

立法會
Legislative Council

LC Paper No. CB(1) 1057/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/BC/2/09/2

Bills Committee on Buildings Energy Efficiency Bill

Minutes of sixteenth meeting
held on Monday, 18 October 2010, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Vincent FANG Kang, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon IP Kwok-him, GBS, JP
Hon Tanya CHAN

Members absent : Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon CHAN Hak-kan

Public officers attending : Environment Bureau

Miss Katharine CHOI
Principal Assistant Secretary for the Environment
(Energy)

Electrical and Mechanical Services Department

Mr LI Kwok-keung
Acting Assistant Director/Electricity and Energy
Efficiency

Mr MAK Ka-chun
Chief Engineer/Energy Efficiency B

Department of Justice

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting & Administration)

Miss Mandy NG
Government Counsel

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

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Franco KWONG
Council Secretary (1)1

- I. Confirmation of minutes**
(LC Paper No. CB(1) 58/10-11 — Minutes of the meeting held on 20 September 2010)

The minutes of the meeting held on 20 September 2010 were confirmed.

- II. Meeting with the Administration**
(LC Paper No. CB(1) 60/10-11(01) — List of follow-up actions arising from the discussion at the meeting on 30 September 2010
LC Paper No. CB(1) 60/10-11(02) — Administration's response to CB(1) 60/10-11(01)
LC Paper No. CB(1) 60/10-11(03) — Committee Stage amendments proposed by Hon Cyd HO)

Relevant papers

(LC Paper No. CB(3) 233/09-10 Ref: ENB 24/26/22	— The Bill — The Legislative Council Brief
LC Paper No. CB(1) 1353/09-10(03)	— Assistant Legal Adviser's letter dated 2 March 2010 to the Administration
LC Paper No. CB(1) 1364/09-10(01)	— Administration's response to CB(1) 1353/09-10(03)
LC Paper No. CB(1) 1492/09-10(03)	— Assistant Legal Adviser's letter dated 19 March 2010 to the Administration
LC Paper No. CB(1) 1511/09-10(01)	— Administration's response to CB(1) 1492/09-10(03) (clauses 2 to 15 only)
LC Paper No. CB(1) 1799/09-10(01)	— Administration's response to CB(1) 1492/09-10(03) (paragraphs 25 to 49 only)
LC Paper No. CB(1) 1799/09-10(02)	— Assistant Legal Adviser's letter dated 3 May 2010 to the Administration
LC Paper No. CB(1) 2048/09-10(02)	— Administration's response to CB(1) 1799/09-10(02)
LC Paper No. CB(1) 2245/09-10(03)	— Assistant Legal Adviser's letter dated 10 June 2010 to the Administration
LC Paper No. CB(1) 2444/09-10(01)	— Administration's response to CB(1) 2245/09-10(03))

2. The Bills Committee deliberated (Index of proceedings attached in **Annex**).

3. The Administration was requested to -

- (a) consider adding the phrase "Without prejudice to (2)" or "Subject to (2)" in the beginning of clause 10(1);
- (b) advise the Law Society of Hong Kong's response to the newly proposed clause 51A;
- (c) review clause 52 and clarify the policy intention that whether the person who carried out the energy audit before the commencement of Part 4 also had to be a registered energy assessor after Part 4 commenced;

- (d) provide a written response to the Committee Stage Amendments proposed by Hon Cyd HO;
- (e) advise with illustrations how to determine whether a lighting installation was a fixed electrical lighting system in the building or out of the building. To also advise whether lighting installations affixed to the outside of the building but connected to the lighting system in the building were subject to control under the Bill; and
- (f) advise whether the exemption under item 6 of Schedule 2 to the Bill would contradict the policy intention of future legislation governing excessive glare of external lighting. To also consider deleting item 6 of Schedule 2 with the effect that any exemption would be provided in the Code of Practice issued or approved by the Director.

III. Any other business

- 4. There being no other business, the meeting ended at 10:35 am.

