

Registration of General Building Contractors and Specialist Contractors

This Practice Note covers solely the registration of general building contractors and specialist contractors. Minor works contractors registration is separately explained in PNAP APP-148.

2. 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 Contractors

3. Under section 8A of the BO, there are three contractors' registers, namely the general building contractors' register, the specialist contractors' register and the minor works 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.

4. 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 10(a) below, its registration number and the expiry date of its registration are also posted on the Buildings Department website.

Categories of Specialized Works

5. Section 8A(2) of the BO empowers the BA to designate by notice in the Gazette categories of building works as specialised 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

6. 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. RGBC may also carry out all types of minor works as stipulated in Part 2 of Schedule 1 of the Building (Minor Works) Regulation [B(MW)R] while RSC may only carry out the minor works as specified in section 28(1)(b) to (e) of the B(MW)R according to their corresponding categories on the sub-registers in which they have been entered.

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

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

Requirements for Registration

9. 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 plant 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

10. 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:

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- (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

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) or an AS authorized by the board of directors to assist the TD.

11. 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.

Persons Eligible to be the AS, TD or OO

12. 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.

13. 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.

14. 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.

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Appointment of AS/TD/OO for Registered Contractors

15. 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 will not be accepted as the AS/TD/OO for another contractor simultaneously for its registration, except under the special sharing arrangement for holding and subsidiary companies.

Contractors Registration Committee

16. 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.

17. 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.

18. 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

19. 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.

20. 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.

21. 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.

Application Procedures and Requirements

22. Details of the application procedures and requirements for inclusion of names in the contractor registers, renewal and restoration of registration are provided in Practice Note for Registered Contractors 38.

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Building Authority

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Scope of Works
of Registered General Building Contractors and Registered Specialist Contractors

Registered General Building Contractor (RGBC)

The RGBC is qualified under the BO to carry out any building works and street works which are not designated by the BA as a category of specialized works.

Registered Specialist Contractor in the Demolition Works Category (RSC(D))

2. All demolition works to which the Building (Demolition Works) Regulations apply are specialized works of the demolition works category unless all the following circumstances exist:

- (a) The building to be demolished is not in Scheduled Area Number 1.
- (b) No part of the building to be demolished exceeds 10m above adjacent ground.
- (c) No structural element to be demolished has a clear span exceeding 6m or a cantilever span exceeding 1m.
- (d) No part of the building to be demolished is in pre-stressed concrete construction.
- (e) No part of the building to be demolished is an earth-retaining structure with retaining height exceeding 1.5m.
- (f) There are no other buildings within 5m from the building to be demolished.

Registered Specialist Contractor in the Foundation Works Category (RSC(F))

3. All foundation works, except where the penetration depth of the foundation element does not exceed 3 m, are specialized works of the foundation works category.

Registered Specialist Contractor in the Ground Investigation Field Works Category (RSC(GIFW))

4. The scope of works for RSC(GIFW) is as follows:

- (a) all exploratory drilling, boring, excavation and probing of land for obtaining information on ground conditions, and includes

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the installation of instrument, sampling, field testing in boreholes, and any other associated site operations;

- (b) pre-drilling for foundation works;
- (c) proof-drilling for cast-in-place concrete foundation, mini-piles and socketed H-piles; and
- (d) field testing of ground, the loading capacity of which has been improved by ground treatment.

5. The following list of works, not exhaustive, are examples of works which are required to be undertaken by RSC (GIFW):

Types of Works	Details of Works
Excavation	Trial pits, trial trenches, slope surface stripping.
Boreholes	Hand auger boring, corehole drilling, light cable percussion boring, rotary open hole drilling, rotary core drilling.
Sampling	Disturbed samples, U76 samples, U100 samples, split barrel standard penetration test samples, thin-walled piston samples, continuous soil and rock samples, rotary core samples, Mazier samples, block samples, groundwater samples and vibro-coring.
Instrumentation	Installation of instruments e.g. piezometers, standpipes, tensiometers, piezometer buckets, inclinometers, extensometers.
Field Testing in Boreholes	Standard penetration test, vane shear test, permeability tests, packer (water absorption) test, plate test, pressuremeter test, borehole discontinuity survey (impression packer survey) and cone penetration test.
Cast-in-Place Concrete Foundation	Pre-drilling to determine rockhead level, core-drilling to verify quality of founding stratum.
Ground Treatment	Field testing to verify load carrying capacity of treated ground.

