

Guidance Notes for Applicants on Registration as General Building Contractors / Specialist Contractors

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 General Building Contractors and Specialist Contractors

2. Under section 8A of the BO, there are two contractors' registers, namely the general building contractors' register and the specialist 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.

3. 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 its Authorized Signatory as referred to in paragraph 9(a) below, its registration number and the expiry date of its registration are also posted on the Buildings Department website.

Categories of Specialized Works

4. 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

5. 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.

6. A building owner is required to appoint contractors from the appropriate

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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 Appendix 1.

7. To facilitate the operation of the construction industry, certain building works are permitted to be carried out by more than one category of contractors. Detailed guidelines are provided at Appendix 2.

Requirements for Registration

8. 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 plants 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.

Authorized Signatory, Technical Director and Other Officer

9. 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 person appointed by the applicant to act for the applicant for the purposes of the BO, hereinafter referred to as an 'Authorized Signatory' (AS);
- (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) who is authorized 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

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for the purpose of ensuring that the works are carried out in accordance with the BO; and

- (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) authorized by the board of directors to assist the TD.

10. 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.

11. For registration as an RSC, the applicant should also demonstrate that it has the access to engaging qualified persons to carry out the relevant specialized duties e.g. competent person (logging) for ground investigation field 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 Appendix 1.

13. General guidelines on acceptance of academic qualifications for these key personnel are summarized at Appendix 3.

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.
- (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 should not be appointed as the AS/TD/OO for another contractor simultaneously for its registration, except for the special circumstances stipulated in paragraph 25 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);

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- (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;
- (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 4.

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

25. 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 5.

Job Reference, Conviction Records and Suspension from Tendering

26. Guidelines on submission of job reference and consideration of conviction records and records of suspension from tendering for public projects are given at Appendix 6.

*For enquiries, please contact the
Registration Unit of the Buildings Department on 2626 1192.*