

**Bills Committee on  
Buildings (Amendment) Bill 2003**

**Rationalizing the Registration Regime for  
Authorized Persons/Registered Structural Engineers/Registered Contractors**

**Purpose**

This paper describes the proposals to amend the composition of Contractors Registration Committee (CRC) and the registration regime for Authorized Persons (AP) / Registered Structural Engineers (RSE) / Registered Contractors (RC) under the Buildings (Amendment) Bill 2003.

**Composition of CRC**

2. At present, there are two types of RC under the Buildings Ordinance (BO), viz registered general building contractors (RGBC) and registered specialist contractors (RSC). RGBC may carry out all building works except those specialized works in the designated categories, while RSC may carry out specialized works specified in their corresponding designated categories in the sub-registers in which they have been entered. There are currently five categories of works designated as specialized works, namely demolition, foundation, ground investigation field works, site formation and ventilation works.

3. The function of a CRC is to advise the Building Authority (BA) in considering applications for registration as RC by examining the qualifications and experience of the applicants and conducting interviews with the applicants. Under section 8(3) of the Buildings Ordinance (BO), a CRC consists of:

- (a) the BA's representative;
- (b) 3 persons, 1 of whom is nominated by each of the Hong Kong Institute of Architects (HKIA), Hong Kong Institution of Engineers (HKIE) and Hong Kong Institute of Surveyors (HKIS) from the lists of APs and RSEs;
- (c) 3 persons nominated by The Hong Kong Construction Association Ltd. (HKCA);
- (d) 1 person nominated by the Hong Kong Electrical & Mechanical

Contractors' Association Ltd. (EMCA);

- (e) 1 person selected by the BA from among persons nominated by such bodies as the BA may think fit.

The above composition is applicable to all applications for RGBC and all categories of RSC.

4. While the above composition of a CRC is suitable for RGBC applications, it is not flexible enough to cater for the appointment of members with the appropriate expertise to assess the RSC applications. For example, members from the EMCA or Registered Professional Engineers (RPE) in the building services, electrical and mechanical disciplines should best be placed to assess the applications for RSC (Ventilation). Under the existing composition of a CRC, however, only 1 member from the EMCA may be appointed, such arrangement is inadequate. For other categories of RSC, on the other hand, the member from the EMCA may not be the most suitable person for assessing the applications.

5. In respect of the nomination arrangements, the 3 AP/RSE members of the CRC are currently nominated by HKIA, HKIE and HKIS respectively whereas under section 3 of the BO, the members of Registration Committees for the AP/RSE are nominated by the Registration Boards of Architects, Engineers or Surveyors. The nomination arrangements of members of the CRC is not in line with that of the AP/Structural Engineers Registration Committee. Moreover, an AP/RSE must be a Registered Professional who may or may not be a member of HKIA, HKIE or HKIS. Hence, it is considered that the current nomination arrangements for a CRC need to be amended to align with that of the Registration Committees of AP/RSE.

## **Proposal**

6. To address concerns raised in paragraphs 3 to 5 above, we propose the following amendments to the BO:

- (a) to add a new section 8(3A) (Clause 10(c)) for amending the composition of CRC for RSC applications. The new composition of CRC for RSC applications is largely based on the existing composition, with the deletion of the nominee of EMCA and the number of person(s) selected by the BA from among persons nominated by such bodies as the BA may think fit increased from 1 to 2. These 2 members selected by the BA can

be appointed according to the intended specialty of the CRC. For example, in assessing applications for RSC (Ventilation), such members can be selected from nominations from EMCA or RPE in the building services, electrical and mechanical discipline nominated by the Engineers Registration Board. The composition of a CRC for RGBC applications under the existing section 8(3) will remain unchanged (Clause 10(b)(i)); and

- (b) to amend section 8(3)(b) (Clause 10(b)(ii)) such that members of the CRC will not be nominated by HKIA, HKIE and HKIS but should be nominated by the Architects Registration Board, the Engineers Registration Board and the Surveyors Registration Board from the lists of AP/RSE.