Council Business Division 1
Legislative Council Secretariat
12 January 2011

**Bills Committee on
Buildings Energy Efficiency Bill**

**Proceedings of the sixteenth meeting
on Monday, 18 October 2010, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000214 - 000233	Chairman	The minutes of the meeting held on 20 September 2010 (LC Paper No. CB(1) 58/10-11) were confirmed.	
<i>Agenda Item II - Meeting with the Administration</i>			
000234 - 001148	Chairman Administration	Administration's explanation on its response to members' concerns raised at the meeting on 30 September 2010 (LC Paper No. CB(1) 60/10-11(01)).	
001149 - 001332	Chairman Administration	Chairman's view that the phrase "Without prejudice to (2)" or "Subject to (2)" should be added in the beginning of clause 10(1) in the light of the amendment to include a time frame within which the Director should issue or refuse to issue a Certificate of Compliance Registration.	The Administration to consider adding the phrase "Without prejudice to (2)" or "Subject to (2)" in the beginning of clause 10(1).
001333 - 001715	Chairman Mr IP Kwok-him Administration Mr. Vincent FANG Mr KAM Nai-wai	<p>Chairman's enquiry on whether the Administration had consulted the Law Society of Hong Kong (LSHK) on the newly proposed clause 51A.</p> <p>Administration's response that a letter regarding the proposed amendment was issued to LSHK on 6 October 2010, but no reply had been received.</p> <p>Mr KAM Nai-wai's view that it would be better to have LSHK's response before discussing the newly proposed clause 51A.</p> <p>Mr IP Kwok-him and Mr Vincent FANG's request for the Chinese rendition of the marked-up version of Committee Stage Amendment (CSA) to facilitate discussion.</p>	The Administration to advise LSHK's response to the newly proposed clause 51A.

Time marker	Speaker	Subject(s)	Action required
001716 - 003056	Chairman Administration ALA5 Mr IP Kwok-him	<p>Chairman's enquiry on whether the person who carried out the energy audit before the commencement of Part 4 also had to be a registered energy assessor (REA) after Part 4 commenced.</p> <p>Administration's response -</p> <p>(a) an energy audit carried out before Part 4 commenced would be regarded as an energy audit carried out on the commencement of Part 4 if it met all the requirements under Part 4; and</p> <p>(b) an energy audit under Part 4 had to be carried out by REA. By the same token, the person who carried out the energy audit before Part 4 commenced had to be a REA after commencement of Part 4.</p> <p>Chairman, Mr IP Kwok-him and ALA's view that clause 52(b) only required the person who carried out the energy audit to possess the qualifications required for registration as a REA. For avoidance of doubt, there was a need to review clause 52 and clarify the policy intention of the relevant provisions.</p>	The Administration to review clause 52 and clarify the policy intention that whether the person who carried out the energy audit before the commencement of Part 4 also had to be a REA after Part 4 commenced.
003057 - 004255	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO's explanation on her proposed CSA to item 6 of Schedule 2 (LC Paper No. CB(1) 60/10-11(03)).</p> <p>Administration's response -</p> <p>(a) setting a specific duration for exemption of certain lighting installations under item 6 might deviate from the policy intent of the Bill which governed the energy efficiency standard of building services installations rather than the operation of these installations;</p> <p>(b) a standard on lighting power density (LPD) would need to be set if lighting installation used for decoration were to be regulated. It was worth noting that an international standard on LPD</p>	The Administration to provide a written response to the CSAs proposed by Ms Cyd HO.

