

立法會
Legislative Council

LC Paper No. CB(1) 482/09-10
(These minutes have been seen
by the Administration)

Ref : CB1/SS/4/09/1

**Subcommittee on Energy Efficiency (Labelling of Products) Ordinance
(Amendment of Schedules) Order 2009**

**Minutes of first meeting
held on Monday, 16 November 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Vincent FANG Kang, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Tanya CHAN

Member absent : Hon CHAN Hak-kan

**Public officers
attending** : **For item II**

Environment Bureau

Miss Katharine CHOI
Principal Assistant Secretary for the Environment
(Energy)

Electrical and Mechanical Services Department

Mr WONG Sek-cheung
Chief Engineer/Energy Efficiency A

Mr WONG Lap-chi
Senior Engineer/Energy Efficiency A4

Department of Justice

Miss KWOK Man-yi
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. Election of Chairman

Ms Audrey EU, the member who had the highest precedence among those present at the meeting, presided at the election of Chairman of the Subcommittee, and invited nominations for the chairmanship.

2. Miss Tanya CHAN nominated Ms Audrey EU, and the nomination was seconded by Mr Andrew LEUNG. Ms Audrey EU accepted the nomination.

3. There being no other nominations, Ms Audrey EU was declared Chairman of the Subcommittee.

II. Meeting with the Administration

Background information on the Order

Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 (L.N. 204 of 2009)

The Legislative Council Brief (Ref: ENB 24/26/24 Pt.6)
(*issued by the Environment Bureau in September 2009*)

LC Paper No. LS8/09-10 — Legal Service Division Report
(*issued on 4 November 2009*)

LC Paper No. CB(1) 359/09-10(01) — Background brief on Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009

4. The Subcommittee deliberated (Index of proceedings attached at **Annex**).

5. The Administration was requested to -

(a) provide a paper setting out the 18 products under the voluntary Energy

Efficiency Labelling Scheme (EELS) in the order of energy consumption level, the criteria adopted in considering the inclusion of additional products from the voluntary EELS to the subsequent phases of mandatory EELS and the respective time-tables, as well as the rationale for not including certain products in the mandatory EELS. To also advise whether the trades would be informed in advance of the proposed inclusion of additional products in the mandatory EELS;

- (b) confirm that it was the Administration's intention to bring the local energy labelling requirements on a par with but not ahead of other overseas jurisdictions. To promote energy efficiency as a means to tackle climate change, the Administration should work with the international arena to extend the energy labelling requirements to other products;
- (c) advise the plan being contemplated to recycle used compact fluorescent lamps under the initial phase of mandatory EELS. Consideration should also be given to including in the energy labels the need to recycle the waste products to promote public awareness in this respect;
- (d) advise the latest progress of the initial phase of mandatory EELS; and
- (e) advise the basis upon which the energy performance of washing machines is arrived at, and the rationale for only including the energy performance of washing machines in the energy label even if they had built-in dryers. To include the concept of water conservation in the publicity programmes for the second phase of mandatory EELS on washing machines.

6. Members agreed to the following schedule of meetings -

- (a) Tuesday, 1 December 2009 at 10:45 am; and
- (b) Monday, 7 December 2009 at 4:30 pm.

They also agreed that deputations should be invited to express their views at the meeting on 1 December 2009.

III. Any other business

7. There being no other business, the meeting ended at 9:55 am.

**Subcommittee on Energy Efficiency (Labelling of Products) Ordinance
(Amendment of Schedules) Order 2009**

**Proceedings of the first meeting
on Monday, 16 November 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Election of Chairman</i>			
000001 - 000203	Ms Audrey EU Miss Tanya CHAN Mr Andrew LEUNG	Election of Chairman Ms Audrey EU was elected Chairman of the Subcommittee.	
<i>Agenda Item II - Meeting with the Administration</i>			
000204 - 000557	Chairman Mr KAM Nai-wai Administration	Members agreed to extend the scrutiny period of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 (Amendment Order) to 6 January 2010, and that deputations should be invited to express their views at a forthcoming meeting. Mr KAM Nai-wai's enquiry on whether traders of used appliances would be required to comply with the labelling requirement. The Administration responded that the mandatory Energy Efficiency Labelling Scheme (EELS) only applied to new products manufactured in or imported into Hong Kong, and not used products.	
000558 - 000751	Administration	The Administration briefed members on the Amendment Order.	
000752 - 001046	Mr KAM Nai-wai Chairman Administration	Mr KAM Nai-wai and Chairman's enquiries on the rationale for not including more products, such as clothes dryers, televisions (TVs) and rice-cookers etc, in the second phase of mandatory EELS. Administration's response - (a) washing machines with built-in dryers would be included in the second phase of mandatory EELS;	

