

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance
(Cap. 1))

Buildings Energy Efficiency (Registered Energy Assessors) Regulation

Resolved that the Buildings Energy Efficiency (Registered Energy Assessors) Regulation, published in the Gazette as Legal Notice No. 19 of 2011 and laid on the table of the Legislative Council on 26 January 2011, be amended as set out in the Schedule.

Schedule

Amendments to Buildings Energy Efficiency (Registered Energy Assessors) Regulation

1. **Section 3 amended (Register of Registered Energy Assessors)**
Section 3—
Repeal paragraph (c)
Substitute
“(c) the validity periods of all certificates of registration issued to the assessor under section 5(4)(b) or 6(6)(b); and”.
2. **Section 5 amended (Determination of application)**
 - (1) After section 5(2)—
Add
“(2A) For the purposes of subsection (2)(a), the Director may accept the attendance or completion of any course that the Director considers relevant as the qualification or education of the applicant.”.
 - (2) Section 5—
Repeal subsection (5)
Substitute
“(5) The registration is valid for the period beginning on the date on which the certificate of registration is issued and ending on the day before—
 - (a) the 10th anniversary of the date on which the certificate is issued; or

- (b) the date on which the name of the applicant is removed from the Register of Registered Energy Assessors under section 9, whichever is the earlier.”.

3. Section 7 amended (Validity of renewed registration)

- (1) Section 7(1)—

Repeal

“Subject to section 9, a registration”

Substitute

“A registration”.

- (2) Section 7(1)(a)—

Repeal

everything after “the application and”

Substitute

“ending on—

- (i) the 10th anniversary of the expiry date of the current registration; or
 (ii) the day before the date on which the name of the applicant is removed from the Register of Registered Energy Assessors under section 9,

whichever is the earlier.”.

- (3) Section 7(1)(b)—

Repeal

“for a period of 10 years”

Substitute

“for the period”.

- (4) Section 7(1)(b)—

Repeal

“; or”

Substitute

“and ending on the day before—

- (i) the 10th anniversary of the date on which the certificate is issued; or
 (ii) the date on which the name of the applicant is removed from the Register of Registered Energy Assessors under section 9,

whichever is the earlier; or”.

- (5) Section 7(1)(c)—

Repeal

everything after “the application and”

Substitute

“ending on—

- (i) the 10th anniversary of the expiry date of the current registration; or
 (ii) the day before the date on which the name of the applicant is removed from the Register of Registered Energy Assessors under section 9,

whichever is the earlier.”.

4. Section 9 amended (Removal from Register of Registered Energy Assessors)

Section 9—

Repeal subsection (5).

5. Section 13 amended (Commencement of disciplinary proceedings)

Section 13(3)—

Repeal

“of prospective disciplinary proceedings to the Secretary”

Substitute

“to the Secretary under subsection (2)(b)”.

6. Section 15 amended (Disciplinary board panel)

(1) Section 15(1)(d)—

Repeal

“discipline; and”

Substitute

“discipline;”.

(2) Section 15(1)(e)—

Repeal

“(Cap. 409).”

Substitute

“(Cap. 409); and”.

(3) After section 15(1)(e)—

Add

“(f) not more than 10 members who are not, in the opinion of the Secretary, from the engineering profession.”.

(4) Section 15(3)(b), before “has”—

Add

“(in the case of an appointment under subsection (1)(a), (b), (c), (d) or (e))”.

7. Section 16 amended (Disciplinary board)

Section 16(2)—

Repeal

“all 5 categories of members specified in section 15(1)”

Substitute

“5 different categories of members specified in section 15(1), one of whom must be a member appointed under section 15(1)(f)”.

8. Section 18 amended (Hearing)

Section 18(8)—

Repeal

everything after “any document”

Substitute

“which—

(a) tends to incriminate himself or herself; or

(b) the person would on grounds of legal professional privilege be entitled to refuse to give or produce.”.

9. Section 19 amended (Determination of disciplinary board)

Section 19(2), after “may”—

Add

“, if it is satisfied that it is just and equitable in all circumstances of the case to do so,”.