

立法會
Legislative Council

LC Paper No. CB(1)2416/06-07
(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 sixth meeting
held on Thursday, 20 September 2007, at 10:45 am
in Conference Room A 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) 3

Electrical and Mechanical Services Department

Mr Michael CHEUNG
Assistant Director/Energy Efficiency (Acting)

Mr L C WONG
Senior Engineer/Energy Efficiency A4

Department of Justice

Ms Phyllis POON
Senior Government Counsel (Acting)

Environmental Protection Department

Mr Patrick LEI
Principal Environmental Protection Officer
(Waste Management Policy)

Mr FUNG Sang
Senior Environmental Protection Officer
(Special Waste & Landfill Restoration) 1

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 Confirmation of minutes

- (LC Paper No. CB(1) 2273/06-07 -- Minutes of the meeting held on
10 July 2007
LC Paper No. CB(1) 2274/06-07 -- Minutes of the meeting held on
12 July 2007)

The minutes of the meetings held on 10 and 12 July 2007 were confirmed.

II 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(1) 2347/06-07(01) -- Administration's response to
item 2 of LC Paper No.
CB(1) 2087/06-07(01)
LC Paper No. CB(1) 2347/06-07(02) -- List of follow-up actions arising
from the discussion on 12 July
2007
LC Paper No. CB(1) 2347/06-07(03) -- Administration's response to LC
Paper No. CB(1) 2347/06-07(02)
LC Paper No. CB(3) 457/06-07 -- The Bill
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 –
 - (a) Provide a paper setting out the following –
 - (i) current use of compact fluorescent lamps (CFLs) vis-à-vis incandescent lamps and the expected increase in the use of CFLs after passage of the Bill;
 - (ii) names of public, subvented and private organizations which the Administration had invited to put in place a voluntary collection scheme for used CFLs/fluorescent tubes and those which had eventually set up the scheme;
 - (iii) breakdown of used CFLs/fluorescent tubes collected from organizations which were required under the Waste Disposal (Chemical Waste) (General) Regulation to make proper arrangement for the disposal of large quantity of used CFLs/fluorescent tubes and those which had put in place a voluntary collection scheme;
 - (iv) quantity of used CFLs/fluorescent tubes being treated by the Chemical Waste Treatment Centre (CWTC) each year and the disposal fee involved. The percentage of such CFLs/fluorescent tubes to the total amount of used CFLs/fluorescent tubes being disposed of in landfills;
 - (v) current capacity of CWTC to treat used CFLs/fluorescent tubes, whether its capacity could meet the expected increase in used CFLs for treatment after passage of the Bill, and the disposal fee; and
 - (vi) capability of the leachate collection and treatment system in landfills to treat mercury from used CFLs/fluorescent tubes which was expected to rise as a result of the increased use of CFLs after passage of the Bill.
 - (b) Consider uploading onto the Government website the names of organizations which the Administration had invited to put in place a voluntary collection scheme for used CFLs/fluorescent tubes and those which had set up the scheme;
 - (c) Consider providing incentives, including free delivery to CWTC and waiving of the disposal fee, to encourage the setting up of a voluntary collection scheme at housing estates for used CFLs/fluorescent tubes. Publicity on the proper handling of used CFLs/fluorescent tubes should be focused on the need for safety;

- (d) Consider uploading the draft code of practice on energy efficiency labelling of products onto the Government website for information of interested parties; and
 - (e) Advise whether a person who imported a small quantity of prescribed products to Hong Kong and sold them directly to consumers (水貨客) should be classified as an importer or a retailer.
4. The next meeting would be held on Thursday, 4 October 2007, at 10:45 am.

III Any other business

5. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 1
Legislative Council Secretariat
3 October 2007

**Proceedings of the meeting of the
Bills Committee on Energy Efficiency (Labelling of Products) Bill
Meeting on Thursday, 20 September 2007, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000403	Chairman	Confirmation of minutes of the meetings held on 10 July 2007 (LC Paper No. CB(1) 2273/06-07) and 12 July 2007 (LC Paper No. CB(1) 2274/06-07)	
000404 - 000653	Chairman Administration	Briefing by the Administration on its response to members' views on disposal of used compact fluorescent lamps (CFLs) raised at the meetings on 10 and 12 July 2007 (LC Paper No. CB(1) 2347/06-07(01))	
000654 - 001302	Mr Vincent FANG Administration Chairman	<p>Chairman's view that the current practice of disposing used domestic CFLs together with other municipal solid waste at landfills free of charge would provide no incentive to encourage housing estates to set up a voluntary collection scheme for used CFLs for treatment at the Chemical Waste Treatment Centre (CWTC), which would impose a disposal charge on these CFLs</p> <p>Mr FANG's suggestion that consideration should be given to providing incentives, including free delivery to CWTC and waiving of the disposal fee, to encourage the setting up of a voluntary collection scheme for used CFLs at housing estates for proper treatment at CWTC</p> <p>Administration's advice –</p> <p>(a) Over 435 000 CFLs/fluorescent tubes were delivered to CWTC for treatment in the past year;</p> <p>(b) The disposal fee of \$1,027 per tonne charged by CTWC was in line with the "polluter-pays"</p>	<p>The Administration to consider providing incentives, including free delivery to CWTC and waiving of the disposal fee, to encourage the setting up of a voluntary collection scheme at housing estates for used CFLs/ fluorescent tubes</p> <p>The Administration to provide information on the quantity of used CFLs/fluorescent tubes being treated by CWTC each year and the disposal fee involved</p>

