

## **Buildings Energy Efficiency Bill**

### **The Administration's response to Action Items at the Bills Committee meeting on 27 May 2010**

#### **The Administration to meet with the Law Society of Hong Kong**

The Administration consulted the Law Society of Hong Kong ("the Law Society") regarding the Buildings Energy Efficiency Bill ("the Bill") in January 2010. The Law Society made submissions to the Bills Committee on 27 April 2010 and the Administration has provided its response at CB(1)2048/09-10(01). The Administration is now exploring a meeting opportunity with the Law Society and is awaiting its advice. We will keep the Bills Committee posted on further development.

#### **The party which should be held responsible for obtaining the Form of Compliance in respect of major retrofitting works under clause 17(1)**

2. Clause 17(1) of the Bill stipulates that if major retrofitting works are carried out in respect of any building services installation that serves any unit or common area of a prescribed building, the responsible person of the unit or the owner of the common area, must, within two months after the completion of the works, obtain a Form of Compliance ("FOC") issued in respect of the installation. As explained in the Bills Committee meeting on 27 May 2010, this legal duty only comes into place upon the completion of the major retrofitting works. The policy intention is to require the relevant party who, at the moment when this legal duty appears (i.e. at the moment when the major retrofitting works are completed), to perform such duty.

3. We would like to illustrate our policy intention as regards more complicated case by example. A Mr X, being the owner of a unit of a prescribed building, initiated a major retrofitting works on the lighting installation of his unit. Before the major retrofitting works was completed, Mr X sold the unit to a Mr Y, who was the owner when the works was completed. According to our policy intention, Mr Y would be required to comply with clause 17(1). If Mr Y failed to obtain a FOC and, within two months after the major retrofitting works was completed, he sold the unit to a Mr Z, the duty to obtain a FOC should still rest with Mr Y as he was the responsible person at the time the works was completed. We consider that such duty should rest with Mr Y instead of Mr X, since Mr Y could possibly alter the scope of the ongoing major

retrofitting works after he took over the unit. We do not consider that the duty should fall on Mr Z since he might not know that a major retrofitting works project had been conducted in that unit.

### **Examples of “specified standards and requirements” set out in the draft Code of Practice**

4. The Bill requires compliance with the Codes of Practice (“the Codes”) promulgated by the Electrical and Mechanical Services Department (“EMSD”) concerning energy efficiency of four types of building services installations and energy audits. The Codes, when issued, will present the “specified standards and requirements” in a precise manner. For the implementation of the new legislation, EMSD has set up a Technical Task Force and done extensive consultation with members of the building professional institutions and building trade. Having incorporated their views, a draft Code has been prepared and uploaded to EMSD’s website:

[http://www.emsd.gov.hk/emsd/e\\_download/pee/BEC\\_Feb\\_2010\\_Edition\\_Draft.pdf](http://www.emsd.gov.hk/emsd/e_download/pee/BEC_Feb_2010_Edition_Draft.pdf)).

5. The draft Code has detailed the standards that each type of building services installation under the coverage of the Bill should follow. To illustrate, the draft Code specifies the lighting power density for various types of space (e.g. the maximum allowable lighting power density for a corridor, an entrance lobby and a retail shop is, respectively, 12, 17 and 20 watts per square metre) and the maximum electrical power of Traction Lift System at rated load for various ranges of rated speed (e.g. for a rated load less than 750 kilograms, the maximum electrical power is 6.7 kilowatts if the rated speed is less than 1 metre per second and 9.5 kilowatts if the rated speed is more than or equal to 1 but less than 1.5 metres per second). The standards in the Code are technical specifications which have been endorsed by the Technical Task Force.

### **Inclusion in clause 13 or the Code of Practice a specific time frame within which a Certificate of Compliance Registration should be renewed before expiry**

6. Clause 13(5) stipulates that, subject to clause 13(6), a renewed Certificate of Compliance Registration (“COCR”) is effective from the date of renewal. Clause 13(6) states that if an application for renewal of a COCR is made during the 12 months preceding the expiry of the COCR, the renewed COCR is effective from the date of that expiry.

7. We explained in the Bills Committee meeting on 27 May 2010 that, in many cases the property management companies are the responsible persons in respect of a building. The buildings under their management might have been issued with COCRs which have different effective dates. For more effective management, the property management companies may arrange the different COCRs to be renewed in one go, so as to align the different effective dates of COCRs. Clause 13(5) and (6) would allow flexibility for the responsible persons to do so. On the other hand, for individual cases, the renewal arrangement would encourage the responsible persons only to submit applications within the 12 months preceding the expiry of the existing COCRs.

8. Approaching the expiry of COCRs, EMSD would issue reminders to the responsible persons and inform them of the usual time frame required to process the renewal applications. As such, the Administration considers it not necessary to specify in the Bill or the Code a time frame within which a COCR should be renewed before its expiry.

#### **Revision of the word “即” in the Chinese text of clause 17(4)**

9. The Administration explained in the paper CB(1)1799/09-10(1) that the word “即” in the Chinese text of clause 17(4) is a function word that caters for the flow of the sentence (as in the case of “即屬犯罪”) and does not carry the meaning of “immediately”. We consider that the meaning presented in both the Chinese and English texts of clause 17(4) is consistent and in accordance with the rule of grammar for both languages. Hence, the Administration does not propose to delete the word “即” or replace it with other words.

**Environment Bureau  
Electrical and Mechanical Services Department  
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