

立法會

Legislative Council

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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the Air Pollution Control (Amendment) (No. 2) Bill 2013 ("the Amendment Bill"), and gives a brief account of the views and concerns expressed by Members on the proposal to ban all forms of asbestos.

Background

2. Asbestos is a proven carcinogen which can cause asbestosis, lung cancer and mesothelioma¹ when inhaled. It includes the more common forms of chrysotile (white asbestos), amosite (brown asbestos) and crocidolite (blue asbestos) and the less common forms of fibrous actinolite, fibrous anthophyllite and fibrous tremolite. 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.

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. 59 sub. Leg. AD) 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

¹ 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.

work area, the use of asbestos insulation for the purpose of thermal, acoustic or other insulation, as well as the use of amphibole asbestos² in any process.

4. Since 1996, the import and sale of the more hazardous amosite and crocidolite were banned under the Air Pollution Control Ordinance (Cap. 311) ("the APCO"). The APCO requires the engagement of registered qualified professionals to conduct certain work involving asbestos containing materials and engage in asbestos related activities. 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. Besides, asbestos waste must be properly handled and disposed of in accordance with the Waste Disposal Ordinance (Cap. 354). 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 the Environmental Protection Department ("EPD") under delegation from the Trade and Industry Department.

The Amendment Bill

5. The Administration conducted consultation with relevant trades and stakeholders in 2011 to seek public views on the proposal to ban all forms of asbestos. The key concerns of stakeholders were on four areas, namely the relocation of existing equipment with embedded parts containing asbestos, exemption of special uses, Chinese herbal medicines and the handling of existing asbestos containing materials in Hong Kong. The Advisory Council on the Environment and all other written responses received by the Administration were supportive of the proposal to ban all forms of asbestos.

6. Against the above background, the Administration introduced the Amendment Bill to amend the APCO to ban the use, supply, import and transshipment of asbestos or asbestos containing material to further abate the risk of asbestos and better protect the public from the exposure to environmental asbestos. The Amendment Bill also proposes related amendments to the Factories and Industrial Undertakings (Asbestos) Regulation to tighten up the control on the use of asbestos in industrial undertakings.

² 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 materials.

Deliberation by the Panel on Environmental Affairs

7. The Panel on Environmental Affairs ("the Panel") was consulted on the proposal to ban all forms of asbestos at its meetings on 20 April 2011 and 19 January 2012.

8. Members in general supported the proposal since asbestos was a proven carcinogen. Noting that the power sector requested for blanket exemption for existing equipment with parts containing asbestos embedded inside because no reliable asbestos-free alternatives were available, some members expressed concern about the health risk associated with the use of asbestos containing equipment and enquired about the circumstances under which exemptions would be granted. The Administration stressed that a special exemption would only be granted if asbestos-free alternatives did not exist. Operators were required to take precautionary measures to ensure that asbestos fibres would not be released to the environment. As there was only limited stock of asbestos containing materials in Hong Kong, owners of these materials had been advised to arrange for proper disposal of the existing stock.

9. Since asbestos containing materials were commonly used in construction years ago and could still be found in aged buildings, some members enquired about the measures to deal with these cases and the monitoring mechanism for demolition of building structures involving asbestos containing materials. The Administration explained that asbestos containing materials in aged buildings which were well-kept should not pose a health hazard. If these buildings were to be demolished, the owners concerned would need to engage registered qualified asbestos professionals to submit demolition plans to EPD to ensure that the asbestos particles would not be released into the environment. The Hong Kong Construction Association, construction workers associations and owners of village houses in the New Territories had been advised of the necessary procedure and precautionary measures to be taken in handling asbestos containing materials. Codes of practice on the proper handling of asbestos had also been issued to the building industry.

10. On the control of Chinese herbal medicines containing asbestos, the Administration advised that as some Chinese herbal medicines might contain special forms of asbestos, such as termolitus and actinolite, the Chinese Medicine Council of Hong Kong supported banning the import and use of these Chinese herbal medicines. However, proprietary Chinese medicines with tremolite and actinolite formulated in a finished dose form should be allowed because there was no scientific evidence showing that ingestion of these asbestos containing materials would be harmful to health. This view was shared by the Department of Health. Hence, registered proprietary Chinese medicines were excluded from the control regime.

Latest development

11. The Amendment Bill was gazetted on 27 September 2013 and introduced into the Council on 23 October 2013. At the House Committee meeting on 25 October 2013, Members agreed that a bills committee should be formed to examine the Amendment Bill.

Relevant papers

12. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
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Appendix

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Environmental Affairs	20 April 2011	<p>Administration's paper on "Proposal for Banning All Forms of Asbestos" (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>Fact sheet on "Asbestos ban in Hong Kong" prepared by the Legislative Council Secretariat (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>
Panel on Environmental Affairs	19 January 2012	<p>Administration's paper on " Proposal for Banning All Forms of Asbestos" (LC Paper No. CB(1)855/11-12(03)) http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0119cb1-855-3-e.pdf</p> <p>Background brief on "Banning all forms of asbestos" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)855/11-12(04)) http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0119cb1-855-4-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)1219/11-12) http://www.legco.gov.hk/yr11-12/english/panels/ea/minutes/ea20120119.pdf</p>
Legislative Council	23 October 2013	<p>Legislative Council Brief issued by the Environment Bureau on 25 September 2013 (EP351/A4/1) http://www.legco.gov.hk/yr13-14/english/bills/brief/b201309271_brf.pdf</p>