

立法會
Legislative Council

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Panel on Environmental Affairs

Meeting on 19 January 2012

**Background brief on banning all forms of asbestos
prepared by the Legislative Council Secretariat
(Position as at 13 January 2012)**

Purpose

This paper sets out the background to the proposal for banning all forms of asbestos, and gives an account of the views expressed by Members on the subject.

Background

2. Given its very high tensile strength and good heat and chemical resistance, asbestos had been widely used before the mid-1980s in friction, fireproofing, insulation and building materials. However, asbestos is a proven carcinogen which can cause asbestosis¹, lung cancer and mesothelioma² when inhaled. The three most common types of asbestos are chrysotile (white asbestos), amosite (brown asbestos) and crocidolite (blue asbestos), the latter two are regarded as more hazardous types.

Control of asbestos in Hong Kong

3. Both the Factories and Industrial Undertakings (Asbestos) Special Regulation (Cap. 59X) introduced in 1986 and the subsequently released Factories and Industrial Undertakings (Asbestos) Regulation (Cap. 59AD)

¹ Asbestosis is the scarring of the lung with fibrosis tissue.

² Mesothelioma is a rare form of cancer that develops from the protective lining that covers body's internal organs mainly caused by exposure to asbestos.

contain provisions relating to the enforcement of the control of the amount of asbestos particles in work area. It prohibits the spraying of asbestos in the work area, the use of asbestos insulation for the purpose of thermal, acoustic or other insulation, as well as the use of amphibole asbestos³ in any process.

4. The import and sale of the more hazardous amosite and crocidolite were banned since 1996 under Air Pollution Control Ordinance (Cap. 311) (APCO). The Hazardous Chemicals Control Ordinance (Cap. 595) introduced in 2008 further regulates, through a permit system, the import, export, manufacture and use of asbestos other than white asbestos. In addition, under the Import and Export Ordinance (Cap. 60), every shipment of scheduled chemicals entering or leaving Hong Kong also requires an import/export licence issued by Environmental Protection Department under delegation from the Trade and Industry Department.

5. To avert the release of asbestos into the ambient environment, APCO requires engagement of registered qualified professionals to conduct certain work involving asbestos-containing materials and engage in asbestos-related activities in accordance with the provisions of APCO and following a set of codes of practice. Besides, asbestos waste must be properly handled and disposed of in accordance with the Waste Disposal Ordinance (Cap. 354) (WDO).

Proposal for banning all forms of asbestos

6. It has been an international trend to extend the ban on the import, sale and use of asbestos to white asbestos when proven substitutes are available. With safe and proven alternatives for white asbestos products becoming widely available in the market, the use of asbestos products in building services, fire proofing, electrical and mechanical installations as well as vehicles in Hong Kong should by and large have been replaced with non-asbestos alternatives. In fact, asbestos was not used in new public housing projects since 1984. The import of white asbestos into Hong Kong had also substantially decreased from 577 tonnes in 1996 to 35 tonnes in 2010. To further abate the risk of asbestos and better protect the public from exposure to environmental asbestos, the Administration has proposed to amend APCO to –

- (a) extend the current ban on import and sale of blue and brown asbestos to cover also chrysotile (white asbestos), fibrous actinolite,

³ According to the Factories and Industrial Undertakings (Asbestos) Regulation (Cap. 59AD), amphibole asbestos means any of the minerals crocidolite, amosite, fibrous actinolite, fibrous anthophyllite, fibrous tremolite and any mixture containing any of those minerals.

fibrous anthophyllite and fibrous tremolite;

- (b) ban the supply and new use of asbestos to prevent any dismantled asbestos from re-entering the market or being re-used;
- (c) remove the current exemption for transshipment goods to avoid potential health hazard due to possible release of asbestos fibres into the environment in the course of loading, unloading and repackaging;
- (d) empower the Authority to issue a notice requiring an offender to discontinue the import, sale, supply or use of asbestos or product containing asbestos and to properly remove, dispose of or destroy the concerned asbestos or product containing asbestos upon discovery of an offence;
- (e) empower the Authority to grant, impose conditions to, and withdraw any exemption to the proposed controls to cater for special situations; and
- (f) adopt the existing level of penalty for non-compliance with the proposed controls at a fine of \$200,000 and to imprisonment for 6 months on conviction.

To allow sufficient time for the affected trades to identify and source alternative asbestos-free products if needed, the Administration intends to implement the proposed controls by end of 2012. The consultation with stakeholders on the proposed controls ended on 31 May 2011.

Deliberations by the Panel on Environmental Affairs

7. The proposal to amend APCO to extend the current ban on import and sale of blue and brown asbestos to all other forms of asbestos, and to ban the supply and new use of all forms of asbestos was discussed by the Panel on Environmental Affairs (the Panel) at its meeting on 20 April 2011.

8. The Panel in general supported the proposal since asbestos was a proven carcinogen. Noting that the Authority might grant exemptions to the proposed control to cater for special situations, some members enquired about the circumstances under which exemptions would be granted. Some other members questioned if the proposed controls would apply to transshipment of asbestos which might only involve loading and unloading, without any

repackaging or tampering of contents. To avert the release of asbestos fibres into the ambient environment, members enquired about the preventive and enforcement actions taken in avoiding the release of asbestos fibres in the course of demolition of aged buildings and village houses for redevelopment.

Council questions

9. Hon KWOK Ka-ki, Hon LI Fung-ying and Hon LEUNG Ka-lau have raised questions on the controls on asbestos at Council meetings. Details of the Council questions are hyperlinked below for ease of reference.

Latest development

10. The Administration proposes to report on the outcome of consultation with stakeholders and the final proposal at the Panel meeting on 19 January 2012.

Relevant papers

11. A list of relevant papers is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
13 January 2012

Proposal for Banning All Forms of Asbestos

List of relevant papers

Council/ Committee	Date of meeting	Paper
EA Panel	20 April 2011	<p>Information paper on "Proposal for Banning All Forms of Asbestos" provided by the Administration (LC Paper No. CB(1) 1913/10-11(05)) http://www.legco.gov.hk/yr10-11/english/panels/ea/papers/ea0420cb1-1913-5-e.pdf</p> <p>Paper on asbestos ban in Hong Kong prepared by the Legislative Council Secretariat (fact sheet) (FS18/10-11) http://www.legco.gov.hk/yr10-11/english/sec/library/1011fs18-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1) 2547/10-11) http://www.legco.gov.hk/yr10-11/english/panels/ea/minutes/ea20110420.pdf</p>

Hyperlinks to relevant Council Questions:

Date	Council Questions
5 March 2008	Council question raised by Hon KWOK Ka-ki http://www.info.gov.hk/gia/general/200803/05/P200803050208.htm
29 October 2008	Council question raised by Hon LI Fung-ying http://www.info.gov.hk/gia/general/200810/29/P200810290156.htm
30 March 2011	Council question raised by Hon LEUNG Ka-lau http://www.info.gov.hk/gia/general/201103/30/P201103300116.htm