

立法會
Legislative Council

LC Paper No. CB(1) 1212/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/BC/2/09/2

Bills Committee on Buildings Energy Efficiency Bill

Minutes of seventeenth meeting
held on Wednesday, 27 October 2010, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Vincent FANG Kang, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon IP Kwok-him, GBS, JP
Hon Tanya CHAN
Hon CHAN Hak-kan

Members absent : Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Prof Hon Patrick LAU Sau-shing, SBS, JP

Public officers attending : Environment Bureau
Miss Katharine CHOI
Principal Assistant Secretary for the Environment
(Energy)

Electrical and Mechanical Services Department

Mr LI Kwok-keung
Acting Assistant Director/Electricity and Energy
Efficiency

Mr MAK Ka-chun
Chief Engineer/Energy Efficiency B

Department of Justice

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting & Administration)

Miss Mandy NG
Government Counsel

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Franco KWONG
Council Secretary (1)1

I. Confirmation of minutes

(LC Paper No. CB(1) 191/10-11 — Minutes of the meeting held
on 30 September 2010)

The minutes of the meeting held on 30 September 2010 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1) 203/10-11(01) — List of follow-up actions
arising from the discussion at
the meeting on 18 October
2010

LC Paper No. CB(1) 203/10-11(02) — Administration's response to
CB(1) 203/10-11(01)

LC Paper No. CB(1) 203/10-11(03) — Letter from The Law Society
of Hong Kong

LC Paper No. CB(1) 203/10-11(04) — Committee Stage amendments
proposed by Hon KAM
Nai-wai)

Relevant papers

- (LC Paper No. CB(3) 233/09-10 — The Bill
Ref: ENB 24/26/22 — The Legislative Council Brief
- LC Paper No. CB(1) 1353/09-10(03) — Assistant Legal Adviser's letter dated 2 March 2010 to the Administration
- LC Paper No. CB(1) 1364/09-10(01) — Administration's response to CB(1) 1353/09-10(03)
- LC Paper No. CB(1) 1492/09-10(03) — Assistant Legal Adviser's letter dated 19 March 2010 to the Administration
- LC Paper No. CB(1) 1511/09-10(01) — Administration's response to CB(1) 1492/09-10(03) (clauses 2 to 15 only)
- LC Paper No. CB(1) 1799/09-10(01) — Administration's response to CB(1) 1492/09-10(03) (paragraphs 25 to 49 only)
- LC Paper No. CB(1) 1799/09-10(02) — Assistant Legal Adviser's letter dated 3 May 2010 to the Administration
- LC Paper No. CB(1) 2048/09-10(02) — Administration's response to CB(1) 1799/09-10(02)
- LC Paper No. CB(1) 2245/09-10(03) — Assistant Legal Adviser's letter dated 10 June 2010 to the Administration
- LC Paper No. CB(1) 2444/09-10(01) — Administration's response to CB(1) 2245/09-10(03)
- LC Paper No. CB(1) 60/10-11(03) — Committee Stage amendments proposed by Hon Cyd HO)

2. The Bills Committee deliberated (Index of proceedings attached in **Annex**).

III. Any other business

3. There being no other business, the meeting ended at 10:20 am.

**Bills Committee on
Buildings Energy Efficiency Bill**

**Proceedings of the seventeenth meeting
on Wednesday, 27 October 2010, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000730 - 000801	Chairman	The minutes of the meeting held on 30 September 2010 (LC Paper No. CB(1) 191/10-11) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
000802 - 001851	Chairman Administration	Administration's explanation on its response to members' concerns raised at the meeting on 18 October 2010 (LC Paper No. CB(1) 203/10-11(02)).	
001852 - 001951	Chairman Administration	<p>Members' attention was drawn to the submission from the Law Society of Hong Kong (LSHK) (Annex A to CB(1) 203/10-11(02)) suggesting to add the phrase "any provision in the Land Grant notwithstanding" at the end of newly proposed clause 51A to make it clear that non-compliance with the Bill would not trigger the Government's right of re-entry under the Land Grant.</p> <p>The Administration's reiteration that the issue might have wider policy implications and should be pursued separately at other appropriate forum.</p>	
001952 - 004324	Chairman Ir Dr Raymond HO Administration	<p>Discussion on the examples of external lighting in Annex B to CB(1) 203/10-11(02).</p> <p>Chairman and Ir Dr Raymond HO's views/enquiry -</p> <p>(a) lighting installations mounted external to the building (external lighting) should be covered under the definition of "lighting installation" since they usually obtained electricity from the electrical system in the building;</p>	

