

立法會
Legislative Council

LC Paper No. CB(1) 922/07-08
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/06/2

**Bills Committee on
Energy Efficiency (Labelling of Products) Bill**

**Minutes of the fifteenth meeting
held on Thursday, 14 February 2008, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Ting-kwong, BBS
- Member absent** : Hon Vincent FANG Kang, JP
- Public officers attending** : Environment Bureau
Miss Emmy WONG
Principal Assistant Secretary for the Environment (Energy) 1

Miss Joceline CHUI
Assistant Secretary for the Environment (Energy) 3

Electrical and Mechanical Services Department

Mr Michael CHEUNG
Chief Engineer /Energy Efficiency A

Mr WONG Lap-chi
Senior Engineer/Energy Efficiency A4

Department of Justice

Ms Phyllis POON
Senior Government Counsel (Acting)

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Timothy TSO
Assistant Legal Adviser 2

Ms Debbie YAU
Senior Council Secretary (1)1

I Confirmation of minutes

(LC Paper No. CB(1) 796/07-08 -- Minutes of the meeting held on
17 January 2008)

The minutes of the meeting held on 17 January 2008 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 797/07-08(01) -- Administration's response to items
1 to 3 of the list of follow-up
actions arising from the discussion
on 17 January 2008 (LC Paper No.
CB(1) 723/07-08(01) issued for the
meeting on 31 January 2008)

LC Paper No. CB(1) 797/07-08(02) -- List of follow-up actions arising
from the discussion on 31 January
2008

LC Paper No. CB(1) 797/07-08(03) -- Administration's response to items
3 to 8 of LC Paper No.
CB(1) 797/07-08(02)

LC Paper No. CB(3) 457/06-07 -- The Bill
Ref: EP 86/08/70 (07) -- The Legislative Council Brief

LC Paper No. CB(1) 1913/06-07(03) -- A list of questions raised by
Hon CHOY So-yuk

LC Paper No. CB(1) 2065/06-07(01) -- Administration's response to LC
Paper No. CB(1) 1913/06-07(03)

LC Paper No. CB(1) 2423/06-07(03) -- Summary of deputations' views on
individual clauses of the Bill

LC Paper No. CB(1) 723/07-08(03) -- Draft Committee Stage amendments
(version as at 30 January 2008)
provided by the Administration

LC Paper No. CB(1) 723/07-08(04) -- Marked-up copy of the Bill
prepared by the Legal Service
Division)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to
 - (a) Ensure that the size of the energy label, particularly in respect of compact fluorescent lamp, was large enough to accommodate additional information on the year in which the reference number was assigned;
 - (b) Reconsider the need for and the propriety of the proposed Committee Stage amendment under clause 4(1A); and
 - (c) Consult the trade on the feasibility of applying a transitional period within which supply of prescribed products with the original energy labels could be allowed following an updating of energy efficiency grading, after which new energy labels in accordance with the new energy efficiency grading standards should apply.
4. The next meeting would be held on Monday, 3 March 2008, at 4:30 pm.

III Any other business

5. There being no other business, the meeting ended at 12:50 pm.

**Proceedings of the meeting of the
Bills Committee on Energy Efficiency (Labelling of Products) Bill
Meeting on Thursday, 14 February 2008, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000823	Chairman	Confirmation of minutes of the meeting held on 17 January 2008 (LC Paper No. CB(1) 796/07-08)	
000824 – 001226	Chairman Administration	Briefing by the Administration on its response (LC Paper No. CB(1) 797/07-08(01)) to items 1 to 3 of the list of follow-up actions arising from the discussion on 17 January 2008 (LC Paper No. CB(1)723/07-08(01))	
001227 – 001834	Chairman Assistant Legal Adviser 2 (ALA2) Administration Ms Emily LAU	<p><u>Defence provisions under clauses 44 and 45</u></p> <p>ALA2's observation that –</p> <p>(a) The defence for an offence by employees under clause 4 originally provided under clause 44 would no longer be available following the proposed deletion of clause 44; and</p> <p>(b) The proposed addition of new clause 5(3) would mean that employees who exercised managerial functions would now be required to take steps to “ensure” as required under clause 5(1)</p> <p>Administration's response –</p> <p>(a) Clause 4 was applicable to manufacturer or importer but not their employees; and</p> <p>(b) Employees who exercised managerial functions would be entitled to the defence of due diligence under clause 45 for an offence under clause 5</p>	

