

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

**LC Paper No. CB(1)222/13-14(03) –
Submission from Hong Kong Workers' Health Centre**

The Administration's Written Response

1. The proposed new legislation has no control on proprietary Chinese medicine containing asbestos

The Department of Health advised that on the question of safety and usage of tremolite and actinolite and proprietary Chinese medicines containing these two Chinese herbal medicines, the Chinese Medicines Board (CMB) under the Chinese Medicine Council of Hong Kong had invited experts to provide opinions, and had in-depth discussion in response to the proposals of the Environmental Protection Department to ban all forms of asbestos and amend the Air Pollution Control Ordinance.

According to expert opinions obtained, there is different pharmacological mechanism between the inhalation of asbestos and ingestion of asbestos. Besides, tremolite has been in use in Chinese medicine for over a thousand of years. There is also no specific cases or reports for verification of the risk. Hence, whether ingested asbestos will accumulate in the body and is carcinogenic has to make reference to authoritative international research.

Nevertheless, having considered the information of tremolite and actinolite, the usage of these two Chinese herbal medicines by local Chinese medicine practitioners and proprietary Chinese medicine manufacturers, as well as public health and other relevant factors, CMB agrees to prohibit the use of these two Chinese herbal medicines in Hong Kong as inhalation of asbestos would be harmful to health and it is difficult to ensure that the Chinese herbal medicine retailers and general public would not inhale the related substances when processing, dispensing and decoction of tremolite and actinolite. At present, these two Chinese herbal medicines are seldom used by Chinese medicine practitioners and they can be substituted by other herbal medicines of similar efficacy.

As regards proprietary Chinese medicines containing tremolite and actinolite, as mentioned above, since there is no scientific evidence indicating that ingested tremolite and actinolite would be harmful to health, CMB recommends that the import and sale of proprietary Chinese

medicines containing tremolite and actinolite¹ which are in finished dose form (such as capsule or tablet) and registered may continue.

Proprietary Chinese medicines are generally made according to Chinese medicine formulae into a particular dose form. According to the basic theory of traditional Chinese medicine, a prescription is made after analyzing the cause, determining the treatment method and choosing the appropriate drugs, following the “the principal, assistant, adjuvant and guiding drugs” principle of formulating a prescription. Hence, the efficacy and safety of a prescription is dependant on and is achieved by the interaction of various drugs, rather than the efficacy of just one of the drugs. Chinese medicine theory considers that, even if the prescription of the proprietary Chinese medicine contains toxic drugs, the toxicity can be reduced or eliminated by correct combination. Generally, prescriptions containing tremolite are mostly preparations of multiple active ingredients with correct combination.

In fact, according to the IARC Monograph Volume 100C² published by the International Agency for Research on Cancer, studies on exposure to asbestos in drinking-water and stomach, large intestine and colon cancer have concluded that the available data were inadequate to evaluate the cancer risk of asbestos in drinking-water. According to the Guidelines for Drinking-water Quality³ of the World Health Organization (WHO), there is little evidence of the carcinogenicity of ingested asbestos in epidemiological studies of populations with drinking water containing high concentrations of asbestos. WHO is of the view that there is no consistent evidence that ingested asbestos is hazardous to health.

In view of the above, there is not enough evidence to show that oral exposure to asbestos, including tremolite and actinolite, is harmful to health.

The legislation of Hong Kong cannot be implemented outside the territory. Therefore, when the Bill was drafted, only the local situations can be considered for its implementation. On the question of protecting the health

¹ There is no registered pCm that contains ‘actinolite’ (陰起石).

² International Agency for Research on Cancer. IARC Monograph Volume 100C (2012)
<http://monographs.iarc.fr/ENG/Monographs/vol100C/mono100C-11.pdf>

³ World Health Organization. Guidelines for Drinking-water Quality (4th edition) (2011)
http://whqlibdoc.who.int/publications/2011/9789241548151_eng.pdf

of workers outside Hong Kong who are engaged in pharmaceutical manufacturing and extraction and processing of raw materials, it should be the responsibility of the government of the relevant countries or areas to take effective measures to protect the concerned workers' health.

