

### **New Contractor Registration System and the Contractors Registration Committee**

Upon the commencement of Sections 8A, 8B, 8C, 8D, 8F and 8G of the Buildings Ordinance as enacted by Section 9 of the Buildings (Amendment) Ordinance 1996, a new contractor registration system is introduced. The objective of the new system is to raise the standard of registered contractors and improve the quality of building construction works.

#### **General Building Contractors' and Specialist Contractors' Registers**

2. Under the new registration system, the Building Authority is to keep 2 registers, namely, the general building contractors' register and the specialist contractors' register. The registration system for general building contractors has commenced on 7 November 1997 and that for registered specialist contractors on 1 April 1998. The Building Authority maintains a register of specialist contractors, who are qualified to carry out the specialized works specified in the categories in the sub-register in which they are entered. The Building Authority designates by notice in the gazette the different categories of specialized works from time to time.

#### **Categories of Specialized Works**

3. Section 2 of the Buildings Ordinance confers upon the Building Authority the power to designate by notice in the Gazette categories of building works as works that are required to be carried out by a registered specialist contractor. Initially, the following 4 categories of works are designated as specialized works with effect from 1 April 1998:

- (a) Ventilation,
- (b) Demolition,
- (c) Foundation and
- (d) Site Formation.

#### **Scope of Works**

4. Registered general building contractors may carry out general building works which do not include any specialized works in the designated categories while registered specialist contractors may carry out specialized works in their corresponding designated categories in the sub-registers in which they have been entered. A building owner is required to appoint contractors from the appropriate register corresponding to the nature of building works

to be carried out. Please refer to paragraph 1 of the attached Appendices A to E for the detailed scope of works registered general building contractors and the 4 designated categories of specialist contractors may carry out.

### Requirements for Registration

5. In considering an application for registration as a registered general building contractor or a registered specialist contractor, the Building Authority is to have regard to the qualifications, competence and experience of the applicant, or in the case of an applicant being a body corporate, that of the directors, other officers and any persons appointed to act for it for the purposes of the Buildings Ordinance (**the appointed persons**). For registration, renewal or restoration as a general building contractor or a specialist contractor, an applicant must satisfy the Building Authority's requirements current at the time of application, on:

- (a) if it is a corporation, the adequacy of its management structure;
- (b) the appropriate qualifications, competence and experience of his personnel;
- (c) the ability to have access to plants and resources; and
- (d) the ability of the appointed person(s) to understand and manage building works and street works through relevant experience and a general knowledge of the basic statutory requirements.

The **current requirements** for registration as registered general building contractors and the 4 categories of registered specialist contractors, and the corresponding **transitional arrangements** are as stated in the attached Appendices A to E.

### Contractors Registration Committee

6. Contractor Registration Committees are appointed under Section 8 of the Buildings Ordinance to assist the Building Authority in considering applications for inclusion into the two registers by:

- (a) examining the qualifications of applicants;
- (b) inquiring as the Committee considers necessary to ascertain whether an applicant has the relevant experience ;
- (c) conducting interviews with the appointed persons; and
- (d) advising the Building Authority to accept, defer or reject applications for inclusion in the relevant register.

/Composition .....



### Composition of a Contractors Registration Committee

7. A Contractors Registration Committee consists of :
- (a) the Building Authority's representative;
  - (b) 3 persons, 1 of whom is nominated by each of the Hong Kong Institute of Architects, the Hong Kong Institute of Surveyors and the Hong Kong Institution of Engineers from the lists of authorized persons and registered structural engineers;
  - (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 Building Authority from among persons nominated by such bodies as the Building Authority may think fit.

The members of the committee elect the Chairman from the members of the committee other than the representative of the Building Authority.

### Scope of Interview

8. The purpose of the interview is to ascertain whether the appointed person(s) possesses the necessary basic knowledge and experience required for carrying out his designated function, and that he has the competence to apply such knowledge in executing building works. The principal knowledge on which the Committee is likely to require the appointed person(s) to demonstrate his ability to apply is :

- (a) The statutory role, functions and duties of a registered general building contractor or specialist contractor as the case may be in relation to the role and responsibilities of the Building Authority in respect of private building developments in Hong Kong.
- (b) The objectives of the Buildings Ordinance and Regulations and the mechanism of control in respect of the execution of building construction works.
- (c) A general awareness of local conditions which must be sufficient to enable him to practice in Hong Kong efficiently and effectively without having to make frequent enquiries on matters of common local knowledge.

/(d) .....

- (d) A working knowledge and principles of the relevant parts of Buildings Ordinance 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 usual requirements of other authorities which exercise control over the carrying out of construction works.
- (e) The fundamental requirements of procedures that a registered contractor must follow in order to meet local statutory requirements.
- (f) adequate technical knowledge and practical experience in building construction to enable him to discharge his duties as a registered general building contractor or registered specialist contractor.

