

Chapter:	59AD	Factories and Industrial Undertakings (Asbestos) Regulation	Gazette Number	Version Date
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		Empowering section	E.R. 2 of 2014	10/04/2014
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(Cap 59, section 7)

(Enacting provision omitted—E.R. 2 of 2014)

[1 September 1997] *L.N. 429 of 1997*

(Originally L.N. 74 of 1997)

(*Format changes—E.R. 2 of 2014)

Note:

* The format of the whole Regulation has been updated to the current legislative styles.

Part:	1	Preliminary	E.R. 2 of 2014	10/04/2014
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Section:	1	(Omitted as spent—E.R. 2 of 2014)	E.R. 2 of 2014	10/04/2014
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Section:	2	Interpretation	E.R. 2 of 2014	10/04/2014
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(1) In this Regulation, unless the context otherwise requires-

action level (措施水平) means one of the following cumulative exposures to asbestos over a continuous 12-week period, namely-

- (a) where the exposure is solely to chrysotile, 96 fibre-hours per millilitre of air; or
- (b) where the exposure is to any other form of asbestos either alone or in mixtures including mixtures of chrysotile with any other form of asbestos, 48 fibre-hours per millilitre of air; or
- (c) where both types of exposure occur separately during the 12-week period, a proportionate number of fibre-hours per millilitre of air;

amphibole asbestos (閃石類石棉) means any of the minerals crocidolite, amosite, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals;

approved respiratory protective equipment (認可呼吸防護設備) means any respiratory protective equipment approved by the Commissioner under section 4;

asbestos (石棉) means chrysotile and amphibole asbestos and any mixture containing any of those minerals;

asbestos cement (石棉水泥) means a material which is predominantly a mixture of cement and asbestos and which when in a dry state has a density greater than 1 tonne per cubic metre;

asbestos coating (石棉塗層) means a surface coating which contains asbestos;

asbestos insulating board (石棉絕緣板) means any sheet, tile or building board consisting of a mixture of asbestos and other material which mixture when in a dry state has a density greater than 500 kilograms per cubic metre;

asbestos insulation (石棉絕緣物) means any material containing asbestos and used for thermal, acoustic or other insulation purposes (including fire protection) except-

- (a) asbestos cement or asbestos insulating board; or
- (b) any article of bitumen, plastic, resin or rubber which contains asbestos and the thermal and acoustic properties of which are incidental to its main purpose;

asbestos spraying (石棉噴塗) means the application by spraying of any material containing asbestos to form a continuous surface coating;

control limit (控制限度) means one of the following concentrations of asbestos in the atmosphere of the industrial undertaking, namely-

- (a) for chrysotile-

- (i) 0.5 fibres per millilitre of air averaged over any continuous period of 4 hours;
- (ii) 1.5 fibres per millilitre of air averaged over any continuous period of 10 minutes;
- (b) for any other form of asbestos either alone or in mixtures including mixtures of chrysotile with any other form of asbestos-
 - (i) 0.2 fibres per millilitre of air averaged over any continuous period of 4 hours;
 - (ii) 0.6 fibres per millilitre of air averaged over any continuous period of 10 minutes;

proprietor (東主) means a proprietor of any industrial undertaking;

protective clothing (防護衣物) means clothing which is impervious to asbestos dust and which when worn can protect the body and personal clothing of the wearer from contamination by asbestos;

work with asbestos coating or asbestos insulation (石棉塗層或石棉絕緣物工作) includes any work in which asbestos coating or asbestos insulation is removed, repaired or disturbed.

- (2) For the purpose of this Regulation-
 - (a) any reference to a workman being exposed to asbestos in an industrial undertaking shall be construed as a reference to the exposure of that workman to asbestos dust arising out of or in connection with any work with asbestos which is carried out in the industrial undertaking;
 - (b) in determining whether a workman is exposed to asbestos or whether the extent of exposure exceeds the action level or any control limit, no account shall be taken of any respiratory protective equipment that is being worn by the workman; and
 - (c) the method for measuring exposure of workman to asbestos in the atmosphere of the industrial undertaking shall be a method approved by the Commissioner.

