

政府總部  
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中區政府合署



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ENVIRONMENT BUREAU  
GOVERNMENT SECRETARIAT  
Central Government Offices  
Lower Albert Road  
Hong Kong

本函檔號 Our Ref: EP 86/08/70 (2007) Pt.8

來函檔號 Your Ref:

24 October 2007

Clerk to Bills Committee  
(Attn.: Miss Becky YU)  
Bills Committee on Energy Efficiency (Labelling of Products) Bill  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Miss Yu,

**Bills Committee on Energy Efficiency (Labelling of Products) Bill**  
**Follow-up to meetings on 4 October 2007**

Thank you for your letter dated 5 October 2007. Please find attached the Administration's response to item 4 of the list of follow-up actions attached to the letter.

As per the request of Members, we shall provide a progress report on the implementation of voluntary collection schemes for used CFLS prior to the resumption of Second Reading debate on the Bill. As items 1-3 of the list of follow-up actions are all related to proper disposal of used CFLs, we shall provide our response thereto in the progress report.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joceline'.

(Miss Joceline CHUI)

for Secretary for the Environment

c.c.

DEMS  
DoJ

(Attn.: Mr L C WONG)  
(Attn.: Ms Phyllis POON)

**Energy Efficiency (Labelling of Products) Bill****The Administration's Response to Item 4 of the List of Follow-up Actions  
Raised at the Bills Committee Meeting on 4 October 2007****Availability of the Due Diligence Defence to Importers**

Clause 3(1) of the Energy Efficiency (Labelling of Products) Bill (the Bill) clearly specifies that the Ordinance applies to a prescribed product that is supplied in Hong Kong. The Department of Justice is of the view that the Bill only applies to local manufacturers, importers and other suppliers unless there is an express provision stating otherwise. Accordingly, the Bill does not apply to overseas manufacturers, importers and other suppliers, and the Director of Electrical and Mechanical Services does not have the authority to assign reference numbers to overseas companies. On the policy level, we have taken into account that importers can use the test reports provided by manufacturers and apply for assignment of reference numbers for their products free of charge under clause 6 of the Bill. Moreover, the application procedure involved is quite simple. On the basis of these considerations, we are of the view that the scope of application of the Bill and the arrangement that requires importers to apply to the Director of Electrical and Mechanical Services for a reference number individually are appropriate.

2. Following the above-mentioned scope of application, clause 4 of the Bill prohibits a local manufacturer from supplying a prescribed product unless it bears a reference number assigned in his name. If a product is supplied by a local manufacturer, no importer will be involved in importing the product to Hong Kong. Accordingly, there is no importer for that product. Therefore, the issue of whether an importer would be eligible for the defence of due diligence under clause 45 of the Bill if the energy label for the product is provided by the manufacturer does not arise. Furthermore, the defence of due diligence under clause 45 of the Bill is not available to offences under clause 4.

**Environment Bureau  
Electrical and Mechanical Services Department  
October 2007**