

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

**The Administration's Response to the Submission
from Hong Kong Workers' Health Centre dated 12 December 2013**

1. Warning label to proprietary Chinese medicine containing asbestos

The Chinese Medicines Regulation (Cap. 549F) requires that a label on a package of a proprietary Chinese medicine (pCm) to be sold in Hong Kong shall include the following particulars, at least in Chinese –

- (a) the name of the medicine;
- (b) if –
 - (i) the medicine is composed of less than 3 kinds of active ingredients, the name of each kind of active ingredients; or
 - (ii) the medicine is composed of 3 or more kinds of active ingredients, the names of more than half of the total number of kinds of active ingredients;
- (c) the name of the country or territory in which the medicine is produced;
- (d) the registration number of the medicine as specified in its certificate of registration;
- (e) if the package –
 - (i) is the outermost package, the name of the holder of the certificate of registration of the medicine as specified in the certificate; or
 - (ii) is not the outermost package, either the particulars set out in paragraph (e)(i) or the name of the manufacturer who produces the medicine;
- (f) its packing specification;
- (g) its dosage and method of usage;
- (h) its expiry date; and
- (i) its batch number.

If a pCm is composed of less than 3 kinds of active ingredients with asbestos containing material being one of active ingredients, the name of the asbestos containing active ingredient shall appear on the label. On the other hand, if a pCm is composed of 3 or more kinds of active ingredients, the name of the asbestos containing active ingredient may or may not appear on the label as the registration holder only have to show the names of more than half of the total number of active ingredients.

Regarding the question on whether pCm composing of 3 or more kinds of active ingredients with asbestos containing material being one of active ingredients should specify the information on the label and the proposed attachment of warning to the label of such pCm, the Department of Health (DH) has referred the proposal of the Hong Kong Workers' Health Centre to the Chinese Medicine Council of Hong Kong (CMCHK) for consideration. The DH will also follow up the issue with various stakeholders, including Chinese medicines (CM) traders.

2. Non-availability of suitable legislative control on disposal of expired pCm

Under the Waste Disposal (Chemical Waste) (General) Regulation (Cap 354C) ("the Regulation"), pCm belong to "pharmaceutical products and medicines, not elsewhere specified" specified in Schedule 1 of the Regulation. Hence, the disposal of pCm is governed by the Regulation. Chemical waste producers are required to properly package, label and store their waste in compliance with the "Code of Practice on the Packaging, Labelling and Storage of Chemical Wastes" published under the Waste Disposal Ordinance, and engage licensed chemical waste collectors to collect and deliver the waste to the Chemical Waste Treatment Centre at Tsing Yi for disposal. The consignment of chemical waste from generation to final disposal is governed by a trip ticket system. The waste producer, collector and waste disposal facility operator must ensure that the trip ticket in triplicate is properly signed for each consignment, and certify that all information on the trip ticket is correct, such as the classification, description and quantity of the waste. Moreover, a copy of the trip ticket must be retained for at least 12 months for each consignment to prove that the chemical waste has been properly disposed of.

Chemical waste generated from households is exempt from the control of the Regulation. Members of the public may return their expired pCm to the retailers or the medical centres, or have them properly packaged and then disposed of along with other household waste.

Currently, a total of 720 chemical waste producers have registered for disposal of medicines. They can dispose of any medicines (including pCm). The requirement for registration of pCm under the Chinese Medicine Ordinance came into effect on 3 December 2010. The amounts of pCm disposed of in the past two years are as follows:

	Amount of proprietary Chinese medicines disposed of
2011	26 tonnes
2012	3.2 tonnes

Regarding the disposal of pCm by CM traders, the “Supplementary guidelines on disposal of unserviceable / expired / recalled proprietary Chinese Medicines for Chinese medicines traders” devised by the CMCHK specifies that CM traders shall observe the disposal procedures of chemical waste, including the “Code of Practice on the Packaging, Labelling and Storage of Chemical Wastes”, laid down by the Environmental Protection Department in handling the disposal of pCm. In addition, the practising guidelines for CM traders devised by the CMCHK stipulate that CM traders must implement and comply with other relevant laws in Hong Kong. These practising guidelines have been uploaded to the CMCHK website (www.cmchk.org.hk) for CM traders’ reference. If suspected case of contravention is noted, the DH will refer the case to relevant enforcement agency for follow-up action. The case will also be referred to the CMCHK for follow-up action in accordance with the established disciplinary procedure.

In 2011 and 2012, the DH had not received any complaint about illegal disposal of pCm contravening the Waste Disposal Ordinance by CM traders.

As for the number of prosecutions against illegal disposal of chemical waste, there were a total of 23 prosecutions in 2011 and 2012. None of them involved illegal disposal of proprietary Chinese medicines.

Environment Bureau/Environmental Protection Department
20 December 2013