

Registration of General Building Contractors and Specialist Contractors

This practice note covers solely the registration of general building contractors and specialist contractors. Minor works contractors registration is separately explained in Practice Note for Registered Contractors 69.

2. Sections 8, 8A, 8B, 8C, 8D, 8E and 8F of the Buildings Ordinance (BO) govern the current contractors registration system. The prime objective of the system is to ensure that only contractors who are able to perform their duties and responsibilities in a competent manner as well as fully conversant with the relevant statutory requirements and the current building control system are registered and allowed to carry out building works and street works.

Registers of Contractors

3. Under section 8A of the BO, there are three contractors' registers, namely the general building contractors' register, the specialist contractors' register and the minor works contractors' register, being kept by the Building Authority (BA). In respect of the specialist contractors' register, sub-registers of different categories of specialized works are maintained.

4. The names of the contractors in the registers are published annually in the Gazette. Relevant registration particulars of the contractors, including the name of the contractor, the name of the person appointed by the contractor to act for the contractor for the purposes of the BO, hereinafter referred to as the Authorized Signatory (AS), its registration number and the expiry date of its registration are also posted on the Buildings Department website.

Categories of Specialized Works

5. Section 8A(2) of the BO empowers the BA to designate, by notice in the Gazette, categories of building works as specialized works that are required to be carried out by registered specialist contractors (RSC). Currently, there are five categories of works designated as specialized works. They are:

- (a) demolition works;
- (b) foundation works;
- (c) ground investigation field works;
- (d) site formation works; and
- (e) ventilation works.

Scope of Works

6. Registered general building contractors (RGBC) may carry out general building works and street works which do not include any specialized works in the designated categories while RSC may only carry out specialized works in their corresponding categories in the sub-registers in which they have been entered. RGBC may also carry out all types of minor works as stipulated in Part 2 of Schedule 1 of the Building (Minor Works) Regulation (B(MW)R) while RSC may only carry out the minor works as specified in section 28(1)(b) to (ea) of the B(MW)R according to their corresponding categories in the sub-registers in which they have been entered.

7. A building owner is required to appoint contractors from the appropriate register corresponding to the category of building works to be carried out. The scope of works of RGBC and that of RSC in the demolition, foundation, ground investigation field works, site formation and ventilation categories are detailed at Appendices A to F.

8. To facilitate the operation of the construction industry, certain general building works are permitted to be carried out by more than one category of contractors. Detailed guidelines are provided at Appendix G.

Requirements for Registration

9. Under section 8B(2) of the BO, an applicant for registration as an RGBC or RSC must satisfy the BA on the following aspects:

- (a) if it is a corporation, the adequacy of its management structure;
- (b) the appropriate experience and qualifications of its personnel;
- (c) its ability to have access to plant and resources; and
- (d) the ability of the person appointed to act for the applicant for the purposes of the BO to understand building works and street works through relevant experience and a general knowledge of the basic statutory requirements.

AS, Technical Director and Other Officer

10. In considering each application, the BA is to have regard to the qualifications, competence and experience of the following key personnel of the applicant:

- (a) a minimum of one AS appointed by the applicant to act for the applicant for the purposes of the BO;
- (b) for a corporation – a minimum of one director from the board of directors of the applicant, hereinafter referred to as a ‘Technical Director’ (TD) for the purpose of ensuring that the works are carried out in accordance with the BO. Thus, the TD should be authorised by the board to –

- (i) have access to plant and resources;
 - (ii) provide technical and financial support for the execution of building works and street works; and
 - (iii) make decisions for the company and supervise the AS and other personnel.
- (c) for a corporation which appoints a director who does not possess the required qualification or experience as TD to manage the carrying out of building works and street works - an 'Other Officer' (OO) or an AS authorised by the board of directors to assist the TD.

11. In addition to the above key personnel, the applicant is also required to demonstrate that it has employed appropriate qualified staff to assist the applicant and the above key personnel to execute, manage and supervise the building works and street works.

12. The qualifications and experience of the above key personnel required for registration as RGBC and RSC in the demolition, foundation, ground investigation field works, site formation and ventilation categories are also stated at Appendices A to F.

