

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 2274/06-07  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/4/06/2

**Bills Committee on  
Energy Efficiency (Labelling of Products) Bill**

**Minutes of the fifth meeting  
held on Thursday, 12 July 2007, at 4:30 pm  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)  
Hon Fred LI Wah-ming, JP  
Hon SIN Chung-kai, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Ting-kwong, BBS
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP
- Public officers attending** : Environment Bureau  
  
Miss Emmy WONG  
Principal Assistant Secretary for the Environment (Energy) 1  
  
Miss Joceline CHUI  
Assistant Secretary for the Environment (Energy) 2  
  
Electrical and Mechanical Services Department  
  
Mr Stephen CHAN, JP  
Deputy Director/Regulatory Services (Acting)  
  
Mr L C WONG  
Senior Engineer/Energy Efficiency A4

Department of Justice

Ms Phyllis POON  
Government Counsel

**Clerk in attendance :** Miss Becky YU  
Chief Council Secretary (1)1

**Staff in attendance :** Mr Timothy TSO  
Assistant Legal Adviser 2

Ms Debbie YAU  
Senior Council Secretary (1)1

---

**I Meeting with the Administration**

- (LC Paper No. CB(1) 2087/06-07(01) -- List of follow-up actions arising from the discussion on 10 July 2007
- LC Paper No. CB(3) 457/06-07 -- The Bill
- Ref: EP 86/08/70 (07) -- The Legislative Council Brief
- LC Paper No. CB(1) 2051/06-07(03) -- Summary of deputations' views expressed at the meeting on 1 June 2007 and the Administration's response
- LC Paper No. CB(1) 1913/06-07(03) -- A list of questions raised by Hon CHOY So-yuk
- LC Paper No. CB(1) 2065/06-07(01) -- Administration's response to LC Paper No. CB(1) 1913/06-07(03))

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested to -

- (1) Revise clause 40 to include the requirement for consultation with stakeholders in the preparation of codes of practice having regard to similar provision in other existing ordinances, including the Securities and Futures Ordinance (Cap. 571) and Companies Ordinance (Cap. 32);
- (2) Provide the draft codes of practice for members' reference;
- (3) Consider excluding compact fluorescent lamps that were supplied as part of or in connection with the disposition of specified premises from the application of the Bill;
- (4) Review the use of words for the English and Chinese versions of the definition of "specified premises" under clause 2; and

- (5) Advise whether it was a common practice in law to provide for "approved code of practice" and the existing ordinances which had similar provision.

4. Members agreed to cancel the meeting originally scheduled for 31 July 2007.

**II Any other business**

5. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
15 August 2007

**Proceedings of the meeting of the  
Bills Committee on Energy Efficiency (Labelling of Products) Bill  
Meeting on Thursday, 12 July 2007, at 4:30 pm  
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000410	Chairman Ms Emily LAU Administration	<p><u>Follow-up to meeting on 10 July 2007</u></p> <p>On the question of whether compact fluorescent lamps (CFLs) were used in the Legislative Council (LegCo) Building, Ms LAU's advice that CFLs were used as far as possible and used CFLs were disposed of in accordance with a set of guidelines promulgated by the Environmental Protection Department (EPD)</p> <p>Administration's explanation on the EPD guidelines</p> <p>Ms LAU's suggestion to expand the guidelines to cover the general public</p>	
000411 - 001257	Mr SIN Chung-kai Administration Chairman Assistant Legal Adviser 2 (ALA2)	<p><u>Administration's response to items 1 and 4 of the list of follow-up actions arising from the discussion on 10 July 2007 (LC Paper No. CB(1)2102/06-07(01))</u></p> <p>Discussion on whether vehicles would be included in the mandatory Energy Efficiency Labelling Scheme (EELS) and overseas experience</p> <p>Discussion on other ordinances with specific provision for consultation with stakeholders in the preparation of codes of practices</p> <p>The Administration's undertaking to revise clause 40</p>	The Administration to revise clause 40 to include the requirement for consultation with stakeholders in the preparation of codes of practice having regard to similar provision in other existing ordinances, including the Securities and Futures Ordinance (Cap. 571) and Companies Ordinance (Cap. 32)
001258 - 001711	Administration Chairman	Continuation of the discussion on the Administration's response to the concerns/views of deputations (LC Paper No. CB(1) 2051/06-07(03))	

Time Marker	Speaker	Subject(s)	Action Required
		<p><u>Business Facilitation Advisory Committee – Retail Task Force</u></p> <p>Administration's explanation that it was necessary for importers to submit test reports for a particular model of product even if other importers had already submitted the test report, as each manufacturer/importer should be responsible for ensuring that their products were in compliance with the energy efficiency performance as claimed in the test reports they submitted</p>	
001712 - 002138	Administration Ms Emily LAU	<p><u>Hong Kong Retail Management Association</u></p> <p>Member's concern about the 10% of survey respondents from the trade of room air conditioners and refrigerators who could not obtain test reports provided by overseas manufacturers.</p> <p>Administration's response that in those cases, the manufacturers/importers concerned would conduct their own tests by laboratories recognized by the Electrical and Mechanical Services Department</p>	
002139 - 002611	Chairman Mr SIN Chung-kai ALA2 Ms Emily LAU	<p><u>Clause-by-clause examination of the Bill</u> (LC Paper Nos. CB(1)1913/06-07(03) and CB(1)2065/06-07(01))</p> <p><u>Long title</u></p> <p>On the question of whether the long title would prohibit the inclusion of additional specified products in the Bill, ALA2's advice that proposed amendments to Schedule 1, if any, would not contravene the long title, and that future amendments to Schedule 1 would be subject to the negative vetting procedure</p>	

