

**立法會**  
**Legislative Council**

LC Paper No. CB(1)222/07-08  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/4/06/1

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

**Minutes of the eighth meeting  
held on Tuesday, 30 October 2007, at 10:45 am  
in Conference Room A 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 CHOY So-yuk, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Ting-kwong, BBS
- Member absent** : Dr Hon LUI Ming-wah, SBS, 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 Stephen CHAN, JP  
Deputy Director/Regulatory Services (Acting)  
  
Mr Michael CHEUNG  
Assistant Director/Energy Efficiency (Acting)  
  
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) 110/07-08 -- Minutes of the meeting held on  
4 October 2007)

The minutes of the meeting held on 4 October 2007 were confirmed.

**II Meeting with the Administration**

(LC Paper No. CB(1) 111/07-08(01) -- List of follow-up actions arising  
from the discussion on 4 October  
2007  
LC Paper No. CB(1) 111/07-08(02) -- Administration's response to LC  
Paper No. CB(1) 111/07-08(01)  
LC Paper No. LS3/07-08 -- Paper prepared by the Legal Adviser  
to the Bills Committee  
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) Re-consider whether it was administratively feasible to allow overseas manufacturers, importers and other suppliers to apply for assignment of reference numbers for their specified products before these were supplied to Hong Kong;
- (b) Review the term "standing" in clause 6(4)(b) to ensure it reflected the meaning that the testing institution had the qualifications set out in clause 6(3) of the Bill;

- (c) Suggest the Consumer Council to conduct another round of testing of compact fluorescent lamps (CFLs) to promote the use of CFLs on the one hand and to help consumers to choose the right CFLs on the other; and
  - (d) Provide a paper explaining how the Administration could deal with the circumstances where the energy efficiency grading standards were revised as a result of technological advancement. To advise overseas experience in this respect and whether consideration could be given to including in the energy label the year in which the reference numbers were assigned to facilitate consumers to make an informed choice. To also advise whether the Bill/the draft codes of practice provided for the continuous sale of the older models.
4. The next meeting would be held on Tuesday, 13 November 2007, at 10:45 am.

### **III Any other business**

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

Council Business Division 1  
Legislative Council Secretariat  
12 November 2007

**Proceedings of the meeting of the  
Bills Committee on Energy Efficiency (Labelling of Products) Bill  
Meeting on Tuesday, 30 October 2007, at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000147	Chairman	Confirmation of minutes of the meeting held on 4 October 2007 (LC Paper No. CB(1) 110/07-08)	
000148 - 000819	Chairman Administration	<p><u>Administration's response to the list of follow-up actions arising from the discussion on 4 October 2007</u> (LC Paper No. CB(1) 111/07-08(02))</p> <p>Administration's advice that a supplier of compact fluorescent lamps (CFLs) was going to implement a voluntary collection scheme for used CFLs shortly under which convenient collection points and incentive would be provided to enhance the effectiveness of the scheme. Separately, the working group comprising representatives of CFL trade would meet in the following week to discuss the details of the voluntary collection scheme for used CFLs. The Administration would provide a progress report on the implementation of the schemes by the end of November 2007</p>	
000820 - 001155	Miss CHOY So-yuk Administration	<p>Miss CHOY's enquiry about the testing institutions which were accepted by the Electrical and Mechanical Services Department (EMSD) to conduct the energy efficiency performance tests for specified products and issue test reports, and whether manufacturers are required to engage testing institutions located in the place of origin of the products</p> <p>Administration's advice –</p> <p>(a) The requirements on testing institutions would be set out in the Code of Practice. EMSD would accept test reports issued by:</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(i) The laboratory which was accredited under the Hong Kong Laboratory Accreditation Scheme operated by the Hong Kong Accreditation Service (HKAS) for the relevant test;</p> <p>(ii) The laboratory which was accredited under an accreditation scheme operated by a laboratory accreditation body in other economies with which HKAS had concluded a mutual recognition agreement/arrangement for the relevant test;</p> <p>(iii) The laboratory which had been assessed and evaluated by a recognized independent certification body and was certified to be competent for carrying out the relevant test; or</p> <p>(iv) The laboratory which had been assessed and recognized by EMSD under the voluntary Energy Efficiency Labeling Scheme (EELS) for conducting the relevant test, and was certified under ISO 9001 or equivalent standards for quality system</p> <p>(b) While relevant tests for the specified products were usually conducted in their places of origin, the manufacturers could engage testing institutions in other places, which met the above-mentioned requirements</p>	
001156 - 001305	Mr WONG Ting-kwong Administration	Mr WONG's suggestion of uploading the list of recognized laboratories onto the Internet	

