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(ACE 59/95)  
(for advice)

**Proposed Subsidiary Legislation to be Made under the  
Air Pollution Control Ordinance -  
Air Pollution Control (Asbestos) (Administration) Regulations**

**Introduction**

This paper seeks members endorsement of the draft "Air Pollution Control (Asbestos) (Administration) Regulations".

**The Draft Regulations**

2. The Air Pollution Control (Amendment) Ordinance 1993 has provided for a control scheme which requires all asbestos removal and related works to be carried out by registered consultants, contractors, supervisors and laboratories. To prepare for the implementation of this control scheme, members considered and endorsed, at the meeting on 15 August 1994, the proposal for a set of regulations to set out:-

- (a) the qualifications and experience required for registration;
- (b) the information required in support of an application for registration; and
- (c) the fees for registration as well as other related matters.

3. The draft regulations, which are prepared in accordance with the endorsed proposal, are now attached in the Annex for consideration by members.

**Consultation**

5. The proposal has previously been circulated to concerned asbestos consultants, contractors, laboratories and relevant Government departments and branches for comments. There is no outstanding issue to be resolved.

**Implementation**

6. If member's endorsement is obtained, the Regulations will be gazetted and tabled at the Legislative Council in early 1996. The intention is to start the registration process in the first quarter of 1996.

**Advice Sought**

7. Members are invited to consider and endorse the draft regulations.

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 -

"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;

"any register" means any register kept and maintained by the Authority under section 51 of the Ordinance.

## 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 acceptable as such an authorized person; 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 managed by the Industry Department of the Government.

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 of 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 VI, VII, VIII and IX of the Ordinance; and
    - (iii) the applicant is aware of his obligations and duties under the Ordinance.

### PART III

#### PRESCRIBED FEES AND CERTIFICATE

#### 8. Prescribed fees and period

- (1) An applicant for registration shall pay a fee of \$2,748.
- (2) The prescribed annual fee for the purposes of section 59 of the Ordinance is \$867.

(3) The prescribed fee for the purposes of section 61(2) of the Ordinance is \$2,748.

(4) Subject to subsection (7), before entering the name of any person to any register, the person shall pay an annual fee of \$867.

(5) Subject to subsection (7), before restoring the name of any person to any register, the person shall pay an annual fee of \$867.

(6) For the purposes of section 60(c) of the Ordinance, the prescribed period shall be 1 January to 31 March in each calendar year subsequent to the first year of the person concerned being registered.

(7) Where any person is registered or restored to any register on or after 1 July in any year, then the fee specified in subsection (4) or (5), as the case may be, otherwise payable by that person for that year shall be reduced by half.

**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.

Secretary for Planning,  
Environment and Lands.

1995.

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.