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By Fax (2147 5834)

10 June 2010

Miss Katharine Choi
Principal Assistant Secretary for the Environment (Energy)
Environment Bureau
46/F, Revenue Tower
5 Gloucester Road
Wan Chai
Hong Kong

Dear Miss Choi,

**Buildings Energy Efficiency Bill –
Administration's Draft Committee Stage Amendments**

I refer to the Administration's draft Committee Stage Amendments to the Buildings Energy Efficiency Bill (Annex to LC Paper No. CB(1) 2021/09-10(02)) and would be pleased if you consider the following -

(a) Residential "use / building / unit"

1. "Residential *building*" is given a specified meaning in clause 2 of the Bill, which means a building solely used for residential purposes and includes student hostels and staff quarters and such parts of a composite building that are for "residential *use*" but does not include a hotel or a guesthouse.

2. In light of the Bills Committee's views on the definition of "industrial *use*", "commercial *use*" and residential *use*" in the definition of "composite building", the Administration agreed to consider making Committee Stage Amendments to the definition of composite building to incorporate cross reference to the definition of the relevant terms in the Bill (LC Paper No. CB(1) 1799/09-10(05), para. 4). In the Administration's draft CSAs, the definition of "composite building" shall have regard to the definitions of "commercial building", "industrial building" and "residential building" in the Bill.

3. Clause 29(1) of the Bill seeks to provide that an authorized officer may, for the purposes of ascertaining whether the Bill has been complied with, enter any part of a prescribed building that is not a "residential *unit*". As to the meaning of "residential *unit*" (LC Paper No. CB(1)1799/09-10(01)), you state that "residential *unit*" means a unit in a prescribed building which is for "residential *use*" (p. 2).

4. With regard to "residential *unit*" in clause 29(1), will the Administration consider similar CSAs to bring its meaning in line with that of "residential *use*" in the Bill (i.e. with cross reference to the specified meaning provided in the definition of "residential *building*")?

(b) Industrial and commercial "*building / portion / use*"

5. Similarly, "industrial building" and "commercial building" are given specified meanings in clause 2 of the Bill. Schedule 1 to the Bill specifies the types of buildings that require Certificate of Compliance Registration and Form of Compliance. Items 2 and 5 of Schedule 1 respectively specify that "non-residential *portion* or non-industrial *portion* of a composite building" and "common area of the residential or industrial portion of a composite building" must comply with these requirements.

6. Schedule 4 to the Bill specifies the types of buildings that require energy audit. Item 2 of Schedule 4 specifies "commercial *portion*" of a composite building requires energy audit.

7. In light of the Administration's proposed CSAs and in order to read in the definition of "commercial building", "industrial building", "residential building" and "composite building" in clause 2 (if that is the legislative intention of the Administration), will you consider provide more clearly in that -

- (i) Item 2 of Schedule 1 to be changed to become "part of a composite building that is not for residential or industrial use" (vis-à-vis "non-residential or non-industrial portion of a composite building");
- (ii) Item 5 of Schedule 1 to be changed to become "common area of part of a composite building that is for residential or industrial use" (vis-à-vis of "common area of the residential or industrial portion of a composite building"); and

- (iii) Item 2 of Schedule 4 to be changed to become "part of a composite building that is for commercial use" (vis-à-vis "commercial portion of a composite building").

I look forward to your reply in bilingual form before 14 June 2010.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

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