

**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.