



CONSTRUCTION
INDUSTRY COUNCIL
建造業議會



ADMINISTRATIVE GUIDELINES ON THE APPLICABILITY OF THE REGISTRATION REQUIREMENTS TO PROFESSIONAL AND TECHNICAL PERSONNEL

Disclaimer

Whilst reasonable efforts have been made to ensure the accuracy of the information contained in this publication, the CIC nevertheless would encourage readers to seek appropriate independent advice from their professional advisers where possible and readers should not treat or rely on this publication as a substitute for such professional advice for taking any relevant actions.

The contents of this publication should not be treated as inclusive of all matters and requirements in relation to the CWRO.

Enquiries

Enquiries on these guidelines may be made to the CIC Secretariat at:

CIC Headquarters

38/F, COS Centre

56 Tsun Yip Street, Kwun Tong, Kowloon

Tel.: (852) 2100 9000

Fax: (852) 2100 9090

Email: enquiry@cic.hk

Website: www.cic.hk

© 2016 Construction Industry Council.

Table of Contents

Disclaimer	Page 2
Administrative Guidelines on the Applicability of the Registration Requirements to Professional and Technical Personnel	Page 3
Annex 1 - Legislative intent	Page 5
Annex 2 - Interpretation	Page 6
Annex 3 - List of professional and technical personnel	Page 8

Administrative Guidelines on the Applicability of the Registration Requirements to Professional and Technical Personnel

1. These guidelines were issued by the former Construction Workers Registration Authority (the "former Authority") in 2007 in connection with the Construction Workers Registration Ordinance (the "**Ordinance**") and with the development of the construction industry, amended by the Construction Workers Registration Board (the "**Registration Board**") in 2015.
2. The view of the Registration Board about the legislative intent behind the enactment of the Ordinance is set out in **Annex 1** hereto.
3. The Registration Board believes that it would be useful to make known to the public its interpretation of the registration requirements under the Ordinance having regard to the legislative intent. In this way the public will be apprised of how the Ordinance will in practice be implemented by the Registration Board and also be afforded with uniformity in such implementation.
4. **Annex 2** hereto sets out the Registration Board's interpretation of the relevant sections in the Ordinance on registration requirements.
5. Generally the Ordinance is not targeted at professional and technical personnel as listed in **Annex 3**. In practical terms, the Registration Board is of the view that professional and technical personnel are not required to register under the Ordinance if they carry out their professional duties and functions in their respective disciplines and expertise on the construction sites when necessary. Neither are persons, if undergoing training, required to register under the Ordinance, if supervised by professional and technical personnel of an appropriate discipline related to their training.
6. As clarification and without being exhaustive, the Registration Board sets out below some typical examples of duties and functions that may be carried out by the professional and technical personnel, and those persons under training, whether at or outside any construction site:

- (a) attending to construction work carried out for the purposes of preparing, checking and coordinating design, and the assessment of and investigation on construction site;
- (b) attending to project management, progress coordination, monitoring, measurement, compliance and acceptance on construction work;
- (c) supervision of construction work, and provision of instructions, directions, advice and illustration to facilitate construction work including matters related to safety and environmental requirements;
- (d) inspecting, surveying, verification and validation of construction site and construction work;
- (e) testing, commissioning and acceptance of equipment, systems and installations for progress monitoring, compliance and other purposes relating to functionality including demonstration work; and
- (f) carrying out repair and maintenance work of plant and machinery, which does not form any part of any specified structure set out in Schedule 3 of the Ordinance.

7. These guidelines will be observed by the Registration Board in its implementation and enforcement of the provisions of the Ordinance. The Registration Board also hopes any insurer who may accept insurance cover for the professional and technical personnel to take note of and observe these guidelines in providing such cover and related documentation.

8. These guidelines are issued for the reference of the construction industry and the general public. They only contain the Registration Board's interpretation and practice in relation to the Ordinance as it stood at the date of publication.

Annex 1 - Legislative intent

The preamble of the Ordinance states that among other things, the Ordinance is "to provide for the registration of **construction workers** and the regulation of construction workers personally carrying out construction work" (emphasis added). This is consistent with the report of the Bills Committee on Construction Workers Registration Bill (LC Paper No. CB(1)2065/03-04) which states in Paragraph 8 that ".....The proposed [construction workers] registration system is targeted at **construction workers** engaged on construction sites in new construction work and in major addition, alteration, improvement and term maintenance works." (emphasis added). The Ordinance is therefore not targeted at the professional and technical personnel.

