

Policy Issues on Asbestos Problems in Hong Kong

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Background

Hong Kong is a small city in South China with 7,097,600 estimated populations at the end of 2010. (1) It was a colony of United Kingdom before 1997 while it became a Special Administrative Region (SAR) of People Republic of China (PRC) afterwards. All the main policies in relating to asbestos were passed and enacted before 1997 except the inclusion of mesothelioma in the Pneumoconiosis Compensation Ordinance (Cap. 360) at 2008. (2,3)

Hong Kong Workers' Health Centre (HKWHC) is a non-profit making organization established in 1984. HKWHC is formed by medical doctors, rehabilitation therapists, the occupational safety & health professional and social workers. HKWHC devoted to the promotion of occupational health, prevention of workplace injuries and diseases, protection of workers' health, and assisting people with work injury or occupational disease to return to work and participate in community life. For the past 25 years, HKWHC advocates the banning of asbestos, establishes a comprehensive compensation and rehabilitation support services for people in suffering from asbestosis and mesothelioma.

Banning of Asbestos

Since 1996, Amosite (brown asbestos) and Crocidolite (blue asbestos) were banned by Environment Protective Department (EPD) in Hong Kong. Under s.80 of Air Pollution Control Ordinance (Cap. 311), a person shall not import into Hong Kong or sell any quantity of asbestos known as Amosite or Crocidolite or any substance

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or item made with or containing both. (4) Unfortunately, other kind of asbestos such as Chrysotile (white asbestos) can be imported into, manufacture and exported in Hong Kong. (5) Obviously, the health of citizen is still threatened by hazard of asbestos. HKWHC continues to pay effort in advocating the total banning of asbestos in Hong Kong. HKWHC regularly requests the government to publish information on regarding the import and export of products with Chrysotile through Legislative Council member of HKSAR. And the recent reply by government at 2008 was summarized as follows:

Press Release of Hong Kong Government: Controls on asbestos works and asbestos containing materials (6)

(October 29, 2008) At present, the use of asbestos containing materials in the construction and other industries has been largely replaced by asbestos-free products. The quantity of imported asbestos containing materials has substantially decreased as compared with the time before the Ordinance became effective. Currently, uses of chrysotile mainly include asbestos friction products, gaskets, fabricated asbestos fibres and corrugated cement sheets in small quantities. The record on import and export of chrysotile for the past three years is tabulated below:

Year	2005	2006	2007
Import of chrysotile and chrysotile containing materials (tonne)	165	101	47
Export of chrysotile and chrysotile containing materials (tonne)	101	14	8

At present, workers who come into contact with asbestos materials are mainly those involved in demolition of old buildings.... The general distribution of private buildings in the territory is as follows:

Age of buildings	Number of buildings
20 to 29 years	3,600
30 to 39 years	3,200
above 40 years	8,800
Total (above 20 years)	15,600

Note: The above figures include about 900 pre-war buildings but exclude New Territories exempted houses.

The number of residents in these buildings and the exact number of buildings containing asbestos are not available. Before the 1980s, the use of asbestos containing materials in buildings was very common. Chrysotile corrugated cement sheets were used in many unauthorised canopies and rooftop structures in old buildings for heat insulation purpose. Based on past demolition records, we estimate that among those over 20 years old buildings classified by the Buildings Department as target buildings requiring demolition of unauthorised structures, about 60% of them may contain asbestos.

Asbestos Problem on the Construction Renovation Project

HKWHC knows that the peak period of adopting large amount of asbestos for building construction from 60's to 70's. Therefore, many old public and private buildings did contain construction materials with asbestos as illustrated in the written reply from government. The recent large scale project in construction renovation sponsored by government started at 2009, targeted to the buildings aged 30 years or above which located in the urban area and lack of maintenance. (7) Since the project is also subsidizing the cost of repair and maintenance works like the removal of rooftop structures and the replacement of electrical wiring, it indicates that the construction workers are facing the hazard of asbestos for providing renovation work to old private building which adopted asbestos substance. However, the enforcement of regulations on the renovation of private buildings is much relying on the compliance of legal requirement of the property owners of these private buildings.