Section:	3	Application	E.R. 2 of 2014	10/04/2014
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This Regulation applies to all industrial undertakings in which any work with asbestos is carried out.

Section:	4	Approval of respiratory protective equipment, etc.	E.R. 2 of 2014	10/04/2014
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- (1) For the purposes of this Regulation, the Commissioner may approve any respiratory protective equipment and shall publish in the Gazette the name or description of the respiratory protective equipment.
- (2) The Commissioner may, by notice in the Gazette, revoke any approval given by him under subsection (1) in respect of any respiratory protective equipment.
- (3) The Commissioner may also by notice in the Gazette set out the approved form for notification under section 6(4) and the approved method for measuring exposure to asbestos under section 15(1)(a), as well as the approved form of health register under section 17(3).

Part:	2	Identification, Assessment and Notification	E.R. 2 of 2014	10/04/2014
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Section:	5	Assessment of work	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor shall before carrying out any work which exposes or is liable to expose any workman to asbestos ensure that an adequate assessment of exposure or the likely exposure has been made by a person who by reason of his training and experience is competent to make that assessment.
- (2) The assessment shall-
 - (a) (i) identify the type of asbestos to which any workman is or is liable to be exposed by analysis or otherwise; or
 - (ii) without performing the identification, assume that the asbestos involved is not chrysotile alone;
 - (b) determine the nature and degree of exposure or the likely exposure; and
 - (c) set out the steps that may be taken to prevent the exposure or to reduce it to the lowest level reasonably practicable.
- (3) The proprietor shall keep a written record of the assessment and shall, on being requested by an occupational safety officer, produce the record for inspection. (32 of 2000 s. 48)
- (4) A proprietor shall ensure that a further assessment is made under subsection (1) when-
 - (a) there is reason to suspect that the existing assessment is no longer valid; or

- (b) there is a significant change in the work to which the existing assessment relates.

Section:	6	Notification	E.R. 2 of 2014	10/04/2014
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- (1) Subject to subsection (2), before a proprietor begins to carry out work with asbestos coating or asbestos insulation or other asbestos work, he shall give the Commissioner not less than 28 days' notice, or such shorter notice as the Commissioner may agree to accept, of the work.
- (2) Notification is not required in respect of work with asbestos other than work with asbestos coating and asbestos insulation if the extent of exposure of that asbestos work neither exceeds nor is liable to exceed the action level.
- (3) Where there is a material change in the asbestos work which might affect the particulars notified under subsection (1), the proprietor shall, within 7 days after he becomes aware of the change, notify the Commissioner of that change.
- (4) Notification under subsections (1) and (3) shall be in the approved form.

Part:	3	Hygiene and Safety Requirements	E.R. 2 of 2014	10/04/2014
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Section:	7	Prevention or reduction of exposure	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor shall-
 - (a) prevent the exposure of any workman to asbestos; or
 - (b) where it is not reasonably practicable to prevent exposure, reduce the exposure of any workman to asbestos to the lowest level reasonably practicable by measures other than the use of respiratory protective equipment.
- (2) A proprietor shall in all circumstances-
 - (a) provide every workman who is or is liable to be exposed to asbestos with approved respiratory protective equipment that is suitable for the circumstances; and
 - (b) ensure the full and proper use by each workman of the respiratory protective equipment.
- (3) Without prejudice to the generality of the requirement in subsection (2), where after taking the measures required in subsection (1) exposure of any workman to asbestos still exceeds or is liable to exceed the control limit, a proprietor shall ensure that the respiratory protective equipment provided under subsection (2) is capable of effectively reducing the concentration of asbestos in the air inhaled by the workman to below the control limit.
- (4) A proprietor shall not provide respiratory protective equipment which has been used by another person for use by any workman unless the equipment has first been thoroughly cleaned and disinfected.

Section:	8	Prevention of spread of asbestos	E.R. 2 of 2014	10/04/2014
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A proprietor shall take such measures as may be necessary to prevent or, where this is not reasonably practicable, reduce to the lowest level reasonably practicable, the spread of the asbestos from any place where work with asbestos is carried out, including providing in cases where there is risk of spread of asbestos dust in the use of changing and washing facilities, separate facilities for washing and changing of personal protective clothing, of personal clothing and of respiratory protective equipment.