Time marker	Speaker	Subject(s)	Action required
		<p>had yet to be set. Besides, the trades had not been consulted on the proposed regulatory control according to the operation duration and there was no enforcement mechanism under the Bill for relevant non-compliance; and</p> <p>(c) a study on excessive glare from external lighting was underway and its findings would be presented to the Panel on Environmental Affairs in due course.</p> <p>Ms Cyd HO's request for the Administration to provide a written response to her proposed CSA.</p>	
004256 - 005538	Chairman Mr KAM Nai-wai Administration Ms Cyd HO	<p>Discussion on the Administration's proposed CSA to item 6(b) of Schedule 2 regarding special lighting for architectural feature.</p> <p>Chairman and Mr KAM Nai-wai's enquiries -</p> <p>(a) whether lighting installations affixed to the outside of the building but connected to the lighting system in the building would be regulated; and</p> <p>(b) how to determine whether a lighting installation, such as the lighting installation at the external corridor of the Legislative Council Building, was a fixed electrical lighting system in the building or out of the building.</p> <p>Administration's response -</p> <p>(a) the Bill did not regulate external lighting and signboard;</p> <p>(b) the question of whether a lighting installation was regarded as a lighting system in the building or out of building would depend on its use/function, and a lighting installation mounted on a building external wall would be regarded as</p>	The Administration to advise whether lighting installations affixed to the outside of the building but connected to the lighting system in the building were subject to control under the Bill.

Time marker	Speaker	Subject(s)	Action required
		<p>an external lighting installed out of building; and</p> <p>(c) lighting installations at the open corridor of the Legislative Council Building would be regarded as a lighting system in the building because they were also used for general lighting purposes.</p>	
005539 - 010113	Chairman Mr Vincent FANG	<p>Mr Vincent FANG's views -</p> <p>(a) setting of a specific duration for operation of lighting installations under item 6 would have serious impact on commercial sector;</p> <p>(b) stringent control over lighting installations might give rise to security problem;</p> <p>(c) lighting installations under item 6 of Schedule 2 should be regulated only if a standard on LPD had been worked out; and</p> <p>(d) a separate legislation should be introduced to regulate excessive glare from external lighting.</p>	
010114 - 010716	Chairman Mr KAM Nai-wai Administration	<p>Chairman and Mr KAM Nai-wai's views -</p> <p>(a) exemption for lighting installations used for decoration under item 6 of Schedule 2 ran contrary to the policy intent of the Bill to improve energy efficiency;</p> <p>(b) item 6 of Schedule 2 would need to be amended upon introduction of future legislation regulating external lighting; and</p> <p>(c) consideration should be given to deleting item 6 with the effect that any exemption would be provided in the Code of Practice issued or approved by the Director.</p>	<p>The Administration to consider deleting item 6 of Schedule 2 with the effect that any exemption would be provided in the Code of Practice issued or approved by the Director.</p>

Time marker	Speaker	Subject(s)	Action required
010717 - 011340	Chairman Prof Patrick LAU Administration	<p>Prof Patrick LAU's views -</p> <ul style="list-style-type: none"> (a) the use/function of lighting installation should be the major criteria for exemption; (b) external lighting played an important role in enhancing the image of Hong Kong as a cosmopolitan city. Hence, external lighting in commercial area should not be regulated. However, if external lighting in residential area posed a nuisance to the residents, it should be regulated; (c) a detailed study should be conducted before deciding on the control regime on external lighting; and (d) supported the CSA to item 6 of Schedule 2 proposed by the Administration. 	
011341 - 011650	Chairman Mr IP Kwok-him	<p>Mr IP Kwok-him's views -</p> <ul style="list-style-type: none"> (a) thorough consultation on the need for a specific duration for operation of external lighting should be conducted; (b) need to strike a balance between energy efficiency and image of Hong Kong as a cosmopolitan city; and (c) supported the CSA to item 6 of Schedule 2 proposed by the Administration. 	
011651 - 011908	Chairman Prof Patrick LAU Administration	<p>Prof Patrick LAU's concern about security issue arising from control of lighting installations.</p> <p>Administration's response that while exemption under Schedule 2 did not apply to lighting for security, lighting installations for general lighting purpose in corridor should meet the LPD limit as set out in the Code of Practice.</p>	

