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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 12 July 2017

**Proposed resolution under
the Energy Efficiency (Labelling of Products) Ordinance**

The Secretary for the Environment will move the proposed resolution in **Appendix 1** under section 54 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Energy Efficiency (Labelling of Products) Ordinance

Resolution

(Under section 54 of the Energy Efficiency (Labelling of Products)
Ordinance (Cap. 598))

Resolved that the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017, made by the Secretary for the Environment on 2 May 2017, be approved.

Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017

(Made by the Secretary for the Environment under section 54 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) subject to the approval of the Legislative Council)

Part 1

Preliminary

1. Commencement

This Order comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

Part 2

Amendment to Energy Efficiency (Labelling of Products) Ordinance

2. **Energy Efficiency (Labelling of Products) Ordinance amended**
The Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) is amended as set out in section 3.
 3. **Schedule 1 amended (prescribed products)**
Schedule 1, Part 1, after section 5—
Add
“6. Televisions within the description in Division 6 of Part 2.
7. Storage type electric water heaters within the description in Division 7 of Part 2.
8. Induction cookers within the description in Division 8 of Part 2.”.
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Part 3

Transitional Provisions

4. Interpretation of Part 3

In this Part—

commencement date (生效日期) means the date on which this Order comes into operation;

new prescribed product (新訂明產品) means—

- (a) a television specified in section 6 in Part 1 of Schedule 1 to the Ordinance;
- (b) a storage type electric water heater specified in section 7 in that Part; or
- (c) an induction cooker specified in section 8 in that Part;

transitional period (過渡期) means the period of 18 months beginning on the commencement date;

voluntary energy efficiency labelling scheme (自願性能源效益標籤計劃) means the Hong Kong Voluntary Energy Efficiency Labelling Scheme operated in respect of energy-using products by the Electrical and Mechanical Services Department.

5. Application of sections 4, 5 and 16(1)(a) and (b) of Ordinance during transitional period

Sections 4, 5 and 16(1)(a) and (b) of the Ordinance do not apply in relation to a new prescribed product during the transitional period.

6. New prescribed products registered under voluntary energy efficiency labelling scheme

- (1) A product model of a new prescribed product is to be treated as having complied with the requirements of section 6 of the Ordinance if—
 - (a) the product model has been registered in the name of a person (*registration holder*) under the voluntary energy efficiency labelling scheme and the registration is valid at the time when the registration holder submits the relevant information;
 - (b) the relevant information is submitted before the end of the transitional period; and
 - (c) the relevant information is submitted in a form specified by the Director and includes—
 - (i) the name and business address of the registration holder;
 - (ii) the particulars of the product model, including but not limited to its brand name, model name, energy efficiency and performance characteristics as declared by the registration holder;
 - (iii) the energy efficiency and performance characteristics of the product model as measured by tests carried out by an institution;
 - (iv) the calculation of the energy efficiency grading of the product model in accordance with the method specified in the approved code of practice;
 - (v) other information, apart from the reference number and the year, that will appear on the energy label for the product model; and

(vi) the registration number under the voluntary energy efficiency labelling scheme.

(2) The Director is to make copies of the form specified under subsection (1)(c) available during the transitional period—

- (a) at the office of the Electrical and Mechanical Services Department during normal office hours; and
- (b) through such other means as the Director considers appropriate.

7. **New prescribed products already procured, manufactured or imported**

(1) If it is proved to the satisfaction of the Director that before the commencement date, a contract has been entered into for the procurement of a new prescribed product that is to be supplied as part of, or in connection with, the disposition of any specified premises, sections 4 and 5 of the Ordinance do not apply to the new prescribed product so supplied in Hong Kong whether before, on or after the commencement date.

(2) If it is proved to the satisfaction of the Director that before the commencement date, a new prescribed product has been manufactured in or imported into Hong Kong, sections 4 and 5 of the Ordinance do not apply to the new prescribed product so manufactured or imported whether it is supplied in Hong Kong before, on or after the commencement date.

8. **Section 56 of Ordinance not applicable**

To avoid doubt, section 56 of the Ordinance does not apply in relation to a new prescribed product.



Secretary for the Environment

2 May 2017

Explanatory Note

Under section 4 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) (*Ordinance*), a manufacturer or importer must not supply a prescribed product unless the product—

- (a) is a product of a listed model with a reference number assigned by the Director of Electrical and Mechanical Services (*Director*); and
- (b) bears an energy label.