Section:	9	Cleanliness of premises and plant	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor who carries out work with asbestos shall ensure that the premises or those parts of the premises where the work is carried out and the plant used in connection with the work are kept in a clean state and as far as possible free from asbestos and, in particular, where work with asbestos has been completed the premises or those parts of the premises and the plant used in connection with the work are thoroughly cleaned.
- (2) The cleaning required by subsection (1) shall be carried out-
 - (a) by means of vacuum cleaning equipment; or
 - (b) by such other method, so designed, constructed and used that asbestos dust neither escapes nor is discharged into the air.

Section:	10	Provision and cleaning of protective clothing	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor shall provide adequate and suitable protective clothing for use by any workman who is exposed to asbestos unless no asbestos is liable to be deposited on the body or personal clothing of the workman.
- (2) A proprietor shall ensure that the protective clothing is either disposed of as asbestos waste within the meaning of the Waste Disposal Ordinance (Cap 354) and the Waste Disposal (Chemical Waste) (General) Regulation (Cap 354 sub. leg. C), or adequately cleaned at suitable intervals.
- (3) The cleaning of protective clothing shall be carried out in a suitably equipped facility located on the premises where work with asbestos is being done or in a suitably equipped laundry elsewhere, and if protective clothing is to be removed from the person for cleaning or disposal, it shall be packed in a suitable container labelled in accordance with section 19(1).
- (4) Where, as a result of failure or improper use of the protective clothing, asbestos is deposited on the personal clothing of a workman, then that personal clothing shall be treated in the manner prescribed in subsection (2) as if it were protective clothing and shall forthwith be handed over by the workman concerned to the proprietor who shall be responsible for such treatment.

(E.R. 2 of 2014)

Section:	11	Use and maintenance of control measures	E.R. 2 of 2014	10/04/2014
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A proprietor who provides any control measure, personal protective equipment or other thing or facility pursuant to this Regulation shall-

- (a) ensure so far as is reasonably practicable that it is properly used or applied, as the case may be; and
- (b) ensure that it is maintained in an efficient state, in efficient working order and in good repair.

Section:	12	Protective equipment zone	E.R. 2 of 2014	10/04/2014
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- (1) (a) Subject to subsection (2), a proprietor shall designate any area where work with asbestos is being carried out as protective equipment zone.
- (b) In respect of the protective equipment zone, a proprietor shall-
 - (i) ensure that the area is clearly demarcated and identified by notices indicating that it is a protective equipment zone, that entry into it is limited to persons authorized by the proprietor and that any person who enters the area must wear suitable approved respiratory protective equipment and suitable protective clothing;
 - (ii) provide suitable approved respiratory protective equipment and suitable protective clothing for the use of every workman in the protective equipment zone; and
 - (iii) ensure that no person enters or remains in a protective equipment zone unless he is wearing suitable approved respiratory protective equipment and suitable protective clothing.
- (2) Subsection (1) shall not apply where-
 - (a) (Repealed 1 of 2014 s. 9)
 - (b) the concentration of asbestos in the air from work with asbestos in the area does not exceed or is not liable to exceed any control limit.
- (3) No person shall enter or remain in a protective equipment zone unless he is wearing suitable approved respiratory protective equipment and suitable protective clothing.

Section:	13	Prohibition of eating, drinking and smoking	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor shall take all reasonable steps to ensure that no workman eats, drinks or smokes in an area where work with asbestos is being carried out.
- (2) A proprietor shall put up sufficient number of notices in prominent positions prohibiting eating, drinking and smoking in the area where work with asbestos is being carried out.
- (3) No person shall eat, drink or smoke in the area where work with asbestos is being carried out.

