

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1090/07-08  
(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 sixteenth meeting  
held on Monday, 3 March 2008, at 4:30 pm  
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  
Hon SIN Chung-kai, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Ting-kwong, BBS
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP  
Hon CHOY So-yuk, JP
- Public officers attending** : Environment Bureau  
  
Mr Roy TANG, JP  
Deputy Secretary for the Environment  
  
Miss Joceline CHUI  
Assistant Secretary for the Environment (Energy) 3  
  
Electrical and Mechanical Services Department  
  
Mr Stephen CHAN, JP  
Deputy Director/Regulatory Services  
  
Mr Michael CHEUNG  
Chief Engineer /Energy Efficiency A

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

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**I Confirmation of minutes**

- (LC Paper No. CB(1) 832/07-08 -- Minutes of the meeting held on  
31 January 2008  
LC Paper No. CB(1) 922/07-08 -- Minutes of the meeting held on  
14 February 2008)

The minutes of the meetings held on 31 January and 14 February 2008 were confirmed.

**II Meeting with the Administration**

- (LC Paper No. CB(1) 923/07-08(01) -- Administration's response to items  
1 and 2 of the list of follow-up  
actions arising from the discussion  
on 31 January 2008 (LC Paper No.  
CB(1) 797/07-08(02) issued for the  
meeting on 14 February 2008)  
LC Paper No. CB(1) 923/07-08(02) -- List of follow-up actions arising  
from the discussion on 14 February  
2008  
LC Paper No. CB(1) 923/07-08(03) -- Administration's response to LC  
Paper No. CB(1) 923/07-08(02)  
LC Paper No. CB(1) 938/07-08(01) -- Draft Committee Stage amendments  
(version as at 27 February 2008)  
provided by the Administration  
LC Paper No. CB(1) 938/07-08(02) -- Marked-up copy of the Bill  
prepared by the Legal Service  
Division (version as at 27 February  
2008)  
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

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to –
  - (a) Review the Chinese rendition of clause 5(1A) in consultation with the Legal Adviser of the Bills Committee; and
  - (b) Include in the speech to be delivered by the Secretary for the Environment at the resumption of Second Reading debate on the Bill an undertaking that the Administration would brief the relevant LegCo Panel on the outcome of consultation with stakeholders in preparing the codes of practice.
4. Subject to the final draft Committee Stage amendments to be submitted by the Administration, members agreed that a report on the deliberations of the Bills Committee, recommending the resumption of Second Reading debate on the Bill at the Council meeting on 23 April 2008, would be submitted for consideration by the House Committee at its meeting on 28 March 2008.

### **III Any other business**

5. There being no other business, the meeting ended at 6:20 pm.

Council Business Division 1  
Legislative Council Secretariat  
18 March 2008

**Proceedings of the meeting of the  
Bills Committee on Energy Efficiency (Labelling of Products) Bill  
Meeting on Monday, 3 March 2008, at 4:30 pm  
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000159	Chairman	Confirmation of minutes of the meetings held on 31 January 2008 (LC Paper No. CB(1) 832/07-08) and 14 February 2008 (LC Paper No. CB(1) 922/07-08)	
000200 – 000440	Chairman Administration Mr WONG Ting-kwong Ms Emily LAU	Briefing by the Administration on its response (LC Paper No. CB(1) 923/07-08(01)) to items 1 and 2 of the list of follow-up actions arising from the discussion on 31 January 2008 (LC Paper No. CB(1) 797/07-08(02))	
000441 – 000947	Chairman Administration Assistant Legal Adviser 2 (ALA2)	Briefing by the Administration on its response (LC Paper No. CB(1) 923/07-08(03)) to the list of follow-up actions arising from the discussion on 14 February 2008 (LC Paper No. CB(1) 923/07-08(02))  <u>Compact fluorescent lamps (CFLs) supplied in specified premises</u>  Members' agreement that the proposed Committee Stage amendment (CSA) to add a new clause 4(1A) was not required	
000948 – 003523	Ms Emily LAU Chairman Administration ALA2 Mr Vincent FANG	<u>Transitional period for supply of prescribed products with original energy labels</u>  Chairman's concern that there might be circumstances where the years shown on the "old" and "new" energy labels following an updating of energy efficiency grading would be the same  Administration's advice that 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	

