



CONSTRUCTION  
INDUSTRY COUNCIL  
建造業議會

**Registered Specialist Trade Contractors Scheme**  
**Rules and Procedures for the Register of Subcontractors**

**January 2024**

## **Table of Contents**

Part 1 - Defined Terms and Interpretation .....	3
Part 2 - Rules for Administration of the Register of Subcontractors .....	6
Part 3 - Regulatory Actions .....	11
Part 4 - Appeal.....	16
Part 5 - Miscellaneous Provisions .....	18
Schedule 1 - Trade Classification .....	20
Schedule 2 - Registration Requirements and Definitions .....	24
Schedule 3 - Integrity Policy and Code of Conduct Guidance Document .....	26
Schedule 4 - Fees Schedule .....	31
Schedule 5 - Examples of Government Registration Schemes.....	32

## **Part 1 – Defined Terms and Interpretation**

### **1. Definitions**

1.1. In this set of rules and procedures, unless the context otherwise requires –

- a) “Appeal Panel” means an appeal panel appointed under Clause 13;
- b) “Business” means an entity with a valid business registration including but not limited to incorporated companies, partnerships and individuals;
- c) “Committee” means the Committee on Registered Specialist Trade Contractors Scheme established by the Construction Industry Council under Section 15 of the Ordinance for the administration of the Scheme;
- d) “Construction Industry Council” or “CIC” means the body established under the Ordinance;
- e) “Construction site” means the lands and other places (including the sea) under, over, on, in or through where construction work is undertaken and also any other lands or places which is used for the storage of materials or plant used or intended to be used for the purpose of the construction work, and includes both a public or private sector construction site in Hong Kong;
- f) “Decision Date” means the date on which the Committee approves or rejects an application under Clauses 4, 5, 6 and 12 below or the date on which the Committee cancels the registration of a Registered Subcontractor under Clause 9 below;
- g) “Employee” means an employee engaged according to “Employment Ordinance” (Cap. 57), but not includes temporary employee and part-time employee;
- h) “Government Registration Schemes” means registration schemes implemented by the bureaux and departments of HKSAR Government. Examples are listed in Schedule 5;
- i) “Misconduct” means any unlawful behaviour involving corruption or fraud or breach of faith whether or not the person charged with an offence is convicted for offence involving the unlawful behaviour but a conviction of a criminal offence shall be conclusive for the requirement of misconduct. “Suspected misconduct” shall be construed accordingly but if the person is charged with any offence involving corruption, fraud or breach of faith, it shall be conclusive for the requirement of suspected misconduct. For the purpose of determining

whether a registered subcontractor has committed acts of misconduct or suspected misconduct, the acts or omissions of the following persons shall be deemed to be the acts or omissions of the registered subcontractor:

- (i) a director/proprietor/partner of the registered subcontractor or a participant/ shareholder of a joint venture contractor; or
  - (ii) any person who, under the immediate authority of the board of directors of the registered subcontractor, exercises managerial functions; or
  - (iii) any employee, agent or sub-contractor of the registered subcontractor (other than the persons referred to in (i) or (ii) above), if the registered subcontractor has knowledge (actual or implied) or ought to have known or is being reckless as to the misconduct or suspected misconduct of the employee(s), agent(s) or sub-contractor(s) concerned;
- j) "Ordinance" means the Construction Industry Council Ordinance (Cap. 587);
- k) "Register" means the Register of Subcontractors established and administered under Clause 3 below and Section 5(e) and Section 7(2)(g) of the Ordinance;
- l) "Registered Subcontractor" means a company listed on the Register;
- m) "Registration Particulars" means the items of information in application forms or submitted documents;
- n) "Registration Requirements" means the prescribed requirements for registration to the Register set out in Schedule 2;
- o) "Registration Undertaking" means the prescribed undertaking in the specified form;
- p) "Scheme" means the Registered Specialist Trade Contractors Scheme of the Construction Industry Council established and administered under Section 5(e) and Section 7(2)(g) of the Ordinance;
- q) "Scheme Website" means the website providing public access to the Registration Particulars published in accordance with Clause 10 below and other announcements related to the Scheme;
- r) "Secretariat" means the Secretariat of the Construction Industry Council;
- s) "Specialty" means a specialty grouped under the trades listed in Schedule

1 or other specialties relevant to the trades;

t) "Trade" means a trade set out in Schedule 1.

## **2. Interpretation**

2.1. In this set of Rules and Procedures, except where the context otherwise requires –

- a) words importing the singular shall include the plural and vice versa;
- b) words importing any gender shall include the other genders; and
- c) headings are for ease of reference only and do not affect interpretation.

2.2 No principles of construction shall apply to the disadvantage of a party because that party was responsible for the preparation of this set of Rules and Procedures or any part of it.

2.3 In the event of any inconsistency or conflict between the English and Chinese versions of this set of Rules and Procedures, the former shall prevail.

## **Part 2 – Rules for Administration of the Register of Subcontractors**

### **3. General**

- 3.1. The Register of Subcontractors shall comprise of Businesses carrying out works in Trades and Specialties.
- 3.2. Registered Subcontractors shall fulfill the Registration Requirements specified according to Trades and Specialties.
- 3.3. The Committee reserves the right to amend these Rules and Procedures, including but not limited to any criteria pertaining to the administration of the Register without reference to the Registered Subcontractor and any such amendments will be announced on the Scheme Website.

### **4. Application for Registration**

- 4.1. A Business may apply to the Committee for registration under the Scheme. By making an application for registration under the Scheme, the Business unconditionally accepts these Rules and Procedures and any future amendments or additions thereto published by the Committee. Failure or refusal to observe these Rules and Procedures may lead to the refusal or removal of registration, or refusal of renewal of registration, for a Trade or Specialty.
- 4.2. An application for registration under the Scheme shall be –
  - a) made to the Committee in the specified form; and
  - b) accompanied by the prescribed fees and documents.
- 4.3. Subject to Clause 4.5 below, the Committee shall not register a Business as a Registered Subcontractor unless the Committee at its sole discretion is satisfied that –
  - a) the Business meets all the relevant Registration Requirements; and
  - b) the Business is suitable for registration.
- 4.4. A Business may apply for registration on the Register subject to compliance with the Registration Requirements set out in Schedule 2. Entry requirements R1 to R3 set out in Schedule 2 shall be –
  - a) Requirement R1  
completion of at least one job within the last five years as a main contractor / subcontractor in the trades and specialties for which registration is applied; or, comparable experience acquired by the applicant or its proprietors, partners

or directors within the last five years.

