

立法會

Legislative Council

LC Paper No. CB(1)867/13-14
(These minutes have been seen
by the Administration)

Ref: CB1/BC/2/13

Bills Committee on Air Pollution Control (Amendment) (No. 2) Bill 2013

**Minutes of the third meeting held on
Monday, 2 December 2013, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Cyd HO Sau-lan (Acting Chairman)
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon Charles Peter MOK
Dr Hon Kenneth CHAN Ka-lok
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
- Members absent** : Hon Kenneth LEUNG (Chairman)
Hon WU Chi-wai, MH
- Public Officers attending** : **Agenda item I**

Mr Andrew LAI Chi-wah, JP
Deputy Director of Environmental Protection (3)
Environmental Protection Department

Mr MOK Wai-chuen, JP
Assistant Director (Air Policy)
Environmental Protection Department

Mr YEUNG Mo-man
Senior Environmental Protection Officer (Air Policy)²
Environmental Protection Department

Dr Raymond LEUNG Lai-man, JP
Occupational Health Consultant (1)
Labour Department

Mr CHEUNG Hon-chung
Senior Occupational Hygienist (Development)
Labour Department

Mr Allen LAI Kai-pang
Senior Government Counsel
Department of Justice

**Attendance by
Invitation**

: Agenda item I

HK Construction Industry Employees General Union

Mr Terence LUNG Hiu-hong
Program Manager

Fugro Technical Services Limited

Mr LEUNG Man-wai
Engineer

Hong Kong Chinese Prepared Medicine Traders
Association

Mr TAM Kwok-leung
President

The Chamber of Hong Kong Logistics Industry

Mr CHAN F C
Executive Vice Chairman

Gammon Construction Limited

Mr Brian KAM
Environmental Manager

Construction Industry Council

Ms Belle HO
Manager-Council Services

Hong Kong Workers' Health Centre

Dr Ignatius YU
Honorary Medical Advisor

Building Services Operation and Maintenance
Executives Society

Mr HO Tak-shing
Treasurer

Hong Kong Yee Yee Tong Chinese Medicine
Merchants Association Ltd.

Mr TING Wing-fai
常務會董

Hong Kong Chinese Medicine Industry Association

Mr Kenlay WONG Kong-hui
Chairman

Asbestos Removal Contractors (HK) Co. Ltd.

Mr LO Chun-wai
Manager

The Hong Kong Construction Association

Mr Ringo YU
Environmental Committee Chairman

The Hong Kong Institute of Marine Technology

Ir CHAN Moon-chung
Council Member

Clerk in attendance : Ms Sophie LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Ms Macy NG
Senior Council Secretary (1)2

Ms Emily LIU
Legislative Assistant (1)2

Action

I Meeting with deputations and the Administration

- (LC Paper No. CB(1)402/13-14(01) - List of follow-up actions arising from the meeting on 19 November 2013
- LC Paper No. CB(1)402/13-14(02) - Administration's response to issues raised at the meeting on 19 November 2013
- LC Paper No. CB(3)12/13-14 - The Bill
File Ref: EP351/A4/1 - The Legislative Council Brief issued by the Environment Bureau
- LC Paper No. CB(1)222/13-14(02) - Marked-up copy of the Bill prepared by the Legal Service Division)
- LC Paper No. CB(1)404/13-14(01) - Submission from The Chinese Medicine Council of Hong Kong
- LC Paper No. CB(1)404/13-14(02) - Submission from The Hong Kong Institution of Engineers
- LC Paper No. CB(1)464/13-14(02) - Submission from Association for the Rights of Industrial Accident Victims)

Action

Election of Acting Chairman

Ms Cyd HO, the member with the highest seniority among those present at the meeting, said that as the Chairman was unable to chair the meeting due to urgent commitment, the Bills Committee would elect a Chairman to act during his absence. She invited nominations for the chairmanship of the Bills Committee.

2. Dr LO Wai-kwok nominated Ms Cyd HO, and the nomination was seconded by Mr POON Siu-ping. Ms Cyd HO accepted the nomination.

3. There being no other nominations. Ms Cyd HO was elected to be the Acting Chairman.

Meeting with deputations and the Administration

4. The Bills Committee received views from the representatives of 13 deputations who attended the meeting.

5. The Bills Committee deliberated (index of proceedings attached in **Annex**).

Follow-up actions required of the Administration

Admin 6. To facilitate further discussion on the Bill, the Administration was requested to provide, in consultation with Gammon Construction Limited, Construction Industry Council and Hong Kong Construction Association, a list of machinery/products which consisted of asbestos containing material.

