

BUILDINGS ENERGY EFFICIENCY BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for the Environment

<u>Clause</u>	<u>Amendment Proposed</u>
2	In paragraph (b) of the definition of “common area”, by deleting “without limiting paragraph (a), includes” and substituting “includes, unless so specified,”.
2	In the definition of “composite building”, by adding “, having regard to the definitions of “commercial building”, “industrial building” and “residential building”,” after “means”.
2	In the definition of “residential building”, in the English text, by deleting paragraph (b) and substituting – “(b) a portion of a composite building that is for residential use,”.
4(1)	By deleting paragraph (b) and substituting – “(b) a building – (i) of not more than 3 storeys;

- (ii) having a roofed-over area of not more than 65.03 m<sup>2</sup>; and
- (iii) having a height of not more than 8.23 m;”.

8(3) By deleting everything after “is” and substituting –

“liable –

- (a) on conviction to a fine of \$500,000; and
- (b) in the case of a continuing offence, to a further fine of \$10,000 for every day during which the offence continues.”.

9(11) By deleting everything after “is” and substituting –

“liable –

- (a) on conviction to a fine of \$1,000,000;  
and
- (b) in the case of a continuing offence, to a further fine of \$10,000 for every day during which the offence continues.”.

10(1) By deleting “issue a Certificate of Compliance Registration to the developer in respect of the building” and substituting “, subject to subsection (2), issue a Certificate of Compliance Registration to the developer in respect of the building within 3 months after the day on

which the declaration is received”.

- 11(3) By deleting everything after “the Director” and substituting –
- “must –
- (a) make a copy of the register kept under subsection (1) available for members of the public to inspect free of charge at all reasonable times; and
  - (b) make the content of the register available for inspection free of charge through the internet.”.
- 12 By adding before subclause (1) –
- “(1A) This section applies in relation to a building in respect of which a Certificate of Compliance Registration has been issued.”.
- 17(1) By deleting “the responsible person of the unit or the owner of the common area, as may be appropriate,” and substituting “a person who is the responsible person of the unit or the owner of the common area, as may be appropriate, as at the completion of the works”.

- 17(2) By deleting “the owner of the installation” and substituting “a person who is the owner of the installation as at the completion of the works”.
- 18 By deleting subclauses (7), (8), (9) and (10).
- 22(1) By deleting “common areas” and substituting “central building services installations”.
- 22(2) By deleting “common areas” and substituting “central building services installations”.
- 22(3) By deleting “common areas” and substituting “central building services installations”.
- 29(1) By deleting paragraph (a) and substituting –  
“(a) subject to subsection (2A), enter during reasonable hours any part of a prescribed building (including a prescribed building under construction) that is not for residential use;”.
- 29 By adding –  
“(2A) The power conferred by subsection (1)(a) may

not be exercised unless –

- (a) the Director has given at least 14 days' notice to the responsible person of the relevant part of the prescribed building;
- (b) the Director has given shorter notice to which the responsible person agrees; or
- (c) the responsible person agrees to waive any notice.

(2B) A notice given under subsection (2A) must state the reason for the proposed entry.”.

31(3) By deleting everything after “the Director” and substituting –  
“must –

- (a) make a copy of the Register of Registered Energy Assessors available for members of the public to inspect free of charge at all reasonable times; and
- (b) make the content of the Register available for inspection free of charge through the internet.”.

34(1) By deleting “5 members” wherever it appears and substituting “10 members”.

34 By adding –

“(1A) A person who is in 2 or more of the 5 disciplines mentioned in paragraphs (a), (b), (c), (d) and (e) of subsection (1) is, for the purpose of subsections (1) and (6)(d), regarded as being in only one of those disciplines designated by the Secretary at the time of the person’s appointment.”.

35 By adding –

“(2A) Subject to section 36(3B), if a vacancy occurs in an appeal board, the Secretary must, as soon as reasonably practicable, make an appointment from among the members of the appeal board panel to fill the vacancy.”.

