

**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.

(Rev. /12/2018)