Date of next meeting

7. Members agreed to hold the next meeting on 17 December 2013 to meet with the Administration and conduct clause-by-clause examination of the Bill.

II Any other business

8. There being no other business, the meeting ended at 4:00 pm.

**Proceedings of the third meeting of
the Bills Committee on Air Pollution Control (Amendment) (No. 2) Bill 2013
on Monday, 2 December 2013, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with deputations and the Administration			
000308 – 000618	Ms Cyd HO Dr LO Wai-kwok Mr POON Siu-ping	- Election of Acting Chairman - Ms Cyd HO was elected as the Acting Chairman of the Bills Committee	
000619 – 000719	Acting Chairman	- Opening remarks	
Presentation of views by deputations			
000720 – 001220	Acting Chairman HK Construction Industry Employees General Union	- Presentation of views - As requested by the Acting Chairman, HK Construction Industry Employees General Union agreed to provide information on cases where improper disposal of asbestos containing material ("ACM") was found for the Administration's follow-up	
001221 – 001443	Acting Chairman Fugro Technical Services Limited	- Presentation of views - Fugro Technical Services Limited expressed concern on the amendment of the definition of ACM	
001444 – 001805	Acting Chairman Hong Kong Chinese Prepared Medicine Traders Association	- Presentation of views (LC Paper No. CB(1)403/13-14(01)) - Hong Kong Chinese Prepared Medicine Traders Association's expression of support for the proposed exemption under the Bill to the proprietary Chinese medicines with tremolium and actinolium formulated in a finished dose form	
001806 – 001954	Acting Chairman The Chamber of Hong Kong Logistics Industry	- Presentation of views - The Chamber of Hong Kong Logistics Industry's view that a committee should be set up by the Administration to monitor all works and activities involving ACM	
001955 – 002149	Acting Chairman Gammon Construction Limited	- Presentation of views - Gammon Construction Limited indicated	

Time marker	Speaker	Subject(s)	Action required
		support for the Bill but expressed concern on the amendment of the definition of ACM and the application of the Bill on reuse of machinery/projects with asbestos	
002150 – 002228	Acting Chairman Construction Industry Council	- Presentation of views - Construction Industry Council indicated that the construction trade had no objection to the Bill	
002229 – 002642	Acting Chairman Hong Kong Workers' Health Centre	- Presentation of views (LC Paper No. CB(1)222/13-14(03)) - Hong Kong Workers' Health Centre's expression of concern on the exemptions proposed under the Bill	
002643 – 003002	Acting Chairman Building Services Operation and Maintenance Executives Society	- Presentation of views (LC Paper No. CB(1)421/13-14(01)) - Building Services Operation and Maintenance Executives Society indicated support for the Bill and made some suggestions on clauses 5 and 8 of the Bill. It also suggested that a comprehensive exemption checklist of equipment should be made.	
003003 – 003327	Acting Chairman Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd	- Presentation of views (LC Paper No. CB(1)403/13-14(02)) - Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd's expression of support for the proposed exemption under the Bill to the proprietary Chinese medicines with tremolium and actinolium formulated in a finished dose form	
003328 – 003542	Acting Chairman Hong Kong Chinese Medicine Industry Association	- Presentation of views (LC Paper No. CB(1)403/13-14(03)) - Hong Kong Chinese Medicine Industry Association's expression of support for the proposed exemption under the Bill to the proprietary Chinese medicines with tremolium and actinolium formulated in a finished dose form	
003543 – 003550	Acting Chairman Asbestos Removal Contractors (HK) Co.	- Asbestos Removal Contractors (HK) Co. Ltd had no particular view on the Bill	