OR

b) Requirement R2

listings on one or more Government Registration Schemes relevant to the trades and specialties for which registration is sought.

OR

c) Requirement R3

the company's proprietor, partner or director having been employed by a Registered Subcontractor for at least five years with experience in the trade / specialty applying for and having completed all the modules of the Project Management Training Series for Sub-contractors (or equivalent) conducted by the Construction Industry Council (CIC); or

the company's proprietor, partner or director having registered as Registered Skilled Worker under the Construction Workers Registration Ordinance (Cap. 583) for the relevant trade / specialty with at least five years experience in the trade / specialty applying for and having completed the Senior Construction Workers Trade Management Course (or equivalent) conducted by the CIC.

4.5. The Committee may impose additional conditions for registration on any individual Business applicants as it thinks fit.

4.6. Having regard to needs of the Trades and Specialties, the Committee may approve and register a Business as a Subcontractor even if the Business does not fully satisfy the Registration Requirements.

4.7. A registration under the Scheme is not transferrable.

## **5. Expiry and Renewal of Registration**

5.1. Subject to Clause 5.2 and 5.6 below –

a) any registration of a Registered Subcontractors shall expire on a date specified by the Committee in accordance with Clause 5.1b) below; and

b) the date so specified shall be not less than 36 months after the Decision Date for that application for registration or renewal of registration under the Scheme.

5.2. A Registered Subcontractor may apply for the renewal of its registration. An application for renewal of registration shall be –

a) made to the Committee in the specified form not earlier than 6 months before

and not later than 3 months before the specified date of expiry of the Registered Subcontractor's registration; and

b) accompanied by the prescribed fees and documents.

5.3. Provided that supporting documents are not required for trades or specialties of Registered Subcontractors satisfying the following conditions –

a) the trades or specialties are registered or renewed through entry requirement R1 or R3 in the previous application for registration, inclusion of additional trades or renewal; and

(i) the experience submitted in the previous application for satisfying the entry requirements in relation to the trades and specialties is obtained within five years of the expiry of the current registration; or

(ii) the first time registration through complying the requirement R3 being within five years of the expiry of the current registration.

5.4. Subject to Clauses 5.6 below, the Committee shall not renew the registration of any Registered Subcontractors unless the Committee at its sole discretion is satisfied that –

a) the Registered Subcontractor meets all the relevant renewal Requirements; and

b) the Registered Subcontractor is suitable for renewal.

5.5. The Committee may impose additional conditions for the renewal of registration of a Registered Subcontractor as it thinks fit.

5.6. If the Registered Subcontractor has made an application for renewal of registration within the specified period prescribed in Clause 5.2 a) above, its registration will continue to be in force until its application for renewal is determined by the Committee, even if the expiry date shown in the Register has elapsed.

5.7. If the application for renewal of registration is made at times outside the specified period mentioned in Clause 5.2 a) above, the Registered Subcontractor may be removed from the Register upon expiry until the application for renewal of registration is duly processed.

## **6. Change of Registration Particulars, Trades and Specialties**

6.1. A Registered Subcontractor shall update the Committee of any changes of its Registration Particulars within 14 calendar days after such changes have taken effect. An update shall be made to the Committee in the specified form.



- 6.2. A Registered Subcontractor who, without reasonable excuse, contravenes Clause 6.1 above may be subject to regulatory actions taken in accordance with Clause 12 below.
- 6.3. The Committee shall not change or add Trades and Specialties of a Registered Subcontractor unless the Committee is satisfied that -
- a) the Registered Subcontractor meets all the relevant requirements of changes of Registration; and
  - b) the Registered Subcontractor is suitable for registration with the Trade and Specialties to be changed or added.
- 6.4. For the avoidance of doubt, the change of Registration Particulars, Trades or Specialties will not extend the validity period of a registration as specified under Clause 5.1 above.

## **7. Fees**

- 7.1. All applicants under Clauses 4, 5 and 6 above shall submit their applications with fee as prescribed in the Schedule 4, unless exempted by the Committee at its sole discretion.

## **8. Clarification and Additional Information**

- 8.1. The Secretariat may seek clarifications or supplemental information, including clarification from an applicant's job referees, on the information and documents submitted by an applicant from time to time to facilitate and complete the approval process. If a satisfactory response is not received by the Secretariat within 14 calendar days from the date of the request, the application may not be further considered.
- 8.2. All information and documents provided by an applicant will not be returned.

## **9. Change or Cancellation of Registration**

- 9.1. The Committee may change the Trades or Specialties of a Registered Subcontractor or remove the Registered Subcontractor from the Register at any time if the Committee is satisfied that:
- a) the Registered Subcontractor is adjudged bankrupt or wound-up;
  - b) the Registered Subcontractor is not entitled to be registered at the time.
  - c) the registration of the Registered Subcontractor has expired under Clause 5.1a) above and no renewal application has been made within the specified

period prescribed in Clause 5.2 a); or

- d) following a regulatory action under Clause 12 below, it was determined that the registration be revoked.

## **10. Publication of Registration Particulars**

- 10.1. Upon approval of registration, the Registration Particulars of the Registered Subcontractor will be published on the Scheme Website.
- 10.2. Information published in the Scheme Website will be updated to take into account of subsequent renewals, updates, cancellations of the Registered Subcontractor's registration and any regulatory actions taken against the Registered Subcontractor.

## **11. Integrity Management and Code of Conduct**

- 11.1. A Registered Subcontractor shall be responsible for the good behavior of its employees and agents in relation to any construction works undertaken by the Registered Subcontractor.
- 11.2. The Registered Subcontractor shall advise its employees and agents that they are prohibited from offering or giving any advantage or excessive entertainment to, or to solicit or accept any advantage or excessive entertainment from, any employees and agents (including their members of family) of the Government or any Businesses in relation to any construction works undertaken by the Registered Subcontractor.
- 11.3. A Registered Subcontractor shall establish and promulgate its Company Integrity Policy and Code of Conduct with reference to Schedule 3.