### **Application for Registration**

9. An applicant is required to submit the following documents to the Building Authority for consideration:

- (a) A specified form duly completed and endorsed by an authorized person, registered structural engineer or The Hong Kong Construction Association.
- (b) A statement on -
  - (i) the qualifications, competence and experience of the appointed person(s), including documentary evidence to support any of the claims made in the statement; and
  - (ii) the applicant's ability to have access to plant and resources, with documentary proof.
- (c) If it is a corporation, a statement on -
  - (i) the management structure of the company and its decision making mechanism for technical and financial matters; and
  - (ii) the qualifications, competence and experience of the director(s) responsible for technical administration.

/Application.....

**Application for the Inclusion on the register of Appointed Persons to act for a registered contractor**

10. The Building Authority maintains registers of appointed persons, whose appointments to act on behalf of registered contractors for the purposes of the Buildings Ordinance, have been accepted by the Building Authority. A registered contractor may submit an application in the specified form to apply for the inclusion of appointed person(s) to act for the contractor. A registered contractor should notify the Building Authority as soon as possible if any such approved appointed person(s) is no longer appointed to act for the contractor, so that the name of the approved appointed person(s) could be deleted from the respective register.

11. An applicant is required to submit to the Building Authority a letter of authorization for the appointed person(s) and a statement on the qualifications, competence and experience of such appointed person(s).

12. The Contractors Registration Committee is to assist the Building Authority in considering applications for approval of appointed persons.

**Transitional Arrangement**

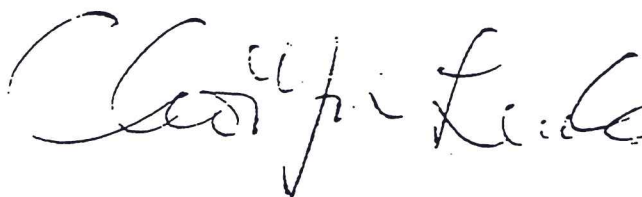
13. A registered building contractor who was registered as at the date of the commencement of the relevant parts of Sections 8A, 8B, 8C, 8D, 8F and 8G of the Buildings Ordinance dealing with the registration of Registered General Building Contractors as enacted by Section 9 of the Buildings (Amendment) Ordinance 1996, i.e. 7 November 1997, is taken to be a registered general building contractor for a transitional period of 2 years from 7 November 1997 in accordance with Section 8G(1) of the Ordinance.

14. A registered ventilation contractor who is registered as at the date of the commencement of the relevant parts of the abovementioned sections of the Buildings Ordinance dealing with the registration of registered specialist contractors, i.e. 1 April 1998, is taken to be a registered specialist contractor in the ventilation works sub-register for a transitional period of 2 years from 1 April 1998 in accordance with Section 8G(2) of the Ordinance.

15. A registered general building contractor or a registered building contractor who is taken as a registered general building contractor in the transitional period in accordance with paragraph 13, may carry out specialized works in the foundation, site formation and demolition categories within the 2-year transitional period starting from 1 April 1998 as provided in Section 9(7) of the Buildings Ordinance.



16. A renewal of registration for the 2-year transitional period is not necessary for a building contractor or a ventilation contractor who is registered as at the date of the commencement of the relevant parts of the Ordinance, i.e. 7 November 1997 and 1 April 1998 respectively. The corresponding expiry dates of their registrations are taken to be 6 November 1999 and 31 March 2000 respectively. However, it is in the interests of registered contractors to make early applications under the new registration system well before the end of the transitional period to ensure continuity of their registration.



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## Requirements on Qualifications, Competence and Experience for Registration as a General Building Contractor

### Scope of Works

The registered general building contractor is qualified under the Buildings Ordinance to carry out any building works which are not designated from time to time by the Building Authority as a category of specialized works.

### Current Requirements

2. Building Authority's requirements on qualifications, competence and experience of the applicant's personnel for applications received on or before 1 November 2000 are:

- (a) The appointed person(s) should have-
  - (i) a minimum of 5 years accountable experience in building industry;
  - (ii) worked on at least 3 building projects in Hong Kong in a supervisory role for an aggregate period of not less than 18 months, with endorsement of the authorized person, registered structural engineer or registered general building contractor responsible for the project; and
  - (iii) at least a diploma or higher certificate in construction, structural engineering or civil engineering from a Hong Kong polytechnic, technical college or technical institute; or equivalent.
- (b) If the applicant is a corporation, at least one director of the company should have:
  - (i) a minimum of 3 years of accountable experience in building industry in Hong Kong; and
  - (ii) a university degree or equivalent qualification relevant to construction, structural engineering or civil engineering, acceptable to the Building Authority.

