

立法會
Legislative Council

LC Paper No. CB(1)427/07-08
(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 tenth meeting
held on Tuesday, 27 November 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
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 Stephen CHAN, JP
Deputy Director/Regulatory Services

Mr Michael CHEUNG
Assistant Director/Energy Efficiency (Acting)

Department of Justice

Ms Phyllis POON
Senior Government Counsel (Acting)

Environmental Protection Department

Mr Patrick LEI
Principal Environmental Protection Officer
(Waste Management Policy)

Mr FUNG Sang
Senior Environmental Protection Officer
(Special Waste & Landfill Restoration) 1

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) 306/07-08 -- Minutes of the meeting held on
13 November 2007)

The minutes of the meeting held on 13 November 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) 307/07-08(01) -- Administration's response to
items 1 to 3 of LC Paper No.
CB(1) 111/07-08(01)

LC Paper No. CB(1) 307/07-08(02) -- List of follow-up actions arising
from the discussion on
13 November 2007

LC Paper No. CB(1) 307/07-08(03) -- Administration's response to LC
Paper No. CB(1) 307/07-08(02)

- LC Paper No. CB(1) 307/07-08(04) -- Selected provisions with reference to "authorized officer" prepared by the Legal Adviser to the Bills Committee
- LC Paper No. CB(1) 307/07-08(05) -- Further submission from Osram Asia Pacific (English version only)
- LC Paper No. CB(1) 355/07-08(01) -- Administration's response to LC Paper No. CB(1) 307/07-08(05)
(tabled and subsequently issued on 28 November 2007)
- 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) Consider proposing to the participating fluorescent lamp suppliers under the voluntary Fluorescent Lamp Recycling Programme to offer financial incentives to the public with a view to encouraging them to participate in the Programme. A more effective alternative was to introduce a "deposit" system for used compact fluorescent lamps;
 - (b) Consult the relevant stakeholders on the proposed amendments to raise the penalty levels under clause 12 and clause 18;
 - (c) Consider specifying the minimum rank of public officers to be appointed as authorized officers under clause 21; and
 - (d) Advise the manner, such as the source of test sample etc, in which the Director would require a specified person to conduct the test under clause 27. To also advise the cost of testing and consider requiring the specified person to bear the cost of testing under clause 27(2) only if the test results did not conform to those previously submitted to the Director for assignment of the reference number.
4. The next two meetings would be held as follows:
 - (a) Thursday, 6 December 2007, at 8:30 am; and
 - (b) Monday, 7 January 2008, at 4:30 pm.

III Any other business

5. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 1
Legislative Council Secretariat
11 December 2007

**Proceedings of the meeting of the
Bills Committee on Energy Efficiency (Labelling of Products) Bill
Meeting on Tuesday, 27 November 2007, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000130	Chairman	Confirmation of minutes of the meeting held on 13 November 2007 (LC Paper No. CB(1) 306/07-08)	
000131 - 000800	Chairman Administration	Briefing by the Administration on its response to items 1 to 3 of the list of follow-up actions arising from the discussion on 4 October 2007	
000801 - 001832	Mr WONG Ting-kwong Administration Chairman	<p>Enquiry about the collection arrangement and charges under the voluntary Fluorescent Lamp Recycling Programme (the Programme)</p> <p>Mr WONG's concern that the Programme might not be effective in the lack of financial incentives to encourage participation of consumers, in particular when it was so convenient for them to dispose of used CFLs together with other domestic waste which was not subject to any charges nowadays. Consideration should be given to introducing a "deposit" system for compact fluorescent lamps (CFLs) such that consumers would get a refund upon return of used CFLs</p> <p>Administration's advice –</p> <p>(a) So far, 11 fluorescent lamp suppliers had agreed to participate in the Programme, under which all used fluorescent tubes and CFLs would be collected regardless of their brands. The costs for collection and treatment of used fluorescent lamps and CFLs at the Chemical Waste Treatment Centre (CWTC) would be shared by the participating suppliers. The Administration would encourage more suppliers to join the Programme before it was launched in March 2008; and</p>	The Administration to consider proposing to the participating fluorescent lamp suppliers under the Programme to offer financial incentives to the public with a view to encouraging them to participate in the Programme. A more effective alternative is to introduce a "deposit" system for used CFLs