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		<p>(b) as the policy intent of the Bill was to enhance building energy efficiency, it should apply to external lighting as well to address the problem of excessive glare from external lighting, such as those lighting installations at entrance of car parks;</p> <p>(c) in view of the slow progress made in regulating external lighting, it was more desirable for this to be covered under the Bill without the need to await a new legislation; and</p> <p>(d) how to calculate lighting power density (LPD), in particular LPD of external lighting.</p> <p>Administration's response -</p> <p>(a) the definition of "lighting installation" would be reviewed to better reflect the policy intent;</p> <p>(b) external lighting was not included in the Building Energy Code (2007 Edition) under the voluntary Hong Kong Energy Efficiency Registration Scheme for Buildings, which formed the basis of the draft Code of Practice. The Technical and Trade Task Forces had been consulted on the draft Code of Practice;</p> <p>(c) LPD was the electrical power consumed by fixed lighting installations per unit floor area of an illuminated space. However, external lighting was normally used for an open space without a definite floor area. It was also worth noting that an international standard on LPD for external lighting had yet to be set;</p> <p>(d) a study on excessive glare from external lighting was underway and its findings would be presented to the Panel on Environmental Affairs in due course.</p>	
004325 - 005048	Chairman Administration Ir Dr Raymond HO	Chairman's enquiry on whether lighting installations powered by renewable energy would be regulated under the Bill.	

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		<p>Administration's response that all fixed electrical lighting systems would be regulated, regardless of whether they were connected to the electricity grid or not. As such, lighting installations powered by renewable energy would also be covered under the Bill.</p> <p>Ir Dr Raymond HO's view that with the emerging development of renewable energy, there was a need to state it clearly in the Bill that lighting installations powered by renewable energy were also subject to regulation to avoid unnecessary disputes in future.</p>	
005049 - 005445	Chairman Administration	<p>Discussion on the marked-up copy of the Committee Stage Amendments (CSAs) (Annex D to LC Paper No. CB(1) 203/10-11(02)).</p> <p>Clause 2 - Interpretation</p> <p>Discussion on the definitions of "common area", "composite building" and "residential building".</p>	
005446 - 005633	Chairman Administration	<p>Clause 4 - Limit of scope of application</p> <p>Chairman's enquiry on the rationale for excluding small houses from the Bill.</p> <p>Administration's explanation that as small houses usually had very small common areas (mainly staircases) with limited central building services installations, they were exempted from the Bill.</p>	
005634 - 005656	Chairman Administration	Clause 8 - Declaration at design stage	
005657 - 005704	Chairman Administration	Clause 9 - Declaration at occupation approval stage	
005705 - 005728	Chairman Administration	Clause 10 - Certificate of Compliance Registration for buildings	
005729 - 005743	Chairman Administration	Clause 11 - Register of buildings issued with Certificate of Compliance Registration	

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005744 - 005755	Chairman Administration	Clause 12 - Duties of owners and responsible persons of buildings with Certificate of Compliance Registration	
005756 - 005829	Chairman Administration	Clause 17 - Duties to obtain Form of Compliance for major retrofitting works	
005830 - 005928	Chairman Administration	Clause 18 - Requirements applicable to Form of Compliance	
005929 - 010036	Chairman Administration	Clause 22 - Energy audit requirement	
010037 - 010115	Chairman Administration	Clause 29 - Powers of authorized officers	
010116 - 010128	Chairman Administration	Clause 31 - Register of Register Energy Assessors	
010129 - 010215	Chairman Administration	Clause 34 - Appeal board panel	
010216 - 010232	Chairman Administration	Clause 35 - Appeal board	
010233 - 010325	Chairman Administration	Clause 36 - Proceedings of appeal board	
010326 - 010355	Chairman Administration	Clause 37 - Hearing	
010356 - 010415	Chairman Administration	Clause 38 - Appeal board may authorize inspection of building services installation	
010416 - 011045	Chairman Administration Miss Tanya CHAN Mr IP Kwok-him Assistant Legal Adviser 5 (ALA5)	Clause 39 - Determination of appeal Members and ALA's view that the phrase "or expenses" should be added after the word "costs" in clause 39(2)(b) to ensure consistency.	
011046 - 011135	Chairman Administration	Clause 40 - Code of practice Chairman's enquiry on the reason why consultation was not required before the Director could exercise the power under sub-clauses (3) and (5).	

