

立法會
Legislative Council

LC Paper No. LS54/06-07

**Paper for the House Committee Meeting
on 20 April 2007**

**Legal Service Division Report on
Energy Efficiency (Labelling of Products) Bill**

I. SUMMARY

1. **Objects of the Bill** To require suppliers to provide information of products prescribed in the Bill and display energy labels on such products, and to provide for related matters.
2. **Comments**
 - (a) The Bill introduces a scheme in which suppliers are required to provide specified information in respect of, and the display of energy labels on, specified energy-using products. The first phase of the scheme involves room air conditioners, refrigerating appliances and compact fluorescent lamps.
 - (b) A summary of the provisions in the Bill is in paragraph 8 of the LegCo Brief.
 - (c) The scheme prohibits the supply of a prescribed product unless it is a product of a listed model with a reference number that is assigned in the name of the manufacturer or importer and included in the record, and bears an energy label that complies with the requirements specified in Schedule 2 of the Bill.
3. **Public Consultation** A three-month public consultation on the proposed mandatory Energy Efficiency Labelling Scheme was launched in July 2005. The LegCo Brief states that the vast majority of views received expressed support for the proposed scheme.
4. **Consultation with LegCo Panel** The Panel on Environmental Affairs was briefed on the legislative proposals contained in the Bill at its meeting on 13 June 2006. Members of the Panel did not raise objection to the proposed mandatory Energy Efficiency Labelling Scheme.
5. **Conclusion** The Legal Service Division is still scrutinizing the legal and drafting aspects of the Bill. In view of the concerns raised by the Panel on Environmental Affairs, Members may wish to consider setting up a Bills Committee to scrutinize the details of the Bill.

II. REPORT

Objects of the Bill

To require suppliers to provide information relating to specified energy-using products and the display of energy labels on such products and to provide for related matters.

LegCo Brief Reference

2. The LegCo Brief (File Ref: EP 86/08/70 (07)) issued by the Environmental Protection Department dated 30 March 2007.

Date of First Reading

3. 18 April 2007.

Comments

4. The Bill introduces a scheme for the provision by suppliers of specified information in respect of, and the display of energy labels on, specified energy-using products. The scheme aims to promote energy saving by informing consumers the energy efficiency performance of the products. The scheme will be implemented in phases. The first phase involves room air conditioners, refrigerating appliances and compact fluorescent lamps, which are the prescribed products specified in Schedule 1 of the Bill.

5. A summary of the provisions in the Bill is in paragraph 8 of the LegCo Brief. Some of the provisions in the Bill are highlighted below.

6. Clauses 4 and 5 prohibit the supply of a prescribed product unless it is a product of a listed model with a reference number that is assigned in the name of the manufacturer or importer and included in the record, and bears an energy label that complies with the requirements specified in Schedule 2 of the Bill. Any person who contravenes clause 4 or 5 commits an offence and is liable on conviction to a fine at level 6 (\$100,000).

7. Clause 6 provides for the submission of specified information and specified documents of prescribed products. Any specified information would be required to be submitted to the Director of Electrical and Mechanical Services (“the Director”) in the specified form.

8. Clause 12(1) prohibits a person from using an energy label on a product (not being a product of a listed model) so as to mislead another person into believing that the product is of a listed model. Clause 12(2) prohibits a person from using an energy label on a product which will mislead another person into believing that the product

conforms with the information on the energy label. Any person who contravenes clause 12(1) or 12(2) commits an offence and is liable on conviction to a fine at level 6 (\$100,000).

9. Clause 20 makes it an offence for a person to furnish false information or documents to the Director. The offender is liable on conviction to a fine at level 6 (\$100,000) and to imprisonment for 6 months.

10. Provisions relating to enforcement powers, appeals and code of practice are contained in Parts 4, 5 and 6 of the Bill respectively.

11. Clause 42 provides that where an offence by a body corporate or partnership is committed with the consent or was attributed to any neglect of a director or partner, the director and the body corporate, or (as the case may be) the partner and the partnership are guilty of the offence.

12. Clause 44 provides a defence for an employee to show that he was acting in accordance with the instructions given to him by his employer and he had no reasonable ground to believe that the prescribed product is not a product of a listed model or does not bear an energy label.

13. Clause 45 provides a defence of due diligence for a person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Public Consultation

14. According to paragraph 12 of the LegCo Brief, a three-month public consultation on the proposed mandatory Energy Efficiency Labelling Scheme was launched in July 2005. During the consultation period, meetings with the Advisory Council on the Environment, trade associations, product suppliers and other stakeholders were arranged to solicit views on the proposed scheme. The vast majority of views received expressed support for the proposed scheme and agreed that the scheme was in the correct direction for achieving efficient use of energy.

15. According to paragraph 14 of the LegCo Brief, in order to address the concerns expressed by the trade, two task forces were set up with the relevant trade associations and suppliers to work out the implementation details of the scheme. In view of the established international practice, it has been decided to adopt a similar self-testing system in Hong Kong. Members of the two task forces have indicated their support to the implementation of the proposed self-testing scheme. The Retail Task Force of the Business Facilitation Advisory Committee and the Energy Efficiency and Conservation Subcommittee of the Energy Advisory Committee were also consulted. They both indicated their in-principle support for the implementation of the proposed mandatory Energy Efficiency Labelling Scheme.

Consultation with LegCo Panel

16. The Panel on Environmental Affairs was briefed on the Bill at its meeting on 13 June 2006. Members of the Panel noted that suppliers of compact fluorescent lamps had pointed out the difficulty in affixing energy labels on the lamps given their compact size. There was also concern that some consumers were not keen to purchase energy-efficient products due to various reasons, and certain solutions were suggested by members. Concerns were also raised on the registration mechanism and the penalties for giving incorrect energy performance information of products. The Administration was requested to cross-check the energy performance of the specified products. It was also pointed out that there might be a need to include energy efficiency standards for products on stand-by mode. As regards the registration mechanism, it was pointed out that while the lead time for registration might not have impact on the sales of more durable appliances, such as refrigerators and air-conditioners, the lead time would affect the timely launching of new and trendy electronic products such as mobile phones and audio-visual products. Consideration might be given to simplifying the scheme by dispensing with the need for registration.

17. In conclusion, the Panel did not raise objection to the proposed mandatory scheme.

Conclusion

18. The Legal Service Division is still scrutinizing the legal and drafting aspects of the Bill. In view of the concerns raised by the Panel on Environmental Affairs, Members may wish to consider setting up a Bills Committee to scrutinize the details of the Bill.

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11 April 2007