

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2905/10-11  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/7/10

**Subcommittee on Buildings Energy Efficiency (Fees) Regulation and  
Buildings Energy Efficiency (Registered Energy Assessors)  
Regulation**

**Minutes of the fourth meeting held on  
Monday, 7 March 2011, at 8:30 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon KAM Nai-wai, MH  
Hon Tanya CHAN

**Members absent** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon CHAN Hak-kan

**Public Officers attending** : **Agenda item I**  
  
Miss Katharine CHOI  
Principal Assistant Secretary for the Environment (Energy)  
Environment Bureau  
  
Mr Philip HAR  
Assistant Secretary for the Environment (Energy)<sup>3</sup>  
Environment Bureau

Mr LI Kwok-keung  
Assistant Director/Electricity and Energy Efficiency  
Electrical and Mechanical Services Department

Mr Stanley CHOW  
Senior Engineer/Energy Efficiency B2  
Electrical and Mechanical Services Department

Miss Selina LAU  
Senior Government Counsel  
Department of Justice

Ms Mandy NG  
Government Counsel  
Department of Justice

**Clerk in attendance :** Ms Joanne MAK  
Chief Council Secretary (1)2

**Staff in attendance :** Mr YICK Wing-kin  
Assistant Legal Adviser 8

Mr Franco KWONG  
Council Secretary (1)2

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**I Meeting with the Administration**

LC Paper No. - List of follow-up actions  
CB(1)1495/10-11(01) arising from the discussion at  
the meeting on 2 March 2011

LC Paper No. - Administration's response to  
CB(1)1495/10-11(02) CB(1) 1495/10-11(01)

LC Paper No. - Submission from a member of  
CB(1)1485/10-11(01) the public referred to the  
(issued on 3 March 2011) Subcommittee by Prof Hon  
Patrick LAU Sau-shing

LC Paper No. - Letter from Prof Hon Patrick  
CB(1)1489/10-11(01) LAU Sau-shing)

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

2. The Subcommittee examined the Administration's proposed amendments to the Buildings Energy Efficiency (Registered Energy Assessors) Regulation (the REA Regulation) (LC Paper No. CB(1)1495/10-11(02)).

#### Composition of disciplinary board

3. Subcommittee members noted that under the proposed amendment to section 15(1) of the REA Regulation, the disciplinary board panel would be expanded to include a category of lay members who had never practised in the engineering profession. Subcommittee members discussed the proposed amendment and requested the Administration to review the proposed amendment. After discussion, the Administration agreed to propose revised amendment to section 15(1) of the REA Regulation in the light of members' comments.

#### Provision of an avenue for persons who were neither registered professional engineers (RPEs) nor corporate members of the Hong Kong Institution of Engineers (HKIE) for registration as registered energy assessors (REAs)

4. Prof Patrick LAU considered that section 5(2)(a)(i) restricted the flexibility for the Director of Electrical and Mechanical Services (DEMS) in exercising discretion to allow suitable persons from other professions to be registered as REAs, because DEMS might be bound by section 5(2)(a)(i) to only accept applications from applicants who had the knowledge, qualification, education, experience and training comparable to an RPE or a corporate member of HKIE. Prof LAU referred to a submission from a member of the public (LC Paper No. 1485/10-11(01)) and pointed out that in some overseas countries (such as the United Kingdom), persons from other professions, not limited to RPEs, could register as REAs. Prof LAU proposed that an amendment should be made to section 5(2) of the REA Regulation such that other than RPEs, persons from other professions who had completed relevant accredited academic courses and with the relevant experience would be eligible for registration as REAs. Mr KAM Nai-wai expressed support for Prof LAU's proposed amendment.

5. In the light of the comments expressed by Subcommittee members, the Administration agreed to amend section 5(2) of the REA Regulation to

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provide that DEMS might accept the attendance or completion of any course that he considered relevant as the qualification or education of the applicant.

6. The Administration agreed that further amendments to the REA Regulation proposed by the Administration would be circulated to Subcommittee members for consideration once available.

*(Post-meeting note: The revised amendments to the REA Regulation proposed by the Administration were issued on 8 March 2011 vide LC Paper No. CB(1)1511/10-11.)*

Legislative timetable

7. As the Subcommittee had completed scrutiny of the Buildings Energy Efficiency (Fees) Regulation and the REA Regulation (the two Regulations), Subcommittee members agreed that the Subcommittee would report its deliberations to the House Committee (HC) on 11 March 2011. The Chairman requested members to note that the scrutiny period of the two Regulations would expire on 16 March 2011, and the deadline for giving notice of motion to amend the two Regulations was 9 March 2011.