## **Part 3 – Regulatory Actions**

### **12. Regulatory Actions**

12.1. The Committee may conduct an inquiry into any conduct of a Registered Subcontractor if the Committee has reasonable cause to suspect the Registered Subcontractor no longer meets any of the Registration Requirements or has fallen into any of the circumstances set out under Clause 12.2 below. In such a case, the Registered Subcontractor shall answer to queries or provide information within prescribed time as specified by the Committee.

12.2. The circumstances that may lead to regulatory actions be taken against a Registered Subcontractor include, but are not limited to -

- a) a petition for winding-up or bankruptcy has been filed against the Registered Subcontractor or other financial problems;
- b) failure to answer queries or provide information relevant to the registration within the prescribed time specified by the Committee;
- c) misconduct or suspected misconduct of the Registered Subcontractor;
- d) court conviction or violation of any law by the Registered Subcontractor, including but not limited to Factories and Industrial Undertakings Ordinance (Cap. 59), Occupational Safety and Health Ordinance (Cap. 509), Employment Ordinance (Cap.57), Mandatory Provident Fund Schemes Ordinance (Cap.485), Immigration Ordinance (Cap.115), Prevention of Bribery Ordinance (Cap. 201), Construction Industry Council Ordinance (Cap. 587), Construction Workers Registration Ordinance (Cap.583);
- e) matters of public interest;
- f) causing or contributing to the occurrence of a serious incident taking place in any public or private construction site; “serious incident” means an incident involving either one or a combination of the following –
  - (i) loss of life;
  - (ii) serious bodily injury resulting in a loss or an amputation of a limb or permanent total disablement to the injured;
  - (iii) dangerous occurrence or incident leading to or resulting in injuries that are considered serious or damage to works or property that posed a potential threat to public safety;
- g) serious or suspected serious poor performance in any public or private sector works contract; and

- h) the Registered Subcontractor's failure to comply with any provisions of the Rules and Procedures for the Scheme.

12.3. After receiving answers to queries or information provided pursuant to Clause 12.1 above, or if the prescribed time under Clause 12.1 above has lapsed without any response from the Registered Subcontractor, if the Committee considers there is a prima facie case that the Registered Subcontractor no longer meets any of the Registration Requirements or has fallen into any of the circumstances set out under Clause 12.2 above, the Committee may conduct a hearing to decide whether to impose regulatory action. Alternatively, the Committee may impose regulatory action without a hearing pursuant to Clause 12.11 below. Where a hearing is to be conducted, the Secretariat shall give the Registered Subcontractor concerned not less than 14 calendar days written notice advising the time and place for the hearing and the grounds for initiating regulatory proceedings.

12.4. At the hearing, the Registered Subcontractor or its proprietor/partner must attend in person or authorize their directors or employee representatives to attend and make oral representations. If the Registered Subcontractor needs to bring along other relevant persons who are not its directors/proprietor/partners or employees to attend the hearing, such persons can only give opinions to the representatives of the Registered Subcontractor at the hearing, and cannot replace the representatives to make statements and communicate with the Committee unless approved by the chairperson of the Committee. The Registered Subcontractor or its authorized representatives may also make written representations before the hearing. If such representations have to be reiterated at the hearing, which must also be made by the directors or employee representatives of the Registered Subcontractor. If there is no representative of the Registered Subcontractor attend the hearing, the Committee may adjourn the hearing or proceed with the hearing and make a decision.

12.5. After the hearing, the Committee may impose regulatory actions by directing that -

- a) written warning be given to the Registered Subcontractor;
- b) the Registered Subcontractor be suspended from registration for a specified period;
- c) the registration of the Registered Subcontractor be revoked.

For the avoidance of doubt, regulatory action may be imposed on any Trade and/or Specialty, irrespective of the direct relationship to the regulatory situation.

12.6. Where a hearing is conducted, the decision of the Committee shall be notified to the Registered Subcontractor in writing within 21 calendar days from the hearing and subject to the Clause 13.3 below, the corresponding action will be executed by the Secretariat after the expiry of the time limited for the filing of the notice of appeal under Clause 13.1 below.

- 12.7. All regulatory actions imposed by the Committee after a hearing, other than written warnings given under Clause 12.5(a) above, shall be published on the Scheme Website after the expiry of the period for lodging an appeal. However, if an appeal is lodged, such publication of the regulatory action taken shall be suspended until and be subjected to the result of appeal process in accordance with Part 4 below.
- 12.8. A Registered Subcontractor whose registration has been revoked under Clause 12.5 c) shall not be eligible for re-registration for a period of two years from the date of revocation.
- 12.9. A Business with its sole director or proprietor being one of the directors, partners or proprietor of a Registered Subcontractor or Registered Specialist Trade Contractor subject to a regulatory action shall not be accepted by the Committee in an application for registration within the period of the inquiry, hearing, suspension or within two years from the date of revocation of the registration of such Registered Subcontractor or Registered Specialist Trade Contractor subject to regulatory action.
- 12.10. A Business with one or more of the director(s), proprietor(s) or partner(s) being director(s), proprietor(s) or partner(s) of another Registered Subcontractor or Registered Specialist Trade Contractor subject to a regulatory action, the job experience of such director(s), proprietor(s) or partner(s) shall not be taken into account by the Committee in the application for registration if such application is submitted within the period of the inquiry, hearing, suspension or within two years from the date of revocation of the registration of such Registered Subcontractor or Registered Specialist Trade Contractor subject to regulatory action.
- 12.11. If, having taken into account answers to queries or information provided pursuant to Clause 12.1 above (or if the prescribed time under Clause 12.1 above has lapsed without any response from the Registered Subcontractor) the Committee considers that the Registered Subcontractor has fallen into the circumstances at Clause 12.2(d) above, and all of the following criteria a) to c) are satisfied, the Committee may at its sole discretion decide, without conducting a hearing, to impose regulatory action by directing that a written warning be given to the Registered Subcontractor.
- a) The Clause 12.2(d) circumstance under consideration involves conviction(s) under the Employment Ordinance (Cap. 57), the Mandatory Provident Fund Schemes Ordinance (Cap. 485) or the Construction Workers Registration Ordinance (Cap. 583) which are in the view of the Committee relatively minor in severity.
  - b) In the 12 month period prior to the conviction(s) in question, the Registered Subcontractor has not been convicted under the same Ordinance(s).
  - c) The Committee considers that there are no facts or matters involved which need to be determined by way of a hearing.