## **Transitional Arrangement**

3. A registered contractor who is registered as at 7 November 1997 is taken to be a registered general building contractor for a transitional period of 2 years from 7 November 1997 in accordance with Section 8G(1) of the Buildings Ordinance. When he applies for renewal upon expiry of this transitional period, he should:

- (a) satisfy the Building Authority's registration criteria current at the time of application for renewal; or
- (b) if he seeks renewal for a period of 1 year, satisfy the Building Authority's registration requirements current at the time of application for renewal, except that the relevant experience in Hong Kong may be taken into account as qualification of the applicant's personnel, as set out in paragraph 4 below.

## **Renewal for a Period of 1 Year after the Transitional Period**

4. For a contractor who has been taken as a registered general building contractor in the transitional period and seeks renewal of registration for a period of 1 year upon the expiry of the transitional period, the Building Authority's requirements on qualifications, competence and experience of the applicant's personnel are:

- (a) The appointed person(s) should have:
  - (i) a minimum of 8 years accountable experience in building industry; and
  - (ii) worked on at least 5 building projects in Hong Kong in a supervisory role for an aggregate period of not less than 30 months, with endorsement of the authorized person, registered structural engineer or registered general building contractor responsible for the project.
- (b) If the applicant is a corporation, at least one director of the company should have a minimum of 6 years of accountable experience in the building industry in Hong Kong.



**Requirements on Qualifications, Competence and Experience for  
Registration as a Specialist Contractor in the  
Ventilation Category**

**Designated Specialized Works**

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

**Current Requirements**

2. Building Authority's requirements on qualifications, competence and experience of the applicant's personnel for applications received on or before 1 April 2001 are:

- a) The appointed person(s) should have:
  - (i) a minimum of 3 years of accountable experience in ventilating system works in Hong Kong, with endorsement of an authorized person, or a registered professional engineer registered under the Engineers Registration Ordinance (Cap 409) in building services, mechanical engineering or electrical engineering discipline; and
  - (ii) at least a diploma or ordinary certificate in building services, mechanical engineering or electrical engineering from a Hong Kong polytechnic, technical college or technical institute; or equivalent.
- (b) If the applicant is a corporation, at least one director of the company should have:
  - (i) a minimum of 5 years of accountable experience in ventilating system works in Hong Kong, with endorsement of an authorized person, or a registered professional engineer registered under the Engineers Registration Ordinance (Cap 409) in building services, mechanical engineering or electrical engineering discipline; and
  - (ii) at least a diploma or higher certificate in building services, mechanical engineering or electrical engineering from a Hong Kong polytechnic, technical college or technical institute; or equivalent.

## **Transitional Arrangement**

3. A registered ventilation contractor who is registered as at 1 April 1998 is taken to be a registered specialist contractor in the ventilation category for a transitional period of 2 years from 1 April 1998 in accordance with Section 8G(2) of the Buildings Ordinance. When he applies for renewal upon expiry of this transitional period, he should :

- (a) satisfy the Building Authority's registration requirements current at the time of application for renewal; or
- (b) if he seeks renewal for a period of 1 year, satisfy the Building Authority's registration requirements current at the time of application for renewal except that the relevant experience in Hong Kong may be taken into account as qualification of the applicant's personnel, as set out in para. 4 below.

## **Renewal for a Period of 1 Year after the Transitional Period**

4. For a contractor who has been taken as a registered specialist contractor in the ventilation category in the transitional period and seeks renewal of registration for a period of 1 year upon the expiry of the transitional period, Building Authority's requirements on qualifications, competence and experience of the applicant's personnel are:

- (a) The appointed person(s) should have a minimum of 5 years of accountable experience in ventilation system works in Hong Kong, with endorsement of an authorized person, or a registered professional engineer registered under the Engineers Registration Ordinance (Cap 409) in building services, mechanical engineering or electrical engineering discipline; and
- (b) If the applicant is a corporation, at least one director of the company should have:
  - (i) a minimum of 5 years of accountable experience in ventilating system works in Hong Kong, with endorsement of an authorized person, or a registered professional engineer registered under the Engineers Registration Ordinance (Cap 409) in building services, mechanical engineering or electrical engineering discipline; and
  - (ii) at least a diploma or higher certificate in building services, mechanical engineering or electrical engineering from a Hong Kong polytechnic, technical college or technical institute; or equivalent.

**Requirements on Qualifications, Competence and Experience for  
Registration as a Specialist Contractor in the  
Demolition Category**

**Designated Specialized Works**

All demolition works to which the Building (Demolition Works) Regulations apply are specialized works in the demolition category, unless all of 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.