**II Any other business**

8. There being no other business, the meeting ended at 10:00 am.

Council Business Division 1  
Legislative Council Secretariat  
19 August 2011

**Subcommittee on Buildings Energy Efficiency (Fees) Regulation and  
Buildings Energy Efficiency (Registered Energy Assessors) Regulation**

**Proceedings of the fourth meeting  
on Monday, 7 March 2011, at 8:30 am  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Agenda item I – Meeting with the Administration</b>			
000440 – 000940	Chairman Administration	Opening remarks  The Administration's briefing of its paper on its response to issues raised at the last meeting on 2 March 2011 (CB(1)1495/10-11(02)).	
000941 – 001240	Chairman Administration ALA8	The Administration's briefing on the proposed amendments to the Buildings Energy Efficiency (Registered Energy Assessors) Regulation (the REA Regulation) (Annex to CB(1)1495/10-11(02)).	
001241 – 001323	Chairman Administration	Discussion on a proposal of requesting the Secretary for the Environment (the Secretary) to include an explanation of the coverage of the "costs or expenses of the hearing" and the "costs or expenses of the Director or any other person in the proceedings" under section 19(2) in his speech to be delivered at the Council meeting on 16 March 2011..	
001324 – 002425	Chairman Administration Prof Patrick LAU Mr KAM Nai-wai	Discussion on the proposed amendment to section 15(1). Subcommittee members' expression of concern about the drafting of the proposed amendment, and the Administration's response.	
002426 – 002955	Chairman Administration	Chairman's concern that the registered energy assessors (REAs) might be required to pay huge sum of money for the legal cost arising from proceedings of the disciplinary board.  The Administration's response that an amendment would be proposed to make it clear that while a disciplinary board might make any order as it thought fit, the board would only make an order if it was satisfied that it was just and equitable in all circumstances of the case to do so.	
002956 – 005050	Chairman Prof Patrick LAU Administration	Prof Patrick LAU's view and enquiry –  (a) an amendment should be made to the REA Regulation such that other than registered professional engineers (RPEs), persons from other professions who had completed relevant accredited	

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		<p>academic courses and with the relevant experience would be eligible for registration as REAs; and</p> <p>(b) the feasibility of adopting overseas models for registration of REAs, such as the model of the United Kingdom (UK) mentioned in the submission from a member of the public (CB(1)1485/10-11(01)).</p> <p>The Administration's response –</p> <p>(a) the Technical Task Force had been thoroughly consulted on this subject. It was agreed that REAs should have attained a high professional engineering standard as that required of an RPE or a corporate member of HKIE;</p> <p>(b) in UK, the certification on energy efficiency compliance for large-scale and commercial buildings were required to be conducted by approved competent persons who hold relevant higher level of engineering qualification;</p> <p>(c) the current arrangement was in line with the voluntary Hong Kong Energy Efficiency Registration Scheme for Buildings under which the compliance certifications were also required to be conducted by RPEs;</p> <p>(d) even though the applicants completed the accredited academic courses which DEMS considered relevant, their knowledge, qualification, education, experience and training should be considered as a whole; and</p> <p>(e) section 5(2)(a)(i) as currently drafted could ensure the professional standard of REAs.</p>	
005051 – 012420	Prof Patrick LAU Chairman ALA8 Administration Mr KAM Nai-wai	<p>Prof Patrick LAU's views –</p> <p>(a) section 5(2)(a)(i) restricted the flexibility for the Director of Electrical and Mechanical Services (DEMS) in exercising discretion to allow suitable persons from other professions to be registered as REAs, because DEMS might be bound to only accept applications from applicants who had the knowledge, qualification, education, experience and training comparable to an RPE or a corporate member of HKIE; and</p>	

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		<p>(b) provision of relevant accredited academic courses could allow DEMS greater flexibility and provide an objective basis to facilitate the DEMS's consideration of applications from any person from professions other than engineering for registration as an REA.</p> <p>Chairman's view that Prof Patrick LAU's proposed amendment could help promote green economy.</p> <p>Mr KAM Nai-wai's views that the Administration should strike a balance between the standard of compliance assessments and the interests of consumers; and he supported Prof Patrick LAU's proposed amendment.</p> <p>The Administration's response that an amendment to section 5(2) would be moved to provide that for the purpose of section 5(2)(a), DEMS might accept the completion of any course that DEMS considered relevant as the qualification or education of the applicant.</p>	
012421 – 012914	Chairman Administration	<p>Continuation of the discussion on the proposed amendment to section 15(1).</p> <p>The Subcommittee made reference to the Legal Practitioners Ordinance (Cap. 159) and agreed that section 15(1) of the REA Regulation should be amended to provide that the disciplinary board panel was to consist of members who were not, in the opinion of the Secretary, from the engineering profession.</p>	
012915 – 013020	Chairman	<p>Legislative timetable</p> <p>Members' agreement that the Subcommittee Chairman would report the deliberations of the Subcommittee to the House Committee on 11 March 2011.</p>	