For the avoidance of doubt, the Committee retains all rights to conduct a hearing for circumstances falling under a) and b) above.

- 12.12. Where the Committee imposes regulatory action pursuant to Clause 12.11 above, the decision shall be notified to the Registered Subcontractor in writing within 21 calendar days from such decision, and subject to Clause 13.3 below, the corresponding action will be executed by the Secretariat after the expiry of the time limited for the filing of a notice of appeal under Clause 13.1 below if no notice of appeal had been filed within such time limit.

**12A. Immediate Suspension from Registration due to Occurrence of Serious Incident**

- 12A.1. Notwithstanding Clause 12 above, where the Committee considers that a Registered Subcontractor may have caused or contributed to the occurrence of a serious incident (as defined at Clause 12.2.**Error! Reference source not found.** above) in any public or private construction site, the Committee may immediately suspend such Registered Subcontractor from registration of all Trades or Specialties ("Immediate Suspension").
- 12A.2. The Committee shall notify the Registered Subcontractor subject to Immediate Suspension in writing and the name of such Registered Subcontractor and the fact of its Immediate Suspension shall be published on the Scheme Website. The Immediate Suspension shall take effect from the date of issue of the written notification of the Immediate Suspension. An Immediate Suspension shall remain in effect until all criteria at Clause 12A.3 below have been satisfied and the Committee has notified the Registered Subcontractor in writing of the lifting of the Immediate Suspension. The lifting of an Immediate Suspension shall take effect from the date of the issue of the written notification for the same.
- 12A.3. The criteria for lifting an Immediate Suspension are as follows:
- a) The completion of an independent safety audit to the satisfaction of the Committee. The arrangements for the independent safety audit shall be as follows:
    - (i) The Registered Subcontractor shall appoint a registered safety auditor to conduct an independent safety audit in relation to the relevant site. The registered safety auditor shall be registered pursuant to the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59AF), and shall be independent of the Registered Subcontractor and not associated with the relevant site.
    - (ii) The independent safety audit shall cover the elements set out in Schedule 4 to the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59AF) which the registered safety auditor considers are applicable, and shall consider such elements in the context of the serious incident in question.
    - (iii) Satisfactory completion of the independent safety audit shall be deemed upon the Committee's receipt from the Registered Subcontractor of the registered safety auditor's written safety audit report, together with (where applicable) the registered safety auditor's certification of the implementation of any recommended safety improvements. However, if the Committee has reason to believe that a safety audit was not duly carried out in accordance with this Clause 12A.3(a), the Committee

reserves the right to deem the safety audit not satisfactorily completed. If the Immediate Suspension has already been lifted, the Committee may re-impose the Immediate Suspension until a new safety audit is satisfactorily completed.

and

- b) The expiry of a period of time (normally 3 months) determined by the Committee at its sole discretion which shall be stated in the written notification to the Registered Subcontractor of the Immediate Suspension.

12A.4. Notwithstanding Clause 12A.3 above, where exceptional extenuating circumstances exist, the Committee retains the sole discretion to lift an Immediate Suspension at any time if it considers it appropriate. Save as aforesaid, the decision to impose or not impose an Immediate Suspension is final and not subject to any appeal.

12A.5. For the avoidance of doubt:

- a) Notwithstanding whether or not an Immediate Suspension is imposed in respect of a serious incident, the Committee retains the right to conduct an inquiry and/or impose regulatory action in respect of the same incident pursuant to Clause 12 above.
- b) The imposition or non-imposition of an Immediate Suspension is not to be taken as a finding of whether a Registered Subcontractor did or did not cause or contribute to the occurrence of a serious incident. The findings of any subsequent inquiry by the Committee pursuant to Clause 12 above into a serious incident: (i) shall be without prejudice from the previous imposition or non-imposition of an Immediate Suspension in respect of the same serious incident, and (ii) is without prejudice to and has no effect on the validity or effect of the imposition or non-imposition of an Immediate Suspension in respect of the same serious incident.
- c) When determining the imposition of regulatory action pursuant to Clause 12.5 above, the Committee may take into account any previously imposed Immediate Suspension on the Registered Subcontractor for the same serious incident.

## **Part 4 – Appeal**

### **13. Right of Appeal**

- 13.1. An applicant or Registered Subcontractor aggrieved by the decision of the Committee may appeal such decision by filing within 14 calendar days of the notification of such decision to the applicant or Registered Subcontractor (“Appellant”), a written notice with the Secretariat by post setting out the grounds for the appeal.
- 13.2. An appeal hearing shall be held within 60 calendar days after the deadline for making the appeal request. The Secretariat shall give the Appellant not less than 14 calendar days written notice advising the time and place for the appeal hearing.
- 13.3. For the avoidance of doubt, any corresponding actions of the Committee's decisions pending appeal will not be executed by the Secretariat until after the Appeal Proceedings are completed.

### **14. Appeal Panel**

- 14.1. An Appeal Panel shall comprise a chairman and two members appointed by the Construction Industry Council, all of whom shall not be involved with the potential decision being appealed against.

