal/deferral of the application.

Applicants are required to submit the following documents where applicable.

In addition to the items listed in this checklist, the Contractors Registration Committee (CRC)/Building Authority (BA) may require further information/documents/clarification from the applicants.

1. Application

(a) Original Form BA2B

- Original Form BA2B shall be submitted.

(b) Prescribed Fee.

- For amount of fee, refer to item IV B of "Schedule of Fees and Charges" for Registered General Building Contractors And Registered Specialist Contractors (http://www.bd.gov.hk/english/inform/index_fees.html)

2. Other Supporting Forms

(a) Form RR-4: Declaration of Past Interview/Assessment Records by Proposed AS/TD/OO

- The past interview/assessment records of the proposed personnel should be declared.
- Declaration of each personnel shall be submitted in separated form.

(b) Form RR-7: Declaration of Conviction/Disciplinary/Suspension Records by Contractor Applying for Restoration of Name to the Register

- The past conviction records of the contractor for the whole period since the commencement of the last registration to the date of submission of the restoration application should be declared.

(c) Form RR-8: Declaration of Conviction/Disciplinary/Suspension Records by AS/TD/OO Applying for Restoration of Contractor's Name to the Register

- The past conviction records of the proposed personnel for the whole period since the commencement of the last registration to the date of submission of the restoration application should be declared.
- Declaration of each personnel shall be submitted in separated form.

(d) Original forms should be submitted.

3. Business Registration and Identification Documents

(a) Original of the updated certified extracts of information on the business register (IRBR 152).

(b) Copy of the current Business Registration Certificate (IRDB101) with indication of payment of registration fee.

(c) (For corporation only) Copy of the current Annual Return (Form AR1) to the Companies Registry (CR)

- Justifying the directorship of the company;
- Proofs showing that the Form AR1 have been received by the CR (e.g. receipt of payment, receipt stamp, etc.)

4. Organization Chart (For Corporation Only) - refer to the *sample* for reference

- (a) The organization chart should be submitted showing:
- basic management structure and decision making mechanism for technical and financial matters;
 - full names of all the directors in the board;
 - full names of all personnel occupying key positions, including AS, TD, and OO (if applicable);
 - application category (i.e. Registered General Building Contractor (RGBC)/Registered Specialist Contractor in the _____ works category (RSC()));
 - effective date of the organization chart.
- (b) The organization chart should indicate the quorum of the board of directors of the company under statutory requirements and be endorsed by not less than such quorum of directors.

5. Authorization Letter/Resolution

- (a) If the applicant is an individual (a sole proprietor), the applicant is taken as the AS and hence, **no** authorization is required.

(A) Authorization of AS (For Partnership Only)-refer to the *sample* for reference

- (a) For a partnership, it is required to submit an **authorization letter** from the rest of the partners regarding the appointment of a partner as the AS to act for the applicant for the purpose of the Buildings Ordinance (BO).
- If one of the partners is a corporation, the applicant shall be regarded as a corporation.
 - The authorization letter should include all authorized AS.
 - The authorization letter should be endorsed by all partner(s) other than the proposed AS.
- (b) The category of registration (i.e. RGBC/RSC()) being applied for should also be specified in the authorization letters.

(B) Appointment of AS/TD/OO (For Corporation Only)-refer to the *sample* for reference

- (a) It is required to submit a **resolution** from the board of directors regarding the appointment of an AS to act for the applicant for the purpose of the BO.
- (b) It is required to submit a **resolution** from the board of directors regarding the appointment of a director to act as the TD who is authorized by the board to:
- have access to plant and resources;
 - provide technical and financial support for the execution of building works and street works; and
 - make decisions for the company and supervise the AS and other personnel
- for the purpose of ensuring that the works are carried out in accordance with the BO.
- (c) The TD must be a director appointed under the Companies Ordinance and appointed by the board of directors to perform the role as TD.
- (d) In the case where an AS/OO is required to assist a TD who does not possess the required qualification or experience, it is required to submit a **resolution** from the board of directors regarding the appointment of the AS/OO to assist the TD to manage the carrying out of building works and street works under the BO.
- (e) The resolutions should include all appointed AS/TD/OO.
- (f) The resolutions should indicate the quorum of the board of directors of the company under statutory requirements and be endorsed by not less than such quorum of directors.
- (g) The category of registration (i.e. RGBC/RSC()) being applied for should also be specified in the resolutions.

6. Qualifications of AS/TD/OO

- (a) *If the qualifications of the AS/TD/OO supporting the previous registration have been changed (e.g. cease to be a member of a recognized professional body), the AS/TD/OO should submit new documentary justification on the required qualification e.g. copy of certificate.*

7. Access to Plant and Resources

- (a) *Documentary justification on :*
- *access to resources e.g. auditor's report and profit/loss account showing the financial resources and status, etc; and*
 - *access to relevant plant e.g. copies of previous contracts and invoices on hiring or purchase of construction plant, auditor's statement on ownership of plant, etc. Items of plant should be relevant to the category of works.*
- (b) *For contractors in the Ground Investigation Field Works Category, if the appointment of Competent Persons (CP) for logging and site supervision and Geotechnical Field Technician (GFT) are different from those accepted for the previous registration, the applicant should submit documentary justification on access to engaging new CP and GFT with:*
- *documents showing the qualifications and experience of the proposed CP and GFT; and*
 - *proofs of access to engaging the CP and GFT e.g. employment letter, undertaking letter by the CP or GFT to provide service, etc.*

8. Job Reference

- (a) *For the contractor, a job reference on a **minimum of one relevant building project** as defined in paragraphs 1 and 2 of Appendix M to PNRC 38. The job reference must relate to a project which has been carried out within the 3 years preceding the date of submission of the restoration application.*
- (b) *According to paragraphs 11 and 12 of Appendix J to PNRC 38, the AS may be required to provide a job reference on a **minimum of one relevant building project** as defined in paragraphs 1 and 2 of Appendix M to PNRC 38.*

9. Other Supporting Documents

- (a) *For sharing the same pool of AS/TD/OO among a holding company and its subsidiary companies, documentary justification in the form of a statement from an auditor should be submitted in 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) *For sharing the same pool of AS/TD/OO among a holding company and its subsidiary companies, a letter from the holding company should be submitted to undertake that:*
- (i) *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;*
 - (ii) *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.*