Time Marker	Speaker	Subject(s)	Action Required
		<p>required to affix new energy labels ("the specified date") would be determined by the Director having regard to individual situations</p> <p>ALA2's advice that any changes in the calculation method of energy efficiency grading should be set out in the codes of practice after consultation with the relevant trades. The Director should by notice publish in the Gazette identifying the code concerned</p> <p>Mr Vincent FANG's enquiry on the transitional arrangement for CFLs</p> <p>Administration's advice that 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 old energy labels indefinitely. As CFLs did not have serial numbers for identification, all CFLs bearing old energy labels must be replaced with new energy labels before they could be supplied after the "specified date"</p>	
003524 – 003952	ALA2 Ms Emily LAU Chairman Administration Mr Vincent FANG Mr SIN Chung-kai	Chairman's request for an undertaking from the Administration to brief the relevant LegCo Panel the outcome of consultation with the relevant trades regarding changes in the calculation method of the energy efficiency grading standards	
003953 – 004958	Chairman Administration ALA2 Mr Vincent FANG Mr WONG Ting-kwong	<p><u>Continuation of examination of CSAs proposed by the Administration</u> (LC Paper No. CB(1) 938/07-08(02))</p> <p><u>Clause 3</u></p> <p>Administration's explanation on the application of the Bill, particularly in respect of the supply of prescribed product as part of or in connection with the disposition of any specified premises</p>	

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		Members' agreement to the proposed amendments to the Chinese rendition of clauses 3(1) and 3(2)(f)	
004959 – 005256	Chairman Administration Mr WONG Ting-kwong	<u>Clause 4</u>  Members' agreement to the proposed CSAs	
005257 – 010452	Chairman Administration Mr Vincent FANG Ms Emily LAU ALA2	<u>Clause 5</u>  Administration's explanation that the purpose of new clause 5(4) was to catch any employee who knowingly committed an offence  Discussion on the propriety of the phrases "作為某項" and "該項" in clause 5(1A)  ALA2's advice on minor changes to the proposed amendments to clause 5 in the draft CSAs (version as at 27 February 2008) provided by the Administration (LC Paper No. CB(1)923/07-08(0-1))	The Administration to review the Chinese rendition of clause 5(1A) in consultation with the Legal Adviser of the Bills Committee
010453 – 010736	Chairman Administration ALA2	<u>Clause 6</u>  Members' agreement to the proposed CSAs	
010737 – 011405	Administration Chairman ALA2	<u>Clause 9</u>  Discussion on the need for a specified person to notify the Director in writing of any change, including corrigendum, to the information submitted to him under clause 6	
011406 – 011911	Administration Chairman	<u>Clauses 10, 11A &amp; Schedule 3</u>  Members' agreement to the proposed CSAs	
011912 – 012357	Administration Chairman	<u>Clauses 12, 13, 14, 15 and 16</u>  Members' agreement to the proposed CSAs	

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012358 – 012619	Chairman Administration ALA2 Ms Emily LAU Mr Vincent FANG	<u>Clause 18</u>  Administration's advice that the relevant stakeholders had been consulted on the proposed amendments to raise the penalty level from level 1 to level 6	
012620 – 013129	Chairman Administration	<u>Clauses 21, 24, 28, 30, 37, 38, 38A</u>  Members' agreement to the proposed CSAs	
013130 – 013339	Chairman Administration Mr Vincent FANG Ms Emily LAU	<u>Clause 40</u>  Administration's explanation that it was not common to specify in the laws that agreement of stakeholders should be secured before the authorities could issue or revise codes of practice. Alternatively, consideration could be given to including in the speech to be delivered by the Secretary for the Environment at the resumption of Second Reading debate on the Bill an undertaking that the Administration would brief the relevant LegCo Panel on the outcome of consultation with stakeholders in preparing the codes of practice	The Administration to include in the speech to be delivered by the Secretary for the Environment at the resumption of Second Reading debate on the Bill an undertaking that the Administration would brief the relevant LegCo Panel on the outcome of consultation with stakeholders in preparing the codes of practice
013340 – 013423	Administration Chairman ALA2	<u>Clause 41</u>  Members' agreement to the proposed CSAs	
013424 – 013936	Administration Chairman Mr Vincent FANG	<u>Clause 43</u>  Administration's advice that the new clause was modeled on similar provision under the Hazardous Chemicals Control Ordinance (Cap 595)	
013937 – 014248	Administration Chairman Mr SIN Chung-kai Mr Vincent FANG Ms Emily LAU	<u>Clauses 46, 47A and 49</u>  Members' agreement to the proposed CSAs	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
014249 – 014411	Administration Chairman Ms Emily LAU	<u>Clause 51</u>  Administration's confirmation that "such other means" included Internet	
014412 – 014529	Chairman Administration ALA 2	<u>Clause 52</u>  ALA2's advice that the Administration had confirmed that amendments to Part 1 of Schedule 1 regarding addition of new prescribed products would be subject to positive vetting	
014530 – 014709	Chairman Administration ALA2	<u>Clause 54</u>  Members' agreement to the proposed CSAs	
014710 – 015110	Chairman ALA2	Legislative timetable	