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		<p>(b) clothes dryers were not included because of the limited sales of about 15 000 units per year. Given that they only accounted for a very small percentage of local energy consumption, the potential saving would be very limited. The inclusion of clothes dryers in the second phase of mandatory EELS would increase the cost of suppliers in view of the low sales volume; and</p> <p>(c) TVs were not included because the existing testing standard under voluntary EELS only applied to the stand-by mode instead of operation mode. Besides, there was no accredited test laboratory in Hong Kong to conduct the operation mode test for TVs.</p>	
001047 - 001810	Mr KAM Nai-wai Chairman Administration	<p>Mr KAM Nai-wai and Chairman's requests for a paper setting out details on the inclusion of products under the voluntary EELS and in the subsequent phases of mandatory EELS.</p> <p>Administration's response -</p> <p>(a) voluntary EELS covered 18 types of household appliances and office equipment, including electric storage water heaters, electric rice-cookers, electronic ballasts, gas instantaneous water heaters, laser printers, photocopiers, computers, LCD monitors etc;</p> <p>(b) it would take into account factors including potential energy savings, additional cost to be incurred by the trades in complying with the mandatory labelling requirements, availability of international testing standards as well as the availability of recognised laboratory in Hong Kong or neighbouring regions for the products etc., before determining whether a product should be included in the mandatory EELS;</p>	<p>The Administration to provide a paper setting out the 18 products under voluntary EELS in the order of energy consumption level, the criteria adopted in considering the inclusion of additional products from voluntary EELS to the subsequent phases of mandatory EELS and the respective time-tables, as well as the rationale for not including certain products in mandatory EELS.</p>

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		<p>(c) reference to the mandatory energy labelling schemes in other countries would also be made. By way of illustration, Australia, Canada, United Kingdom and Singapore had included six, seven, eight and three products in their mandatory energy labelling schemes respectively; and</p> <p>(d) a review of the effectiveness of the initial phase of mandatory EELS would be conducted in 2010-2011. Subject to the outcome of the review and development of testing standards, the Administration would consider the relevant way forward.</p>	
001811 - 002242	<p>Chairman Mr Vincent FANG Mr KAM Nai-wai</p>	<p>Schedule of meetings -</p> <p>(a) Tuesday, 1 December 2009 at 10:45 am; and</p> <p>(b) Monday, 7 December 2009 at 4:30 pm.</p> <p>Deputations would be invited to express their views on the Amendment Order at the meeting on 1 December 2009.</p>	
002243 - 002729	<p>Mr Vincent FANG Administration</p>	<p>Mr Vincent FANG's view and concern -</p> <p>(a) mandatory EELS should only be considered if the voluntary EELS was proved to be ineffective in promoting energy efficiency; and</p> <p>(b) power companies might suffer from low electricity consumption.</p> <p>Administration's response -</p> <p>(a) the trades would be consulted if additional products were to be included in subsequent phases of mandatory EELS; and</p> <p>(b) a slight increase in annual electricity consumption in Hong Kong was recorded over the past few years despite the implementation of a number of energy saving measures. This was mainly attributed to the</p>	

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		<p>growth in population and economic development.</p> <p>Mr Vincent FANG's support for the Administration to consult the trades before including additional products in the mandatory EELS.</p>	
002730 - 003125	Chairman Administration	<p>Chairman's enquiries on the target, progress, and review of the initial phase of mandatory EELS, as well as the time-table for implementation of subsequent phases of the mandatory EELS.</p> <p>Administration's response -</p> <p>(a) the initial phase of mandatory EELS was expected to achieve energy saving of about 150 Gigawatt hours (GWh);</p> <p>(b) so far, the Administration had listed about 1 900 models of the three prescribed products under the initial phase of mandatory EELS;</p> <p>(c) review of the initial phase of the mandatory EELS would be conducted in 2010-2011 to find out the actual energy saving achieved, and whether it had changed the consumption behaviors of consumers; and</p> <p>(d) implementation of subsequent phases of mandatory EELS would depend on the outcome of the review among other things.</p>	The Administration to advise the latest progress of the initial phase of mandatory EELS.
003126 - 003400	Mr KAM Nai-wai Administration	<p>Mr KAM Nai-wai's enquiry on the enforcement actions to ensure compliance with the initial phase of the mandatory EELS.</p> <p>Administration's response -</p> <p>(a) over 200 shops had been inspected since implementation of the initial phase of mandatory EELS on 9 November 2009;</p>	

