

Minor Works Contractors Registration

Certain building works are designated as minor works subject to the control under the Minor Works Control System. These minor works are classified into three classes according to their scale, complexity and risk to safety. The size, location and respective criteria of each item of minor works are described in Schedule 1 of the Building (Minor Works) Regulation (B(MW)R). In order to ensure that only contractors who are able to perform their duties and responsibilities in a competent manner are allowed to carry out the respective items of minor works, they are required to be registered under the Buildings Ordinance (BO).

Register of Minor Works Contractors

2. Under section 8A(1)(c) of the BO, the Building Authority (BA) is to keep a register of minor works contractors who are qualified to carry out such minor works belonging to the class, type and item specified in the register for which they are registered.

3. For ease of identification, those minor work contractors who are registered under section 10(1)(a) of the B(MW)R in the name of an individual self-employed worker for carrying out various items of class III minor works are to be referred to as Registered Minor Works Contractors (Individual) (RMWCs (Ind)). On the other hand, those minor works contractors who are registered under section 10(1)(b) of the B(MW)R in the name of a company (including corporations, sole proprietorship and partnership) for carrying out various types and classes of minor works are to be referred to as Registered Minor Works Contractors (Company) (RMWCs (Co)).

4. The names of the RMWCs (Ind) and RMWCs (Co), together with the items, types and classes of minor works that they are qualified to carry out, the expiry date of their registration and their registration number will be published annually in the Gazette. Similar information including the person appointed by contractor to act for the contractor for the purposes of the BO, hereinafter referred to as the Authorized Signatory (AS), will also be posted on the Buildings Department website.

Items, Types and Classes of Minor Works

5. Any reference to items, types and classes of minor works in this practice note should be construed in accordance with the provisions in Schedule 1 of the B(MW)R.

6. An applicant for registration as an RMWC (Ind) should specify in the application the items of minor works that he intends to apply for registration. An applicant for registration as an RMWC (Co) should specify in the application the types and classes of minor works that he intends to apply for registration.

7. Where an applicant is found qualified to carry out certain items, types and classes of minor works, the BA will specify in the register such items, types and classes of minor works only for which the applicant is registered.

Requirements for Registration as RMWC (Ind)

8. Under section 11(2) of the B(MW)R, the person who intends to register himself as an RMWC (Ind) must satisfy the BA on the following aspects:

- (a) the appropriate qualifications and experience;
- (b) the ability and skills to personally carry out the item or items of class III minor works for which registration relates;
- (c) completion of a recognised training course on class III minor works; and
- (d) the applicant is suitable for registration in the register.

9. The qualifications and experience of the person required for registration as an RMWC (Ind) are set out at Appendix A. The trade certificates or vocational qualifications that are acceptable to the BA for registration of the relevant items of class III minor works are set out in Appendix B.

10. A person who has been registered as an RMWC (Ind) may be employed by a contractor firm to act as the AS for it but he should not be the sole proprietor, partner or technical director of the firm simultaneously.

Application Procedures for Registration as RMWC (Ind)

11. The application procedures for new applications for registration are set out at Appendix C.

12. The application procedures for renewal of registration and restoration of name to the register are set out at Appendix D.

13. An RMWC (Ind) may apply for registration of any additional items of class III minor works after he has been registered and the validity of his original registration shall not be affected by the result of such an application. The application procedures of additional items of class III minor works are set out at Appendix E.

14. Guidelines on the declaration of conviction/disciplinary records are given at Appendix F.

Requirements for Registration as RMWC (Co)

15. Under section 12(5) of the B(MW)R, an applicant for registration as an RMWC(Co) must satisfy the BA on the following aspects:

- (a) the appropriate qualifications and experience of its key personnel;

/(b) ...

- (b) it has access to plants and resources;
- (c) if it is a corporation, its management structure is adequate;
- (d) the ability of the persons appointed to act for the applicant for the purposes of the BO to understand the minor works under application through relevant experience and a general knowledge of the basic statutory requirements; and
- (e) the applicant is suitable for registration in the register.

Authorized Signatory and Technical Director of RMWC (Co)

16. In considering each application for registration as an RMWC (Co), the BA is to have regard to the qualifications, experience and suitability 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; and
- (b) for a corporation – a minimum of one director from the board of directors of the applicant, hereinafter referred to as the 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 plants and resources;
 - (ii) provide technical and financial support for the execution of minor works; and
 - (iii) make decisions for the company and supervise the AS and other personnel.

17. The qualifications and experience of the above key personnel required for registration as an RMWC (Co) are stated at Appendix G.

