

AIR POLLUTION CONTROL (ASBESTOS) (ADMINISTRATION) REGULATION

(Made under section 43(1) of the Air Pollution Control Ordinance (Cap. 311) after consultation with the Advisory Council on the Environment)

PART I

PRELIMINARY

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Planning, Environment and Lands by notice in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires -
"any register" means any register kept and maintained by the Authority under section 51 of the Ordinance;

"associate", in relation to a person, means -

(a) where the person is a natural person -

(i) a relative of the person;

(ii) a partner of the person and any relative of that partner;

(iii) a partnership in which the person is a partner;

(iv) any corporation controlled by the person, by a partner of the person or by a partnership in which the person is a partner;

(v) any director or principal officer of any such corporation as is referred to in subparagraph (iv);

(b) where the person is a corporation -

(i) any associated corporation;

(ii) any person who controls the corporation and any partner of such person, and, where either such person is a natural person, any relative of such person;

(iii) any director or principal officer of that corporation or of any associated corporation and any relative of any such director or officer;

(iv) any partner of the corporation and, where such partner is a natural person, any relative of such partner;

(c) where the person is a partnership -

(i) any partner of the partnership and where such partner is a partnership any partner of that partnership, any partner with the partnership in any other partnership and where such partner is a partnership any partner of that partnership and where any partner of, or with, or in any of the

partnerships mentioned in this subparagraph is a natural person, any relative of such partner;

(ii) any corporation controlled by the partnership or by any partner thereof or, where such a partner is a natural person, any relative of such partner;

(ii) any corporation of which any partner is a director or principal officer;

(iv) any director or principal officer of a corporation referred to in subparagraph (ii);

"associated corporation", in relation to a person, means -

(a) a corporation over which the person has control;

(b) if the person is a corporation -

(i) a corporation which has control over the person; or

(ii) a corporation which is under the control of the same person as is the first-mentioned person;

"mutual recognition agreement" means any agreement whereby the parties thereto have agreed to provide for the mutual recognition of testing laboratories which are accredited under the laboratory accreditation system administered by such parties;

"qualified professional" means -

(a) a person whose name is on the register of registered architects established and maintained under the Architects Registration Ordinance (Cap. 408);

- (b) a person whose name is on the register of registered professional engineers established and maintained under the Engineers Registration Ordinance (Cap. 409) and is within a recognized discipline; or
- (c) a person whose name is on the register of registered professional surveyors established and maintained under the Surveyors Registration Ordinance (Cap. 417) and is within a recognized division;

"recognized" means recognized by the Authority for the purposes of this Regulation;

"relative" means the spouse, parent, child, brother or sister of the relevant person, and, in deducing such a relationship, an adopted child shall be deemed to be a child both of the natural parents and the adopting parent and a step child to be the child of both the natural parents and of any step parent.

PART II

QUALIFICATIONS

3. Registered asbestos consultants

The Authority shall not register a natural person as a registered asbestos consultant unless the Authority is satisfied that the person -

- (a) (i) (A) has a recognized bachelor degree in science, engineering, architecture, building or building surveying or other recognized qualification; and

(B) has had not less than 12 months recognized working experience in asbestos abatement and management work since obtaining a qualification referred to in sub-subparagraph (A);

(ii) is an authorized person within the meaning of the Buildings Ordinance (Cap. 123) or a public officer certified in writing by his head of department as having a qualification and experience which is equally acceptable; or

(iii) is a qualified professional; and

(b) has completed a recognized course of training in asbestos investigation, management planning and project design, or recognized equivalent training.