To raise the awareness on the hazard and preventive measures of asbestos among the related construction workers and also those people who live nearby the suspected buildings under renovation & the waste collectors, HKWHC collaborated with the largest local construction workers' union, the Hong Kong Construction Industry Employees General Union (HKCIEGU), to start an educative project at community level since November 2011. The 2-years educative project, as a comprehensive health promotion intervention, will be organized and provided numbers of health talks, exhibitions and carnivals accompanied with promotion leaflet delivery in the 5 districts condensed with the asbestos-containing buildings confirmed by the EPD, named the Kowloon City, Yau Tsim Mong, Sham Shui Po, Central & Western and Tsuen Wan District.

Besides the mass educating events mentioned, other than the "traditional" methods, health promotion ambassador development workshops, the "Train-the-Trainer" (TTT) workshop, will also be offered to the construction workers. After attended the TTT workshop, the participants will learn the planning and implementation technique of health intervention. They, as the industry ambassadors, will help to spread the message to their colleagues by peer influence for sustaining the industrial health and safety culture development.

Asbestos Problem in Other Industries

Other than the construction industry, some of the workers suffering from asbestosis and mesothelioma were used to work in ship maintenance industry. (8) It was found that the peak period of adopting large amount of asbestos for ship building from 50's to early 80's. Therefore, ships over 20 years may contain asbestos. Although there remains only one shipyard in Hong Kong now in providing ship maintenance service, workers who had once exposed to the asbestos substance in ship maintenance may still face the risk in suffering from asbestosis and mesothelioma.

In order to enhance the public awareness of the hazard of asbestos in construction renovation project and ship maintenance, HKWHC collaborated with the Pneumoconiosis Compensation Fund Board (PCFB) in publishing two education booklets with DVD for health promotion at 2010. By reading the booklets, readers could know the source of asbestos, the hazard of asbestos to our health, and the recommended preventive measures for a non-professional when they are suspected to reach an asbestos-containing material.

Reform of Air Pollution Control Ordinance

Although there are ordinances to control the use of asbestos and monitor the asbestos trading activity in Hong Kong, the reaction of the Government on total banning of asbestos was rather disappointed. If comparing with other developed regimes which proactively establish a holistic system to total ban of asbestos (9), the action of Hong Kong Government in this topic seems adapted with an evading attitude. The Government had no motivation to total ban and still allows Chrysotile or any substances made with it imported into or re-export in Hong Kong in the past decades. But on 20 April 2011, the EPD submitted an administration paper to the Panel on Environmental Fair of the Legislative Council about the banning of all forms of asbestos. (10) In the proposal, the Department proposed to extend the current banning policy on import and sale of blue and brown asbestos to all other forms of asbestos, and ban the supply and new use of all forms of asbestos through amending the During the Panel meeting, the Department announced the schedule of the proposal. Consultation with the stakeholders would be undergone to consider their views until the end of May and any legislative amendments needed would be prepared before the end of 2011.

The proposed controls are being intended to be implemented by the end of 2012. (See Appendix A)

Reform of Pneumoconiosis Compensation Ordinance

The Pneumoconiosis Compensation Fund Board (PCFB) is established at 1980 with a role as a compensation body under the Pneumoconiosis (Compensation) Ordinance. (11) Originally, the compensation ordinance mainly covers workers in suffering with silicosis and asbestosis. The income of PCFB comes from the levies of the construction and quarry industries in Hong Kong and the interests or profit by investing the accumulated levy income.

