

立法會
Legislative Council

LC Paper No. CB(1)1325/16-17
(These minutes have been seen
by the Administration)

Ref : CB1/SS/11/16/1

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

**Minutes of first meeting
held on Tuesday, 13 June 2017, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon WONG Ting-kwong, SBS, JP (Chairman)
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon SHIU Ka-fai
Hon Tanya CHAN
Dr Hon YIU Chung-yim

Members absent : Hon CHAN Hak-kan, BBS, JP
Hon HUI Chi-fung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending : **For item II**

Mrs Dorothy MA
Principal Assistant Secretary for the Environment (Energy)

Mr Harry LAI, JP
Assistant Director/Electricity and Energy Efficiency
Electrical and Mechanical Services Department

Mr SHUM Chung-yee
Senior Engineer/Energy Efficiency/A4
Electrical and Mechanical Services Department

Mr Henry CHAN
Senior Government Counsel
Department of Justice

Clerk in Attendance : Ms Angel SHEK
Chief Council Secretary (1)1

Staff in attendance : Miss Joyce CHAN
Assistant Legal Adviser 1

Mr Joey LO
Senior Council Secretary (1)8

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Election of Chairman

Mr WONG Ting-kwong, the member who had the highest precedence among members of the Subcommittee present at the meeting, presided at the election of Chairman of the Subcommittee. Mr WONG invited nominations for the chairmanship of the Subcommittee.

2. Mr SHIU Ka-fai nominated Mr WONG Ting-kwong, and the nomination was seconded by Ir Dr LO Wai-kwok. Mr WONG Ting-kwong accepted the nomination. There being no other nominations, Mr WONG Ting-kwong was declared Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

(LC Paper No. CB(1)1107/16-17(01) — Provisions of the Proposed Resolution under section 54 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598)

Action

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| File Ref: ENB 24/26/24 | — Legislative Council Brief |
| LC Paper No. LS64/16-17 | — Legal Service Division Report |
| LC Paper No. CB(1)1107/16-17(02) | — Marked-up copy of relevant provisions to be amended by the subsidiary legislation prepared by the Legal Service Division (Restricted to members) |
| LC Paper No. CB(1)1107/16-17(03) | — Background brief prepared by the Legislative Council Secretariat) |

Discussion

4. The Subcommittee deliberated and completed scrutiny of the provisions of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017 ("the Order") (index of proceedings attached at the **Annex**).

III. Any other business

Invitation of views

5. Members considered it not necessary for the Subcommittee to receive public views on the Order.

Legislative timetable

6. The Chairman concluded that the Subcommittee had completed the scrutiny of the Order and would not propose any amendment to the Order. Members noted that the Administration would give notice to move a resolution to approve the Order at the Council meeting of 12 July 2017. On this basis, the deadline for giving notice of a motion (if any) to amend the Order would be 5 July 2017, and the Chairman would report the deliberations of the Subcommittee to the House Committee on 23 June 2017.

7. There being no other business, the meeting ended at 9:38 am.

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

**Proceedings of the first meeting
on Tuesday, 13 June 2017, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Election of Chairman</i>			
001221 - 001336	Mr SHIU Ka-fai Ir Dr LO Wai-kwok	Election of Chairman	
<i>Agenda Item II — Meeting with the Administration</i>			
001337 - 001509	Chairman	Opening remarks	
001510 - 001908	Chairman Administration	Briefing by the Administration on the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017 ("the Order").	
001909 - 002328	Chairman Ir Dr LO Wai-kwok Administration	Discussion on the implementation of the Mandatory Energy Efficiency Labelling Scheme ("MEELS").	
002329 - 002541	Chairman Mr SHIU Ka-fai Administration	Discussion on the consultation with stakeholders on the Order.	
002542 - 003158	Chairman Ms Tanya CHAN Administration	<p>Discussion on the testing of prescribed products before and after product launching.</p> <p>The Administration advised that an importer or local manufacturer should submit a product test report when applying for assignment of reference number of energy label. Up to mid-2017, over 450 market surveillance tests had been conducted on the five types of prescribed products currently covered by MEELS. 8% were found to be non-compliant with the requirements and most of them were manufactured/marketed during the initial stage of MEELS. Since 2015, only four models were found to be non-compliant with the requirements which indicated that the situation had improved.</p>	
003159 - 003419	Chairman Ir Dr LO Wai-kwok Administration	Discussion on other products to be covered by MEELS.	