Section:	14	Washing and changing facilities	E.R. 2 of 2014	10/04/2014
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- (1) Where any workman in an industrial undertaking is exposed to asbestos, the proprietor shall provide for the use of the workman-
 - (a) adequate and suitable washing and changing facilities;
 - (b) where he is required to provide protective clothing, adequate and suitable facilities for the storage of-
 - (i) the protective clothing; and
 - (ii) personal clothing not worn during working hours; and
 - (c) where he is required to provide approved respiratory protective equipment, adequate and suitable facilities for storage of the equipment.
- (2) The facilities provided for the storage of personal protective clothing, of personal clothing and of respiratory protective equipment shall be separated from each other and indicated in both English and Chinese.
- (3) The proprietor shall ensure that the facilities provided for washing, changing and storage are fully and properly used.

Section:	15	Air monitoring	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor shall ensure that-
 - (a) the exposure of any workman in an industrial undertaking to asbestos in the air is monitored by means of an approved method where such monitoring is appropriate for the protection of the health of the workman and whenever there is a substantial change in the working conditions rendering the findings of the previous air monitoring no longer valid; and
 - (b) the air monitoring required in paragraph (a) is carried out by a laboratory that is accredited for the relevant asbestos test 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. (L.N. 221 of 2000)
- (2) A record of any monitoring carried out in pursuance of subsection (1) shall be kept by the proprietor who shall, on being requested by an occupational safety officer, produce the record for inspection. (32 of 2000 s. 48)

Section:	16	Safety information, instruction and training	E.R. 2 of 2014	10/04/2014
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A proprietor shall-

- (a) give every workman who is or is liable to be exposed to asbestos adequate information about risks of asbestos and the precautions that should be observed;
- (b) ensure that every workman who works with asbestos is trained and instructed in-
 - (i) safety precautions for working with asbestos; and
 - (ii) the purpose, proper use and limitations of any control measure, personal protective equipment or other thing or facility provided in pursuance of this Regulation.

Section:	17	Medical surveillance	E.R. 2 of 2014	10/04/2014
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- (1) A proprietor shall not employ any person in working with asbestos unless that person has within the 4 months immediately preceding the commencement of such employment undergone a radiographic examination of his chest and is certified by a registered medical practitioner to be fit to do such work.
- (2) A proprietor shall ensure that at intervals of not more than 12 months every person employed in working with asbestos-
 - (a) undergoes a radiographic examination of his chest; and
 - (b) is certified by a registered medical practitioner to be fit to continue to do such work.
- (3) A proprietor who employs a person shall-
 - (a) maintain a health register in the approved form for every person employed in working with asbestos;
 - (b) keep the register for at least 5 years from the date of last entry by the proprietor and it shall be made available for inspection by the Commissioner when requested by him; and
 - (c) give a copy of the health register to the person covered by it upon termination of his employment.
- (4) Every person employed or to be employed in working with asbestos shall within a reasonable time after being

requested by the proprietor present himself to a registered medical practitioner for medical examination.

- (5) The cost of any radiographic and medical examination undergone by any person under this Regulation shall be borne by the proprietor.

Part:	4	Storage, Distribution and Labelling	E.R. 2 of 2014	10/04/2014
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Section:	18	Storage, distribution of loose asbestos and waste	E.R. 2 of 2014	10/04/2014
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A proprietor who undertakes work with asbestos shall ensure that no loose asbestos or waste which contains asbestos is-

- (a) stored;
- (b) received into or despatched from any place of work; or
- (c) distributed, except in a totally enclosed distribution system, within any place of work, unless it is in a suitable and sealed container clearly marked in accordance with section 19.

Section:	19	Labelling of container and articles containing asbestos	E.R. 2 of 2014	10/04/2014
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- (1) Where any asbestos is required to be put in a container that container shall have affixed to it a clear and visible label on which is written-

"DANGER-CONTAINS ASBESTOS
DO NOT INHALE DUST

危險-載有石棉
切勿吸入塵埃

(Follow Safety Instructions)
(遵從安全指示)".

- (2) Any article which contains asbestos, being an article for use at work, shall be labelled as required in subsection (1). The labelling shall be effected by means of-
- (a) an adhesive label firmly affixed to the article or its packaging;
 - (b) a tie-on label firmly attached to the article or its packaging; or
 - (c) direct printing onto the article or its packaging, as the case may be.

