

**立法會**  
***Legislative Council***

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

**Background brief prepared for the meeting on 22 February 2011**

**Purpose**

This paper gives a brief account of the discussion by the Bills Committee on Buildings Energy Efficiency Bill (the Bills Committee) regarding the registration of registered energy assessors (REAs).

**Introduction**

2. As Hong Kong is a commercial city with limited industrial operations, it has greater potential to improve energy efficiency and reduce greenhouse gas emissions by promoting energy efficiency in buildings.

3. Since 1998, the Electrical and Mechanical Services Department (EMSD) has issued five sets of the Building Energy Codes (BEC), covering lighting, air-conditioning, electrical as well as lift and escalator installations, which stipulate the minimum energy performance standards of these installations. It has also launched the voluntary Hong Kong Energy Efficiency Registration Scheme for Buildings with the aim to promote the application of BEC. As voluntary compliance with BEC does not appear to be forthcoming, the

Administration introduced the Buildings Energy Efficiency Bill (the Bill) in December 2009 to require compliance with the codes of practice (COPs) promulgated by EMSD concerning the energy efficiency of four specified types of building service installations and energy audits in respect of certain types of buildings. The Buildings Energy Efficiency Ordinance was enacted on 24 November 2010. The Ordinance will commence operation in two phases. A commencement notice was published in the Gazette to commence the Ordinance (except Parts 2 to 6) on 21 February 2011 to provide for the Secretary for the Environment (SEN) to make subsidiary legislation and other procedural matters.

4. Under the Ordinance, REAs are required to –
  - (a) certify the declarations by building developers before submission to the Director of Electrical and Mechanical Services (the Director);
  - (b) inspect the relevant building services installations involved in major retrofitting works and, if satisfied that the installations comply with COPs, issue Forms of Compliance to responsible persons or owners of the premises concerned; and
  - (c) carry out energy audits for owners of commercial buildings and commercial portion of composite buildings in respect of the central building service installations once every 10 years.

## **Regulations**

5. The Buildings Energy Efficiency (Registered Energy Assessors) Regulation (REA Regulation) contains the detailed provisions concerning the

registration, regulation, and disciplinary matters in respect of REAs. A Register of REAs will be made available to the public for free inspection. The Buildings Energy Efficiency (Fees) Regulation specifies the relevant fees payable under the Ordinance and the REA Regulation.

### **Deliberation by the Bills Committee**

6. In the course of deliberation of the Bill, the Bills Committee had discussed the registration of REAs. Bills Committee members had expressed concern about the lack of provisions in the Bill to require update of the Register of REAs upon cancellation of registration of REAs. According to the Administration, the Director was required to keep and update the Register of REAs and make the Register available for inspection by members of the public, with a view to ascertaining whether any person was a REA. Hence, those REAs whose registrations had been cancelled would be removed from the Register. Besides, SEN was empowered to make regulations providing for the registration, regulation and disciplinary matters in respect of REAs. This included the cancellation of registration of REAs. The Legislative Council would be able to deal with details regarding cancellation of registration of REAs when the relevant legislation was introduced, as part and parcel of a whole package of registration matters.

7. The Bills Committee also noted that after enactment of the Ordinance, the Administration would submit the subsidiary legislation on the prescribed fees of the Ordinance and registration of REAs to the Legislative Council for negative vetting. After enactment of the subsidiary legislation, a 18-month period would be allowed for registration by REAs, before other requirements under the Ordinance came into effect.

**Relevant paper**

Report of the Bills Committee on Buildings Energy Efficiency Bill to the Council meeting on 24 November 2010

<http://www.legco.gov.hk/yr09-10/english/bc/bc02/reports/bc021124cb1-448-e.pdf>

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