Registered Specialist Contractor in the Site Formation Works Category (RSC(SF))

6. All site formation works are specialized works of the site formation category, unless all the following circumstances exist:

- (a) The maximum gradient across the lot from boundary to boundary is not more than 15 degrees.

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- (b) The overall gradient of an area bounded by lines 10m outside the lot boundary in any direction is less than 15 degrees.
- (c) There is no slope within the area 10m outside the lot boundary steeper than 30 degrees or higher than 1.5m.
- (d) There is no retaining wall or terrace wall, either within the lot or within the area 10m outside the lot, which is higher than 1.5m.
- (e) No retaining walls or terrace walls higher than 1.5m are to be constructed.
- (f) No slopes steeper than 30 degrees nor higher than 1.5m are to be constructed.
- (g) The combined height of retaining wall and slope to be constructed does not exceed 1.5m.

Registered Specialist Contractor in the Ventilation Works Category (RSC(V))

7. All ventilating system works to which the Building (Ventilating Systems) Regulations apply are specialized works under the ventilation category.

Works Which May be Carried out by More Than One Category of Contractors

8. It is difficult to give an exhaustive or absolute demarcation among the scope of works of different categories of contractors. Whether the contractors in a category possess the recognized competence, experience, expertise, plant and resources in carrying out the proposed works should be the primary consideration of the AP/RSE/RGE. Additional guidelines in paragraph 10 below are provided for reference.

9. In situations not covered by any of the published guidelines and when unique site characteristics call for special consideration, the AP/RSE/RGE of the proposed works are expected to make professional judgment according to the aforesaid principles on the selection of the appropriate category of contractors. Should such circumstances arise, the BA will consider proposals from the AP/RSE/RGE on a case by case basis.

10. Additional guidelines on the demarcation of different scope of works among categories of contractors are as follows:

- (a) Temporary Works

RGBC, RSC(F), RSC(SF) and RSC(D) may generally carry out temporary works which are associated with the execution

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of the respective types of general building works and specialist works. These temporary works include hoarding, covered walkways, sheet piling, soldier piling, pipe piling, shoring, rock filled slopes for demolition, protective and precautionary measures.

(b) Pile Cap Works

Pile cap works may be carried out either by RGBC or RSC(F). These contractors may also carry out the associated temporary works, such as excavation and lateral support works, which are necessary for the construction of the pile caps.

(c) Basement Works

Excavation for basements, construction of basement walls, slabs and drains, which do not form part of pile caps fall within the scope of works of the RGBC.

(d) Foundation Works

Diaphragm walls should be carried out by RSC(F) when the penetration depth exceeds 3m. The penetration depths of foundation elements are generally measured from the ground level which may be existing or newly formed. Spread footing and raft foundation works may be carried out by either RSC(F) or RGBC.

(e) Landscape and Street Works

On grade roads, streets, landscape features, etc., should generally be carried out by RGBC. Such works which do not involve the construction of a roof or foundation, and drains associated with landscape works in the periphery of buildings not forming part of the permanent drains of buildings may also be carried out by RSC(SF).

(f) Retaining Structures

Retaining structures involving diaphragm walls, bore-piles, caissons or other foundation works, excluding those mentioned in paragraph 10(a) above should be carried out by RSC(F).

Appendix B of PNAP APP-18 stipulates that mini piles are not to take lateral loads and therefore not commonly used in site formation works. Its construction could be up to 400mm

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diameter and should therefore be carried out by RSC(F) or if less than 3m deep, by RGBC but not RSC(SF).

(g) Dredging Works

The general meaning of dredging in construction involves taking up of mud from sea or riverbeds that should generally

be classified as site formation works. If the said works fall within the scope of works as set out in paragraph 6 above, it should be carried out by RSC(SF), otherwise, it should be carried out by RGBC.

(h) Reclamation Works

Reclamation works usually involves the forming of land, construction of seawalls or retaining structures and should be considered as site formation works to be carried out by RSC(SF).

(i) Trial Pit Works

Trial pit works should normally be carried out by RSC(GIFW). Other registered contractors except RSC(V) may also carry out such works if the trial pits are excavated solely for the following purposes:

- (i) exposing existing shallow foundations;
- (ii) locating utilities, underground structures and installations;
- (iii) verifying the density of the backfill soil behind retaining structures (Note: insitu-density test has to be carried out by a laboratory which is accredited by the Hong Kong Accreditation Service for performing such test); and
- (iv) other studies not involving the investigation of ground conditions or soil/rock descriptions, e.g. archaeological studies.

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