### **Registration Regime for AP/RSE/RC**

7. The registration, restoration and renewal period for AP/RSE is currently 12 months. This current registration period is too short and the annual renewal process is time-consuming. We consider that once the qualification, competence and experience of an applicant are proven in the first application, the registration period should be reasonably long to allow for continuity of practice.

8. On the other hand, the period for registration, renewal or restoration of registration as a contractor is either 1 year or 3 years. The 1-year option is considered too short and, in practice, is not preferred by contractors. The majority of contractors apply for a 3-year registration.

9. In respect of the registration requirement of a RC, section 8B(4) stipulates that an application as a registered general building contractor or a registered specialist contractor must include an endorsement, in the specified form, of an AP/RSE or HKCA. However, according to our observation in the past years, such endorsement may not be most appropriate and relevant, and the requirement has become unnecessary. An applicant who is qualified to be registered may not have been supervised directly by an AP/RSE or may not be a member of HKCA. For example, an applicant may gain adequate experience by working solely for public projects, which do not require AP/RSE, and thus the requirement under section 8B(4) may pose undue difficulties for him. Moreover, the endorsement by an AP/RSE or HKCA cannot serve any useful purpose because the AP/RSE or HKCA may not have knowledge of the applicant's

working experience. On the other hand, under the existing sections 8B(2)<sup>1</sup> and (8)<sup>2</sup>, an applicant for registration as RGBC or RSC has to satisfy the BA of, inter alia, his experience. As proof of such experience, the BA will require documentary evidence with endorsement of such experience by an AP, RSE, RC, project architects or other persons (such as a government architect or the applicant's employer) related to the projects undertaken by the applicant. This requirement of endorsement by persons related to the projects undertaken by the applicant under section 8B(8) is considered more appropriate than the requirement under section 8B(4) of endorsement by any AP/RSE or HKCA. Under the circumstances, the requirement under section 8B(4) is not essential for the BA in considering an application.

## Proposal

10. In view of paragraphs 7 to 9 above, we propose the following amendments to the BO:

- (a) to increase the registration period of AP/RSE from 1 year to 5 years (Clause 4(p) & (v));
- (b) to drop the 1-year arrangement for the registration period of RC (Clauses 12(c) & (l), 14(b) & (e) and 15(a) & (c)). The registration period for RC will be 3 years, which is shorter than the 5-year registration period for APs/RSEs. Unlike APs/RSEs who are individuals, most of the RCs are companies and their management structure may change from time to time. Moreover, unlike the Registration Boards and the respective professional institutions which ensure the professionalism of architects, engineers and surveyors respectively, there is no independent professional institution governing the continued competence of RCs. Therefore, we consider that the registration of RCs, as compared with that of AP/RSE, should be reviewed more frequently, i.e. every three

---

<sup>1</sup> Section 8B(2) provides that an applicant must satisfy the BA on –

- (a) if it is a corporation, the adequacy of its management structure;
- (b) the appropriate experience and qualifications of his personnel;
- (c) his ability to have access to plant and resources;
- (d) the ability of the person appointed by the applicant to act for the applicant for the purposes of this Ordinance to understand building works and street works through relevant experience and a general knowledge of the basic statutory requirements.

<sup>2</sup> Section 8B(8) provides that the BA is to have regard to the qualifications, competence and experience of –

- (a) the applicant in considering an application for inclusion in the register of general building contractors or the register of specialist contractors;
- (b) the directors, other officers and any person appointed by the applicant to act for it for the purposes of this Ordinance if the applicant is a body corporate.

years.

- (c) to delete section 8B(4) so as to do away with the unnecessary requirement for an applicant to seek endorsement by AP/RSE or HKCA (Clause 12(b)).

## **Conclusion**

11. We believe that the proposals mentioned in this paper can help rationalize the registration regime for AP, RSE and RC and facilitate the registration of the relevant professionals.

Housing, Planning and Lands Bureau  
January 2004