Time Marker	Speaker	Subject(s)	Action Required
		Administration's advice that EMSD's website would provide a hyperlink to HKAS	
001306 - 001451	Mr Vincent FANG Administration	Discussion on the procedures pertaining to the submission of product information under the mandatory EELS	
001452 - 002309	Chairman Administration	<p>Chairman's disagreement to the view of the Department of Justice (DoJ) that the Bill did not apply to overseas manufacturers, importers and other suppliers, and that the Director of Electrical and Mechanical Services (DEMS) did not have the authority to assign reference numbers to overseas companies because</p> <p>(a) There was no express provisions to exclude overseas manufacturers, importers and suppliers from the application of the Bill; and</p> <p>(b) It was not conducive to business operation if overseas manufacturers, who knew their products well, were not allowed to apply to EMSD for the assignment of reference numbers. As a result, individual importers were required to repeat the application procedures</p> <p>Administration's explanation that the laws of Hong Kong in general applied to local people and companies unless there was an express provision stating otherwise. As the Bill had not expressively used "overseas" to qualify manufacturers, importers and other suppliers, it was not broad enough to cover overseas manufacturers, importers and suppliers. As specified person to whom reference number had been assigned had to perform various duties under the Bill, the Director of Electrical and Mechanical Services</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(DEMS) might have difficulties and resource implications in taking enforcement actions under Parts 3 and 4 of the Bill against overseas manufacturers in the event of non-compliance. These included serving of improvement notice or prohibition notice and the institution of criminal proceedings.</p> <p>Chairman's view that enforcement difficulties should not be an excuse because similar problem would arise if a foreigner committed an offence during their stay in Hong Kong and then returned to their homeland. Besides, overseas manufacturers would be held accountable for the specified information they provided to local importers in respect of a product model</p>	
002310 - 002723	Miss CHOY So-yuk Chairman	<p>Miss CHOY's views –</p> <ul style="list-style-type: none"> <li>(a) An overseas manufacturer might wish to obtain a reference number for a new product as this would help promote the model to local importers;</li> <li>(b) The overseas manufacturer could be requested to provide a local correspondence address to facilitate communication, or pay for the postage fees incurred from notices served by DEMS; and</li> <li>(c) Her disagreement to Administration's view that if a product was made by a local manufacturer, no importers would be involved in supplying the product to Hong Kong. For operational need, some local manufacturers might engage importers or other suppliers to distribute the specified products in the local market</li> </ul>	

Time Marker	Speaker	Subject(s)	Action Required
002724 - 003059	Mr WONG Ting-kwong	An overseas manufacturer should be allowed to apply for the assignment of reference number for a product model through a local agent to facilitate the affixing of energy labels on the product models during production. This would also help promote the models to local importers.	
003100 - 003959	Mr Vincent FANG Chairman Administration	<p>Mr FANG's view that an overseas manufacturer could set up a company in Hong Kong and apply for the assignment of reference numbers for its product models before distributing the products to wholesalers</p> <p>Administration's response that it was feasible for an overseas manufacturer to apply for the assignment of reference numbers for its product models through a local agent, including a local company set up by the manufacturer. It was also practicable for the overseas manufacturer to attach or affix energy labels on the product models during production. As regards the need for individual importers to apply for the assignment of reference numbers, trade members had specifically requested that each manufacturer/importer should be responsible for ensuring the energy efficiency performance of their products. As such, they would submit the test reports and obtain reference numbers for a product model separately to facilitate enforcement and tracing by consumers</p>	
004000 - 005148	Mr WONG Ting-kwong Administration Chairman	Mr WONG's enquiry on whether it was allowed under the Bill for an overseas manufacturer, who had been assigned a reference number for a product model through a local agent, to let local importers or other suppliers use the same reference number on the energy labels for the product model	The Administration to re-consider whether it was administratively feasible to allow overseas manufacturers, importers and other suppliers to apply for assignment of reference numbers