Time Marker	Speaker	Subject(s)	Action Required
		<p>(b) Participating suppliers considered that a trade-wide financial incentive under the Programme, such as provision of discount coupons, was not likely to be sustainable but would only result in overall price reduction. However, individual suppliers might offer financial incentives for their products if they saw fit. For example, a CFL supplier had launched a six-month pilot collection scheme in late November 2007 under which consumers would be given a \$5 coupon for each used CFL returned for purchase of a new CFL of the supplier's brand. The supplier would also donate \$0.5 for each used CFL returned to support environmental protection</p>	
001833 - 003535	Ms Emily LAU Administration Chairman	<p>Ms LAU's enquiry on the scope of the Programme, the collection arrangement, the cost to be borne by individual participating suppliers and whether there was competition between the Programme and the pilot collection scheme launched by the other CFL supplier</p> <p>The Administration's response –</p> <p>(a) The Programme was a territory-wide scheme covering all residential buildings, both public and private housing estates. Those which were interested to join the Programme could register with the Environmental Protection Department for the setting up of collection service at the estates. Collection points at retail outlets and service centres of the participating companies would be set up and mobile collection vehicle would also be deployed for collection of used fluorescent tubes and CFLs from other sources. The Administration was also liaising with some retail chain</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>stores to provide additional collection points;</p> <p>(b) When the used fluorescent tubes and CFLs collected had accumulated to a certain quantity, parties in charge of the collection points could contact the licensed chemical waste collectors to arrange their delivery to CWTC;</p> <p>(c) As agreed by the participating suppliers, there would be two levels of membership fees for joining the Programme. It was estimated that the cost involved in the first year was about \$300 000; and</p> <p>(d) The CFL supplier who launched the six-month pilot collection scheme also took part in the Programme. The provision of discount coupon was a marketing strategy used to promote its brand</p> <p>Ms LAU's further concern about the low market penetration rate of CFLs</p> <p>Administration's response that in 2006, the sale of CFLs was around 3.5 million units while the net import of incandescent lamps was about 34 million units, which was equivalent to around 16 million installations. It was roughly estimated that about half or 8 million of the installations could be directly replaced by CFLs. The remaining half might not switch to CFLs due to cost consideration and incompatibility with existing installations. It was hoped that the Administration's plan to step up publicity to promote the use of CFLs would help boost the sale of CFLs thus narrowing down the price disparity between CFLs and incandescent lamps, which would in turn stimulate more people to switch to use CFLs</p>	

Time Marker	Speaker	Subject(s)	Action Required
003536 - 003904	Mr WONG Ting-kwong	Mr WONG's reiteration that the aforesaid "deposit" system for CFLs was a more effective alternative than voluntary collection schemes in terms of practicability and cost consideration	
003905 - 004056	Dr LUI Ming-wah Administration	Discussion on the disposal of mercury recovered from used fluorescent lamps and CFLs at CWTC. Administration's advice that this would be sold to and re-used by relevant parties such as recyclers	
004057 - 004704	Chairman Administration	<p>Briefing by the Administration on its response to the list of follow-up actions arising from the discussion on 13 November 2007 (LC Paper No CB(1)307/07-08(03))</p> <p><u>Proposed amendments to clause 12 and clause 18</u></p> <p>Ms LAU's request for the Administration to consult the relevant stakeholders on the proposed amendments to raise the penalty levels under clause 12 and clause 18</p> <p><u>The remedy period for improvement notices</u></p> <p>The Administration's advice that in light of members' concern, Committee Stage amendment (CSA) would be moved to amend clause 14 to empower the Director to extend the remedy period since the proposed extension could not be dealt with by virtue of section 40(1) of the Interpretation and General Clauses Ordinance (Cap.1). The Administration undertook to provide the CSAs in hand for initial consideration by the Assistant Legal Adviser 2 (ALA2) in the following week</p>	The Administration to consult the relevant stakeholders on the proposed amendments to raise the penalty levels under clause 12 and clause 18
004705 - 012953	Mr SIN Chung-kai Administration Chairman ALA2 Miss CHOY So-yuk	<p><u>Appointment of authorized officers</u></p> <p>Discussion on the duties and powers of authorized officers under clauses 23, 24 and 26</p>	The Administration to consider specifying the minimum rank of public officers to be

Time Marker	Speaker	Subject(s)	Action Required
	<p>Ms Emily LAU Dr LUI Ming-wah Mr WONG Ting-kwong</p>	<p>ALA2's briefing on selected provisions with reference to "authorized officer"</p> <p>Discussion on the need to specify the rank of public officers to be appointed as authorized officers under the Bill</p> <p>Administration's advice that the Bill as drafted would provide flexibility for the Director to appoint suitable officers according to the circumstances of individual cases. This arrangement was consistent with provisions in other legislation where public officers were appointed to exercise similar powers. In practice, the Director would not deploy public officers lower than the ranking of Assistant Inspector to perform duties under the Bill</p> <p>ALA2's view that there was no hard and fast rule on whether certain ranks of public officers should be appointed to exercise certain powers. It would be up to the Administration and the Bills Committee to consider</p>	<p>appointed as authorized officers under clause 21</p>
012954 - 013905	<p>Chairman Administration Dr LUI Ming-wah</p>	<p>Discussion on further submission from Osram Prosperity Co. Ltd. (LC Paper No. CB(1)307/07-08(03)) and the Administration's response (LC Paper No. CB(1)355/ 07-08(01))</p>	
013906 - 014152	<p>Chairman Administration</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>Clauses 25 and 26</u></p> <p>Briefing by the Administration</p>	
014153 - 021133	<p>Administration Chairman Dr LUI Ming-wah Ms Emily LAU Mr SIN Chung-kai Mr WONG Ting-kwon</p>	<p><u>Clause 27</u></p> <p>Discussion on the source of test sample for product required to be tested again by the Director, and the consequences if the test results showed that the product failed to comply with the energy efficiency performance as claimed in the energy label</p>	<p>The Administration to advise the manner, such as the source of test sample etc, in which the Director would require a specified person to conduct the test under clause 27.</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>Discussion on which parties should bear the cost of further testing</p> <p>The Administration's advice that the intent of the provision was to give the specified person an opportunity to arrange further testing for the product model when the Director had reasonable ground to suspect that the product model did not conform with the test results previously submitted. The arrangement was generally accepted by the trades</p> <p>Ms LAU's request for information on the cost of testing for the prescribed products</p>	<p>To also advise the cost of testing and consider requiring the specified person to bear the cost of testing under clause 27(2) only if the test results did not conform to those previously submitted to the Director for the assignment of reference number</p>
021134 - 021149	Chairman	Dates of next meetings	