
Appointment of Authorised Signatory to Act for Registered Contractor and Temporary absence of Authorised Signatories

Every registered contractor (RC) should appoint at least one person to act for it for the purposes of the Buildings Ordinance (BO). This appointed person is commonly known as the “authorised signatory” (AS) of the RC. Under section 9(5) and (6) of the BO, a registered general building contractor (RGBC) or a registered specialist contractor (RSC) should provide continuous supervision to the carrying out of the building works or street works in accordance with the supervision plan and to comply with the BO generally. Such duties of the RC are more specifically stipulated under Part V of the Building (Administration) Regulations (B(A)R), the Technical Memorandum for Supervision Plans and the Code of Practice for Site Safety Supervision.

AS on the specified forms and supervision plans

2. The AS who signs the Form BA 7, 10, 11, 12, 13, 14, 14A, 18 and 20 in respect of building works or street works should be the person who is responsible for the carrying out of the duties of the RC under the BO for the works. The Building Authority (BA) only accepts one AS to act for the RC for each project and the AS who signs the Form BA 10 is deemed to be such person.

3. The name of the AS appointed for a project should be clearly indicated on all specified forms relating to the project. With effect from 1 July, 2004, if the name of the AS is not shown on a specified form, the BA would consider the form as incomplete and unacceptable. Moreover, if the name of the AS indicated on the supervision plan is different from that on any specified forms such as Form BA 10, 13 or 14 of the project, the BA would reject the supervision plan or the specified forms, as the case may be, unless the BA has approved or has been notified of the change of AS as stipulated in paragraph 4 below.

4. For an RC, other than a sole proprietorship, who has only one AS, any proposal to change the AS of a project will not be accepted unless an application for addition of the new AS in the contractor’s registration has been made in accordance with the procedures set out in PNRC 38 and approved by the BA. For an RC having more than one AS in its registration who intends to change the AS of a particular project to another AS of the RC, the RC should notify the BA in the standard form at Appendix A, countersigned by the authorized person (AP) of the project, not less than 7 days prior to such change. Otherwise, the original AS would still be regarded as responsible for the project.

/Nomination

Nomination of another AS to act in case of temporary absence

5. The absence of the AS of an RC may cause the RC unable to act. Under B(A)R 22(2), if the RGBC or RSC becomes unable to act, it should immediately cease the building works or street works under its purview until another RGBC or RSC is appointed.

6. In the case of temporary absence of the AS of a project due to various reasons such as illness, the RC may still wish to continue with the carrying out of the works. In such circumstances, the BA would accept the RC nominating another AS to act temporarily for the purpose of supervising the carrying out of the building works or street works under its purview, subject to the following conditions :

- (a) Notification of such nomination should be made to the BA in the standard form at Appendix B and countersigned by the AP of the project;
- (b) The notification should be submitted at least 7 days prior to the absence of the AS except in case of sudden illness or accident. In the latter case, the RC or the AS should provide documentary proof within 3 days showing that the AS is unable to act due to illness or accident;
- (c) The person nominated to act temporarily should fulfill one of the following criteria :
 - (i) He is another AS of the same RC on the same register or sub-register; or
 - (ii) He is an AS currently acting for another RC on the same register or sub-register. In case that another RC is a partnership or a corporation, an authorization letter from that another RC signed by the rest of the partners or the required quorum of directors, as the case may be, should be submitted with the notification; and
- (d) The maximum period of temporary acting by the nominated AS is 14 days. Further extension of this acting period would only be considered upon submission of documentary proof of special circumstances, such as illness. The total temporary acting period permitted is subject to a maximum of 30 days.

7. If the nominated temporary AS does not meet the criteria stipulated in paragraph 6(c) above, the BA would not accept the nomination and would inform the RC/AS and the AP accordingly. In such cases the building works or street works under the purview of the RC may have to be ceased if there is no AS acting for it (see paragraph 5 above).

8. If the absence of the AS for a project exceeds 30 days, the RC should arrange to change to another AS of the same company to be responsible for the project or apply for addition of a new AS in its registration, in accordance with paragraph 4 above.

The role of the nominated temporary AS

9. The nominated temporary AS would only act for a short period of time for the purpose of supervision of the carrying out of building works or street works. During the period of acting, he is required to fulfill the duties of site supervision and sign on the inspection records on site in accordance with the accepted supervision plans. However, the nominated temporary AS, being not the AS appointed to act for the RC for the project as stipulated in paragraph 2 above, is not permitted to sign on any supervision plans or specified forms for the project for which he is only acting temporarily for the purpose of paragraph 6 above.

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Building Authority

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Notification of Change of Authorised Signatory

Date _____

To the Building Authority,

We _____ (Chinese) _____ the registered general building contractor/registered specialist contractor *, of registration no. _____ and date of expiry of registration _____, hereby notify that the person (name in full) _____ (Chinese) _____ (the 'original authorised signatory') acting for us for the purposes of the Buildings Ordinance in respect of the building works/street works detailed below, will be changed to (name in full) _____ (Chinese) _____ (the 'new authorised signatory') with effect from (date) _____.

| Address of site | Lot No. | BA's Ref. No. |
|-----------------|---------|---------------|
| | | |
| | | |
| | | |

Signature
(original authorised signatory)

Signature
(new authorised signatory)

Full name and signature of
authorized person

Certificate of Registration No. : _____

Date of expiry of registration : _____

*Delete whichever is inapplicable

Notification of Nomination of Temporary Authorised Signatory

Date _____

To the Building Authority,

We _____ (Chinese) _____ the registered general building contractor/registered specialist contractor * of registration no. _____ and date of expiry of registration _____, hereby notify that we have nominated (name in full) _____ (Chinese) _____ (the 'nominated authorised signatory'), in stead of (name in full) _____ (Chinese) _____ (the 'original authorised signatory') to act for us for the purpose of supervision under the Buildings Ordinance during the period of the latter's illness/temporary absence* from (date) _____ to (date) _____ in respect of the building works/street works detailed below.

| Address of site | Lot No. | BA's Ref. No. |
|-----------------|---------|---------------|
| | | |
| | | |
| | | |

Full name and signature of
authorized person

Signature of original authorised
signatory

Certificate of Registration No. : _____

Date of expiry of registration : _____

I (name in full) _____ (Chinese) _____, HKID/Passport * No. _____, Telephone No. _____, Fax No. _____ confirm my acceptance of the above nomination and that I will act in stead of (name in full) _____ (Chinese) _____, in respect of the above building works/street works from (date) _____ to (date) _____.

*I am currently *one of/the AS acting for (name of the registered general building contractor/registered specialist contractor*) _____ (Chinese) _____ of registration no. _____ and date of expiry of registration _____, for the purposes of the Buildings Ordinance. *A letter of authorisation for me to act as the nominated authorised signatory is enclosed.

Signature of nominated authorised signatory

*Delete whichever is inapplicable