### **15. Appeal Proceedings**

- 15.1. Proceedings of an Appeal shall be conducted in the presence of the chairman and two other members of the Appeal Panel.
- 15.2. At the hearing of the appeal, the Appellant or its proprietor/partner must attend in person or authorize their directors or employee representatives to attend and make oral representations. If the Appellant needs to bring along other relevant persons who are not its directors/proprietor/partners or employees to attend the appeal hearing, such persons can only give opinions to the representatives of the Appellant at the appeal hearing, and cannot replace the representatives to make statements and communicate with the Appeal Panel unless approved by the chairman of the Appeal Panel. The Appellant or its authorized representatives may also make written representations before the appeal hearing. If there is no representative of the Appellant attend the appeal hearing, the Appeal Panel may adjourn the hearing or proceed with the hearing and make a decision on the appeal.
- 15.3. The Appeal Panel may uphold, reverse or vary any decisions reached by the Committee. The decision shall be taken effect from the date specified by the Appeal Panel.



15.4. The decision of the Appeal Panel shall be notified to the Appellant in writing within 21 calendar days of the hearing day of the appeal and is final.

## **Part 5 – Miscellaneous Provisions**

### **16. Confidentiality**

- 16.1. Information submitted in regulatory actions and appeals will only be used for that regulatory action and appeal which will be kept confidential (unless required by relevant laws and courts).

### **17. Service of Notice**

- 17.1. Any notice of decisions made by the Construction Industry Council, Committee, Appeal Panel or the Secretariat will be delivered by post to applicant's or Registered Subcontractor's address as stated in the applicant's application form or the Register.

### **18. Correction of errors on Register**

- 18.1. The Secretariat may correct any error of the Register, including any omissions.

### **19. Personal Data**

- 19.1. By submitting an application, the applicant or Registered Subcontractor shall be deemed to have consented to the disclosure of any information in relation to the application for regulatory purpose, regardless of whether or not the application is successful.
- 19.2. By submitting the application for registration under the Scheme, the applicant shall also be deemed to have consented to the publication of Registration Particulars on the Scheme Website for public information after registration under the Scheme.
- 19.3. The personal data provided as part of the registration process will be used by the Construction Industry Council to process the application, to conduct research and surveys, to promote the Scheme or related activities of the construction industry and to enforce its rights and powers under this set of Rules and Procedures. The provision of personal data is obligatory. If the applicant or the Registered Subcontractor does not provide sufficient information, the Construction Industry Council or the Committee may not be able to process and / or consider its application.
- 19.4. The applicant or the Registered Subcontractor shall ensure the collection, handling and use of personal data of its employees or other personnel in relation to the registration are in accordance with the Personal Data (Privacy) Ordinance (Cap. 486). This includes the transfer of the personal data to the Construction Industry Council.

- 19.5. The applicant or Registered Subcontractors have the right to access and correlation with respect to personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486). Their right of access includes the right to obtain a copy of the personal data provided in the application.
- 19.6. Written data access and correction requests should be addressed to Assistant Director – Registration Services at Construction Industry Council, 38/F, COS Centre, 56 Tsun Yip Street, Kwun Tong, Kowloon, Hong Kong.

## **20. Governing Law**

- 20.1. These rules and procedures shall be governed by and construed in accordance with the laws of Hong Kong.

## Schedule 1 - Trade Classification

Group		Trade		Specialty
<b>1. Structural and civil</b>	1.2	Foundation and Piling	1.2.1	Sheet piles
			1.2.2	Bored piles
			1.2.3	Driven piles
			1.2.4	Diaphragm walls
			1.2.5	Micro piles
			1.2.6	Hand-dug caisson
	1.8	Structural Steelwork		
	1.9	General Civil Works	1.9.1	Earthwork
			1.9.2	Roadworks
			1.9.3	Road drainage and sewer
			1.9.4	Geotechnical works
			1.9.5	Marine works
			1.9.6	Ground investigation
	1.10	Other Structural and Civil Trades	1.10.1	Pre-stressing system
			1.10.2	Expansion joints
			1.10.3	Heavy lifting
			1.10.5	Concrete repair
			1.10.6	Asbestos removal
<b>2. Finishing</b>	2.2	Marble, Granite and Stone Work	2.2.1	Marble/granite work
			2.2.2	Stone mason
	2.3	Joinery and carpentry	2.3.1	Cabinetry
			2.3.2	Wooden flooring
			2.3.3	Partition walls
			2.3.4	Work/counter top
	2.4	Window Fabrication and Installation	2.4.1	Aluminium window/louvers
			2.4.2	Steel windows/louvers
			2.4.4	Other window system (such as mild steel and PVC)
	2.5	Shutters/Doors Fabrication and Installation	2.5.1	Timber doors
			2.5.2	Metal doors
			2.5.3	Automatic sliding door
			2.5.4	Stainless steel door
			2.5.5	Roller and folding security shutter

Remarks: 1.1 Demolition, 1.3 Concreting Formwork, 1.4 Reinforcement Bar Fixing, 1.5 Concreting, 1.6 Concrete Precast Component, 1.7 Scaffolding, 1.10.4 Surveying and Setting Out, 1.11 Building Maintenance, 2.1 Finishing Wet Trades and 2.4.3 Curtain wall/glass wall, 2.10.7 False Ceiling, 2.11 Renovation and Fitting-out, 3.15.2 Building drainage and sewers and 4.1 Tower Crane are applicable for the Register of Specialist Trade Contractors.

Group	Trade	Specialty
		2.5.6 Fire rated door
		2.5.7 Fire shutter
	2.6 Tanking and Waterproofing	
	2.7 Painting	2.7.1 Brush painting
		2.7.2 Spray painting
	2.8 Metal Work	2.8.1 Metal work
		2.8.2 Stainless steel work
		2.8.3 Metal roof/skylight/cladding/ space frame
	2.9 Landscaping	2.9.1 Soft landscaping
		2.9.2 Hard landscaping
	2.10 Other Finishing Trades and Components	2.10.1 Glazier work
		2.10.2 Ironmongery
		2.10.3 Artificial rocks
		2.10.5 Sports and playground equipment/surface
		2.10.6 Raised floor
		2.10.8 Toilet and shower cubicle system
		2.10.9 Dry wall system
		2.10.10 Signage and graphics
		2.10.11 Acoustic
		2.10.12 Fiber reinforced plastic panels
		2.10.13 Miscellaneous work
<b>3. E &amp; M</b>	3.1 Broadcast Reception Installation	
	3.2 Burglar Alarm and Security	
	3.3 Diesel Generator Installation	
	3.4 Electrical	3.4.1 Electrical wiring
		3.4.2 General electrical installation
		3.4.3 Electrical control and power panel assembly
	3.5 Electrical and Mechanical Installation for Sewage Treatment	
	3.6 Fire Services Installation	3.6.1 Fire services pipe work
		3.6.2 Fire services electrical fittings
	3.7 Fountain installation	
	3.8 Heating, Ventilation, and Air-conditioning	3.8.1 HVAC pipe work
		3.8.2 HVAC mechanical fitting
		3.8.3 HVAC control
		3.8.4 Sheet metal and ducting
		3.8.5 Insulation
	3.9 Industrial Type Electrical	