Time marker	Speaker	Subject(s)	Action required
011909 - 012035	Chairman Ms Cyd HO Administration	In response to Ms Cyd HO's enquiry, the Administration advised that lighting installations used for both decorative and general lighting purposes would still be required to comply with the Bill.	
012036 - 012425	Chairman Mr KAM Nai-wai Administration Mr IP Kwok-him	Mr KAM Nai-wai's enquiries - (a) whether the external lighting of The Center and Cheung Kong Center would need to comply with the Bill; and (b) whether the exemption under item 6 of Schedule 2 would contradict the policy intention of future legislation governing excessive glare of external lighting. Administration's response that lighting installations exempted from the Bill did not mean that they would not be subject to control under other legislation.	The Administration to advise whether the exemption under item 6 of Schedule 2 to the Bill would contradict the policy intention of future legislation governing excessive glare of external lighting.
012426 - 013056	Chairman Mr Vincent FANG Administration	Discussion on the scope of item 6(a) of Schedule 2.	
013057 - 014115	Chairman Administration Ms Cyd HO Mr IP Kwok-him Mr Vincent FANG	Chairman's enquiries/views - (a) how to determine whether a lighting installation was a fixed electrical lighting system in the building or out of the building, given that power for the installation normally came from inside of the building; and (b) BECs should clearly set out the types of lighting installation to be included under item 6 of Schedule 2. Ms Cyd HO's view that her proposed CSAs would no longer be necessary if item 6(b) was deleted. Mr Vincent FANG's objection to the deletion of item 6(b). Mr IP Kwok-him's view that the scope of exemption could be set out in the Code of	The Administration to advise with illustrations how to determine whether a lighting installation was a fixed electrical lighting system in the building or out of the building

Time marker	Speaker	Subject(s)	Action required
		<p>Practice.</p> <p>Discussion on the registration of REAs.</p>	
014116 - 015550	<p>Chairman Administration Miss Tanya CHAN ALA5 Ms Cyd HO Mr Vincent FANG</p>	<p>Continuation of clause-by-clause examination</p> <p>Schedule 3 - Major retrofitting works</p> <p>Discussion on the term "reasonably" in Note (2).</p> <p>Ms Cyd HO's enquiry on whether it was a common practice to use the phrase "having regard to all relevant factors" in Note (2) rather than "compliance with all relevant factors".</p> <p>The Administration's response that the relevant trades had been consulted on the drafting of Note (2).</p> <p>Chairman's enquiry on whether the Director was required to take into account "all relevant factors" in Note (3) rather than "one or more" of these factors in determining whether the works should reasonably be regarded as being under the same series of works. If not, the word "and" at the end of item (e) of Note (3) should be replaced by "or".</p> <p>Administration's response that the Director had to make a decision after considering all the relevant factors. Note (3) aimed to provide a certain degrees of flexibility for the Director having regard to the various nature of works.</p> <p>Referring to item (e) of Note (3), Mr Vincent FANG's query why the manner in which the contractor was paid could be a "relevant factor" as payment for works contractors was usually made by instalment.</p> <p>Administration's response that method of payment made to the works contractors would be one of the "relevant factors".</p>	

Time marker	Speaker	Subject(s)	Action required
015551 - 015608	Chairman Administration	Schedule 4 - Buildings that require energy audit	
015609 - 015945	Chairman Administration Mr Vincent FANG	<p>Schedule 5 - Schedule of the first energy audit for buildings without Certificate of Compliance Registration</p> <p>Mr Vincent FANG's view that greater energy efficiency could be achieved if energy audits were to start with the oldest buildings.</p> <p>The Administration's response that the Technical Task Force had discussed the subject in detail. It was worth noting that newer buildings usually had the requisite information for energy audits ready, which would help REA to acquire the necessary experience in assessing compliance with the Code of Practice. Besides, owners could decide to conduct energy audits for their buildings before the respective prescribed periods in Schedule 5.</p>	
015946 - 020445	Chairman Administration Mr IP Kwok-him Ms Cyd HO Mr Vincent FANG	Schedule of next meetings.	