

AIR POLLUTION CONTROL (ASBESTOS) (ADMINISTRATION) REGULATION
- CHAPTER 311P

(Cap 311 section 43(1))

[1 May 1996] L.N. 166 of 1996

(L.N. 128 of 1996)

SECT 1

(Omitted as spent) VerDate:30/06/1997

PART I

PRELIMINARY

(Omitted as spent)
(Enacted 1996)

SECT 2

Interpretation VerDate:30/06/1997

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;

"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.
(Enacted 1996)

SECT 3

Registered asbestos consultants VerDate:30/06/1997

PART II

QUALIFICATIONS

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.
(Enacted 1996)

SECT 4

Registered asbestos contractors VerDate:30/06/1997

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 to 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.
(Enacted 1996)

SECT 5

Registered asbestos laboratories VerDate:01/07/2000

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 Commissioner for Innovation and Technology on behalf of the Government or by a scheme with which HOKLAS has a mutual recognition agreement.
(Enacted 1996. L.N. 190 of 2000)

SECT 6

Registered asbestos supervisors VerDate:30/06/1997

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.
(Enacted 1996)

SECT 7

Application for registration VerDate:30/06/1997

(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, and without prejudice to the operation of subparagraph (ii) in relation to the contractor, the identity of any registered asbestos supervisor under his or its employment; and
 - (iv) a registered asbestos laboratory, and without prejudice to the operation of subparagraph (i) in relation to the 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) An applicant ("the applicant") shall, for the purpose of this section, be treated as having a direct or indirect pecuniary interest in a person ("the said person") if-

(a) where the said person is a firm, company or other body of persons, whether corporate or unincorporate-

- (i) the applicant is a shareholder of the said person, or vice versa;
- (ii) the applicant is an owner of the said person, or vice versa;
- (iii) the applicant is a partner of the said person;
- (iv) the applicant is a director or principal officer of the said person;
- (v) the applicant is an employee of the said person; or
- (vi) the applicant is an associated corporation of the said person

(that is, the applicant is a corporation over which the said person has control; or a corporation which has control over the said person; or a corporation which is under the control of the same person as is the said person), or vice versa;

(b) where the said person is a natural person-

- (i) the said person is an employee of the applicant, or vice versa;
- (ii) the said person is a director or principal officer of the applicant;
- (iii) the said person is a partner of the applicant; (L.N. 391 of 1996)
- (iv) the said person is a shareholder of the applicant; or
- (v) the said person is an owner of the applicant.
- (vi) (Enacted 1996)

SECT 8

Prescribed fees and period VerDate:22/12/2000

PART III

PRESCRIBED FEES AND CERTIFICATE

(1) A person who applies to have his name entered in a register in accordance with section 55 of the Ordinance or restored to a register in accordance with section 61 of the Ordinance shall pay an application fee of \$3165. (L.N. 579 of 1997)

(2) Upon approval of the application for registration in or restoration to a register being granted by the Authority, the applicant shall pay the first annual fee of \$555 before his name can be registered or restored to the register. (L.N. 579 of 1997)

(3) The prescribed annual fee for the purposes of section 59 of the Ordinance is \$555 and it shall be due on the expiry date specified on the certificate of registration issued to a registered asbestos consultant, contractor, laboratory or supervisor. (L.N. 579 of 1997)

(4) All fees paid under this section are non-refundable.

(5) For the purposes of section 60(c) of the Ordinance, the prescribed period shall be 3 months after the prescribed annual fee is due.
(Enacted 1996. L.N. 304 of 2000)

SECT 9

Certificate of registration VerDate:30/06/1997

The Authority shall, on entering or restoring the name of any person to any register, or after receiving the prescribed annual fee for continued registration, issue to the person a certificate in such form as the Authority thinks fit as evidence of such registration.
(Enacted 1996)