

**Nomination of an Authorized Person or
Registered Structural Engineer to act in stead**

When an authorized person (AP) or registered structural engineer (RSE), who has been appointed in respect of building or street works, is incapacitated by illness or proposes to be temporarily absent from Hong Kong, a temporary replacement should be nominated by submission of Form BA21 within 7 days. Buildings Ordinance section 4(2) and Building (Administration) Regulation 23(2) refer.

2. While an AP or RSE may be appointed in respect of more than one active project (i.e. with works in progress and/or applications currently or about to be lodged with the Buildings Department (BD)), the AP or RSE nominating a temporary replacement should -

- (a) complete and submit one Form BA21 for all active projects as defined above, a list of which is to be given in the Form to be submitted in **duplicate**;
- (b) in the case of a RSE appointed in respect of more than one project under different APs, submit one Form BA21 for all active projects under each AP. A list of the respective projects is to be given in the Form which should be signed by the AP concerned;
- (c) advise the nominee that if it is necessary for him to communicate with BD in respect of any of the listed active projects he should on every such occasion make brief reference to the fact that he does so under the authority of an earlier submission of Form BA21;
- (d) advise the nominee that he cannot further nominate another AP/RSE to act in his stead, and
- (e) advise BD by letter within 7 days that the arrangements covered by Form BA21 have ceased if he recovers from illness, or return from overseas before the expiry date of the temporary replacement given in the Form.

3. Under section 4(2) of the Buildings Ordinance, an AP/RSE may nominate another AP/RSE to act in his stead **ONLY** under the following circumstances :-

- (i) the period must be temporary; AND
- (ii) he is unable to act by reason of his illness or absence from Hong Kong.

4. To avoid ambiguity and abuse of the Buildings Ordinance, Building Authority (BA) considers that an acting period exceeding 3 months or at frequent intervals is not temporary and such nomination may not be accepted by BA. Under such circumstances, the owner may be advised to appoint another AP/RSE.

5. Upon receipt of an application, Buildings Department will formally acknowledge the Form BA21 with a copy to the owner informing him the period and reason of acting.



(H W CHEUNG)
Building Authority

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