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		<p>The Administration advised that other types of cooking and water heating products, including instantaneous type water heaters, gas stoves, electric rice cookers and microwave ovens were being considered to be covered by MEELS in future phases. The Administration would take into account overseas practices, availability of internationally recognized testing standards, suitable testing laboratories in Hong Kong or in other places, and energy saving potential, etc. for considering whether to include a new type of product in MEELS.</p>	
003420 - 003450	<p>Chairman Ms Tanya CHAN Administration</p>	<p>Ms CHAN's request for the Administration to explain the definitions of the new prescribed products when briefing on the relevant provisions of the Order.</p>	
003451 - 003639	<p>Chairman Ir Dr LO Wai-kwok</p>	<p>Discussion on whether it was necessary to receive public views on the Order.</p>	
<p><i>Section-by-section examination of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017</i> [the Order (Annex A to ENB 24/26/24)] [Marked-up copy of the Order prepared by the Legal Service Division (LC Paper No. CB(1)1107/16-17(02))]</p>			
003640 - 004000	<p>Chairman Administration Assistant Legal Adviser 1 ("ALA 1") Ir Dr LO Wai-kwok</p>	<p><u>Part 1 – Preliminary</u></p> <p><u>1 – Commencement</u></p> <p><u>Part 2 – Amendment to Energy Efficiency (Labelling of Products) Ordinance</u></p> <p><u>2 – Energy Efficiency (Labelling of Products) Ordinance amended</u></p> <p><u>3 – Schedule 1 amended (prescribed products)</u></p> <p>The Administration explained that the definitions of the new prescribed products would be provided in another amendment order, i.e. the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017 which would be tabled in the Legislative Council ("LegCo") after the resolution to approve the enactment of the Order had been passed by LegCo. The Administration also explained that the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017 would</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>be subject to negative vetting by LegCo.</p> <p>ALA1 added that LegCo Members might consider whether to form a subcommittee to study the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017 after the said piece of subsidiary legislation had been tabled in LegCo.</p> <p>Ir Dr LO's request for a briefing by the Administration on the definitions of the new prescribed products in the draft provisions of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017.</p>	
<p><i>Draft provisions of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017 in relation to the definitions of prescribed products [Annex B to ENB 24/26/24]</i></p>			
004001 - 005110	Chairman Ir Dr LO Wai-kwok Administration	<p><u>Division 6 – Televisions</u></p> <p><u>Division 7 – Storage Type Electric Water Heaters</u></p> <p><u>Division 8 – Induction Cookers</u></p> <p>Discussion on the meaning of a concave stove.</p> <p>Discussion on the legislative timetable of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017.</p>	
<p><i>Section-by-section examination of the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017</i> [the Order (Annex A to ENB 24/26/24)] [Marked-up copy of the Order prepared by the Legal Service Division (LC Paper No. CB(1)1107/16-17(02))]</p>			
005111 - 005400	Chairman Administration	<p><u>Part 3 – Transitional Provisions</u></p> <p><u>4 – Interpretation of Part 3</u></p> <p><u>5 – Application of sections 4, 5 and 16(1)(a) and (b) of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) during transitional period</u></p> <p><u>6 – New prescribed products registered under voluntary energy efficiency labeling scheme</u></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><u>7 – New prescribed products already procured, manufactured or imported</u></p> <p><u>8 – Section 56 of Ordinance not applicable</u></p>	
005401 - 005840	Chairman Ir Dr LO Wai-kwok Administration	<p>Discussion on the application of MEELS to second-hand prescribed products.</p> <p>The Administration advised that section 3 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) ("the Ordinance") provided that the Ordinance did not apply to a prescribed product that was a second-hand product.</p>	
005841 - 010034	Chairman Ir Dr LO Wai-kwok Administration	<p>The Administration advised that section 7 of the Order provided that sections 4 and 5 of the Ordinance (concerning prohibition on supply of prescribed products without reference number and energy label) did not apply to a new prescribed product which was already procured, manufactured or imported under certain circumstances before the commencement date of the Order.</p>	
010035 - 010416	Chairman Dr YIU Chung-yim Administration	<p>Discussion on enforcement and penalty against the unauthorized use of energy labels.</p> <p>The Administration advised that no fake energy labels had been identified in over 5 000 shop inspections conducted by officers of the Electrical and Mechanical Services Department on prescribed products put to the market since the introduction of MEELS in 2008. During the same period, more than 50 notices prohibiting the supply of non-compliant prescribed products were imposed and six prosecutions were made. The maximum penalty for unauthorized use of energy labels was a fine at level 6 and six months' imprisonment.</p>	
010417 - 010945	Chairman Dr YIU Chung-yim Administration	<p>Discussion on applicability of the Ordinance to the supply of prescribed products to Hong Kong via online shopping platform.</p> <p>The Chairman pointed out that it might be difficult to enforce the Ordinance in respect of prescribed products supplied through online shopping platforms, or purchased and brought into Hong Kong directly from overseas shops</p>	

Time marker	Speaker	Subject(s)	Action required
		or websites. The Administration advised that the Ordinance applied to the supply (as defined in the Ordinance) of prescribed products regardless of whether they were supplied via online shopping platform.	
<i>Agenda Item III — Any other business</i>			
010946 - 011246	Chairman Administration	Legislative timetable	

Council Business Division 1
Legislative Council Secretariat
18 July 2017