Time marker	Speaker	Subject(s)	Action required
		Administration's explanation that sub-clauses (3) and (5) related to the procedural arrangements of the Code of Practice.	
011136 - 011325	Chairman Administration	<p>Clause 41 - Admissibility of code of practice in evidence</p> <p>Chairman's view that an appeal board should not be regarded as "court".</p> <p>Administration's response that further amendment would be made to clause 41(3).</p>	
011326 - 011415	Chairman Administration	Clause 43 - Secretary may amend Schedules	
011416 - 011432	Chairman Administration	Clause 47 - Issue of notice etc.	
011433 - 011508	Chairman Administration	Clause 50 - Defence of due diligence	
011509 - 011614	Chairman Administration	Clause 51A - Contravention does not give rise to encumbrance	
011615 - 012815	Chairman Administration ALA5	<p>Clause 52 - Energy audit carried out before Part 4 commences</p> <p>Chairman and ALA's views that the condition or requirement that "if the person is a registered energy assessor on the commencement of Part 4" should be put as a separate sub-clause (c).</p> <p>Administration's response that further amendments would be made to clause 52.</p>	
012816 - 012855	Chairman Administration	Schedule 1 - Buildings that require Certificate of Compliance Registration and Form of Compliance	
012856 - 014745	Chairman Administration Ms Cyd HO Mr KAM Nai-wai	<p>Schedule 2 - Building services installations to which this Ordinance does not apply</p> <p>Referring to the Administration's written response to her proposed CSA, Ms Cyd HO's view/concern -</p> <p>(a) consideration could be given to holding the Bill in abeyance to allow time for</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>consultation on the setting of a specific period of time for operation of lighting installations under item 6, and formulation of a LPD standard for external lighting;</p> <p>(b) her proposed CSA would not create enforcement difficulty as the Hong Kong Observatory would announce the time of sunset every day. Besides, there was no need for inspection by an authorized person if the lighting installations within a premises were switched off before the specified time;</p> <p>(c) it would take time to introduce a separate legislation on excessive glare of external lighting; and</p> <p>(d) supported Mr KAM Nai-wai's proposed CSA for deletion of item 6(b).</p> <p>Chairman's view/concern -</p> <p>(a) an enforcement mechanism for non-compliance might need to be established if a specific period of time was to be set for lighting installations under item 6(b);</p> <p>(b) there should be ample time for consultation with the trades on the setting of a LPD standard for external lighting for inclusion in the Code of Practice before the Ordinance, if enacted, came into operation;</p> <p>(c) supported Mr KAM Nai-wai's proposed CSA; and</p> <p>(d) would consider moving a CSA to give effect to LSHK's suggestion in respect of newly proposed clause 51A.</p> <p>Mr KAM Nai-wai's views -</p> <p>(a) inclusion of lighting installations used for decoration under the Bill was in line with the policy intent to enhance energy efficiency; and</p>	

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		<p>(b) support for adding the phrase "any provision in the Land Grant notwithstanding" to the newly proposed clause 51A.</p> <p>Administration's response that the Government's right as landlord in Land Grant should not be prejudiced. Given the wider policy implications, the issue should be pursued at other appropriate forum, such as the Panel on Development.</p>	
014746 - 014840	Chairman Administration	Schedule 4 - Buildings that require energy audit	
014841 - 015005	Chairman Administration	Legislative time-table	

Council Business Division 1
Legislative Council Secretariat
1 February 2011