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		<p>principle. The fee would be charged on a pro rata basis based on the actual weight;</p> <p>(c) Efforts would be made to promote proper handling of used CFLs and the setting up of a voluntary collection scheme at housing estates;</p> <p>(d) Housing estates could engage licensed chemical waste collectors to deliver used CFLs/fluorescent tubes to CWTC</p> <p>(e) The Environmental Protection Department had started to contact the trade to explore the feasibility of their operating a voluntary collection scheme ; and</p>	
001303 - 002214	Ms Emily LAU Administration Chairman	<p>Ms LAU's view that the disposal fee imposed by CWTC would serve as a disincentive to the setting up of voluntary collection schemes</p> <p>Enquiry on the participation of public, subvented and private organizations on the setting up of voluntary collection schemes for used CFLs/fluorescent tubes and whether consideration would be given to mandating the setting up of collection schemes by public and subvented bodies</p> <p>Query was also raised on the effectiveness of systems in landfills to prevent contamination by mercury contained in used CFLs disposed in landfills</p> <p>Administration's response –</p> <p>(a) Under the Waste Disposal (Chemical Waste) (General) Regulation (the Regulation), a waste producer was required to arrange for the storage, collection and disposal of chemical waste if large quantities of</p>	<p>The Administration to provide information on names of public, subvented and private organizations which the Administration had invited to put in place a voluntary collection scheme for used CFLs/fluorescent tubes and those which had eventually set up the scheme</p>

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		<p>mercury-containing waste, including CFLs, were disposed of. In the case of CFLs, the prescribed quantity level was 500 CFLs;</p> <p>(b) The Administration had invited public, subvented and private organizations to put in place a voluntary collection scheme for used CFLs/fluorescent tubes as part of their corporate responsibility. It had provided technical advice to those which had set up the scheme;</p> <p>(c) Four Government departments, viz. the Housing Department, Electrical and Mechanical Services Department, the Customs and Excise Department and the Drainage Services Department had put in place a voluntary collection scheme for used CFLs, most of them had responsibilities to provide maintenance services to government premises</p>	
002215 - 002326	Mr SIN Chung-kai	Urge for the Administration to regularly publish and update the names of organizations that had been invited to put in place a voluntary collection scheme for CFLs/ fluorescent tubes and those which had eventually set up the scheme	The Administration to consider uploading onto the Government website the names of organizations which the Administration had invited to put in place a voluntary collection scheme for used CFLs/ fluorescent tubes and those which had set up the scheme
002327 - 003322	Chairman Administration	Chairman's request for more information to facilitate members' understanding on the anticipated effect of the voluntary collection scheme for CFLs/fluorescent tubes and the capability of landfills	The Administration to provide information on the breakdown of used CFLs/ fluorescent tubes collected from organizations which

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		<p>The Administration's response –</p> <p>(a) The increase in the number of used CFLs to be treated by CWTC after passage of the Bill would hinge on the efficacy of the voluntary collection scheme. If necessary, consideration would be given to expanding the treatment capacity of CWTC. Where necessary, efforts would also be made to promote the voluntary collection scheme ;</p> <p>(b) Landfills were equipped with impermeable liner, leachate collection and treatment system, and surface water and groundwater management systems, which provided effective means for the treatment of pollutants to prevent land and groundwater contamination; and</p> <p>(c) About several million tonnes of municipal solid waste were disposed of at landfills every year while about 58 tonnes or more than 435 000 used CFLs/fluorescent tubes were treated at the CWTC in 2006</p> <p>Chairman's advice that publicity on proper handling of used CFLs should focus on the need for safety</p>	<p>were required under the Regulation to make proper arrangement for the disposal of large quantity of used CFLs/ fluorescent tubes and those which had put in place a voluntary collection scheme; the percentage of such CFLs/fluorescent tubes to the total amount of used CFLs/fluorescent tubes being disposed of in landfills; the expected increase in used CFLs and disposal fee after passage of the Bill; the current capacity of CWTC to treat used CFLs/fluorescent tubes and the expected increase in treatment capacity after passage of the Bill; and capability of the leachate collection and treatment system in landfills to treat mercury from used CFLs/fluorescent tubes which was expected to rise as a result of the increased use of CFLs after passage of the Bill</p> <p>The Administration to consider focusing on the need for safety when publicizing on the proper handling of</p>

