

LEGISLATIVE COUNCIL BRIEF

Electricity Ordinance
(Chapter 406)

ELECTRICITY ORDINANCE (CAP. 406) (COMMENCEMENT) NOTICE 2000

INTRODUCTION

At the meeting of the Executive Council on 23 May 2000, the Council ADVISED and the Chief Executive ORDERED that the Electricity Ordinance (Cap. 406) (Commencement) Notice 2000, at the Annex, should be made under section 1(2) of the Electricity Ordinance to bring into effect section 29(1)(b) of the Ordinance on 1 December 2000, to enable sections 7 and 8 of the Electrical Products (Safety) Regulation, which relate to certification of safety compliance for electrical products, to be brought into operation.

BACKGROUND AND ARGUMENT

2. Section 29(1)(b) of the Ordinance provides that no person shall supply an electrical product for which no certificate of safety compliance has been issued as required by regulations in respect of electrical product safety. This provision will be implemented through sections 7 and 8 of the Electrical Products (Safety) Regulation (the Regulation), which relate to certificates of safety compliance. Section 7 of the Regulation requires that a “certificate of safety compliance” has to be issued in respect of any electrical product designed for household use before it can be supplied in the market. The purpose of the certificate is to show, to the satisfaction of the Director of Electrical and Mechanical Services, that the electrical product concerned complies with the relevant safety requirements under the Regulation. Section 8 of the Regulation sets out the various forms that the certificate can take.

3. The Regulation was passed by the Legislative Council in June 1997. Amendments to sections 7 and 8 of the Regulation, forming part of the Electrical Products (Safety) (Amendment) Regulation 2000, were passed by the Legislative Council on 11 May 2000. We need to bring into operation section 29(1)(b) of the Ordinance, sections 7 and 8 of the Regulation and the Electrical Products (Safety) (Amendment) Regulation 2000 on 1 December 2000. This date allows time for the

electrical trade and real estate developers to make advance arrangements with their suppliers for compliance with the certificate of safety compliance requirements.

THE COMMENCEMENT NOTICE

4. Section 1(2) of the Ordinance requires that the date on which section 29(1)(b) of the Ordinance shall come into operation should be designated by the Chief Executive. The Notice at the Annex provides for the Chief Executive to appoint 1 December 2000 as the day on which section 29(1)(b) of the Ordinance shall come into operation.

LEGISLATIVE TIMETABLE

5. The legislative timetable will be -

Publication in the Gazette	26 May 2000
Tabling at the Legislative Council	31 May 2000

BASIC LAW IMPLICATIONS

6. The Department of Justice advises that the Notice is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the Notice has no human rights implications.

BINDING EFFECT

8. The Electricity Ordinance does not bind the State by express provision. The Notice does not affect the current binding effect of the Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

9. There are no financial or staffing implications arising from the Notice.

ECONOMIC IMPLICATIONS

10. The cost to the trade and developers of meeting the requirement for a certificate of compliance should be negligible, as electrical products which conform to major international or national standards will be able to satisfy our safety requirements. The Notice should therefore have no significant cost impact on either manufacturers, property developers or consumers. The fact that action has been taken to enhance the safety of electrical products supplied in Hong Kong is likely to enhance Hong Kong's reputation as a place to buy electrical goods.

PUBLIC CONSULTATION

11. We have not undertaken public consultation specifically on the commencement date of 1 December 2000. The electrical trade and the Real Estate Developers Association have however been consulted over and are expecting the implementation of the certificate of safety compliance requirements.

PUBLICITY

12. A press release will be issued on 26 May 2000. A spokesman will be available for answering media enquiries. The relevant trade associations and the Real Estate Developers Association will also be formally notified of the commencement date.

ENQUIRIES

13. Subject officer : Miss Rachel Chan, Principal Assistant Secretary for Economic Services, telephone 2810 2507, fax 2868 4679.

Economic Services Bureau
26 May 2000