Group	Trade	Specialty
	Installation	
3.10	Lift and Escalators	3.10.1 Escalators and moving walkways mechanized fittings
		3.10.2 Lifts mechanical fitting
3.11	Liquefied Petroleum Gas Installation	
3.12	Low Voltage Cubicle Switchboard	
3.13	Mechanical Handling and Lifting	
3.14	Mechanical Plant and Equipment	
3.15	Plumbing	
3.16	Steam and Compressed Air Installation	
3.17	Supply and Installation of Pumpsets and Associated Equipment	
3.18	Supply and Installation of Water Treatment Plant	
3.19	Swimming Pool Water Treatment Installation	
3.20	Uninterruptible Power Supply	
3.21	Other E&M Trades	3.21.1 Security and communication system
		3.21.2 Building automation system
		3.21.3 General mechanical fitting
		3.21.4 Signage
		3.21.5 Welding
		3.21.6 Gas installation
		3.21.7 Building maintenance unit
3.22	Audio and Video Electronic Equipment	
<b>4. Supporting Services</b>	4.2 Pipe Network for Delivery of Ready-mixed Concrete	
4.3	Site Lifting Operations	4.3.1 Material hoists
		4.3.2 Derricks
		4.3.3 Deck winching
		4.3.4 Mobile cranes
4.4	Hoarding	
4.5	Temporary Water Supply Installations	
4.6	Temporary Electricity Installations	
4.7	Temporary Protective and Safety Measures	4.7.1 Temporary fences for unfenced edges

Group	Trade	Specialty
4.8	Miscellaneous Cleaning services	4.8.1 Cleaning of completed building units prior to handing over to individual owners

## **Schedule 2 – Registration Requirements and Definitions**

<b>Registration Requirements / Items of Information</b>	<b>Definitions / Supporting Documents</b>
1. Company name and address	Photocopy of effective Business Registration Certification (All applicants shall possess or set up in Hong Kong a place of business as defined in Section 2 of the Business Registration Ordinance (Cap.310))
2. Company proprietors, partners and board of directors	<p>Photocopy of latest Annual Return and receipt issued by the Companies Registry (for incorporated companies only) <sup>Note 1</sup></p> <p>Photocopy of Certified Extracts of Information on Business Register issued by the Inland Revenue Department (Form IRBR 152) (Only for companies NOT incorporated under the Companies Ordinance submitting application for new registration and renewal of registration or notification of changes of registration particulars involving any changes on the name of company's proprietor / partners)</p>
3. Projects undertaken (e.g. scope, nature and value of works, employers) or comparable experience	<p>Photocopy of documents proving satisfactory completion of works or track records of service in the industry, including projects or experience relevant to the trades or specialties for which registration/renewal is sought through entry requirement R1.</p> <p>For application for renewal, supporting documents are NOT required for trades and specialties exempted by the proviso to clause 5.3.</p>
4. Qualifications on Government Registration Schemes	Photocopy of the registration certificates or approval letters granted by bureaux or departments of government, including those relevant to the trades or specialties for which registration/renewal is sought through entry requirement R2.
5. Qualifications / working experiences on proprietors, partners and board of directors	<p>Photocopy of documents proving:</p> <ul style="list-style-type: none"> <li>i. previous employment by a Registered Subcontractor; or</li> <li>ii. passing of relevant trade tests for construction craftsman conducted by the Construction Industry Council (CIC),</li> </ul> <p>and satisfactory proof of having completed the required management courses for subcontractors conducted by the CIC for which registration is sought through entry requirement R3.</p>



Registration Requirements / Items of Information	Definitions / Supporting Documents
<p>6. Trades and specialties for which registration/renewal is sought:</p> <p>6.1 through entry requirement R1</p> <p>6.2 through entry requirement R2</p> <p>6.3 through entry requirement R3</p>	<p>See item 3</p> <p>See item 4</p> <p>See item 5</p>
<p>7. Integrity Policy and Integrity Training</p>	<p>Company Integrity Policy (please make reference to Schedule 3)</p> <p>Integrity training record includes proof of attendance bearing the name of attendant, title, date, duration, organizer of the trainings / activities (applicable to renewal applications only)</p>
<p>8. Site safety record</p>	<p>Safety conviction records means the records of the Labor Department. In any 6-month period in the past 2 years counting from the submission of the application, the applicant shall not be involved in 5 or more safety convictions (each arising out of separate incidents under the same contract or sub-contract), or any fatal incident. Otherwise a safety audit <sup>Note 2</sup> must be completed.</p>
<p>9. Senior management</p>	<p>1. Curriculum vitae of the director / proprietor / partner (including job position &amp; responsibilities, project experience and employment period etc.) to prove he / she possesses experiences in the designated trade the company is applying for;</p> <p>2. If applicable, latest Annual Return Form (NAR1) filed to Companies Registry confirming the identity as company director. For unincorporated businesses, Certified Extracts of Information on Business Register issued by the Inland Revenue Department (Form IRBR 152)</p>

Note 1 Similar documents issued by company registration authorities elsewhere may also be accepted

Note 2 Safety audit must be carried out by an independent third party engaged by the registered company. The independent third party must confirm the registered company had implemented relevant safety improvement measures, otherwise the safety audit would not be considered completed

## Schedule 3 – Integrity Policy and Code of Conduct Guidance Document

### 1.0 General

This Integrity Policy and Code of Conduct Guidance Document describes formulation of integrity policy and the basic standard of conduct expected for all sole proprietor, partners, directors and staff of Registered Subcontractors (RS). The guidelines given in each of the aspects are considered useful to help top management of RSTC to understand the required standard of conduct. Top management of RS are responsible for setting out and promulgating a written company integrity policy and code of conduct in accordance with this guideline document and sample integrity policy.

