

**Bills Committee on
Buildings Energy Efficiency Bill**

**List of follow-up actions arising from the discussion
at the meeting on 22 July 2010**

- (1) To advise whether a breach of the requirement for Certificate of Compliance Registration (COCR), Form of Compliance (FOC) or Improvement Notice (IN) will constitute a cause for cancellation of property transactions. To also advise the measures which the Administration will take to facilitate solicitors/estate agents to ascertain compliance with COCR, FOC and IN before transactions.
- (2) To provide a flowchart on the application of COCR, FOC and IN as well as the penalties in the event of non-compliance.
- (3) To advise whether it is the current legislative policy to set out the procedure for statutory appeals and other relating matters in subsidiary legislation.
- (4) To advise who is to determine when and whether major retrofitting works are completed, in particular, the difficulties which would arise if the property changes hands during the period in which major retrofitting works are carried out. To also advise whether clause 17(2) would be amended in the light of the proposed Committee Stage amendments (CSAs) to clause 17(1).
- (5) To consider reinstating clause 18(5)(b) in the proposed CSA to clause 18(5).
- (6) To consider replacing the phrase "not more than" in clauses 34(1)(a) to (e) with "at least" to allow greater flexibility in the appointment of members to the appeal board panel. To also advise the views of the Hong Kong Institution of Engineers in respect of the appointment mechanism.
- (7) To consider revising proposed clause 34(1A) to specify the capacity in which an appeal board member is appointed, and to add "at the time of appointment" after "the Secretary" in proposed clause 34(1A).
- (8) To review proposed clauses 36(3B)(a) and (b) to provide greater flexibility to cater for the situation where three members have resigned or with their membership terminated within a short period of time. To consider replacing the phrase "is deemed to have received a notice of appeal delivered" with a provision similar to section 16(5) of the Product Eco-responsibility Ordinance (Cap. 603) or other statutory provisions for fresh hearing on dissolution of the appeal board.

- (9) To consider adding "and expenses" after "costs" in clause 39(2)(a) if the costs referred to are intended to not limiting to legal costs. To also include in the speech to be delivered by the Secretary for the Environment at the resumption of Second Reading debate on the Bill the exact coverage of "costs of the appeal proceedings".
- (10) To consider replacing the phrase "is to" in proposed clause 40(6A) with "must".
- (11) To consider providing positive vetting procedure for amendments to Schedules 1 to 4 under clause 43.

Council Business Division 1
Legislative Council Secretariat
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