Annex 2 - Interpretation

1. Section 3(1) of the Ordinance provides: "A person shall not personally carry out on a construction site construction work unless the person is a registered construction worker."
2. The registration requirement under section 3(1) applies to any person who comes within the respective scopes of the definitions of "*personally carry out*", "*construction site*" and "*construction work*" in the Ordinance.
3. A registered construction worker is not specifically but only generally defined to include any registered skilled, semi-skilled or general worker. The registration of skilled and semi-skilled workers is related to the designated trade divisions as listed under Schedule 1 to the Ordinance. From the various scopes and contents of work depicted in the relevant designated trade divisions, the Registration Board considers that registered construction workers are those who are involved in single or multi-task type of work not requiring any additional and particularly onerous qualifications at professional level or sub-professional level with respect to the relevant designated trade divisions. Therefore the competence and scope of work of registered construction workers are respectively different from those expected from the professional and technical personnel. The latter are expected to adjust, oversee, monitor, instruct and assess the overall performance of work of a systematic nature, notwithstanding their physical conduct of, or contact with, construction work from time to time in carrying out their duties and functions.

4. The Registration Board hence concludes section 3(1) is not applicable to the professional and technical personnel when they carry out work within their professional areas, even though the description of the various designated trade divisions which relate to work carried out by registered construction workers may bear similarities to the work carried out by the professional and technical personnel. For example, the testing and commissioning of equipment carried out by a construction worker is mainly to make sure the equipment is functional for the completion of its installation, whereas the testing and commissioning of similar equipment carried out by a professional may include verifying its functionality for compliance with specification or statutory requirements.

5. Registered general worker is defined in the Ordinance. A general worker normally performs general and minor work related to construction, and other simple duties related to designated trade divisions if only under suitable supervision. The Registration Board hence concludes that the category of general worker is not intended to provide for registration of professional and technical personnel who themselves are at the up stream of the hierarchy directing the management, making the adjustment, assessment and supervision of construction work (unless they work in the capacity as a general worker as described above).

Annex 3 - List of professional and technical personnel

1. A professional is a person who applies his or her professional skills to a wide range of technical activities and is able to use his or her knowledge and experience to initiate practical developments. He or she is expected to accept a high degree of responsibility and, in many cases, to push forward the boundaries of knowledge in his or her particular field. A professional should normally have received education and training equivalent to that required for corporate membership of a professional institution.
2. A technician is one who occupies a position between a professional and a skilled worker. His or her education, training and practical experience should enable him or her to apply proven techniques to solve technical problems. For example, if a construction plant technician carries out repair and maintenance work of plant or machinery, which does not form any part of any specified structure, generally he or she should have acquired relevant training on the repair and maintenance of respective plant or machinery provided by manufacturers or agents. He or she is expected to carry a measure of technical responsibility, normally under the guidance of a professional.
3. Some common titles of professional and technical personnel in construction industry are listed below and they are by no means exhaustive.
4. Professional :
 - Architect
 - Builder / Building Engineer / Construction Manager
 - Building Surveyor / Maintenance Surveyor / Facility Management Surveyor
 - Building Services Engineer
 - Civil Engineer
 - Construction Plant Engineer
 - Control and Instrumentation Engineer
 - Electrical Engineer

- Electronics Engineer
- Engineering Geologist
- Environmental Engineer
- Facility Engineer / Operation Engineer / Plant Engineer
- Fire Service Engineer
- Geotechnical Engineer
- Interior Designer
- Land Surveyor
- Landscape Architect
- Lift Engineer
- Mechanical Engineer
- Permanent Way Engineer
- Plumbing and Drainage Engineer
- Quality Control / Assurance Engineer
- Quantity Surveyor
- Refrigeration / Air-Conditioning / Ventilation Engineer
- Safety Officer
- Structural Engineer
- Telecommunication Engineer
- Town Planner

5. Technician:

- Architectural Technician / Draughtsman
- Artist
- Assistant Safety Officer / Safety Supervisor
- Building Services Technician
- Civil / Environmental / Geotechnical / Structural / Engineering Technician
- Clerk of Works / Inspector of Works / Works Supervisors
- Construction Plant Technician
- Construction Materials Purchaser / Storekeeper
- Draughtsman
- Electrical Engineering Technician

- Electrical Instrument and Meter Technician
- Electronics Technician
- Estimator
- Fire Service Technician
- Interior Design Technician
- Laboratory Technician (Construction Materials / Soils)
- Lift Technician
- Mechanical Engineering Technician
- Quality Control / Assurance Technician
- Refrigeration / Air-conditioning / Ventilation Technician
- Site Agent
- Site Foreman
- Supervisor
- Surveying Technician (Building)
- Surveying Technician (Facility Management)
- Surveying Technician (Land)
- Surveying Technician (Quantity)
- Surveying Technician (Town Planning)
- Technical Officer
- Telecommunication Technician