

## **Energy Efficiency (Labelling of Products) Bill**

### **The Administration's response to Action Items at the Bills Committee meeting on 27 November 2007**

#### **Financial incentives under the Fluorescent Lamp Recycling Programme**

As mentioned in LC Paper No. CB(1) 307/07-08(01), members of the Working Group on the Florescent Lamp Recycling Programme (the "Programme") considered that trade-wide financial incentives could at best have a short term effect in encouraging public participation and would unlikely to be sustainable. Instead of providing trade-wide financial incentives under the Programme, members agreed that individual participating companies might offer financial incentives for their products as their own marketing strategies. Nevertheless, we will relay the suggestion of the Bills Committee to the Working Group for further consideration.

#### **The penalty level under clause 12 and clause 18**

2. As mentioned in LC Paper No. CB(1) 307/07-08(03), we proposed including a penalty of imprisonment for the offence of unauthorized use of energy labels under clause 12 of the Bill. We also proposed increasing the level of fine from level 1 to level 6 for failing to give notice to other suppliers about the removal of a reference number under clause 18. We will consult the relevant trade task forces set up by the Electrical and Mechanical Services Department at their meetings in mid-December 2007 on the said proposed amendments.

#### **The minimum ranking of authorized officers**

3. Clause 21 of the Bill empowers the Director of Electrical and Mechanical Services (the "Director") to appoint in writing any public officer to be an authorized officer. In light of the comments of the Bills Committee, we propose amending the Bill to specify that authorized officers appointed should be of a rank not below Assistant Electrical Inspector.

## **Power to require testing under clause 27 of the Bill**

4. The Director plans to routinely select samples from the market for compliance monitoring testing by independent accredited laboratories, and the Government will bear the cost of such tests. The trade members are of the view that they should have an opportunity to prove that their products comply with the requirements under the Bill should the above sample tests commissioned by the Director suggest otherwise. Having regard to the view, we have proposed clause 27 to confer the Director with the power to order testing of a prescribed product if he has reasonable grounds to do so, mainly if the result of its compliance monitoring testing so suggests. The power will be invoked only if certain samples of a prescribed product are tested to be not in compliance with the requirements under the Bill or under circumstances of similar nature. Moreover, as the further testing in fact provides the trade with an opportunity to prove that no other enforcement action against the prescribed product should be necessary, we consider it appropriate to require the relevant specified person to bear the related cost.

5. In exercising the power under clause 27 of the Bill, the Director will select product samples either from retailers or from the stocks of the specified person. The selected samples will be tested by an independent accredited laboratory agreed by the Director. According to the information provided by relevant service providers in Hong Kong, the costs of a full energy efficiency performance testing carried out by accredited laboratories are listed as follows (exclusive of the product cost)

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Room air conditioner:	\$8,000 to \$10,000 per sample
Refrigerating appliance:	\$8,000 to \$10,000 per sample
Compact fluorescent lamp:	\$10,000 to \$12,000 per 20 samples

6. In practice, the Director may only require the specified person to carry out a particular part of the test and the cost should accordingly be adjusted.

**Environment Bureau**

**Electrical and Mechanical Services Department**

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