Time Marker	Speaker	Subject(s)	Action Required
			used CFLs
003323 - 003856	Ms Emily LAU Administration Chairman	<p>Enquiry on the current penetration rate of CFLs and the expected increase in the use of CFLs after passage of the Bill. To encourage proper handling of used CFLs, consideration should be given to waiving the disposal fee charged by CWTC</p> <p>The Administration's advice that the sale of CFLs in 2006 was around 3.5 million units while the net import of incandescent lamps in 2006 was about 34 million units. The Administration would provide the estimated increase in the use of CFLs after passage of the Bill.</p>	The Administration to provide information on the current use of CFLs vis-à-vis incandescent lamps and the expected increase in the use of CFLs after passage of the Bill
003857 - 004418	Mr Vincent FANG Chairman Administration	<p>Concern over the capability of the landfills and the treatment capacity of CWTC to treat mercury from the increased number of used CFLs after the passage of the Bill. Repeated requests that consideration should be given to waiving the disposal fee charged by CWTC to encourage the setting up of voluntary collection schemes by housing estates, public and private organizations</p> <p>Discussion on the compatibility of CFLs with conventional light sockets</p>	
004419 - 004545	Mr SIN Chung-kai	Discussion on measures to encourage public and private organizations to set up voluntary collection schemes for used CFLs/fluorescent tubes	
004546 - 005400	Mr WONG Ting-kwong Chairman Ms Emily LAU	Urge for the Administration to waive the disposal fee charged by CWTC to encourage proper handling of used CFLs which was expected to rise after passage of the Bill. This would also avoid burdening the landfills	
005401 - 005635	Mr Vincent FANG Administration	Discussion on the difference between electro-magnetic ballasted and electronic ballasted CFLs	

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005636 - 005834	Chairman Administration	Briefing by the Administration on its response to members' concerns raised at the meeting on 12 July 2007 (LC Paper No. CB(1) 2347/06-07(03))	
005835 - 010332	Mr Vincent FANG Administration Chairman Miss CHOY So-yuk	<p>Enquiry about consultation with the trades in preparing the draft code of practice on energy efficiency labeling of products as set out in Annex A to LC Paper No. CB(1) 2347/06-07(03)</p> <p>The Administration's advice that they had been working closely with the trades in preparing the code of practice. Latest consultation on the draft code of practice with trade representatives of the relevant taskforce was conducted in June 2007. Key topics discussed included the tolerance performance, and the comments of the trade had been incorporated into the latest draft for further consultation in October 2007</p>	
010333 - 010537	Mr WONG Ting-kwong	The draft code of practice should be issued not only to members of the task force but to all members of the trades	
010538 - 010641	Assistant Legal Adviser 2 Chairman	<p>Advice about typos under paragraphs 6.1.1 and 6.2 of the English version of the draft code of practice</p> <p>Chairman's suggestion of uploading the draft code of practice onto the Government website</p>	The Administration to consider uploading the draft code of practice on energy efficiency labelling of products onto the Government website for information of interested parties
010642 - 011706	Administration Chairman Mr Vincent FANG	<p>Chairman's view that the definition of "specified premises" under clause 2 could be further simplified</p> <p>Discussion on the circumstances referred to under (b) of the definition of "specified premises"</p>	

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011707 - 012054	Ms Emily LAU Administration Chairman	Discussion on the use of approved code of practice in proceedings and the requirement to consult stakeholders, including green groups, in the course of preparing the codes of practice	
012055 - 012143	Chairman Administration	<p><u>Continuation of 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>Clause 2 – Interpretation</u></p> <p>Definition of "code of practice", "CFL" and "function"</p>	
012144 - 012600	Chairman Administration	<p><u>Clause 3 – Application</u></p> <p>Administration's proposed amendments to exclude CFLs supplied in specified premises from the requirement for energy labels</p> <p>Administration's explanation on the application of the Bill, particularly in respect of second-hand product and scrap</p>	
012601 - 012822	Ms Emily LAU Chairman	Request for the Secretariat to prepare a summary of deputations' views on individual clauses of the Bill	
012823 - 013033	Mr Vincent FANG Administration Chairman	Discussion on the definition of "second-hand product"	
013034 - 014602	Administration Mr WONG Ting-kwong Chairman Mr Vincent FANG	<p><u>Clause 4</u></p> <p>Enquiry on whether a person who imported a small quantity of prescribed products to Hong Kong and sold them directly to consumers should be considered as an importer or a retailer</p> <p>Discussion on the responsibilities of manufacturer/ importer under clause 4 and retailer under clause 5 and the defence of due diligence provided under clause 45</p>	The Administration to advise whether a person who imported a small quantity of prescribed products to Hong Kong and sold them directly to consumers should be classified as an importer or a retailer

Time Marker	Speaker	Subject(s)	Action Required
		Discussion on the defence of reasonable excuse provided under clauses 19, 23, 24 and 26	
014603 - 014616	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
3 October 2007