**Current Requirements**

2. Building Authority's requirements on qualifications, competence and experience of the applicant's personnel for applications received on or before 1 April 2001 are:

- a) The appointed person(s) should have:
  - (i) a minimum of 5 years accountable experience in demolition works;
  - (ii) worked on at least 7 demolition projects in Hong Kong in a supervisory role for an aggregate period of not less than 21 months, with endorsement of the authorized person, registered structural engineer, registered general building contractor or registered specialist contractor responsible for the demolition project;



- (iii) at least a diploma or higher certificate in construction, structural engineering or civil engineering from a Hong Kong Polytechnic, technical college or technical institute; or equivalent; and
  - (iv) completed a training course on demolition provided by the Construction Industry Training Authority; or equivalent.
- (b) If the applicant is a corporation, at least one director of the company should have:
- (i) a minimum of 5 years of accountable experience in the building industry in Hong Kong, of which 2 years were involved in demolition works; and
  - (ii) a university degree or equivalent qualification relevant to construction, structural engineering or civil engineering, acceptable to the Building Authority.

### **Transitional Arrangement**

3. A registered general building contractor or a registered building contractor who is taken as a registered general building contractor in the transitional period in accordance with Section 8(G)(1) of the Buildings Ordinance, may carry out specialized works in the demolition category within the 2-year transitional period starting from 1 April 1998 as provided in Section 9(7) of the Ordinance.

## Requirements on Qualifications, Competence and Experience for Registration as a Specialist Contractor in the Foundation Category

### Designated Specialized Works

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

### Current Requirements

2. Building Authority's requirements on qualifications, competence and experience of the applicant's personnel for applications received on or before 1 April 2001 are:

- a) The appointed person(s) should have:
  - (i) a minimum of 5 years accountable experience in foundation works;
  - (ii) worked on at least 7 foundation projects in Hong Kong in a supervisory role for an aggregate period of not less than 21 months, with endorsement of the authorized person, registered structural engineer, registered general building contractor or registered specialist contractor responsible for the foundation project; and
  - (iii) at least a diploma or higher certificate in construction, structural engineering or civil engineering from a Hong Kong Polytechnic, technical college or technical institute; or equivalent.
- (b) If the applicant is a corporation, at least one director of the company should have:
  - (i) a minimum of 5 years of accountable experience in the building industry in Hong Kong, of which 2 years were involved in foundation works; and
  - (ii) a university degree or equivalent qualification relevant to construction, structural engineering or civil engineering, acceptable to the Building Authority.

### Transitional Arrangement

3. A registered general building contractor or a registered building contractor who is taken as a registered general building contractor in the transitional period in accordance with Section 8(G)(1) of the Buildings Ordinance, may carry out specialized works in the foundation category within the 2-year transitional period starting from 1 April 1998 as provided in Section 9(7) of the Ordinance.

**Requirements on Qualifications, Competence and Experience for  
Registration as a Specialist Contractor in the  
Site Formation Category**

**Designated Specialized Works**

All site formation works are specialized works in the site formation category, unless all the following circumstances apply:

- (a) The maximum gradient across the lot from boundary to boundary is not more than 15 degrees.
- (b) The overall gradient for an area bounded by lines 10m outside the lot boundaries in any direction is less than 15 degrees.
- (c) There is no slope within the area 10m outside the lot boundaries 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.

**Current Requirements**

2. Building Authority's requirements on qualifications, competence and experience of the applicant's personnel for applications received on or before 1 April 2001 are:

- (a) The appointed person(s) should have:
  - (i) a minimum of 5 years accountable experience in geotechnical works, of which 3 years were involved in site formation works in Hong Kong; and



- (ii) worked on at least 7 site formation projects in Hong Kong in a supervisory role for an aggregate period of not less than 21 months, with endorsement of the authorized person, registered structural engineer, registered general building contractor or registered specialist contractor responsible for the site formation project; and
  - (iii) at least a diploma or higher certificate in construction, or civil engineering from a Hong Kong Polytechnic, technical college or technical institute; or equivalent.
- (b) If the applicant is a corporation, at least one director of the company should have:
- (i) a minimum of 5 years of accountable experience in the geotechnical works, of which 3 years were involved in site formation in Hong Kong; and
  - (ii) a university degree or equivalent qualification relevant to construction, or civil engineering, acceptable to the Building Authority.

### **Transitional Arrangement**

3. A registered general building contractor or a registered building contractor who is taken as a registered general building contractor in the transitional period in accordance with Section 8(G)(1) of the Buildings Ordinance, may carry out specialized works in the site formation category within the 2-year transitional period starting from 1 April 1998 as provided in Section 9(7) of the Ordinance.