

**Nomination of an Authorized Person,
Registered Structural Engineer or Registered Geotechnical Engineer
to act in stead**

When an authorized person (AP), registered structural engineer (RSE) or registered geotechnical engineer (RGE), who has been appointed in respect of building works, street works or minor works, is incapacitated by illness or proposes to be temporarily absent from Hong Kong, a temporary replacement should be nominated by submission of the specified form, i.e. Form BA 21 or Form MW09, within 7 days. Sections 4(2) and 4A(5) of the Buildings Ordinance, Regulation 23(2) of the Building (Administration) Regulations and section 49 of the Building (Minor Works) Regulation refer.

2. While an AP, RSE or RGE may be appointed in respect of more than one active project [i.e. with works in progress and/or applications currently or about to be lodged with the Buildings Department (BD)], the AP, RSE or RGE nominating a temporary replacement should -

- (a) complete and submit one Form BA 21 for all active building works or street works projects as defined above, a list of which is to be given in the Form to be submitted in **duplicate**;
- (b) in the case of a RSE or a RGE appointed in respect of more than one building works or street works project under different APs, submit one Form BA 21 for all active projects under each AP. A list of the respective projects is to be given in the Form which should be signed by the AP concerned;
- (c) in case of class I minor works, the prescribed building professionals (i.e. AP, RSE or RGE) shall complete and submit one Form MW09 for all active minor works projects;
- (d) advise the nominee that if it is necessary for him to communicate with the BD in respect of any of the listed active projects he should on every such occasion make brief reference to the fact that he does so under the authority of an earlier submission of Form BA 21 or Form MW09;
- (e) advise the nominee that he cannot further nominate another AP/RSE/RGE to act in his stead;
- (f) advise the BD by letter within 7 days that the arrangements covered by Form BA 21 have ceased if he recovers from illness, or return from overseas before the expiry date of the temporary replacement given in the Form; and

/(g).

- (g) in case of class I minor works, the nominee should notify the BD by the standard form MW31 within 7 days after the date of cessation of the nomination. Section 50 of the Building (Minor Works) Regulation refers.

3. Under sections 4(2) and 4A(5) of the Buildings Ordinance, an AP/RSE/RGE may nominate another AP/RSE/RGE to act in his stead ONLY under the following circumstances :-

- (i) the period must be temporary; AND
- (ii) he is unable to act by reason of his illness or absence from Hong Kong.

4. To avoid ambiguity and abuse of the Buildings Ordinance, the Building Authority (BA) considers that an acting period exceeding 3 months or at frequent intervals is not temporary and such nomination may not be accepted by the BA. Under such circumstances, the owner may be advised to appoint another AP/RSE/RGE.

5. Upon receipt of the Form BA 21 or Form MW09, the BD will formally acknowledge it with a copy to the owner or the person who arranged for the minor works to be carried out informing him the period and reason of acting.



(AU Choi-kai)
Building Authority

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