

立法會
Legislative Council

LC Paper No. LS119/08-09

**Paper for the House Committee Meeting
on 9 October 2009**

**Legal Service Division Report on
Proposed Resolution under section 54 of the
Energy Efficiency (Labelling of Products) Ordinance (Cap. 598)**

The Secretary for the Environment (the Secretary) has given notice that he would move a motion under section 54 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) (the Ordinance) at the meeting of the Legislative Council to be held on 21 October 2009 to seek the approval of the Legislative Council of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2009 (the Amendment Order). The object of the Amendment Order is to introduce the second phase of the Mandatory Energy Efficiency Labelling Scheme (MEELS).

2. The Ordinance was passed in 2008 to put in place the MEELS by requiring suppliers to provide information relating to specified energy-using products (prescribed products) and the display of energy labels on prescribed products. The list of prescribed products is provided in Part 1 of Schedule 1 to the Ordinance and the Secretary may, subject to the approval of the Legislative Council, amend Part 1 of Schedule 1 under section 54 of the Ordinance. The first phase of the MEELS covers three types of products, namely, room air conditioners, refrigerating appliances and compact fluorescent lamps. A grace period of 18 months was given for suppliers to prepare for the compliance with the MEELS. The grace period will end on 8 November 2009.

3. Sections 4 and 5 of the Ordinance prohibit the supply of prescribed products without reference numbers assigned by the Electrical and Mechanical Services Department and appropriate energy labels affixed to these products.

4. The Amendment Order seeks to introduce the second phase of the MEELS by including two products, namely, washing machines and dehumidifiers, as prescribed products by adding them to Part 1 of Schedule 1 to the Ordinance. As a consequence, the supply of these products, similar to the three products mentioned in paragraph 2 above, will be governed by the provisions of the Ordinance.

5. The Amendment Order shall come into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

6. Similar to the first phase of the MEELS, a grace period of 18 months (the expiry of 18 months after the commencement of the Amendment Order) is provided for in section 4 of the Amendment Order to allow time for the suppliers to prepare for the compliance with the new requirements.

7. Transitional arrangements similar to section 56 of the Ordinance for the first phase of the MEELS will also be provided to washing machines and dehumidifiers that –

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

8. Members may refer to the LegCo Brief (ref: ENB 24/26/24 Pt. 6) issued by the Environment Bureau in September 2009 for background information about the Amendment Order. According to paragraph 13 of the LegCo Brief, the Advisory Council on the Environment and the Energy Advisory Committee were consulted in July 2009 on the implementation of the second phase of the MEELS and they both supported the proposal.

9. The LegCo Panel on Environmental Affairs was consulted on the legislative proposal at the meeting held on 15 July 2009. While there was general support for the implementation of the second phase of the MEELS, some members expressed the view that the Administration should expedite the progress of the MEELS to keep up with the latest technological development.

10. For members' advance information, the LegCo Brief also includes the draft of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009, which will set out the particular requirements in relation to energy labelling of washing machines and dehumidifiers (Annex B of the LegCo Brief). This Order will be subject to scrutiny by the Legislative Council under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

11. No difficulties in the drafting and legal aspects of the resolution have been identified.

Prepared by

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