18. General guidelines on acceptance of academic qualifications for these key personnel are set out at Appendix H.

Persons Eligible to be the AS or TD of RMWC (Co)

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

- (a) if the applicant is a sole proprietorship, the sole proprietor 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) ...

- (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 of TD.

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

Appointment of AS/TD of RMWC (Co)

21. To ensure that adequate supervision and proper management are provided for the carrying out of minor works and to avoid possible situations of conflict of interest, persons who have been accepted as the AS/TD for an RMWC (Co) cannot act as a key personnel for another contractor firm simultaneously. Key personnel herein refer to an AS/TD or an Other Officer as described in Practice Note for Registered Contractors 38.

Application Procedures for Registration as RMWC (Co)

22. The application procedures for new applications for registration are set out at Appendix I.

23. The application procedures for renewal of registration and restoration of name to the register are set out at Appendix J.

24. The procedures for addition and resignation of AS/TD are set out at Appendix K.

25. An RMWC (Co) may apply for registration of additional class or type of minor works. The validity of its original registration of the RMWC (Co) shall not be affected by the result of such an application.

26. The application procedures for registration of additional class or type of minor works are set out at Appendix L.

27. Guidelines on submission of conviction/disciplinary/suspension records, business registration documents and job reference are given at Appendix M.

Refusal of Incomplete Submission

28. The BA may refuse an application if the information or documentary proof that the BA considers necessary for determining the application is not submitted.

Minor Works Contractors Registration Committee

29. Minor Works Contractors Registration Committee (MWCRC) is an independent body appointed by the BA under section 6 of the B(MW)R. The function of the MWCRC is to assist the BA in considering applications relating to registration matters of minor works contractors under the B(MW)R by:

/(a) ...

- (a) examining the qualifications of applicants;
- (b) inquiring as the MWCRC considers necessary to ascertain whether an applicant has the relevant experience;
- (c) conducting interviews with applicants and their key personnel;
- (d) advising the BA to allow, defer or refuse either in whole or in part the applications; and
- (e) reviewing the decisions of the BA or the recommendations of another MWCRC.

Composition of an MWCRC

30. Under section 7(1) of the B(MW)R, a MWCRC shall consist of:

- (a) one person nominated by the BA, who in the opinion of the BA, has knowledge and experience in minor works;
- (b) one authorized person (AP) or registered structural engineer (RSE) selected by the BA from nominations by the Architects Registration Board (ARB), the Engineers Registration Board (ERB) and the Surveyors Registration Board (SRB); and
- (c) one person selected by the BA from among persons nominated by such bodies as the BA thinks fit.

31. Under section 7(3) of the B(MW)R, the members of the committee will elect the Chairman among themselves.

Requirements and Scope of Interview

32. For application involving class I minor works, including registration as RMWC (Co), addition of minor works and addition of AS/TD, the BA will refer it to the MWCRC for consideration.

33. When an application is referred to the MWCRC for consideration, the AS nominated by the applicant in the application, or where necessary, the TD, will represent the applicant to attend an interview with the MWCRC. Application not involving class I minor works in general will not be referred to the MWCRC except there are special circumstances rendering the need for referral. The requirements and scope of interview etc are set out in Appendix N.

34. In processing applications for renewal of registration and restoration of name to the register, the BA may seek advice from the MWCRC under sections 15(1) and 19(1) of the B(MW)R. The requirements for and scope of interview for applications for renewal of registration and restoration of registration of RMWC (Co) are set out in Appendix O.

/Discretion ...

Discretion of the BA and the MWCRC Regarding Requirements for and Scope of Interviews

35. It is emphasised that whether a particular applicant and his AS/TD 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 MWCRC 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.

Recommendations of MWCRC

36. For any application for registration, additional minor works and additional AS/TD that has been referred to the MWCRC, the BA must not allow, in whole or in part (as the case may be), such an application unless the MWCRC so recommends.

Review of Decisions of BA or Recommendations of MWCRC

37. An applicant who is aggrieved by a decision of the BA or a recommendation of a MWCRC in respect of matters arising from application for registration, renewal of registration, restoration of registration, addition of items/types/classes of minor works and addition of AS/TD may request a MWCRC to review the decision or recommendation under section 26 of the B(MW)R by submitting the request in a specified form to the BA. Upon payment of the prescribed fees, a request for review will be presented to a MWCRC for consideration. Where required, the person making the request may have to attend an interview with the MWCRC. If the BA subsequently substitutes the original decision with another decision, the review fee paid by the applicant will be refunded.

38. The MWCRC directed to review shall not consist of a member who has considered the original application on which the decision or recommendation under review relates.

Contractor Performance Enhancement Scheme

39. Information on the measurement of past performance via the Contractor Performance Enhancement Scheme is given in Appendix P.

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