Time marker	Speaker	Subject(s)	Action required
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003551 – 003837	Acting Chairman The Hong Kong Construction Association	- Presentation of views (LC Paper No. CB(1)464/13-14(01)) - The Hong Kong Construction Association expressed support for the Bill and made some suggestions on the conduct of works involving asbestos and the resale of machinery/facilities which contained asbestos	
003838 – 003924	Acting Chairman The Hong Kong Institute of Marine Technology	- Presentation of views - The Hong Kong Institute of Marine Technology expressed that it had no objection to the Bill	
003925 – 004740	Acting Chairman Dr LO Wai-ki Hong Kong Chinese Prepared Medicine Traders Association Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd. Hong Kong Chinese Medicine Industry Association Hong Kong Workers' Health Centre	- Discussion on whether the production, import and transshipment process of proprietary Chinese medicines with tremolite and actinolite would release asbestos fibers in the air	
004741 – 005047	Acting Chairman Mr POON Siu-ping Gammon Construction Limited	- Mr POON's concern over the disposal of unused proprietary Chinese medicines with tremolite and actinolite; and whether the Administration would set up a fund to subsidize owners engaging qualified asbestos professionals for asbestos abatement works as suggested by the HK Construction Industry Employees General Union - The Acting Chairman's request for Gammon Construction Limited and Construction Industry Council to provide a list of machinery/products which consisted of ACM	
005048 – 010106	Acting Chairman Dr LEUNG Ka-lau Hong Kong Chinese Prepared Medicine Traders Association	- Dr LEUNG's concern on the labeling of proprietary Chinese medicines with tremolite and actinolite in a finished dose form	

Time marker	Speaker	Subject(s)	Action required
	<p>Hong Kong Yee Yee Tong Chinese Medicine Merchants Association Ltd.</p> <p>Hong Kong Chinese Medicine Industry Association Administration</p>	<p>- Discussion on whether there were substitutes to proprietary Chinese medicines with actinolium and whether those medicines were commonly used in Hong Kong</p> <p>- Discussion on the governance under the Bill on import of raw tremolium and actinolium materials for production of proprietary Chinese medicines</p> <p>- Discussion on the concerns raised by the Hong Kong Workers' Health Centre on the experts' advice on whether ingested tremolium and actinolium would be harmful to health</p>	
<p>010107 – 010942</p>	<p>Acting Chairman Mr TANG Ka-piu Administration HK Construction Industry Employees General Union The Hong Kong Construction Association</p>	<p>- Discussion on the legislation governing the reuse of machinery/products which included parts consisting of ACM</p> <p>- The Administration advised that:</p> <p>(a) the Bill would not govern the use of existing machinery/products embedded with asbestos currently in use in Hong Kong. However, it would govern the import of those machinery/products, including for the purpose of repair/maintenance; and</p> <p>(b) while conducting maintenance works involving machinery/products with asbestos, the owners of which should take precautionary measures according to the requirements stipulated under the Air Pollution Control Ordinance (Cap. 311) ("APCO").</p> <p>- The Hong Kong Construction Association stated that it would compose a list of machinery/projects with asbestos with the Environmental Protection Department with a view to raising the awareness of workers while conducting maintenance works involving machinery/products with asbestos</p>	<p>Administration to provide information/response (paragraph 6 of minutes)</p>
<p>010943 – 011922</p>	<p>Acting Chairman Administration</p>	<p>- Ms HO's enquiry on whether talcum powder and cosmetics consisted of ACM; and the Administration's advice that any products which would pose hazards to public health would be prohibited from import to Hong Kong</p>	

Time marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - The Administration explained the reasons for amending the definition of ACM in section 2 of the APCO by removing the requirement that the material must contain more than 1% asbestos - The Acting Chairman's consideration that where a proprietary Chinese medicine contained ingredients with ACM, they should be clearly specified on the label attached on the package of the proprietary Chinese medicine - Request for the Administration, in consultation with Gammon Construction Limited, Construction Industry Council and Hong Kong Construction Association, to provide a list of machinery/products which consisted of ACM 	Administration to provide information/response (paragraph 6 of minutes)
011923 – 012908	Acting Chairman Administration Mr TANG Ka-piu Hong Kong Chinese Prepared Medicine Traders Association The Chamber of Hong Kong Logistics Industry	<ul style="list-style-type: none"> - Discussion on the disposal of expired proprietary Chinese medicines with asbestos and construction waste with ACM - Mr TANG and the Chamber of Hong Kong Logistics Industry's request for setting up a fund to provide subsidy to owners for engaging qualified asbestos professionals for asbestos abatement works - The Administration responded that the Hong Kong Housing Society had launched a scheme which subsidized repair and maintenance works of aged buildings and the scheme covered abatement works involving ACM 	
012909-012923	Acting Chairman	<ul style="list-style-type: none"> - Acting Chairman's expression of thanks to attending government officers and deputations 	