

Bills Committee on Air Pollution Control (Amendment) (No.2) Bill
Submission dated 12 December 2013 from
Association for the Rights of Industrial Accident Victims

The Administration's Response

1. Territory-wide asbestos survey
2. Labelling asbestos containing materials

Before the 1980s, the use of asbestos containing materials (ACM) in buildings was very common. Corrugated asbestos cement sheets (CACS) were commonly found in the canopies and rooftop structures of many old buildings. Besides, the roofs of old village houses were also built with CACS and some farmers even used CACS for partition of soil, irrigation, flooding prevention, etc. These CACS are the most commonly used low-risk ACM in which asbestos fibers are tightly bonded with structural materials. CACS, if in good condition and under normal circumstances, will not release asbestos fibres and thus pose no health risks to the residents or the public. In case a detailed asbestos survey is conducted, sampling will inevitably disturb the ACM and asbestos fibers may be released as a result. Since ACM are safe under normal and undisturbed circumstances, the Environmental Protection Department (EPD) considers that conducting a territory-wide survey on ACM in buildings is not the most appropriate method to deal with the problem. To enhance public awareness of ACM, EPD has planned to work with Pneumoconiosis Compensation Fund Board to publish a booklet about ACM to help the public identify their presence.

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 have reservation in labelling all ACM.

3. Assisting the public to remove asbestos containing materials

The premises owners and landlords are responsible to properly manage their premises and land. The landlords / owners and their contractors must comply with the relevant requirements of the Air pollution Control Ordinance and Waste Disposal Ordinance for demolition and disposal of ACM.

The government has provided loans and grants to owners in need to alleviate their burdens in undertaking building maintenance, including the Building Safety Loan Scheme administered by the Buildings Department (BD) and Building Maintenance Grant Scheme for Elderly Owners administered by the Hong Kong Housing Society (HKHS). Besides, HKHS and the Urban Renewal Authority (URA) also provide a Home Renovation Interest-free Loan for owners who need to repair their home. Since April 2011, HKHS and URA co-implemented a one-stop Integrated Building Maintenance Assistance Scheme. Owners can simply complete one set of application forms for making multiple applications to the aforementioned loans and grants. Details may be obtained from the following website:

http://www.hkhs.com/eng/business/pdf/ibmas_leaflet.pdf

4. Reporting system for work not involving asbestos containing materials

Since 2001 and whenever the BD has launched comprehensive demolition scheme for unauthorized building work (UBW), EPD has all along taken concerted monitoring and follow-up actions. EPD has reminded the concerned owners of the possible existence of ACM in buildings and explained the regulatory requirements and guidelines in handling ACM. Furthermore, EPD would upon receiving demolition or alteration notice referral from the BD give written reminders to the registered professionals and contractors about the requirements of handling ACM in accordance with the Air Pollution Control Ordinance.

Under the present system, the respective owners, occupiers, owners' corporations, registered professionals or contractors have to initially explore presence of any suspected ACM in buildings when undertaking demolition and repair work. If suspected ACM is found, registered asbestos professionals shall be employed to conduct detailed asbestos

survey. In addition, EPD will conduct inspections to the demolition work of old buildings, and take appropriate actions if any violation of the legal requirements is found.

5. Strengthening inspection and monitoring

We understand and are thankful to the concern of Association for the Rights of Industrial Accident Victims about possible release of asbestos during demolition work and the impact to the environment. Since 2001, the BD launched an extensive demolition action plan for UBW and referred those targeted buildings to EPD for follow-up action. EPD would notify the owners or occupiers in writing when suspected ACM is found after inspection, requiring the removal of asbestos in UBW be compliant with the Air Pollution Control Ordinance. Besides, asbestos removal work is also regulated by the Factories and Industrial Undertakings Ordinance (F&IUO) for safeguarding the health and safety of workers. All asbestos contractors and their workers must comply with the F&IUO, codes of practice on safety and health and practice notes issued by the Labour Department (LD) when conducting demolition works, including full assessment before commencement of works by contractor, carrying out control measures at worksites, provision of personal protection equipment, conduct of air monitoring and hire of qualified personnel to supervise effective implementation of the control measures. EPD has issued around 13,000 notices over the past 3 years to help owners and occupiers understand whether the presence of ACM in UBW is possible and remind them to take proper measures for control and handling of ACM. Besides, EPD has conducted around 900 inspections per annum in relation to demolition of asbestos work. In the past 3 years, EPD handled about 50 prosecutions per year for noncompliance with the requirements for handling ACM under the Air Pollution Control Ordinance. EPD and LD will strengthen the inspection and enforcement actions and take appropriate actions if any offence is found.

6. Strengthening publicity and education

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.

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 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.

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

13 December 2013