

**Bills Committee on
Buildings Energy Efficiency Bill**

**List of follow-up actions arising from the discussion
at the meeting on 7 July 2010**

- (1) To re-consider including the element of "reasonable suspicion" before authorized officers may exercise the powers under clause 29(1).
- (2) To review the term "residential unit" in clause 29(1)(a) and consider replacing the phrase with "a unit in a residential building". To also advise whether the powers under clause 29(1)(a) apply to old composite buildings, Harmony House and street sleeper shelters.
- (3) To review clause 29(1)(c) since a responsible person may have difficulty in providing the requisite documents.
- (4) To include in the speech to be delivered by the Secretary for the Environment at the resumption of Second Reading debate on the Bill that when appointing members to the Buildings Energy Efficiency Appeal Board Panel, the Administration will observe the "6-6 Policy" and the gender mainstreaming as far as practicable.
- (5) To state it clear in the proposed Committee Stage amendments to clause 35 that the appeal being heard shall not continue if more than two "original" members of an Appeal Board have resigned or their membership are terminated.
- (6) To provide examples of existing legislation, under both the Environment Bureau and other bureaux, where the procedures of the proceedings of appeal board are/are not set out in of subsidiary legislation.
- (7) To advise the coverage of "costs of the appeal proceedings" in clause 39(2)(a) (e.g. costs or expenses for the use of the venue, witnesses/parties' expenses or loss of income). To also advise whether "costs" in clause 39 refer to only legal costs.
- (8) To consider expressly providing in clause 40(4) the need for consultation with the two Task Forces before the code of practice is made or revised.
- (9) To advise whether appeals under Part 8 of the Bill fall within the meaning of "legal proceedings" under clause 41.
- (10) To provide examples of existing legislation where codes of practice are admissible in evidence in legal proceedings as provided in clause 41.

- (11) To review clause 41(2) to allow greater flexibility to enable admissibility of the soft copy of the code of practice in evidence.
- (12) To review the propriety of using the negative vetting procedures for amendments to Schedules under clause 43.

Council Business Division 1
Legislative Council Secretariat
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