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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 21 October 2009

**Proposed resolution under
the Energy Efficiency (Labelling of Products) Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for the Environment will move at the Council meeting of 21 October 2009 under the Energy Efficiency (Labelling of Products) Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary will deliver when moving the proposed resolution is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

ENERGY EFFICIENCY (LABELLING OF PRODUCTS)
ORDINANCE

RESOLUTION

(Under section 54 of the Energy Efficiency (Labelling of Products) Ordinance
(Cap. 598))

RESOLVED that the Energy Efficiency (Labelling of Products) Ordinance
(Amendment of Schedule 1) Order 2009, made by the Secretary
for the Environment on *25 September*, 2009, be approved.

ENERGY EFFICIENCY (LABELLING OF PRODUCTS) ORDINANCE (AMENDMENT OF SCHEDULE 1) ORDER 2009

(Made by the Secretary for the Environment under section 54 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) subject to the approval of the Legislative Council)

1. Commencement

This Order comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

2. Definitions

In this Order –

“new prescribed product” (新訂明產品) means a washing machine specified in section 4, or a dehumidifier specified in section 5, in Part 1 of Schedule 1 to the Ordinance;

“operative date” (施行日期) means the date on which sections 4, 5 and 16(1)(a) and (b) of the Ordinance become applicable in relation to a new prescribed product under section 4;

“the Ordinance” (本條例) means the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598);

“voluntary energy efficiency labelling scheme” (自願性能源效益標籤計劃) means the Hong Kong Voluntary Energy Efficiency Labelling Scheme operated in respect of energy-using products by the Electrical and Mechanical Services Department.

3. Prescribed products

Part 1 of Schedule 1 to the Ordinance is amended by adding –

“4. Washing machines within the description in Division 4 of Part 2.

5. Dehumidifiers within the description in Division 5 of Part 2.”.

4. Transitional arrangement for application of sections 4, 5 and 16(1)(a) and (b) of the Ordinance

Despite the commencement of sections 4, 5 and 16(1)(a) and (b) of the Ordinance on 9 November 2009, those sections do not apply in relation to a new prescribed product until the expiry of 18 months after the commencement of this Order.

5. Transitional arrangement for new prescribed products manufactured in or imported into Hong Kong before commencement of this Order and new prescribed products registered under voluntary energy efficiency labelling scheme

(1) A product model of a new prescribed product is to be treated as having complied with the requirements of section 6 of the Ordinance if –

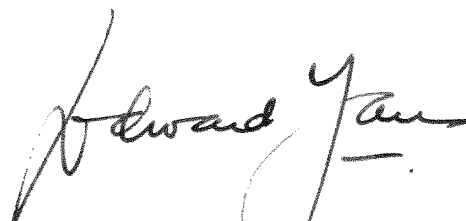
- (a) the product model has been registered in the name of a person (“registration holder”) under the voluntary energy efficiency labelling scheme and the registration is valid at the time when the registration holder submits the information referred to in paragraph (c) (“the relevant information”);
- (b) the relevant information is submitted before the operative date;
- (c) the relevant information is submitted in the specified form and includes –
 - (i) the name and business address of the registration holder;
 - (ii) the particulars of the product model, including but not limited to its brand name, model name, energy

- efficiency and performance characteristics as declared by the registration holder;
- (iii) the energy efficiency and performance characteristics of the product model as measured by tests carried out by an institution;
 - (iv) other information, apart from the reference number and the year, that will appear on the energy label for the product model; and
 - (v) the registration number under the voluntary energy efficiency labelling scheme; and
- (d) in the case of dehumidifiers, in addition to the information referred to in paragraph (c), the person also submits the calculation of the energy efficiency grading of the dehumidifiers in accordance with the method specified in the approved code of practice.

(2) If it is proved to the satisfaction of the Director that before the commencement of this Order, a contract has been entered into for the procurement of a new prescribed product which is to be supplied as part of or in connection with the disposition of any specified premises, sections 4 and 5 of the Ordinance do not apply to the new prescribed product so supplied in Hong Kong whether before or after the commencement of this Order.

(3) If it is proved to the satisfaction of the Director that before the commencement of this Order, a new prescribed product has been manufactured in or imported into Hong Kong, sections 4 and 5 of the Ordinance do not apply to the new prescribed product so manufactured or imported whether it is supplied in Hong Kong before or after the commencement of this Order.

(4) To avoid doubt, the transitional arrangement under section 56 of the Ordinance does not apply in relation to a new prescribed product.