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		<p>(b) 16 prohibition notices had been issued, of which about 70% were related to compact fluorescent lamps (CFLs); and</p> <p>(c) complaints about non-compliance could be lodged through hotlines 2333 3762 and 1823.</p>	
003401 - 003544	Mr WONG Ting-kwong Administration	<p>Mr WONG Ting-kwong's enquiry on details of enforcement actions.</p> <p>Administration's response -</p> <p>(a) staff carrying out inspections were equipped with Personal Digital Assistants to cross check information on the energy labels. Prohibition notices would be issued in case of non-compliance; and</p> <p>(b) over half of the 16 prohibition notices issued were related to missing of energy labels of listed models.</p>	
003545 - 004230	Chairman Administration Miss Tanya CHAN Mr Andrew LEUNG	<p>Chairman's concern about the recycling of used CFLs to prevent the release of toxic mercury to contaminate the environment.</p> <p>Administration's response -</p> <p>(a) a voluntary recycling scheme for CFLs had been put in place and so far, 14 importers/distributors had participated in the scheme; and</p> <p>(b) capacity of the Chemical Waste Treatment Centre (CWTC) would be enhanced to treat used CFLs.</p> <p>Chairman's further enquiries -</p> <p>(a) number and locations of collection points for used CFLs;</p> <p>(b) whether CWTC had sufficient capacity to treat used CFLs; and</p> <p>(c) plans to promote public awareness on the need to recycle waste products.</p>	<p>The Administration to advise the plan being contemplated to recycle used CFLs under the initial phase of mandatory EELS. Consideration should also be given to including in the energy labels the need to recycle the waste products to promote public awareness in this respect.</p>

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		<p>Administration's response -</p> <p>(a) locations of collection points had been uploaded onto the Environmental Protection Department (EPD)'s website. These included lighting shops and residential estates;</p> <p>(b) CWTC, upon completion of upgrading works, would be able to treat 3 million used CFLs a year; and</p> <p>(c) residue mercury would be collected and recycled before disposal of CFLs.</p> <p>Miss Tanya CHAN's further enquiry on the recycling of CFLs.</p> <p>Mr Andrew LEUNG's view that the subject should be followed up by the Panel on Environmental Affairs.</p>	
004231 - 004545	Mr WONG Ting-kwong Administration	In response to Mr WONG Ting-kwong, the Administration confirmed that washing machines with built-in dryers were included in the second phase of mandatory EELS.	
004546 - 005053	Mr KAM Nai-wai Administration Chairman	<p>Mr KAM Nai-wai's view and enquiry -</p> <p>(a) the feasibility of including clothes dryers in mandatory EELS given that clothes dryers had a higher energy consumption level; and</p> <p>(b) consideration should be given to including in the energy labels the need to recycle the waste products to promote public awareness in this respect.</p> <p>Administration's response -</p> <p>(a) clothes dryers were not as commonly used in Hong Kong as washing machines;</p> <p>(b) the total electricity consumption of clothes dryers was much lower than</p>	

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		<p>that of washing machines;</p> <p>(c) inclusion of clothes dryers in the second phase of the mandatory EELS might not be effective in energy conservation given their limited market penetration; and</p> <p>(d) the public would be consulted on the proposed producer responsibility scheme on waste electrical and electronic equipment.</p>	
005054 - 005303	Miss Tanya CHAN Administration	<p>Miss Tanya CHAN's enquiry on the electricity consumption of dehumidifiers.</p> <p>Administration's response -</p> <p>(a) the total energy consumption of dehumidifiers was about 150 GWh or about 1.6% of total local electricity consumption in 2008; and</p> <p>(b) products with higher energy consumption level would be considered for inclusion in the mandatory EELS.</p> <p>In response to Miss Tanya CHAN's enquiry, the Administration stated that EPD was responsible for the recycling of waste.</p>	
005304 - 005804	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG's concern that the inclusion of products with high penetration rates into subsequent phases of the mandatory EELS would defeat promotional efforts of the trades on these products. As such, the trades should be informed in advance of the proposed inclusion of additional products in mandatory EELS</p> <p>Administration's response that the trades would be consulted and their views would be taken into account before any products would be included in the mandatory EELS.</p>	The Administration to advise whether the trades would be informed in advance of the proposed inclusion of additional products in mandatory EELS.