### 2.0 Integrity Policy

The integrity policy formulated and implemented by the company must be equivalent and not inferior to the sample below:

#### **Sample Integrity Policy**

(name of Company) (“Company”) prohibits all forms of bribery and corruption and is committed to integrity, honesty and anti-corruption practices in doing business. All sole proprietor / partners / directors\* and staff (hereafter referred as “personnel”) must abide by this integrity policy and the associated company rules / guidelines / code of conduct\*.

- Our Company and all personnel have to observe the Prevention of Bribery Ordinance (Cap. 201), the Competition Ordinance (Cap. 619) and other integrity-related laws in Hong Kong Special Administrative Region.
- Our Company does not allow our personnel to solicit or accept any advantages<sup>1</sup> from any individuals or organisations having business dealings with our Company unless permission is granted for the acceptance.
- Our Company prohibits all personnel from offering advantages to any staff or member of a government department or public body while having dealings of any kind with them. We also prohibit all personnel from offering advantages to any individual of organisations, whether directly or indirectly, for influencing them in any dealing, when conducting business with our Company.
- Our Company’s personnel are required to avoid accepting lavish or frequent entertainment from others having business dealings with our Company.
- Our company requires all personnel to avoid any conflict of interest situation, or the perception of such. If unavoidable, the personnel concerned should make a declaration to the approving authority who should decide on the actions for mitigating the conflict.
- Our Company prohibits all personnel from disclosing any classified information without authorisation, and misusing any Company information.
- Our Company has an internal reporting mechanism for our personnel to enquire matters relating to integrity and report possible breaches of integrity requirements. Our Company handles these reports promptly and in strict confidence.
- Our Company strictly forbids retaliation against any personnel who, in good faith, reports possible breaches of integrity requirements or who participates in the inquiry / investigation of the allegation.

- Any personnel in breach of integrity requirements will be subject to internal disciplinary action, including termination of appointment and / or referral to relevant law enforcement agencies. Our Company will render full assistance to law enforcement agencies in the investigation of criminal offences.
- Our Company is committed to partner with ethical business counterparts who share the same value and commit to the same integrity standard.

Name & Signature(s) of Top Management <sup>2</sup>: \_\_\_\_\_

Company Chop: \_\_\_\_\_

Date : \_\_\_\_\_

<sup>1</sup> Advantage is defined under the Prevention of Bribery Ordinance (Cap. 201) covering any gift, loan, fee, reward, commission, office, employment contract, discharge from obligation/liability/loan, service and favour, exercise or forbearance from exercise of right/power/duty, etc.

<sup>2</sup> Top Management means the registered company director under the Companies Ordinance or sole proprietor or partners for unincorporated companies, or person authorized by the company.

\* delete as appropriate

### **3.0 Prevention of Bribery**

#### **3.1 Prevention of Bribery Ordinance**

Under Section 9 of the Prevention of Bribery Ordinance (PBO), any director or staff member who, without the permission of his employer or principal (i.e., the RS), solicits or accepts an advantage as a reward or inducement for doing any act or showing favour in relation to the latter's business, commits an offence. The person offering the advantage also commits an offence. Refer to Section 2 of the PBO for the definition of "advantage".

The RS prohibit all forms of bribery and corruption. All directors and staff are prohibited from soliciting, accepting or offering any bribe in conducting the RS's business or affairs, whether in Hong Kong or elsewhere. In conducting all business or affairs of the RS, they must comply with the Prevention of Bribery Ordinance (POBO) of Hong Kong and must not –

- (a) solicit or accept any advantage from others as a reward for or inducement to doing any act or showing favour in relation to the RS's business or affairs, or offer any advantage to an agent of another as a reward for or inducement to doing any act or showing favour in relation to his principal's business or affairs. Particularly, in the recruitment of workers, it is a strict prohibition of soliciting and / or accepting advantage (such as unauthorised introduction fee) from workers;
- (b) offer any advantage to any public servant (incl. Government / public body employee) as a reward for or inducement to his performing any act in his official capacity or his showing any favour or providing any assistance in business dealing with the Government / a public body; or
- (c) offer any advantage to any staff of a Government department or public body while they are having business dealing with the latter.

### **3.2 Acceptance of Advantage**

The RS's policy shall be that directors and staff do not solicit or accept any advantage for themselves or others, from any person, company or organisation having business dealings with the RS, except that they may accept (but not solicit) the following advantages when offered on a voluntary basis –

- (a) advertising or promotional gifts or souvenirs of a nominal value; or
- (b) gifts given on festive or special occasions, subject to a maximum limit of specified value; or
- (c) discounts or other special offers given by any person or company to them as customers, on terms and conditions equally applicable to other customers in general; or
- (d) gifts or souvenirs of nominal value presented to them in official functions.

No director or staff member of the RS should accept any advantage from a subordinate, except those mentioned in paragraphs (a) and (b) above. Gifts or souvenirs described in paragraph (d) above are deemed as offers to the RS.

The directors and staff members concerned should report the acceptance to the RS and seek direction as to how to handle the gifts or souvenirs from the approving authority with written record. If a director or staff member wishes to accept any advantage not covered in the above-paragraphs, he / she should also seek permission from the approving authority with written record.

However, a director or staff member should decline an offer of advantage if acceptance could affect his / her objectivity in conducting the RS's business or induce him / her to act against the interest of the RS, or acceptance will likely lead to perception or allegation of impropriety.

If a director or staff has to act on behalf of a client in the course of carrying out the RS's business, he / she should also comply with any additional restrictions on acceptance of advantage that may be set by the client.

### **3.3 Offer of Advantage**

Directors and staff are prohibited from offering advantages to any director or staff of another company or organisation, for the purpose of influencing such person or company in any dealings, or any member or staff of a government department or public body while having business dealings with the latter, whether directly or indirectly through a third party, when conducting the RS's business.