Time Marker	Speaker	Subject(s)	Action Required
		<p>Administration's response –</p> <p>(a) This was feasible if the local agent concerned was the sole importer/distributor of the product model for supplying in Hong Kong. The importer and suppliers concerned would be subject to regulation under clauses 4 and 5 of the Bill respectively.</p> <p>(b) If the product models were imported separately by the local suppliers, each of the suppliers was required to apply for the assignment of an individual reference numbers. Each of the suppliers concerned would be an importer under clause 4 of the Bill</p> <p>Chairman's view that instead of the local agent, the overseas manufacturer who provided the specified information and documents in respect of the product model should be assigned with the reference number. It did not seem to her that the Bill prohibited overseas manufacturers to apply for assignment of reference numbers for their specified products</p>	<p>for their specified products before these were supplied to Hong Kong</p>
005149 - 005342	Mr SIN Chung-kai Chairman Administration	<p>Mr SIN's concern about whether the local agent, which only provided secretarial support to the overseas manufacturer, would be the target of prosecution in case of non-compliance</p> <p>Administration's response that in case of non-compliance, DEMS was empowered to prohibit the supply of those prescribed products in Hong Kong by serving prohibition notice and to remove the reference number of the listed model from record</p>	
005343 - 010025	Mr Vincent FANG Mr WONG Ting-kwong Administration	<p>Mr FANG's concern that if other suppliers were allowed to use the reference numbers assigned to the local agent for the products they each</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>imported separately, all product models having the same reference numbers on the energy labels would be prohibited from supply in Hong Kong in case of non-compliance by one of the suppliers. As such, trade members preferred to apply for individual reference numbers separately. His views were shared by Mr WONG.</p> <p>Administration's advice that as the application procedures for assignment of reference number were relatively simple and free of charge, individual importers should apply for their own reference numbers</p>	
010026 - 011419	<p>Chairman ALA2 Miss CHOY So-yuk Administration</p>	<p><u>Briefing by the Assistant Legal Adviser on his paper to the Bills Committee (LC Paper No. LS3/07-08)</u></p> <p>Miss CHOY's view that the imposition of a charge for disposal of used CFLs by the Chemical Waste Treatment Centre would serve as a disincentive for the collection schemes for used CFLs</p> <p>Discussion on ways to enhance the effectiveness of the collection schemes for used CFLs</p> <p>Administration's advice that the issue would be addressed in the progress report on the implementation of voluntary collection schemes for used CFLs to be submitted to the Bills Committee in end November 2007</p>	
011420 - 012459	<p>Chairman Administration Miss CHOY So-yuk Mr Vincent FANG ALA2</p>	<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) and 2423/06-07(03))</p> <p><u>Clause 6</u></p> <p>Discussion on the meaning of the term "standing" in clause 6(4)(b) of the Bill</p>	<p>The Administration to review the term "standing" in clause 6(4)(b) to ensure it reflected the meaning that the testing institution had the qualifications set out in clause 6(3) of the</p>