A gradually review and reform of the Ordinance was initiated by HKWHC together with Labour Unions. The compensation items extended from one off compensation to cover items including: 1. Compensation for death resulting from Pneumoconiosis; 2. Compensation for bereavement; 3. Monthly compensation for incapacity; 4. Compensation for incapacity prior to date of diagnosis; 5. compensation for constant attention; 6. funeral expenses; 7. medical expenses; 8. expenses for medical appliances. In view of the surplus in PCFB, it also gradually engages in the areas of rehabilitation, education and research in respect of pneumoconiosis. This became the most comprehensive central compensation fund established in Hong Kong which covers prevention, compensation, education and research on pneumoconiosis. With effect from 1 September 2008, patients could also claim for reimbursement of medical expenses on Traditional Chinese Medicine (TCM). (12)

At 2007, HKWHC successfully lobbied the Government to support the amendment of Pneumoconiosis Compensation Ordinance by incorporating the Mesothelioma into the list of compensation. The new ordinance was named as "Pneumoconiosis and Mesothelioma (Compensation) Ordinance". The enactment of this amendment at 18 April 2008 made that patients diagnosed with Mesothelioma, as caused by inhalation of asbestos, are eligible to receive the same compensations and benefits as those patients with Silicosis and Asbestosis.

Although the enactment of the amended ordinance compensating patients with Mesothelioma, the medical cost originally reimbursed in the ordinance was only HK\$200/\$280 daily ceiling under the Ordinance as which was based on the

charges of our public health service. However, the drug concerned for treating mesothelioma called Alimta (Pemetrexed) is categorised as a self-financed item in the public hospital system (Hospital Authority, HA) non-standard drugs list. Although patients with mesothelioma can apply for subsidy from other charity fund like the Samaritan Fund, they need to pay for the cost of Alimta (Pemetrexed) themselves if subsidy was not available from the Samaritan Fund.

As sitting in the PCFB, HKWHC advocates and lobbies the board members of PCFB to support a sponsorship to cancerous mesothelioma patients and pneumoconiotics to acquire anticancer chemotherapy medicine under the HA non-standard drug list to treat related cancer developed out of or in connection with pneumoconiosis and mesothelioma in order to lengthen their life and enhance their quality of life. A good news is that the board members of PCFB already committed to support this proposal and preparing a letter to communicate with the Labour Department at October 2010. The Labour Department later on decided to sponsor the drugs from the Brewin Trust Fund which established in 1906 and aims to provide assistance for the relief of hardship of the workers who have become wholly or partly incapacitated for work by reason of age, sickness, disability or otherwise. (13) We believe that although it may still take time before this motion is tabled on the Legislative Council in amending the compensation ordinance and become a standardized procedure, the reform is inspiring and helpful to the mesothelioma patients.

Conclusion

HKWHC will continue to work hard in advocating the total ban of asbestos and substitutes for asbestos. We will also continue to advocate a better caring scheme for people in suffering from asbestosis and pneumoconiosis in Hong Kong, including the coverage of the full medical cost for treatment.

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Appendix A

CB(1) 1913/10-11(05)

For discussion on
20 April 2011

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

Proposal for Banning All Forms of Asbestos

PURPOSE

This paper seeks Member's advice on a proposal to amend the Air Pollution Control Ordinance (APCO) (Cap.311) for extending the current ban on import and sale of blue and brown asbestos to all other forms of asbestos and banning the supply and new use of 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. Due to its very high tensile strength and good heat and chemical resistance, it had been widely used before the mid-1980s in friction, fireproofing, insulation and building materials.

3. The import and sale of the more hazardous crocidolite and amosite were already banned since 1996 under the APCO. To avert the release into the ambient environment of asbestos fibres, the APCO requires engagement of registered qualified professionals to conduct certain work involving asbestos containing materials and engage in asbestos related activities in accordance with the provisions of the APCO and following a set of codes of practice. Besides, asbestos waste must be properly handled and disposed of in accordance with the Waste Disposal Ordinance (WDO) (Cap. 354). Since April 2008, a permit system to control the import, export, manufacture and use of asbestos other than chrysotile has also been implemented under the Hazardous Chemicals Control Ordinance (Cap. 595).

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.