Secretary for the Environment

25 September, 2009

Explanatory Note

Under the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) (“the Ordinance”), a supplier of a prescribed product (including a room air conditioner, refrigerating appliance and compact fluorescent lamp) is required to comply with the following requirements before the supplier supplies the product –

- (a) the product is a product of a listed model with a reference number assigned by the Director of Electrical and Mechanical Services;
- (b) the product bears an energy label containing specified information; and
- (c) the energy label is attached or affixed to the product in accordance with the Ordinance.

2. This Order amends the Ordinance by adding washing machines and dehumidifiers to Part 1 of Schedule 1 to the Ordinance as prescribed products. As a result of the amendment, the supply of a washing machine or dehumidifier specified in section 3 of the Order requires a reference number and an energy label.

3. To allow time for the suppliers to make preparation for the implementation of the Order, a 18 months' grace period is provided for in section 4 of the Order. The effect is section 4 (Prohibition on supply of prescribed products by manufacturer or importer without reference number and energy label), section 5 (Prohibition on supply of prescribed products by person other than manufacturer or importer without reference number and energy label) and section 16(1)(a) and (b) (Power of Director to serve prohibition notice) of the Ordinance do not apply to washing machines or dehumidifiers until the expiry of the 18 months' period after the commencement of the Order.

4. Section 5 of the Order includes a transitional arrangement for washing machines and dehumidifiers that –

- (a) have been registered under the voluntary energy efficiency labelling scheme;
- (b) are to be supplied in Hong Kong under a certain contract entered into before the commencement of the Order; or
- (c) have been manufactured in or imported into Hong Kong before the commencement of the Order.

Speech by the Secretary for the Environment
At the Legislative Council Meeting
Energy Efficiency (Labelling of Products) Ordinance
(Amendment of Schedule 1) Order 2009

21 October 2009

President,

I move under my name that the resolution contained in the Agenda be passed. The proposed resolution is to approve the enactment of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2009, which amends Part 1 of Schedule 1 to the Energy Efficiency (Labelling of Products) Ordinance (the Ordinance), for introducing the second phase of the Mandatory Energy Efficiency Labelling Scheme (MEELS).

2. The Ordinance, which was enacted on 9 May 2008, provides a legal basis for implementing the initial phase of the MEELS. The initial phase covers three types of products, namely room air conditioners, refrigerating appliances and compact fluorescent lamps. These three products together account for about 60% of local electricity consumption in the residential sector. As the grace period for the initial phase of the MEELS will end on 8 November, we are now in the final stage of preparation for the full implementation of the initial phase.

3. The Administration has pledged in the 2008-09 Policy Address that to further promote the use of energy efficient appliances, we would introduce the second phase of the MEELS. To this end, we propose amending the Ordinance to include washing machines and dehumidifiers as prescribed products under the Ordinance. These two products account for about 7% of annual electricity consumption in the residential sector. We estimate that the extension of the MEELS to these two products will bring about an additional annual energy saving of about 25 Gigawatt hours (GWh), amounting to a saving of about \$25 million in electricity bills every year. Translating it into environmental benefits, this will reduce carbon dioxide emission by 17,500 tonnes per year.

4. To allow sufficient time for the trade to prepare for the implementation arrangements and following the practice of the initial phase, we propose to provide for a grace period of 18 months for the second phase of the MEELS.

5. To prepare for the second phase of the MEELS, we have set up a task force with relevant trade associations and the Consumer Council for gauging their views. Key views received have been incorporated in our legislative proposal. We also consulted the Advisory Council on the Environment and the Energy Advisory Committee on 6 July and 8 July 2009 respectively. Both of them supported the proposal. We also consulted the Legislative Council Panel on Environmental Affairs on 15 July 2009. Members raised no objection to the proposal.

6. Global warming has emerged as one of the greatest challenges facing the mankind in this century. Power generation is the principal source of greenhouse gas emission in Hong Kong. Enhancing energy efficiency is definitely the most effective weapon that Hong Kong can deploy to combat climate change. The second phase of the MEELS will encourage consumers using energy efficient electrical appliances through providing them with information on the appliances' energy performance.

7. To introduce the second phase of the MEELS, we need to amend Schedules 1 to 3 of the Ordinance. Amendments to Part 1 of Schedule 1 require positive vetting by this Council. Today's resolution deals with such amendments. After the passing of this resolution, we will submit the remaining amendments to this Council for negative vetting.

8. President, it is now time we act to combat climate change. I move that the resolution be passed. Thank you.