2. The division of responsibilities between the Environmental Protection Department and the Labour Department

The Amendment Bill proposed to amend the Air Pollution Control Ordinance (Cap. 311) to ban asbestos and make related amendments to the Factories and Industrial Undertakings (Asbestos) Regulation (Cap. 59AD). When the Amendment Bill comes into operation, the Environmental Protection Department (EPD) will be responsible for enforcing the amended Air Pollution Control Ordinance to ban import, transshipment and supply of asbestos and asbestos containing material as well as their use in places other than industrial undertakings. The Labour Department (LD) will be responsible for enforcing the amended Factories and Industrial Undertakings (Asbestos) Regulation to ban work with asbestos in industrial undertakings.

3. The problem of asbestos in Hong Kong and inadequate precautionary education and publicity for the public

In or before the 1980s, the use of asbestos containing materials (ACM) in buildings was very common. Corrugated asbestos cement sheets were used in many canopies and rooftop structures in old buildings for shielding and heat insulation purpose. Corrugated asbestos cement sheets, if in good condition, will not release asbestos fibres and thus pose no health risks to the residents or the public. As the presence of ACM can only be ascertained after sampling and testing, and some such material may be concealed inside building structure and service installations and are not easily found and accessible, its presence can only be ascertained after assessment on the spot by a registered asbestos consultant. Taking account of the resources implication, property rights issue, professional and analytical capacity of the asbestos trade, we consider that it is not necessary to conduct a territory-wide survey on ACM in buildings and establish the relevant database.

The EPD have been promoting the proper handling and disposal of ACM through the means of poster, concise leaflet and educational video which have been uploaded to the EPD's webpage. We also take the initiative to address the general public concern about the handling of ACM. In

response to the recent attention to the use and disposal of corrugated asbestos cement sheets in rural areas, we have stepped up our enforcement tasks and reminded the local villagers about the requirements on handling, removal and disposal of ACM under the APCO. In addition, we have also designed and prepared a new set of poster and leaflet on “Proper Handling of CACS” for educational purpose.

The EPD has closely liaised with various stakeholders (e.g. Occupational Safety and Health Council; Hong Kong Housing Society and Urban Renewal Authority under the “Operation Building Bright”) to deliver talks / seminars to the trade and general public in order to raise their awareness of ACM handling. We are also working with the Buildings Department under their unauthorized building works (UBW) programmes and conducting inspections on the target buildings with UBW. We will display poster in the lobby and meet with the incorporated owners of the target buildings, with the aim of explaining to them about the relevant legislative requirements and improving the communication with the affected people.

All works involving removal and disposal of ACM are regulated by the APCO and WDO. The land owners or occupiers are required to engage qualified contractors to carry out the asbestos work in compliance with the relevant Codes of Practice. Regarding the incidents about disposal of construction wastes with ACM in Chuen Lung and CACS in villages of the New Territories, we were very concerned about the incidents and had taken immediate actions. We, on case by case basis, would issue asbestos abatement notices or advisory letters to the land owners or occupiers, requiring them to properly handle and dispose of the ACM in accordance with our specified requirements. We will continue our enforcement and educational duties, and will take appropriate action for each non-compliant case.

The LD in collaboration with the Occupational Safety and Health Council and Pneumoconiosis Compensation Fund Board, has been organising various publicity, education and promotion activities to raise the awareness of construction workers, contractors and the general public on asbestosis and preventive measures, so as to avoid or reduce the chance of getting the disease. Such work includes organising talks, courses and exhibitions, distributing educational booklets and pamphlets on asbestosis prevention, and broadcasting publicity videos on media. Besides, LD and the Pneumoconiosis Compensation Fund Board collaborate with

non-governmental organisation and workers' union to enhance the awareness of contractors, workers and the general public on the disease and preventive measures through promoting asbestosis prevention in the community and construction sites.

Environment Bureau/Environmental Protection Department
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