

L.N. 147 of 2011

Building (Administration) (Amendment) Regulation 2011

(Made by the Secretary for Development under section 38 of the Buildings Ordinance (Cap. 123))

1. Commencement

This Regulation comes into operation on 30 December 2011.

2. Building (Administration) Regulations amended

The Building (Administration) Regulations (Cap. 123 sub. leg. A) are amended as set out in sections 3 to 7.

3. Regulation 2 amended (interpretation)

(1) Regulation 2, Chinese text, definition of *認可人士名冊*—

Repeal the full stop

Substitute a semicolon.

(2) Regulation 2—

Add in alphabetical order

“inspectors’ register (檢驗人員名冊) means the register kept under section 3(3B) of the Ordinance;”.

4. Part II heading amended (authorized persons, registered structural engineers, registered geotechnical engineers and registered contractors)

Part II, heading—

Repeal

“AUTHORIZED PERSONS, REGISTERED STRUCTURAL ENGINEERS, REGISTERED GEOTECHNICAL ENGINEERS AND REGISTERED CONTRACTORS”

Substitute

“Authorized Persons, Registered Structural Engineers, Registered Geotechnical Engineers, Registered Inspectors and Registered Contractors”.

5. Regulation 3 amended (qualification for inclusion in register)

(1) After regulation 3(4A)—

Add

“(4B) A person must not be included in the list of architects in the inspectors’ register unless—

- (a) the person is an authorized person in the list of architects in the authorized persons’ register and complies with paragraph (8);
- (b) the person is a registered architect and complies with paragraph (9); or
- (c) the person is nominated in accordance with section 3(7AA)(b)(i) of the Ordinance.

(4C) A person must not be included in the list of engineers in the inspectors’ register unless—

- (a) the person is an authorized person in the list of engineers in the authorized persons’ register, or a registered structural engineer, and complies with paragraph (8);
- (b) the person is a registered professional engineer in the building or structural engineering discipline and complies with paragraph (9);
- (c) the person is a registered professional engineer in the building services (building), civil or materials (building) engineering discipline and complies with paragraph (10); or

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- (d) the person is nominated in accordance with section 3(7AA)(b)(ii) of the Ordinance.
- (4D) A person must not be included in the list of surveyors in the inspectors' register unless—
- (a) the person is an authorized person in the list of surveyors in the authorized persons' register and complies with paragraph (8);
 - (b) the person is a registered professional surveyor in the building surveying division and complies with paragraph (9);
 - (c) the person is a registered professional surveyor in the quantity surveying division and complies with paragraph (10); or
 - (d) the person is nominated in accordance with section 3(7AA)(b)(iii) of the Ordinance.
- (4E) A person falling within—
- (a) subparagraph (a) or (c) of paragraph (4B);
 - (b) subparagraph (a) or (d) of paragraph (4C); or
 - (c) subparagraph (a) or (d) of paragraph (4D),
- may be included, as provided in that paragraph, in the list of architects, the list of engineers or the list of surveyors in the inspectors' register without recommendation by an Inspectors Registration Committee.”.
- (2) Regulation 3(6)—
- Repeal**
- “Every”
- Substitute**
- “Subject to paragraph (7), every”.
- (3) After regulation 3(6)—

Add

- “(7) Paragraph (6) does not apply to an applicant for inclusion in the inspectors’ register.
- (8) An applicant for inclusion in the inspectors’ register under paragraph (4B)(a), (4C)(a) or (4D)(a) must satisfy the Building Authority that, within the 7 years preceding the date of application, the applicant has had appropriate practical experience gained in Hong Kong in any building repair and maintenance project as an authorized person, registered structural engineer, registered architect, registered professional engineer or registered professional surveyor.
- (9) An applicant for inclusion in the inspectors’ register under paragraph (4B)(b), (4C)(b) or (4D)(b) must, for a period or periods in aggregate of not less than 1 year within the 3 years preceding the date of application, have had the practical experience in building construction, repair and maintenance gained in Hong Kong that the Inspectors Registration Committee considers appropriate in the case of the application.
- (10) An applicant for inclusion in the inspectors’ register under paragraph (4C)(c) or (4D)(c) must, for a period or periods in aggregate of not less than 3 years and of which at least 1 year falls within the 3 years preceding the date of application, have had the practical experience in building construction, repair and maintenance gained in Hong Kong that the Inspectors Registration Committee considers appropriate in the case of the application.”.

6. Regulation 4 amended (requirements upon application for inclusion in register)

- (1) Regulation 4(1)—

Repeal everything before the dash

Substitute

“(1) Every person (other than a person mentioned in regulation 3(4B)(a) or (c), (4C)(a) or (d) or (4D)(a) or (d)) applying for inclusion in the authorized persons’ register, structural engineers’ register, geotechnical engineers’ register or inspectors’ register must”.

(2) Regulation 4(1)(b)—

Repeal

“or geotechnical engineers”

Substitute

“, geotechnical engineers’ register or inspectors”.

(3) After regulation 4(1)—

Add

“(1A) A person mentioned in regulation 3(4B)(a) or (c), (4C)(a) or (d) or (4D)(a) or (d) applying for inclusion in the inspectors’ register must produce to the Building Authority documentary evidence to prove compliance with the requirements of regulation 3.”.

7. Regulation 5A added

Part II, after regulation 5—

Add

“5A. Registered inspector not to deal in building materials etc. without disclosure to client

A registered inspector must not deal in building materials or receive any payment, commission, advantage or benefit of any kind, whether directly or indirectly, from any contractor, sub-contractor or supplier of building materials or other goods used in or in connection with any building works without disclosing the fact, in writing, to the registered inspector’s client.”.

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Carrie LAM
Secretary for Development

26 October 2011

Explanatory Note

The object of this Regulation is to—

- (a) set out the qualifications and requirements for a person to be included in the inspectors' register; and
- (b) restrict a registered inspector from receiving advantage or benefit of any kind from any contractor, sub-contractor or supplier of building materials, unless the registered inspector has disclosed the fact to his or her client.