

**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.

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