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005805 - 010413	Mr WONG Ting-kwong Administration	<p>Mr WONG Ting-kwong's enquiry on the criteria for assessing market penetration rate.</p> <p>Administration's response that market penetration rate was only one of the factors in deciding whether a product should be included in the mandatory EELS. Other factors, such as electricity consumption, availability of laboratories and testing standards, as well as overseas experience, would also be taken into consideration. The trades would also be consulted.</p> <p>Mr WONG Ting-kwong's view that the Administration should follow suit overseas practices rather than taking the lead in requiring energy labels for products not currently covered by similar schemes in overseas jurisdictions, the latter of which might incur additional testing costs for suppliers.</p> <p>Administration's response -</p> <p>(a) reference to other countries would be made in determining the inclusion of additional products in the mandatory EELS; and</p> <p>(b) in general, test reports of prescribed products would be provided by manufacturers, and not at the expense of suppliers.</p>	<p>The Administration to confirm that it was its intention to bring the local energy labelling requirements on a par with but not ahead of other overseas jurisdictions.</p>
010414 - 011009	Chairman Administration	<p>Chairman's view and enquiry -</p> <p>(a) energy labels for washing machines with built-in dryers only provided the energy performance of washing function and not the drying function, which might be misleading; and</p> <p>(b) how the energy performance of washing machines was arrived at.</p> <p>Administration's response -</p> <p>(a) inclusion of only the energy performance of the washing function in energy label was a common</p>	<p>The Administration to advise the basis upon which the energy performance of washing machines is arrived at, and the rationale for only including the energy performance of washing machines in the energy label even if they had built-in dryers</p>

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		<p>practice adopted by other countries, such as Australia and Canada;</p> <p>(b) the annual electricity consumption of washing machines was calculated on the basis of 260 washes of rated wash load a year; and</p> <p>(c) water consumption level would also be included in the energy labels for consumers' reference.</p>	
011010 - 011421	Ms Cyd HO Administration	<p>Ms Cyd HO's view and concern -</p> <p>(a) supported the inclusion of water consumption in the energy labels for washing machines, given that pumping water to the designated floors already consumed a large amount of electricity;</p> <p>(b) the concept of water conservation should be included in the publicity programmes for the second phase of mandatory EELS on washing machines; and</p> <p>(c) there might be a need to review the definition of "washing machine" in the Amendment Order, particularly on the part "without a means of extracting excess water from the textiles" since almost all washing machines had spinning function to extract excess water.</p> <p>Administration's response -</p> <p>(a) the definition of "washing machine" in the Amendment Order was in line with that adopted by overseas countries;</p> <p>(b) some washing machines, particularly those of compact size, did not have spinning function; and</p> <p>(c) operational details of the labelling requirements would be set out in the code of practice.</p>	The Administration to include the concept of water conservation in the publicity programmes for the second phase of mandatory EELS on washing machines.

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011422 - 011856	Mr Vincent FANG Administration Chairman	<p>Mr Vincent FANG's enquiries -</p> <p>(a) whether the laboratories would run 260 washes for calculating the energy performance of washing machines; and</p> <p>(b) the rationale for using 260 washes as the basis for calculation.</p> <p>Administration's response -</p> <p>(a) only one wash was sufficient to ascertain the electricity consumption of a washing machine; and</p> <p>(b) the basis of using 260 washes was adopted in consultation with the trades.</p>	
011857 - 012230	Ms Cyd HO Administration	<p>Ms Cyd HO's views -</p> <p>(a) consideration might be given to including in the energy label electricity consumption for half load if the washing machine concerned had such function; and</p> <p>(b) the Administration should work with the international arena to extend the energy labelling requirements to other products, such as electric water heaters and room heaters.</p> <p>Administration's response -</p> <p>(a) many water heaters in Hong Kong were gas-fired rather than electricity driven;</p> <p>(b) having regard to the small potential energy saving and low market penetration rate of electric water heaters, these were not included in the mandatory EELS; and</p> <p>(c) the Administration would consider including the need for water conservation in the publicity programmes of the second phase of mandatory EELS.</p>	<p>To promote energy efficiency as a means to tackle climate change, the Administration should work with the international arena to extend the energy labelling requirements to other products.</p>

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012231 - 012420	Chairman Administration	<p>Chairman's enquiry on the rationale for not including washing machines with a rated washing capacity exceeding seven kilograms in the Amendment Order.</p> <p>Administration's response that washing machines with a rated washing capacity exceeding seven kilograms were uncommon in Hong Kong, and only accounted for less than 1% of the market share.</p>	