





**Citation:** Price R, Burke J (2012) Occupational Exposure to Asbestos: Mortality and Liability Issues Arising in Hong Kong's Shipping Industry. *Air Water Borne Dis* 1:101. doi:10.4172/1000101

12





**Citation:** Price R, Burke J

**Citation:** Price R, Burke J

7. Kune R and Kune G. (2003) Proof of cancer causation and expert evidence: bringing the science to law and law to science. *Journal of Law and Medicine* 11: 112-121, 115.
8. Christie E. (1992) Toxic tort disputes: proof of causation and the courts. *Environmental and Planning Law Journal* 9: 302-318, 311.
9. Christie, *ibid*.
10. Chang et al, *supra* n1, 77.
11. Chang et al, *ibid*.
12. Chang et al, *ibid*, 81.
13. Pearl Report, "Deadly Dust" aired on Pearl TV, Hong Kong 15/11/2009. Avail at: <http://evideo.lib.hku.hk> (Accessed on 3 June 2010).
14. Pelucchi C, Malvezzi M, La Vecchia C, Levi F, Decarli A and Negri E. (2004) The mesothelioma epidemic in Western Europe: an update. *British Journal of Cancer* 90: 1022-1024; Hodgson JT, McElvenny DM, Darnton AJ, Price MJ and Peto J. (2005) The expected burden of mesothelioma mortality in Great Britain from 2002 to 2050. *British Journal of Cancer* 92: 587-593; and Peto J. (1995) Continuing increase in mesothelioma mortality in Britain. *Lancet* 345: 535-539.
15. Hong Kong Cancer Registry, Hong Kong Cancer Statistics 2007 (Version II, 2009) Table 17, 19. Avail at: [http://www3.ha.org.hk/cancereg/e\\_canstat2007.pdf](http://www3.ha.org.hk/cancereg/e_canstat2007.pdf) (accessed 4 September 2010).
16. Chalmers J. (2007) The Rights of Relatives to Damages (Mesothelioma) (Scotland) Act 2007. *University of Edinburgh Law Review* 11: 407-411.
17. Tse et al, *supra* n4, 382.
18. Chang et al *supra* n1.
19. Tse et al, *supra* n4.
20. Chang et al *supra* n1.
21. Tse et al, *supra* n4.
22. Chan K, Tan KL, Lee HS and Eng P. (2003) Malignant mesothelioma: experience at the Singapore General Hospital. *Annual Academy of Medicine* 32: 388-91.
23. For discussion of compensability of pleural plaques see Price R. (2010) Judicial review of the Damages (Asbestos-related Conditions) (Scotland) Act" *Edinburgh Law Review* 14: 145-150; Price R. (2011) The need for a regulatory response to diagnosis fraud in mesothelioma cases. *Journal of Law and Medicine* 19: 196-200.
24. For instance, Bianchi C et al (1997) Latency periods in asbestos-related mesothelioma of the pleura. *European Journal of Cancer Prevention* 6: 162-166; and Lin RT et al (2007) Ecological association between asbestos-related diseases and historical asbestos consumption: an international analysis. *Lancet* 369: 844-849.
25. Parkes RW, *Occupational Lung Disorders*. Butterworths: London, 1982, 121 (2nd ed).
26. MARDEP, 'Port of Hong Kong in Figures 2010', 6. Avail at: [http://www.mardep.gov.hk/en/publication/pdf/portstat\\_pamphlet10.pdf](http://www.mardep.gov.hk/en/publication/pdf/portstat_pamphlet10.pdf) (accessed 3 September 2010).
27. ITF Seafarers Website, Avail at: <http://www.itfseafarers.org/resources.cfm> (accessed 3 September 2010).
28. 2VVOHU19QGPRUHDVEHVWRVRRQHXLOGLQJV10RGV1LVW:HEVLWHS\$DLQ6 at: <http://www.lloydslist.com/ll/sector/ship-operations/article173416.ece> (accessed on 4 September 2010).
29. Ostler, *ibid*.
30. MARDEP, *ibid*, 7.
31. Block S. (2004) The new wave of maritime asbestos litigation. *Marine Digest and Transportation News Aug*: 1.
32. US Congress, Failure to Regulate: Asbestos – A Lethal Legacy: A Hearing Before a Subcommittee of the Committee of Government Operations, House of Representatives, 98th Congress, 1st Session, 28 June 1983, 192.
33. Block, *supra* n29.
34. Failure to Regulate, *supra* n32, 10.
35. Harries PG (1968) Asbestos hazards in naval shipyards. *Annual Occupational Hygiene* 11: 136-155, 142.
36. Selikoff IJ, Lillis R and Levin G. (1990) Asbestotic radiological abnormalities among United States merchant marine seamen' *British Journal of Industrial Medicine* 47: 292-297.
37. Selikoff et al, *ibid*, 292.
38. Selikoff et al, *ibid*.
39. Selikoff et al, *ibid*, 294.
40. PMCO, s 13.
41. PMCO, *ibid*.
42. PMCO, *ibid*
43. See Price R (2010) *supra* n23.
44. Meggitt G, (2008) Civil justice reform in Hong Kong – Its progress and its future *Hong Kong Law Journal* 89-128, 95.
45. See especially PD 6.1 & 6.2 on Ministry of Justice website, "Practice Direction 3D - Meothelioma Claims". Avail at: [http://www.justice.gov.uk/civil/procrules\\_@FRQWHQWVSUDFWLFBGLUHFWRQVSGBSDUWGKWPDDFFHVHVG6HSHWHP](http://www.justice.gov.uk/civil/procrules_@FRQWHQWVSUDFWLFBGLUHFWRQVSGBSDUWGKWPDDFFHVHVG6HSHWHP)
46. [2002] 1 WLR 1052.
47. [2008] 1 AC 281.
48. Price R, (2010) *supra* n23.
49. *Ibid*.
50. Chang et al, *supra* n1, 76.
51. Price R, *supra* n23, 148-149.
52. District Court Ordinance, s 72E.
53. &KDQ9K0DUPDFHXWLFDOSROLFLQRQJ.RQJH@LQJLQDQHYROYLQJDUHD of study. Avail on SSRN: <http://ssrn.com/abstract=1487662> (accessed 2 December).
54. Chan, *ibid*, 2.
55. Organisation for Economic Cooperation and Development, *OECD Health Data 2008* (Paris, OECD, 2008).
56. Hong Kong Policy Research Institute Limited Website. Yuen P. (2008) The sus-WDLQDELOLWRI RQJ.RQJW KHDOWK FDUH @DQFLQJ VVWHP \$RSXODWLRQED projection. Avail at : <http://www.hkpri.org.hk/bulletin/11/peteryuen.html> (accessed 2 December 2010).
57. Yuen, *ibid*.
58. Yuen, *ibid*.
59. Decision of Moses J in the Manchester High Court 23 May 2003. The report is avail: at [www.johnpickering.co.uk/news/barker.doc](http://www.johnpickering.co.uk/news/barker.doc).
60. [2001] QB 351.
61. *Barker v Corus UK Ltd* [2004] P.I.Q.R. P34
62. *Ibid*, at 590.
63. *Ibid*, at 591.
64. *Ibid*, at 592.
65. *Ibid*.
66. *Ibid*, 593.
67. *Ibid*, 594.
68. *Barker v Corus* [2006] UKHL 20; [2006] 2 AC 572.
69. As described by Lord Walker of Gestingthorpe at 113 in the House of Lords decision in *Corus*.
70. See especially Lord Bingham at [2] and [9].
71. *Barker, ibid*, at [40].
72. *Ibid.*, 43.
73. *Ibid*, 48.