13. General guidelines on acceptance of academic qualifications for these key personnel are summarised at Appendix H.

Persons Eligible to be the AS, TD or OO

14. The following persons are eligible to become the AS and TD of the applicant:

- (a) if the applicant is an individual, the applicant is the only person eligible to act as the AS;
- (b) if the applicant is a partnership, any partner appointed by all the other partners is eligible to act as the AS; and
- (c) if the applicant is a corporation, a suitable person appointed by the board of directors is eligible to act as the AS, whereas the TD must be a director appointed under the Companies Ordinance and appointed by the board of directors to perform the role as TD.

15. A person is permitted to take up the roles of the AS as well as the TD of a corporation at the same time provided that he meets the requirements of both the AS and TD.

16. If an OO is required, he is permitted to assist one TD only. In such case, the AS is not permitted to take up the role of an OO.

/Appointment ...

Appointment of AS / TD / OO for Registered Contractors

17. To ensure that adequate supervision and proper management are provided for carrying out of building works and street works and to avoid possible situations of conflict of interest, persons who have been accepted by the BA as the AS / TD / OO for a registered contractor will not be accepted as the AS / TD / OO for another contractor simultaneously for its registration, except for the special circumstances stipulated in paragraph 27 below.

Contractors Registration Committee

18. Contractors Registration Committees (CRC) are independent bodies appointed by the BA under section 8 of the BO. The function of a CRC is to assist the BA in considering applications for inclusion in the contractors' registers by:

- (a) examining the qualifications of applicants;
- (b) inquiring as the CRC considers necessary to ascertain whether an applicant has the relevant experience;
- (c) conducting interviews with the applicants and their key personnel; and
- (d) advising the BA to accept, defer or reject applications for inclusion in the relevant register.

19. Under section 8B(10) of the BO, the BA must not include the name of an applicant in the register of general building contractors or specialist contractors unless the relevant CRC so recommends. Besides, the BA may seek advice from the relevant CRC in respect of applications for addition of AS / TD / OO to a registered contractor.

20. In processing applications for renewal and restoration of names to the registers, the BA may also seek advice from the relevant CRC under section 8C(4) and section 8D(3) respectively of the BO.

Composition of a CRC

21. Under section 8(3) of the BO, a CRC appointed to assist the BA in considering applications for inclusion in the register of general building contractors shall consist of:

- (a) the BA's representative;
- (b) 3 persons, 1 of whom is nominated by each of the Architects Registration Board (ARB), the Engineers Registration Board (ERB) and the Surveyors Registration Board (SRB) from the lists of authorized persons (AP), registered structural engineers (RSE) and registered geotechnical engineers (RGE);
- (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;

/(d) ...

- (d) 1 person nominated by The Hong Kong E & M Contractors' Association Limited; and
- (e) 1 person selected by the BA from among persons nominated by such bodies as the BA may think fit.

22. Under section 8(3A) of the BO, a CRC appointed to assist the BA in considering applications for inclusion in the register of specialist contractors shall consist of:

- (a) the BA's representative;
- (b) 3 persons, 1 of whom is nominated by each of the ARB, the ERB and the SRB from the lists of AP, RSE and RGE;
- (c) 3 persons nominated by The Hong Kong Construction Association Ltd.; and
- (d) 2 persons selected by the BA from among persons nominated by such bodies as the BA may think fit.

23. Under section 8(6) of the BO, the members of the committee will elect the Chairman from the members of the committee other than the BA's representative.

Inclusion of Names in the Registers

24. The application procedures, requirements and scope of interview for new applications for registration are set out at Appendix I.

Renewal and Restoration of Registration

25. The application procedures, requirements, scope of interview for renewal of registration and restoration of names to the registers and fast-track processing of applications for renewal of registration are set out at Appendix J.

Addition and Resignation of AS / TD / OO

26. The procedures for addition and resignation of AS / TD / OO and fast-track processing of application for addition of AS under special circumstances are set out at Appendix K.

Sharing of AS / TD / OO Among a Holding Company and its Subsidiary Companies

27. To cater for the special circumstances of subsidiary companies owned by a holding company, sharing of AS / TD / OO among a holding company and its subsidiary companies is permitted subject to the requirements as set out at Appendix L.

Job Reference, Conviction Records, Suspension from Tendering and Past Performance

28. Guidelines on submission of job reference and consideration of conviction records and records of suspension from tendering for public projects are given at Appendix M. Information on the measurement of past performance via the Contractor Performance Enhancement Scheme is given at Appendix N.

