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(ACE Paper 3/96)
for advice

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

Introduction

The draft Air Pollution Control (Asbestos)(Administration) Regulation was discussed and endorsed by members at the meeting on 18 December 1995. Upon finalising the draft Regulation, the Attorney General's Chambers and the Finance Branch have proposed some changes. This paper seeks members' further endorsement of the revised Regulation, which is at Annex 1. The previous submission is at Annex 2.

The Amendments

2. Section 7(1)(d) of the draft Regulation required an applicant to disclose any direct or indirect pecuniary interest in any person who may have a conflict of interest with him. The law draftsman, upon finalising the draft Regulation, advised that "pecuniary interest" should be clearly defined. A new section 7(3) has been included for this purpose.

3. The second major change concerns fees. The original fee subscription system involves setting a cut-off date for full and half payment of the annual fee, which is considered to be inequitable. Hence, section 8(7) of the original draft was deleted. Under the revised Regulation, the annual fee will be paid on a 12-month basis. Moreover, as we intend to bring the regulation into operation after 1 April 1996, the scale of fees set out in section 8 have accordingly been adjusted to reflect the estimated 1996/97 costing.

Consultation

4. The purposes of the amendments are meant to clarify specific legal points and to streamline the payment system. Further consultation is unnecessary.

Implementation

5. Subject to members' endorsement, the Regulation will be gazetted in March 1996 and tabled at the Legislative Council in the following sitting. We propose to bring the Regulation into operation by May 1996 so that registration of qualified personnel will commence in the second quarter of 1996.

Advice Sought

6. Members are invited to consider and endorse the draft Regulation.

Environmental Protection Department
February 1996.