4. Registered asbestos contractors

The Authority shall not register a natural person, company or other body corporate as a registered asbestos contractor unless the Authority is satisfied that the natural person, company or body corporate -

- (a) has at least one registered asbestos supervisor under his or its employment at any one time;
- (b) possesses high efficiency particulate air filtered appliances, personal protective gear and other tools and equipment in such number and type and with such specifications as to be able to perform effectively asbestos abatement work in a negative gauge pressure environment;

- (c) possesses such managerial and technical skills as shall be able to support effective maintenance of equipment and facilities and provision of materials necessary for execution of asbestos management plans, asbestos abatement plans or works involving the use and handling of asbestos containing material on site; and
- (d) provides continued and professional in-house training to workers for maintenance of a high standard of work.

5. Registered asbestos laboratories

The Authority shall not register a laboratory as a registered asbestos laboratory unless the laboratory is accredited for the relevant asbestos tests by the Hong Kong Laboratory Accreditation Scheme (HOKLAS) managed by the Industry Department of the Government or by a scheme with which HOKLAS has a mutual recognition agreement.

6. Registered asbestos supervisors

The Authority shall not register a natural person as a registered asbestos supervisor unless the Authority is satisfied that he -

- (a) has a recognized academic qualification;
- (b) has had not less than 12 months recognized working experience in asbestos abatement work; and
- (c) has completed a recognized course of training comprising lectures and practical sessions in the nature and use of asbestos, legislation and codes of practice relating to asbestos, personal protection,

abatement methods and the use and maintenance of equipment relating to asbestos.

7. Application for registration

(1) The information given in an application for registration as an asbestos consultant, asbestos contractor, asbestos laboratory or asbestos supervisor shall include the following particulars, supported by copies of documentary proof -

- (a) identity, business and company registration certificates;
- (b) academic and professional qualifications;
- (c) training and experience in asbestos abatement work;
and
- (d) in the case of an application for registration as -
 - (i) a registered asbestos consultant or registered asbestos laboratory, disclosure of any direct or indirect pecuniary interest in any person who is, or who has made an application for registration as, a registered asbestos contractor or registered asbestos supervisor;
 - (ii) a registered asbestos contractor or registered asbestos supervisor, disclosure of any direct or indirect pecuniary interest in any person who is, or who has made an application for registration as, a registered asbestos consultant or registered asbestos laboratory;

- (iii) a registered asbestos contractor, the identity of any registered asbestos supervisor under his or its employment; or
- (iv) a registered asbestos laboratory, details of any natural persons, companies and other bodies corporate having an interest in its ownership and details of its facilities and equipment.

(2) Every application for registration -

- (a) shall be in the form approved by the Authority; and
- (b) shall contain declarations to the effect that -

- (i) all the particulars stated in the application are true and correct to the best knowledge and belief of the applicant;
- (ii) the applicant has read Parts I, VI, VII, VIII and IX of the Ordinance; and
- (iii) the applicant is aware of his obligations and duties under the Ordinance.

(3) For the purposes of these Regulation, an applicant shall be regarded as having a direct or indirect pecuniary interest in a person if he is an associate of that person.

PART III

PRESCRIBED FEES AND CERTIFICATE

8. Prescribed fees and period

- (1) An applicant for registration shall pay a fee of \$2,928.

(2) The prescribed annual fee for the purposes of section 59 of the Ordinance is \$916 and it shall be due for payment on first registration or restoration and thereafter on each anniversary thereof.

(3) The prescribed fee for the purposes of section 61(2) of the Ordinance is \$2,928.

(4) Before entering the name of any person to any register, the person shall pay an annual fee of \$916.

(5) Before restoring the name of any person to any register, the person shall pay an annual fee of \$916.

(6) For the purposes of section 60(c) of the Ordinance, the prescribed period shall be 3 calendar months after the annual fee is due.

9. Certificate of registration

The Authority shall, on entering or restoring the name of any person to any register, or after receiving the annual fee for continued registration, issue to the person a certificate in such form as the Authority thinks fit as evidence of such registration.

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Secretary for Planning,
Environment and Lands.

1996.

Explanatory Note

The object of this Regulation is to provide for the qualifications, information to be included in forms and fees payable for the registration (and continued registration) of a person, company or laboratory for the control of asbestos.