(YU Tak-cheung)
Building Authority

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Notes to Paragraph 3

- (a) Experience in building industry should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 6 November 2000. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RGBC. Only courses with adequate coverage and appropriate proportion of subjects relevant to construction technology (e.g. construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

(Rev. 12/2004)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system.	12 years' experience in demolition. [See Note (a)]	Was an authorized signatory under the previous registration system.	-	-
		Has completed a recognized top-up course	Has worked for not less than 21 months in 7 local demolition projects. [See Note (b)]	Has completed a recognized top-up course		
		Has completed Demolition of Building Course for Supervisors/Foremen organised by CITA or Module Certificate in Building Demolition Course organised by IVE	OR Alternative Requirement 1, 2 or 3 above			

CITA Construction Industry Training Authority
IVE Hong Kong Institute of Vocational Education

/Notes

Notes to Paragraph 3

- (a) Experience in building industry/demolition should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should also be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 31 March 2001. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(D). Only courses with adequate coverage and appropriate proportion of subjects relevant to construction technology (e.g. construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.

(Rev. 12/2010)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
2	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' local experience in geotechnical works, of which 3 years' experience was in ground investigation. [See Notes (a)] Has worked for not less than 18 months in 10 local ground investigation projects. [See Note (b)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	-	-
3	8 years' experience in managing a building contractor company or equivalent. [See Note (c)]	-	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)] Has worked for not less than 18 months in 10 local ground investigation projects. [See Note (b)]	A higher certificate, diploma or equivalent in a relevant field. [See Note (e)]	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]

Appendix D
(PNRC 38)

Alternative Requirements	Technical Director (TD)		Authorized Signatory (AS)		Other Officer (OO)	
	Experience	Qualifications	Experience	Qualifications	Experience	Qualifications
4 [See Note (d)]	5 years' experience in geotechnical works, of which 3 years' experience was in local ground investigation. [See Notes (a)]	A bachelor degree or equivalent in a relevant field. [See Note (e)]	12 years' experience in ground investigation. [See Notes (a)] Has worked for not less than 21 months in 10 local ground investigation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
5 [See Note (d)]	12 years' experience in managing a building contractor company or equivalent. [See Note (c)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	12 years' experience in ground investigation. [See Note (a)] Has worked for not less than 21 months in 10 local ground investigation projects. [See Note (b)]	Was an authorized signatory under the previous registration system. Has completed a recognized top-up course.	-	-
			OR Alternative Requirement 1, 2 or 3 above			

/Notes

Notes to Paragraph 4

- (a) Experience in geotechnical works/ground investigation should be substantiated by project details and endorsed by the employers concerned or the AP/RSE/RGE/Registered Contractors(RC)/government architects, engineers or surveyors of the projects. If the person was self-employed, other documentary justification e.g. specified forms under the BO or contract documents may also be acceptable.
- (b) Project experience should be submitted in BD standard form and should be endorsed by the AP/RSE/RGE/RC/government architects, engineers or surveyors of the projects. For the purpose of calculating the period of experience under alternative requirements 1 to 3, aggregation of the durations of experience under different projects of the same period is not permitted.
- (c) Experience in managing a contractor company should be substantiated by a proof of directorship or ownership of the contractor company, or a proof of holding a top management position in the contractor company with overall management responsibilities in technical and financial matters and staff resources. The claimed experience should be substantiated with project details (e.g. specified forms under the BO or contract documents) to demonstrate that the company was an active contractor when the experience was obtained.
- (d) Alternative requirements 4 and 5 are only applicable to those applicants who had applied for registration under these alternative requirements on or before 2 July 2002. These applicants may continue to apply under alternative requirements 4 and 5.
- (e) The higher certificate, diploma or university degree should be in the field of geotechnical engineering, geology, engineering geology or construction technology such as architecture, building studies, building surveying, civil engineering and structural engineering. Academic qualifications in other fields of studies will be assessed individually by the CRC according to the relevance of the curriculum in relation to the work of an RSC(GIFW). Only courses with adequate coverage and appropriate proportion of subjects relevant to geotechnical engineering, geology, engineering geology or construction technology (e.g. soil and rock mechanics, foundation engineering, applied geology, earth science, construction technology, building design, structures, temporary works, building and land surveying, building materials, maintenance technology, building services, construction management, etc.) and construction industry practice (e.g. construction laws, contract management, quantity surveying, construction economics, building development, etc.) will be considered. General guidelines on acceptance of academic qualifications for the purpose of contractors registration are detailed at Appendix H.