Time Marker	Speaker	Subject(s)	Action Required
002612 - 003414	Administration Chairman Ms Emily LAU Mr SIN Chung-kai Mr WONG Ting-kwong	<p><u>Clause 1 - Short title and commencement</u></p> <p>Enquiry on the commencement date of the Ordinance, if enacted</p> <p>Administration's advice that pending the finalization of the relevant codes of practices, the Ordinance, if enacted, would come into operation on a day to be published in the Gazette</p> <p>Mr SIN's concern on how clause 1(3) could cater for future inclusion of additional specified products with different transitional periods</p> <p>Chairman's remarks -</p> <p>(a) the Bills Committee might need to examine the codes of practices if deemed necessary; and</p> <p>(b) Amendment Bills for subsequent phases of EELS should contain provisions on commencement dates and transitional arrangements for different specified products</p> <p>Administration's advice that the Department of Justice would be consulted in this regard</p>	The Administration to provide the draft codes of practice for members' reference
003415 - 005926	Chairman Administration Ms Emily LAU Mr WONG Ting-kwong ALA2	<p><u>Clause 2 – Interpretation</u></p> <p>Discussion on the need and timing for submission of "interim test report", "progress test report" and "full test report" for CFLs</p> <p>The Administration's advice -</p> <p>(a) a longer time was required for testing of CFLs due to the requirement for lifespan test. Similar arrangement however was not applicable to other specified products as lifespan tests were not required. This was in line with international testing standards and</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>established practices;</p> <p>(b) the aspects of tests required to be covered by the test reports for CFLs at different stages would be specified in the relevant code of practices; and</p> <p>(c) manufacturers/importers could submit a full test report for a CFL model in accordance with clause 6(4)(a)</p>	
005927 - 005937	Administration Chairman	Administration's advice that it would amend the definition of "Secretary" in clause 2 following the reorganization of the Government Secretariat on 1 July 2007	
005938 - 010328	Chairman Administration Mr WONG Ting-kwong	Discussion on the definitions of "listed model" and "family of models"	
010329 - 012656	Chairman Administration Mr WONG Ting-kwong Mr Vincent FANG Ms Emily LAU	Discussion on the "supply" of CFLs in connection with the first disposition of specified premises	The Administration to consider excluding CFLs, that were supplied as part of or in connection with the disposition of specified premises from the application of the Bill
012657 - 013030	Administration Chairman	Discussion on the definition of "specified person"	
013031 - 013916	Administration Mr WONG Ting-kwong Mr Vincent FANG Chairman	Discussion on the drafting of the definition of "specified premises"	The Administration to review the use of words for the English and Chinese versions of the definition of "specified premises" under clause 2
013917 - 014929	Administration Chairman Mr Vincent FANG	Discussion on whether the coverage of the definition of "test report" would include the various test reports for	

Time Marker	Speaker	Subject(s)	Action Required
		<p>CFLs.</p> <p>Administration's advice that the definition of "test report" would include the various test reports for CFL, and that the submission of different test reports at different stages for CFLs aimed to facilitate early introduction of a CFL model to the market</p>	
014930 - 015353	Chairman Administration	<p>Enquiry on whether it was a common practice in law to provide for "approved code of practice"</p> <p>Administration's explanation that the provision for "approved code of practice" in the Bill would enable the Director of Electrical and Mechanical Services (DEMS) to exercise flexibility in approving codes of practice, in particular those not prepared by the department but in his opinion were suitable for the purpose of providing practical guidance in respect of any requirement under the Ordinance, if enacted</p>	<p>The Administration to advise whether it was a common practice in law to provide for "approved code of practice" and the existing ordinances which had similar provision</p>
015354 - 015835	Miss CHOY So-yuk Administration Chairman	<p>Enquiry about the consequences of non-compliance with the codes of practices</p> <p>Administration's advice -</p> <p>(a) test reports, interim test reports, progress test reports or full test reports of product models not prepared in accordance with the requirements specified in the approved code of practice would not satisfy the definition of "specified documents". A reference number would not be assigned to a product model in the absence of the "specified documents"; and</p> <p>(b) in case a reference number had already been assigned, DEMS might serve improvement notice requiring remedial measures to be</p>	



<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		made by a specified date	
015836 - 200000	Chairman Mr Vincent FANG Miss CHOY So-yuk	Members' agreement to cancel the meeting originally scheduled for 31 July 2007	

Council Business Division 1  
Legislative Council Secretariat  
15 August 2007