

**For discussion on  
9 February 2015**

**Bills Committee on District Cooling Services Bill**

**The Administration's response to follow-up issues arising from  
discussion at previous meeting on 29 January 2015**

**Purpose**

This paper sets out the Administration's response to the major concerns raised by Members at the meeting of 29 January 2015.

**Given that under the proposed clause 15 of the District Cooling Services Bill ("the Bill"), the Director of Electrical and Mechanical Services ("DEMS") is vested with the discretionary power to reduce, waive or refund, in whole or in part, a charge, a fee or a deposit payable or paid in respect of a building subscribing to district cooling services, the Administration is requested to provide –**

- (a) the criteria for exercising the above discretionary power by DEMS; and**
- (b) examples of the possible circumstances under which DEMS may exercise the above discretionary power.**

2. Under clause 15 of the Bill, DEMS may in a particular case, reduce, waive or refund, in whole or in part, a charge or fee payable or paid under the Bill, or a deposit payable or paid in respect of the building. DEMS would assess and consider if it is necessary and advisable to exercise such discretionary power on a case-by-case basis, having regard to the circumstances of each particular case.

3. Clause 15 of the Bill seeks to provide a reserve power for DEMS to waive, reduce or refund a charge, a fee or a deposit on a case-by-case basis as and when necessary and appropriate in unforeseen

circumstances. That being the case, it would be difficult to speculate on the circumstances under which such power may be exercised. The proposal for providing such discretionary power under the Bill is in line with the arrangement provided in a number of existing legislation, including the Waterworks Ordinance (Cap. 102).

### **Advice Sought**

4. Members are invited to note the content of this paper.

**Environment Bureau**  
**February 2015**