Part:	5	Miscellaneous	E.R. 2 of 2014	10/04/2014
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Section:	20	Employment of young persons	E.R. 2 of 2014	10/04/2014
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No proprietor shall employ any young person-

- (a) in working with asbestos;
- (b) in carrying out any cleaning in connection with work with asbestos.

Section:	21	(Repealed 1 of 2014 s. 10)	L.N. 21 of 2014	04/04/2014
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Section:	21A	Ban on asbestos spraying	L.N. 21 of 2014	04/04/2014
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The proprietor of an industrial undertaking must not undertake asbestos spraying in the industrial undertaking.

(1 of 2014 s. 11)

Section:	21B	Ban on using asbestos insulation	L.N. 21 of 2014	04/04/2014
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The proprietor of an industrial undertaking must not use in the industrial undertaking asbestos insulation for thermal, acoustic or other insulation (including fire protection).

(1 of 2014 s. 11)

Section:	21C	Ban on working with amphibole asbestos	L.N. 21 of 2014	04/04/2014
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- (1) The proprietor of an industrial undertaking must not carry out work with amphibole asbestos in the industrial undertaking.
- (2) Subsection (1) does not prohibit the proprietor from removing or disposing of amphibole asbestos that was in use before 1 September 1997.

(1 of 2014 s. 11)

Section:	21D	Ban on working with chrysotile	L.N. 21 of 2014	04/04/2014
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- (1) The proprietor of an industrial undertaking must not carry out work with chrysotile in the industrial undertaking.
- (2) Subsection (1) does not prohibit the proprietor from removing or disposing of chrysotile that was in use before Part 3 of the Air Pollution Control (Amendment) Ordinance 2014 (1 of 2014) comes into operation*.

(1 of 2014 s. 11)

Note:

* **Operation Date : 4 April 2014.**

Part:	6	Duties of Workmen and Other Persons	E.R. 2 of 2014	10/04/2014
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Section:	22	Responsibilities of any person	E.R. 2 of 2014	10/04/2014
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- (1) Any workman in an industrial undertaking where work with asbestos is carried out shall-
 - (a) observe the safety precautions and the procedures set by the proprietor in respect of the asbestos work which have been made known to him in the industrial undertaking;
 - (b) make full and proper use of any control measure, personal protective equipment or other thing or facility provided in pursuance of this Regulation which have been made known to him in the industrial undertaking; and
 - (c) report forthwith to the proprietor any fault or defect in any such control measure, personal protective equipment or other thing or facility as provided in pursuance of this Regulation.
- (2) The obligations set out in subsection (1)(a) and (b) shall apply also to any other person in the industrial undertaking.

Part:	7	Offences and Penalties	E.R. 2 of 2014	10/04/2014
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Section:	23	Offences by proprietors	E.R. 2 of 2014	10/04/2014
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- (1) Any proprietor who fails to comply with section 5(1), (3) or (4), 6(1), (3) or (4), 7, 8, 9, 10, 11, 12(1), 13(1) or (2), 14, 15, 16, 17(1), (2), (3) or (5), 18, 19 or 20 commits an offence and is liable to a fine at level 5. (1 of 2014 s. 12)
- (2) A proprietor who, without reasonable excuse, fails to comply with section 21A, 21B, 21C or 21D commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months. (1 of 2014 s. 12)

Section:	24	Offence by workman	E.R. 2 of 2014	10/04/2014
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Any workman who fails to comply with section 10(4) or 22(1) commits an offence and is liable to a fine at level 3.

Section:	25	Offence by any person	E.R. 2 of 2014	10/04/2014
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Any person who fails to comply with section 12(3), 13(3) or 22(2) commits an offence and is liable to a fine at level 3.

Section:	26	Transitional	E.R. 2 of 2014	10/04/2014
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For assessment of work under section 5(1) where work with asbestos has been commenced before the coming into operation of this Regulation or within 28 days after that date, it shall be sufficient compliance with that section if the proprietor makes the assessment within 28 days after the date of coming into operation of this Regulation.

Part:	VIII	(Omitted as spent—E.R. 2 of 2014)	E.R. 2 of 2014	10/04/2014
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Section:	27	(Omitted as spent—E.R. 2 of 2014)	E.R. 2 of 2014	10/04/2014
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