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(ACE 39/94)
for advice

**Proposed subsidiary legislation to be made under the
Air Pollution Control Ordinance —
Air Pollution Control (Asbestos) (Administration) Regulations**

1. INTRODUCTION

1.1 To give effect to the provisions for control of environmental asbestos under the Air Pollution Control (Amendment) Ordinance 1993, a set of regulations is necessary to provide for matters relating to the registration of qualified consultants, contractors, supervisors and laboratories in the asbestos control industry.

1.2 This paper seeks Members' views on the scope of the proposed regulations which will set out the qualifications and experience required for registration, and specify the information to be submitted in support of applications, as well as the fees for registration. Members' advice will be sought again when the regulations have been drafted.

2. BACKGROUND

2.1 The Air Pollution Control (Amendment) Ordinance 1993 introduced a control scheme for controlling and abating environmental asbestos. Under the scheme, only qualified consultants, contractors, supervisors and laboratories registered with the Authority (the Director of Environmental Protection, DEP) will be allowed to carry out relevant activities in asbestos abatement work. A register for the four types of registered personnel or companies is to be maintained by DEP.

2.2 An Asbestos Administration Committee consisting of 6 unofficial members, 5 official members, and a secretary (section 54 of the Ordinance) will advise DEP on the acceptability of applications.

2.3 Registration is to be renewable annually, subject to the payment of a fee. There is a provision for names to be removed permanently or temporarily from the register by DEP after he has been advised by the Asbestos Administration Committee on the outcome of disciplinary hearings into any complaints about neglect or misconduct.

3. THE PROPOSAL

3.1 The proposed regulations will stipulate conditions and qualifications for any person or body applying for registration as registered asbestos consultants, registered asbestos contractors, registered asbestos supervisors, or registered asbestos laboratories.

3.2 The proposed conditions on qualifications make reference to the desired standard and not to the country of origin. This conforms to the Most-Favoured-Nation Treatment (non-discrimination) provisions of the General Agreement of Trade in Services (GATS) drawn up under the General Agreement of Tariffs and Trade (GATT) in the Uruguay Round of multilateral trade talks, which Hong Kong will be obliged to observe. The qualifications for the four categories specified in the Ordinance are proposed to be as follows:

Registered Asbestos Consultant

3.3 To qualify a person shall:

- (a) (i) have a bachelor degree in science, engineering, architecture, building, building surveying or equivalent as recognized by the Authority; and since obtaining such academic qualification have had not less than 12 months recognized working experience in asbestos abatement and management work; or
 - (ii) be an Authorized Person as defined in the Buildings Ordinance, Chapter 123, or a civil servant certified by his head of department as having qualification and experience acceptable as an Authorized Person; or
 - (iii) be a qualified professional, i.e., a registered architect under the Architects Registration Ordinance, or a registered professional surveyor under the Surveyors Registration Ordinance in a division recognized by the Authority, or a registered professional engineer under the Engineers Registration Ordinance in a discipline recognized by the Authority.
- (b) complete such course of training in asbestos investigation management planning and project design or equivalent training as recognized by the Authority; and
 - (c) fulfil, by the time of registration, such other requirements as may be required by the Authority.

Registered Asbestos Supervisor

- 3.4 To qualify a person shall:
- (a) have an academic qualification recognized by the Authority;
 - (b) have had not less than 12 months of recognized working experience in asbestos abatement work; and
 - (c) have completed recognized courses of training comprising lectures and practice in subjects including the nature and use of asbestos, legislation and codes of practice, personal protection, abatement methods and the use and maintenance of equipment; and
 - (d) fulfil, by the time of registration, such other requirements as may be required by the Authority.

Registered Asbestos Contractor

- 3.5 To qualify a person, company or body corporate shall:
- (a) have at least one registered asbestos supervisor in his employment at any one time;
 - (b) possess specialized equipment and facilities in such numbers, of such type, and with such specifications as to be able to perform effectively such work or class of work as determined by the Authority;
 - (c) possess such managerial and technical skills as shall be able to support effective maintenance of equipment and facilities and provision of materials necessary for the execution of asbestos management plans, asbestos abatement plans or work involving the use and handling of asbestos containing materials; and
 - (d) provide continued and professional in-house training to workers in order to maintain a high standard of work;
 - (e) fulfil, by the time of registration, such other requirements as may be required by the Authority.

3.6 The Authority may register a contractor with conditions attached as to the nature, type and scale of asbestos abatement works permitted to be undertaken by that particular contractor.

Registered Asbestos Laboratory

- 3.7 To qualify a laboratory shall:
- (a) be accredited under the Hong Kong Laboratory Accreditation Scheme to carry out environmental testing for sampling, measurement and analysis of asbestos; and

(b) fulfil, by the time of registration, such other requirements as may be required by the Authority.

4. CONSULTATION

4.1 The proposal has been circulated to concerned consultants, contractors, laboratories and relevant government branches and departments. Comments were received and have been incorporated into the proposal as appropriate.

5. IMPLEMENTATION

5.1 Once the proposed regulations are enacted, enforcement of asbestos controls as provided for in the Air Pollution Control (Amendment) Ordinance 1993 will take effect.

6. ECONOMIC IMPLICATIONS

6.1 Fees payable for initial and annual registration will be of the order of \$2,500 and \$800 respectively. There are no other economic implications.

7. STAFF IMPLICATIONS

7.1 The Administration has made provision for 15 staff (5 professional and 10 technical/clerical grade) to implement these provisions at a recurrent cost of about \$7 million per year.

8. PUBLIC REACTION

8.1 The proposed regulations will allow the enforcement of asbestos control provisions as contained in the Ordinance which will reduce the public risk of being exposed to hazardous environmental asbestos at no direct cost to the public, and should be welcomed by them.

9. ADVICE SOUGHT

9.1 Members are requested to consider and advise whether they support the ambit of the proposed regulations as given at Section 3 above. When the draft regulations have been prepared, they will be submitted for Members' formal advice.

Environmental Protection Department
Air Policy Group
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