

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

**Follow-up actions required of the Administration
(as at 18 November 2013)**

The Administration was requested by members at the meeting on 5 November 2013 to provide the following information –

1. In relation to Chinese medicine –
 - (a) if a proprietary Chinese medicine contains any kind of asbestos or asbestos containing material in the medicine's formula, whether such information will be expressly stated on the drug label of the medicine concerned;
 - (b) the demand for proprietary Chinese medicines and Chinese herbal medicines which contain asbestos or asbestos containing material in Hong Kong; and
 - (c) whether there are substitutes to the medicines that are mentioned in paragraph (b) above.
2. Apart from proprietary Chinese medicine, whether any asbestos or asbestos containing material can be found in the formulae of other types of medicine (such as Chinese herbal medicine) or pharmaceutical products which can be legally supplied or consumed in Hong Kong.
3. The recent statistics in Hong Kong on the quantity of goods in transit and transshipment which contained asbestos materials.
4. In relation to qualified asbestos professionals, including asbestos consultants, contractors and supervisors who are registered under the Air Pollution Control Ordinance (Cap. 311) ("APCO") –
 - (a) the requirements for being such qualified professionals;
 - (b) the number of such professionals in Hong Kong who are qualified to engage in the demolition works of building structures involving asbestos containing materials;

- (c) the range of fees for carrying out the aforesaid demolition works;
and
 - (d) whether the duration of carrying out such works, including the time which the Administration may spend on handling any relevant plans submitted by any of such qualified professionals, is regulated by legislation.
5. In relation to section 78 of the APCO and the proposed section 78, the Administration's considerations with respect to –
- (a) the amendments as stated in the proposed section 78(1)(b) ; and
 - (b) the addition of the proposed section 78(2).
6. In relation to the proposed sections 80, 82 and 83 –
- (a) with respect to the term "exempted person" which appears in section 82 and in the light of the Chinese Medicine Ordinance (Cap. 549) ("CMO"),
 - (i) the persons who are exempted under section 158(1) of the CMO from the application of section 119 of the CMO;
 - (ii) the Administration's considerations in proposing that the proposed section 80 would not be applicable to any such person.
 - (b) with respect to the proposed sections 82(3) and 82(4), given that the term "asbestos" does not appear in the two respective subsections, it seems that the proposed section 80 (which concerns both asbestos and asbestos containing material) would be applicable to an exempted person for a proprietary Chinese medicine who conducts any of the activities stated in the said subsections in relation to asbestos but not to such person who conducts the same kinds of activities in relation to asbestos containing material. In the light of the aforesaid, the Administration's considerations in drafting the said subsections;
 - (c) with respect to the proposed section 82, information on whether any asbestos, in its pure form, can be used as a medication or pharmaceutical product which can be legally supplied or consumed in Hong Kong;
 - (d) with respect to the proposed section 82 and in the light of Schedule 2 to the Hazardous Chemicals Control Ordinance

(Cap. 595) ("HCCO"), whether the Administration considers it necessary to extend the scope of the proposed section 82 to cover any asbestos or asbestos containing material which satisfies any of the provisions as stated in paragraph 2 of Part 2 of Schedule 2 to HCCO and the relevant considerations of the Administration; and

- (e) with respect to the proposed section 83, the factors which the Authority will take into account in deciding whether the requirements as stated in the proposed section 83(1)(a) and (b) have been satisfied.

7. The Administration's written response to a submission from the Hong Kong Workers' Health Centre (LC Paper No. CB(1)222/13-14(03)).

Council Business Division 1
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