36(1) By deleting “4 members “ and substituting “3 members”.

36 By adding –

“(3A) An appeal board may perform any of its functions, and its proceedings are valid, despite –

(a) subject to subsection (3B), a vacancy in the board; or

(b) a defect in the appointment or

qualification of a person purporting to be a member of the board.

(3B) If –

(a) any vacancy occurs in the office of an original member of the appeal board;  
and

(b) as a result fewer than 3 original members of the board remain in office,

the board must be dissolved and the Secretary is deemed to have received a notice of appeal delivered under section 33 in relation to the subject matter of the appeal.”.

37(3) By adding “it” after “advise”.

37(7) By deleting “bound” and substituting “required to give any evidence or produce any document which tends”.

38(1) In paragraph (b), by deleting “other than a residential unit” and substituting “that is not for residential use”.

39(2) In the Chinese text, by adding “或費用” before “的支付”.

39(2) In paragraph (a), by adding “or expenses” after “costs”.

39(2) In paragraph (b), by adding “or expenses” after “costs”.

39(3) By deleting “awarded” and substituting “and expenses ordered to be paid”.

40 By adding –

“(6A) The Director must, before exercising the power conferred by subsection (1), (4) or (6), consult as the Director thinks fit any organizations or individuals who, in the opinion of the Director, have technical expertise or professional experience in building services installations.”.

41(1) By adding “or appeal board” after “the court”.

41 By deleting subclause (3) and substituting –

“(3) In this section –

“court” (法院) includes a magistrate;

“legal proceedings” (法律程序) includes proceedings before an appeal board.”.

43 By deleting subclause (1) and substituting –

“(1) The Secretary may, subject to the approval of



the Legislative Council, amend Schedule 1, 2, 3 or 4 by notice published in the Gazette.

(1A) The Secretary may amend Schedule 5 by notice published in the Gazette.”.

43(2) By deleting “subsection (1)” and substituting “this section”.

47(2) By adding “any common area of” after “in respect of”.

50(4) By deleting everything before “unless” and substituting –

“(4) If the defence under subsection (1) involves an allegation that the offence was due to reliance on information given by another person, the defence is not established”.

New By adding after section 51 –

**“51A. Contravention does not give rise to encumbrance**

To avoid doubt, a contravention of any provision of this Ordinance in relation to any premises does not of itself subject the title of the premises to any encumbrance.”.

52(a) By deleting “and”.

52(b) By deleting the comma and substituting “; and”.

52 By adding –

“(c) the person is a registered energy assessor on the commencement date of Part 4,”.

Schedule 1, By deleting the item and substituting –  
item 2

“2. A portion of a composite building that is not for residential or industrial use.”.

Schedule 1, By deleting the item and substituting –  
item 5

“5. Common area of a portion of a composite building that is for residential or industrial use.”.

Schedule 1, In the English text, by deleting “predominately” and substituting  
item 7

“principally”.

Schedule 1, In the English text, by deleting “predominantly” and substituting  
item 8

“principally”.

Schedule 1, In the English text, by deleting “predominantly” and substituting  
item 9

“principally”.

Schedule 1, In the English text, by deleting “predominantly” and substituting  
item 10

“principally”.

Schedule 1, In the English text, by deleting “predominantly” and substituting item 11  
“principally”.

Schedule 2, By deleting paragraphs (a), (b) and (c) and substituting –  
item 6

- “(a) illumination of an exhibit or product on display including special lighting for illuminating merchandise or art work;
- (b) decoration including special lighting for architectural feature or festival decoration effect;
- (c) visual production including special lighting for performance, entertainment or television broadcasting;  
or”.

Schedule 3 In Note (1)(a), in the English text, by deleting “carpark” and substituting “car park”.

Schedule 4, By deleting the item and substituting –  
item 2

- “2. A portion of a composite building that is for commercial use.”.