### **3.4 Entertainment**

As defined in Section 2 of the PBO, "entertainment" refers to food or drink provided for immediate consumption on the occasion, and any other entertainment provided at the same time. Although entertainment is an acceptable form of business and social behaviour, a director or staff member should avoid accepting overly lavish or frequent entertainment from persons with whom the RS has business dealings (e.g. suppliers or contractors) or from his / her subordinates to avoid placing himself / herself in a position of obligation.

### **3.5 Records, Accounts and other Documents**

Directors and staff should ensure that all records, receipts, accounts or other documents they submit to the RS, give a true representation of the events or business transactions as shown in the documents. Intentional use of documents containing false information to deceive or mislead the RS, regardless of whether there is any gain or advantage involved, may constitute an offence under the PBO.

#### **4.0 Compliance with laws of Hong Kong and in Other Jurisdictions**

Directors or staff shall comply with all local laws and regulations when conducting the RS's business, and also those in other jurisdictions when conducting business there.

#### **5.0 Conflict of Interest**

Directors and staff should avoid any conflict of interest situation (i.e., situation where their private interest conflicts with the interest of the RS) or the perception of such conflicts. They should not misuse their position or authority in the RS to pursue their own private interests which include both financial or personal interests and those of their family members, relatives or close personal friends. When actual or potential conflict of interests arises, the director or staff member should make a declaration to the management through the reporting channel with written record.

Some examples of conflict of interest are described below but they are by no means exclusive –

- (a) A staff member involved in a procurement exercise is closely related to or has financial interest in the business of a supplier who is being considered for selection by the RS;
- (b) One of candidates under consideration in a recruitment or promotion exercise is a family member, a relative or a close personal friend of the staff member involved in the process.
- (c) A director of the RS has financial interest in a company whose quotation or tender is under consideration by the RS.
- (d) A staff member (full-time or part-time) undertaking part-time work with a contractor whom he is responsible for monitoring.

Taking into account individual circumstances of the conflict of interest situations and possible public perception, the management should take appropriate mitigating measures (e.g. restrict the director / employee's involvement in the task, appoint an independent party to oversee the work, redeploy another director / employee to take up the task or, if the situation warrants, request the director / employee to relinquish his private interest). Even if the risk is very remote and no mitigating action is considered necessary, the declared conflict of interest and related decision with justifications should be properly recorded.

#### **6.0 Use of Company Asset**

Directors and staff in charge of or having access to any RS assets, including funds, property, information, and intellectual property, should use them solely for the purpose of conducting the RS's business. Unauthorised use, such as misuse for personal gain, is strictly prohibited.

#### **7.0 Confidentiality of Information**

Directors and staff should not disclose any classified information of the RS without authorization or misuse any RS information (e.g. unauthorized sale of the information). Those who have access to or are in control of such information, including information in the RS's computer system, should at all times protect the information from unauthorized disclosure or misuse. Special care should also be taken in the use of any personal data to ensure compliance with the Personal Data (Privacy) Ordinance.

## **8.0 Outside Employment**

Any full time staff who wish to take up employment outside the RS, shall seek the prior written approval of the approving authority. The approving authority should consider whether the outside employment would give rise to a conflict of interest with the staff's duties or the interest of the Company.

## **9.0 Relationship with Suppliers, Contractors and Customers**

### **9.1 Gambling**

Directors and staff are advised not to engage in frequent gambling activities (e.g. mahjong) with persons having business dealings with the RS.

### **9.2 Loans**

Directors and staff should not accept any loan from, or through the assistance of, any individual or organisation having dealings with the RS. There is however no restriction on borrowing from licensed banks or financial institutions.

[The RS may wish to include other guidelines on the conduct required of directors and staff in their dealings with suppliers, contractors, customers, and other business partners as appropriate to specific trades.]

## Schedule 4 - Fees Schedule

Fees and Charges Items	Fees
	3 Years
Application fee for first-time registration or renewal	\$100
Registration fee* for not more than 15 trades or specialties altogether	\$1,200
For each additional 10 trades or specialties or part thereof, additional registration fee	\$250
e.g. 16 to 25 trades or specialties altogether, total registration fee is	\$1,450
26 to 35 trades or specialties altogether, total registration fee is	\$1,700
and so on	
Application fee for inclusion of additional trades and specialties for not more than 15 trades or specialties altogether	\$370
For each additional 10 trades or specialties (if less than 10, still counted as 10)	\$250
e.g. 16 to 25 trades or specialties altogether, total application fee is	\$620
26 to 35 trades or specialties altogether, total application fee is	\$870
and so on	

Note \* –

The registration fee is payable when submitting application for first-time registration or renewal and is refundable in case an application is withdrawn or not approved by the Committee. All other fees are non-refundable whether an application is successful or not.

## Schedule 5 - Examples of Government Registration Schemes

Bureau / Department	Registration Scheme	Scope
BD	Registered Specialist Contractors	Firms qualified to undertake the specialized works in their corresponding categories under the Buildings Ordinance
EMSD	Registered Electrical Contractors	Electrical contractors registered under the Electricity Ordinance
	Registered Lift Contractors	Lift contractors registered under the Lifts and Escalators (Safety) Ordinance
	Registered Escalator Contractors	Escalator contractors registered under the Lift and Escalators (Safety) Ordinance
	Registered Gas Contractors	Gas contractors registered under the Gas Safety Ordinance
FSD	Fire Service Installation Contractors	Firms qualified to undertake works relating to fire services installations
HA	Works Contractors	Firms that may undertake works in public housing projects
DEVB	Approved Contractors for Public Works	Firms that may undertake public works projects as main contractors
	Approved Suppliers of Materials and Specialist Contractors for Public Works	Firms that may provide specialist materials and services for public works contractors (usually as subcontractors or suppliers)
WSD	Licensed Plumbers	Plumbers licensed under the Waterworks Ordinance

### Abbreviations

BD	Buildings Department
EMSD	Electrical and Mechanical Services Department
FSD	Fire Services Department
HA	Housing Authority
DEVB	Development Bureau
WSD	Water Supplies Department