LATEST DEVELOPMENTS

4. It has been an international trend to extend the ban on the import, sale and use of asbestos to white asbestos when proven substitutes are available. For example, the European Union has banned all forms of asbestos including white asbestos since 2005 except for using as diaphragms in certain chlorine plants for safety reason while the United Kingdom has banned white asbestos since 1999 with exemptions for safety-critical uses without suitable substitutes up to January 2005.

5. With safe and proven alternatives for white asbestos products becoming widely available in the market and increased awareness of hazards of asbestos, the use of asbestos products in building services, fire proofing, electrical and mechanical installations as well as vehicles in Hong Kong should by and large have been replaced with non-asbestos alternatives. The import of white asbestos into Hong Kong had also substantially decreased from 577 tonnes in 1996 when control on asbestos under the APCO became effective to 35 tonnes in 2010. In fact, asbestos was not used in new public housing projects since 1984. Buildings built after mid-1980s should in general be free from asbestos other than in some illegal structures.

THE PROPOSED CONTROLS

6. With these developments, and in order to further abate the risk of asbestos and better protect the public from exposure to environmental asbestos, we propose to amend the APCO to extend the ban on import and sale of blue and brown asbestos to prohibiting the import, sale, supply and new use of all forms of asbestos.

7. We propose to amend the APCO to introduce the following controls of asbestos-

(a) Extending the Import and Sale Ban to All Forms of Asbestos

With effect from the effective date of the relevant amended provisions of APCO, the current ban on import and sale of blue and brown asbestos will be extended to cover also chrysotile (white asbestos), fibrous actinolite, fibrous anthophyllite and fibrous tremolite.

(b) Ban on Supply and New Use of Asbestos

With effect from the effective date of the relevant amended provisions of APCO, supply and new use of asbestos will be banned.

8. The proposed ban on supply and new use of asbestos would prevent any dismantled asbestos from re-entering the market or being re-used. The proposed controls would not apply where the asbestos or the substance or item made with or containing asbestos was in use before a specified date as the existing use of asbestos containing materials would not pose a health risk if they are in good condition and undisturbed. If the existing asbestos containing materials are to be removed, the current controls on asbestos abatement work under the APCO and disposal of chemical waste under the WDO will guard against release of asbestos into the ambient environment.

9. We propose to remove the current exemption for transshipment goods under section 80(6) of APCO in order to avoid potential health hazard due to possible release of asbestos fibres into the environment in course of loading, unloading and repackaging.

10. To ensure that asbestos illegally imported, sold, supplied or used will be properly dealt with, we propose that the Authority be empowered to issue a notice requiring the offender to discontinue the import, sale, supply or use of asbestos or product containing asbestos and to properly remove, dispose of or destroy the concerned asbestos or product containing asbestos upon discovery of an offence.

11. Similar to the current ban on import and sale of blue and brown asbestos, we propose that the Authority may grant exemption to the proposed controls to cater for special situations if he is of the view that such an exemption is warranted and that the exemption would be unlikely to lead to a health risk to the community. The Authority may also impose conditions to an exemption or withdraw any exemption previously granted. We also propose to adopt the existing level of penalty that any person who cannot comply with the proposed controls will, on conviction, be liable to a fine of \$200,000 and to imprisonment for 6 month.

12. The above proposals can further protect the public from the adverse health risk of asbestos and is in line with the practices of advanced economies such as the European Union in controlling asbestos and asbestos containing materials.

CONSULTATION AND WAY FORWARD

13. We have commenced consultation with stakeholders on the proposed controls to invite their comments on the proposal. We would take into consideration their views when finalizing the proposal and preparing the necessary legislative amendments.

14. To allow sufficient time for the affected trades to identify and source alternative asbestos-free products if needed, we intend to implement the proposed controls by end of 2012

ADVICE SOUGHT

15. Members are invited to comment on the above proposal for banning all forms of asbestos.

**Environmental Protection Department
April 2011**