Time Marker	Speaker	Subject(s)	Action Required
		Administration's advice that the requirements on testing institutions were set out in the Code of Practice on Energy Efficiency Labelling of Products	Bill
012500 - 013238	Administration Mr SIN Chung-kai Mr Vincent FANG	<p><u>Clause 7</u></p> <p>Discussion on the structure of the Bill</p> <p>Enquiry about overseas experience in setting the timeframe for submission of progress test reports in respect of CFLs</p> <p>Administration's advice that the requirement for progress test reports to be submitted at intervals of not exceeding 6 months after the date of the submission of the interim test report until a full test report was submitted was made having regard to the lamp life of CFLs which usually lasted for 6 000 to 8 000 hours. The test, to be carried out in accordance with the International Electrotechnical Commission standard IEC 60969, would measure lumen maintenance at 2 000-hour in line with international established practices</p> <p>Discussion on the durability of CFLs and testing conducted by the Consumer Council</p>	The Administration to suggest the Consumer Council to conduct another round of testing of CFLs to promote the use of CFLs on the one hand and to help consumers to choose the right CFLs on the other
013239 - 013405	Chairman Administration	<p><u>Clause 8</u></p> <p>Briefing by the Administration</p>	
013406 - 013839	Chairman Administration Miss CHOY So-yuk	<p><u>Clause 9</u></p> <p>Enquiry on whether the existing dealer could continue to supply the prescribed products in the market if there was a change in dealership.</p> <p>Administration's advice that under the Bill, the existing dealer could continue to supply prescribed products with reference number assigned under his name. The new dealer would be</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>required to submit application for a reference number assigned under his name in order to supply prescribed products.</p>	
<p>013840 - 015121</p>	<p>Chairman Administration Miss CHOY So-yuk Mr Vincent FANG</p>	<p><u>Clause 10</u></p> <p>Enquiry on the need to update product information if the model had been modified or if the energy efficiency grading standard was revised as a result of technological advancement</p> <p>Mr FANG's concern that consumers might not be aware of the difference in energy performance between product models bearing labels with the same energy efficiency grading, which was given in different years</p> <p>Chairman's concern that the Bill was silent on whether the older models could continue to be supplied in the market</p> <p>Administration's response –</p> <p>(a) If the design of the model had been changed to an extent that there were changes to the product's energy efficiency and performance characteristics, it would be regarded as a new product model and information/documents in respect of the new model should be submitted for the assignment of reference number according to clauses 6 to 8 of the Bill;</p> <p>(b) The trade would be consulted if there was any change to the energy efficiency grading standard to ensure that the proposal could balance the interests of relevant stakeholders before amendments to the standards in the relevant codes of practice were made</p>	<p>The Administration to provide a paper explaining how it could deal with the circumstances where the energy efficiency grading standards were revised as a result of technological advancement</p>

Time Marker	Speaker	Subject(s)	Action Required
015122 - 015344	Miss CHOY So-yuk Administration	Discussion on the inclusion in the energy label information on the year in which the reference numbers were assigned	The Administration to advise whether consideration could be given to including in the energy label the year in which the reference numbers were assigned to facilitate consumers to make an informed choice
015345 - 015734	Ms Emily LAU Administration Chairman	<p>Enquiry –</p> <p>(a) Overseas experience in dealing with changes in the energy efficiency grading standards as a result of technological advancement; and</p> <p>(b) Whether it was necessary to amend the legislation if there was a change in the standards</p> <p>Administration's advice –</p> <p>(a) According to overseas experience, the continuous sales of products that had been placed on market using the old grading standards were allowed. Consumers could differentiate the old products from the new ones by the information shown on the energy labels; and</p> <p>(b) Flexibility had been provided under the Bill for the Administration to change the energy efficiency grading standards for specified products by amending the relevant codes of practice; and</p> <p>(c) The year of which the reference number was assigned would be shown on the energy labels to distinguish products adopting the old energy efficiency grading standard from those using the new standard</p>	The Administration to advise overseas experience in dealing with changes in the energy efficiency grading standards as a result of technological advancement and to advise whether the Bills/the draft codes of practice provided for the continuous sale of the older models

Time Marker	Speaker	Subject(s)	Action Required
		Chairman's request for Administration to advise whether the Bill/the draft codes of practice provided for the continuous sale of the older models	
015735 - 015904	Mr SIN Chung-kai Chairman Administration	Mr SIN's view that the Administration should draw up a proper framework to deal with the matter, instead of resorting to consultation with the trades as suppliers of the new and older models might not be willing to compromise  Chairman's concern whether DEMS could still update the energy efficiency grading standards even if the trades could not catch up with technological advancement	
015905 - 020116	Mr Vincent FANG Chairman Administration	Discussion on ways to specify the year in which the reference numbers were assigned to facilitate consumers to make an informed choice	
020117 - 020129	Chairman	Date of next meeting	