Time Marker	Speaker	Subject(s)	Action Required
002138 – 002807	Chairman Administration	Briefing by the Administration on its response (LC Paper No. CB(1) 797/07-08(03)) to items 3 to 8 of the list of follow-up actions arising from the discussion on 31 January 2008 (LC Paper No. CB(1)797/07-08(02))	
002808 – 002918	Ms Emily LAU Administration	Discussion on the need to consult the trades on the proposed amendments to the Bill, in particular those which would affect their operation and where appropriate, to revert their views to the Bills Committee	
002919 – 003951	Chairman Administration ALA2	<p><u>Continuation of clause-by-clause examination of the Bill</u> (LC Paper Nos. CB(1)1913/06-07(03), 2065/06-07(01), 2423/06-07(03), 723/07-08(04) and 819/07-08(01))</p> <p><u>Part 3 of Schedule 2 — Refrigerating appliances</u></p> <p>Members' agreement to the proposed CSA to section 5 regarding attaching or affixing of energy labels</p>	
003952 – 011055	Chairman Administration Ms Emily LAU ALA2 Mr WONG Ting-kwong Mr Abraham SHEK Dr :LUI Ming-wah	<p><u>Part 4 of Schedule 2 — Compact fluorescent lamps (CFLs)</u></p> <p>Administration's advice that the font size of the characters on the energy label would remain unchanged despite the addition of information in area III regarding the year in which the reference number was assigned, but the spacing would become narrower</p> <p>Discussion on the exemption for CFLs supplied as part of or in connection with the disposition of any specified premises from the application of clauses 4 and 5.</p> <p>Chairman's query on the need for and the propriety of the proposed CSA to clause 4 which only applied to manufacturer or importer</p>	The Administration to ensure that the size of the energy label, particularly in respect of CFL, was large enough to accommodate additional information on the year in which the reference number was assigned; and to re-consider the need for and the propriety of the proposed CSA under clause 4(1A)

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		<p>Discussion on the criteria for choosing the size of the energy label.</p> <p>Administration's advice that proposed section 6 modeled on similar provisions in the legislation of the European Union (EU) member states</p>	
011056 – 011709	<p>Chairman Administration Ms Emily LAU</p>	<p><u>Examination of CSAs proposed by the Administration (LC Paper No. CB(1) 723/07-08(04))</u></p> <p><u>Clause 2 – Interpretation</u></p> <p>Discussion on new definitions on “excepted product” and “updating notice” in relation to revisions to the calculation method of the energy efficiency grading of a prescribed product</p> <p>Members’ concern on whether the trades had been consulted on the proposed new arrangements under the proposed CSA under clause 11A and Schedule 3</p> <p>Administration's response that the trade had been kept informed of the amendments proposed so far and they did not have specific comments. Consultation on major new proposed amendments, if any, would be arranged</p> <p>Ms Emily LAU's request to put on record the trade's response in the report of the Bills Committee and the Chairman's speaking note to be delivered at the resumption of the Second Reading debate on the Bill</p>	
011710 – 014231	<p>ALA2 Administration Chairman Ms Emily LAU Mr WONG Ting-kwong</p>	<p>Discussion on the transitional arrangements for the supply of a prescribed product during the period between the date on which the new calculation method would take effect ("effective date") and the date on which the specified person was required to submit the required</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>information to the Director and affix the energy label in accordance with the new calculation method ("the specified date")</p> <p>Members' concern that consumers would find it confusing/misleading if the same product model bore energy labels with different energy efficiency grading and year of reference</p> <p>ALA2's observation that section 1(a) of Schedule 3 did not cover CFLs because they did not have the serial number which facilitated the tracing of the dates when the products were imported to or manufactured in Hong Kong</p> <p>Administration's advice –</p> <p>(a) "The specified date" in the updating notice was meant to provide a reasonable period for the trade to submit the required information to the Director and prepare new energy labels in accordance with the new energy efficiency grading standards on the relevant prescribed products which would be imported to or manufactured in Hong Kong after the "effective date";</p> <p>(b) Room air conditioners and refrigerating appliances that had been manufactured in or imported to Hong Kong before the "effective date" could continue to be sold with the old energy label indefinitely;</p> <p>(c) The year specified in the energy label was the year in which the reference number was assigned or the new calculation method took effect; and</p> <p>(d) EMSD would step up publicity on the mandatory scheme upon</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>passage of the Bill to help consumers understand the information contained in the energy labels</p> <p>Chairman's concern that some local manufacturers might take advantage of the opportunity to increase production before "the specified date" such that these products could still enjoy the existing energy efficiency grading which could have been lower under the new calculation method</p>	
014232 – 020232	<p>Mr WONG Ting-kwong Miss CHOY So-yuk Administration Ms Emily LAU Chairman</p>	<p>Discussion on the application of a transitional period within which supply of prescribed products with the original energy labels could be allowed following an updating of energy efficiency grading and relevant practice in Australia and EU member states</p> <p>Administration's advice –</p> <p>(a) No fixed transitional period was set so as to provide greater flexibility to cater for special circumstances faced by different products; and</p> <p>(b) It would be a burden on suppliers of prescribed products if they were required to update the energy efficiency grading of their products manufactured in or imported to Hong Kong before the “effective date” in accordance with the new calculation method</p>	<p>The Administration to consult the trade on the feasibility of applying a transitional period within which supply of prescribed products with the original energy labels could be allowed following an updating of energy efficiency grading, after which new energy labels in accordance with the new energy efficiency grading standards should apply</p>
020235 – 020330	<p>Chairman Administration</p>	<p>Date of next meeting</p>	