2. A similar requirement is imposed under section 5 of the Ordinance on a person who is not a manufacturer or importer of a prescribed product.
3. This Order amends Part 1 of Schedule 1 to the Ordinance by adding televisions, storage type electric water heaters and induction cookers (*new prescribed products*) as prescribed products under the Ordinance.
4. Section 5 of the Order provides for an 18-month transitional period during which sections 4 and 5 of the Ordinance, as well as section 16(1)(a) and (b) of the Ordinance which empowers the Director to prohibit the supply of a prescribed product in certain circumstances, do not apply in relation to the new prescribed products.
5. Sections 6 and 7 of the Order contain transitional provisions for the new prescribed products—
 - (a) the product models of which have been registered under the voluntary energy efficiency labelling scheme;
 - (b) that have been procured under a contract entered into before the commencement date of the Order for supplying as part of, or in connection with, the disposition of certain premises; or

- (c) that have been manufactured in or imported into Hong Kong before the commencement date of the Order.

**Speech by the Secretary for the Environment
in the Legislative Council
to move motion on the Energy Efficiency (Labelling of Products)
Ordinance (Amendment of Schedule 1) Order 2017**

President,

I move that the motion on the agenda be passed. The proposed resolution is to approve the enactment of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017, which amends Part 1 of Schedule 1 to the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) (“the Ordinance”), for introducing the third phase of the Mandatory Energy Efficiency Labelling Scheme (MEELS).

2. To combat climate change, the Chief Executive announced in the 2017 Policy Address the new carbon reduction target to reduce our carbon intensity by 65-70% by 2030 compared with the 2005 level. Energy saving is an important means for mitigating the adverse effect of climate change. The Government promulgated the “Energy Saving Plan for Hong Kong's Built Environment 2015~2025+” in 2015, which sets a target of reducing Hong Kong's energy intensity by 40% by 2025 compared with the 2005 level. Achieving these targets requires actions by the whole community.

3. Encouraging behaviour change is one of the effective measures for saving energy. To enhance public awareness of the importance of using energy efficient products, we implemented MEELS through the enactment of the Ordinance in May 2008. Under the Ordinance, energy labels are required to be shown on prescribed products supplied in Hong Kong to inform consumers of their energy efficiency performance. The first phase of MEELS commenced in November 2009 and covered room air conditioners in respect of their cooling function, refrigerating appliances, and compact fluorescent lamps. In 2011, the Government implemented the second phase of MEELS by way of amendments to Schedules 1 to 3 to the Ordinance. The scope of

MEELS was expanded to include washing machines with a rated washing capacity not exceeding 7 kilograms (“kg”) and dehumidifiers.

4. The Administration pledged in the 2016 Policy Address to expand the scope of MEELS to cover more electrical appliances and promote low-carbon living. Following consultation, we propose to expand MEELS to cover five additional types of electrical products, namely televisions, electric storage water heaters, induction cookers, washing machines with a rated washing capacity exceeding 7kg but not exceeding 10kg, and room air conditioners of reverse cycle type (i.e. with both heating and cooling functions). It is estimated that the potential annual energy saving arising from the third phase of MEELS is around 150 million kilowatt-hour (kWh), or an annual reduction of carbon dioxide emissions of 105 000 tonnes. The total amount of energy saved from the expanded MEELS is expected to be more than 600 million kWh per annum.

5. To prepare for the third phase of MEELS, the Electrical and Mechanical Services Department (EMSD) conducted a three-month consultation in 2015. EMSD has also established a task force comprising representatives of the relevant trade associations and the Consumer Council to discuss details of the proposal. The legislative proposal has taken into account views received from trade associations, professional bodies, education institutions, power companies, product manufacturers, importers and suppliers, and the Consumer Council, which are in general supportive of the proposal. We consulted the Energy Efficiency and Conservation Sub-committee under the Energy Advisory Committee which supported the proposal. The Legislative Council Panel on Environmental Affairs was consulted in January 2016 and Members were in general supportive of the proposal.

6. To introduce the third phase of MEELS, amendments to Schedules 1 to 3 to the Ordinance are required. Today's resolution deals with the amendment order to amend Part 1 of Schedule 1 to the Ordinance. The amendments have been scrutinised by the Subcommittee on Energy Efficiency (Labeling of Products) Ordinance (Amendment of Schedule 1) Order 2017. The Subcommittee has not proposed any change to the provisions of the amendment order and has

provided invaluable advice on the administration of MEELS. I would like to thank the Chairman of the Subcommittee the Hon WONG Ting-kwong and other members for their support.

7. After the passing of this resolution, we will table another amendment order to amend Part 2 of Schedule 1 as well as Schedules 2 and 3 to the Ordinance. That amendment order is subject to negative vetting by this Council. In line with the practice of the first and second phases of MEELS, an 18-month transitional period will be provided for the trade to prepare for the implementation of the third phase.

8. President, I hope that Members will support the further expansion of MEELS to promote energy saving, and that the resolution would be passed with Members' support. Thank you.