

**Inclusion of Names in the Registers of
General Building Contractors and Specialist Contractors**

Application for Inclusion in the Register

Applicants for inclusion in the register of general building contractors or specialist contractors are required to submit the following documents to the BA for consideration:

- (a) A duly completed specified form (BA 2).
- (b) Supporting documents on -
 - (i) the qualifications and experience of the AS and other assisting personnel; and
 - (ii) the applicant's ability to have access to plant and resources.
- (c) For a partnership, an authorization letter from the rest of the partners regarding the appointment of the partner as the AS.
- (d) For a corporation, a statement with documentary proof on -
 - (i) the qualifications and experience of the TD and OO (if applicable) responsible for technical administration;
 - (ii) the management structure and organization chart of the company and its decision making mechanism for technical and financial matters; and
 - (iii) a resolution from the board of directors regarding the appointment of the AS, TD and OO (if applicable) for the company.
- (e) Declarations in BD standard forms which cover **exhaustively** the conviction/disciplinary/suspension records of the applicant, AS, TD and OO (if applicable) for a period of 3 years preceding the date of the application, in respect of the following aspects:
 - (i) conviction/disciplinary action under the BO;
 - (ii) conviction on labour safety offences under the ordinances and regulations administered by the Commissioner for Labour, such as Factories and

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Industrial Undertakings Ordinance and Occupational Safety and Health Ordinance;

- (iii) suspension from tendering by the Environment, Transport and Works Bureau (ETWB), the Housing Authority (HA) or their related departments. The reasons of the suspension should also be provided;
- (iv) conviction leading to imprisonment for malpractice or misconduct in building works or construction related activities;
- (v) 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
- (vi) 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.

The above declarations should cover all incidents involving the applicant, AS, TD and OO (if applicable) irrespective of the categories of works the incidents are related.

If the AS/TD/OO was previously employed by another contractor, the conviction/disciplinary/suspension records of that contractor in the projects 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.

- (f) Documents relating to business registration:
 - (i) a copy of the current Business Registration Certificate (IRDB101) issued by the Inland Revenue Department;
 - (ii) for a corporation, a copy of the current annual return (Form AR1) to the Companies Registry justifying the directorship of the company; and

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- (iii) the original of the certified extracts of information on the business register issued by the Business Registration Office of the Inland Revenue Department (IRBR 152).
- (g) The prescribed fee in accordance with Building (Administration) Regulation 42.

Requirements and Scope of Interview for New Applications

2. For new applications, the AS, and where the CRC considers necessary the TD/OO, will represent the applicant to attend a full-scope interview conducted by the CRC.

3. The purpose of the interview is to ascertain whether the AS/TD/OO possesses the qualifications and experience required for carrying out his designated functions, and that he has the competence to apply such knowledge in executing and supervising the building works and street works. In particular, assessment in respect of the following aspects will be made by the CRC:

- (a) the applicant's submitted documents as required under paragraph 1 above;
- (b) if it is a corporation, the adequacy of the management structure of the applicant;
- (c) the appropriate experience, qualifications and competence of the personnel;
- (d) the applicant's ability to have access to plant and resources; and
- (e) the ability of the AS to apply knowledge in the following aspects:
 - (i) the statutory role, functions and duties of an RGBC or an RSC as the case may be in relation to the role and responsibilities of the BA in respect of private building developments in Hong Kong;
 - (ii) the objectives of the BO and Regulations and the mechanism of control in respect of the execution and supervision of building works;
 - (iii) a general awareness of local conditions sufficient to enable him to practise in Hong Kong efficiently and effectively without having to make frequent enquiries on matters of common local knowledge;

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- (iv) a working knowledge and principles of the BO and Regulations, relevant codes of practice, practice notes, circular letters and other advisory information, and allied matters such as Factories and Industrial Undertakings Ordinance and the requirements of other authorities which exercise control over the carrying out of building works;
- (v) the fundamental procedures that a registered contractor must follow in order to meet local statutory requirements; and
- (vi) adequate technical knowledge and practical experience in building construction to enable him to discharge his duties as an RGBC or RSC.

An Unregistered Contractor Applying for Registration With the Appointment of a Previously Accepted AS/TD/OO

4. An unregistered contractor applying for registration with the appointment of an AS/TD/OO who has been previously accepted by the BA is still considered as a new application under the BO. Documents as mentioned in paragraph 1 above are required to be submitted to the BA for consideration.

5. For such cases, the AS, and where necessary the TD/OO, will be required to attend an interview and the application will be fully assessed by the CRC. However, if the AS/TD/OO was accepted by the CRC and the BA through a full- scope interview conducted not more than 3 years ago, the interview and assessment will be focused mainly on the following aspects:

- (a) the applicant's submitted documents as required under paragraph 1 above;
- (b) if it is a corporation, the adequacy of the management structure of the applicant;
- (c) the applicant's ability to have access to plant and resources; and
- (d) subject to the criteria in paragraph 3(a) and (b) of Appendix 6, if the applicant or the proposed AS/TD/OO has been involved in any conviction/disciplinary/suspension incident in respect of the aspects stipulated in paragraph 1(e)(i) to (iv) above, 4 or more convictions in respect of the aspect stipulated in paragraph 1(e)(v) to (vi) above, or any conviction under the Waste Disposal Ordinance related to illegal disposal of construction waste since his last interview, depending on the nature and gravity of the incident, the interview may also cover

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assessment on the competence and ability of the personnel, safety management and site management matters, etc. as considered necessary by the CRC/BA.

6. If the AS/TD/OO was accepted by the CRC and BA through a full-scope interview conducted more than 3 years ago and he has not participated in at least one relevant building project as defined in paragraphs 1 and 2 of Appendix 6 within the 3 years preceding the current application, in addition to the aspects mentioned in paragraph 5 above, the CRC may also assess the AS/TD/OO regarding the new development in the building industry, new legislation, practice notes, codes of practice, circular letters, etc. introduced since his last interview.

7. If an unregistered contractor intends to apply for registration with the appointment of both new and previously accepted AS/TD/OO, the previously accepted AS/TD/OO may not be required to attend an interview if:

- (a) (i) he was accepted by the CRC and the BA through a full-scope interview conducted not more than 3 years ago; or
- (ii) he has a job reference on a minimum of one relevant building project as defined in paragraphs 1 and 2 of Appendix 6 within the 3 years preceding his current application; and
- (b) subject to the criteria in paragraph 3(a) and (b) of Appendix 6, he has not been involved in any conviction/disciplinary/suspension incident in respect of the aspects stipulated in paragraph 1(e)(i) to (iv) above, 4 or more convictions in respect of the aspect stipulated in paragraph 1(e)(v) to (vi) above, or any conviction under the Waste Disposal Ordinance related to illegal disposal of construction waste since his last interview.

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

8. In connection with paragraphs 2, 3, 5, 6 and 7 above, it is emphasized that whether a particular AS/TD/OO 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 CRC 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.