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

Background brief

Purpose

This paper provides background information on the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017 ("Amendment Order") which relates to the implementation of the Mandatory Energy Efficiency Labelling Scheme ("MEELS"). It also gives a brief account of the views and concerns expressed by Members when issues related to MEELS were discussed by the relevant committees of the Legislative Council ("LegCo").

Background

2. To facilitate the public in choosing energy efficient appliances and raise public awareness of energy saving, the Administration introduced MEELS in 2008 through the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) ("the Ordinance") under which energy labels are required to be shown on the prescribed products supplied in Hong Kong to inform consumers of the products' energy efficiency performance.¹ Importers or local manufacturers of prescribed products have to submit product information and test reports on energy efficiency of the prescribed products to the Director of Electrical and Mechanical Services ("DEMS") for consideration.² If DEMS is

¹ A product with a Grade 1 energy label means that it is among the most energy-efficient in the market while a product with a Grade 5 energy label is the least energy efficient.

² Section 42 of the Ordinance empowers DEMS to, inter alia, approve, issue and revise code of practice to provide practical guidance for requirements under the Ordinance. The Code of Practice on Energy Labelling of Products issued by the Electrical and Mechanical Services Department under section 42 of the Ordinance provides practical guidance and technical details to the trades about the relevant test standards, calculation methods and determination of energy efficiency grading levels of the prescribed products, in accordance with which the energy efficiency performance of the product models are tested and assessed.

satisfied with the information submitted including the test results, he will notify the manufacturers or importers of the reference number assigned to the product model concerned. Manufacturers or importers are required to attach energy labels in the prescribed format specified in the Ordinance before supplying these products in Hong Kong. All local suppliers (including wholesalers and and retailers) cannot supply any prescribed product which has not been assigned a reference number or does not bear the energy label.

3. MEELS has been implemented in phases. The first phase of MEELS was fully implemented in November 2009 and covered three types of prescribed products, namely room air conditioners (cooling capacity not exceeding 7.5 kilowatts), refrigerating appliances (total storage volume not exceeding 500 litres) and compact fluorescent lamps (lamp wattage up to 60 watts). The second phase of MEELS, which was fully implemented in September 2011, extended the scope to washing machines (with rated washing capacity not exceeding 7 kilograms) and dehumidifiers (dehumidifying capacity not exceeding 35 litres per day).

4. Having considered comments received during a three-month public consultation in 2015 and other factors, the Administration has proposed to include the following types of products in the third phase of MEELS:

- (a) televisions;
- (b) storage type electric water heaters;
- (c) induction cookers;
- (d) room air conditioners of reverse cycle type (i.e. with heating and cooling functions); and
- (e) washing machines (with rated washing capacity exceeding 7 kg but not exceeding 10 kg).

5. In the 2016 Policy Address, the Administration pledged to expand the scope of MEELS as proposed to cover more electrical appliances and promote low-carbon living.

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6. The Secretary for the Environment ("SEN") has given notice to move a motion for LegCo to approve the Amendment Order at the Council meeting of

24 May 2017. The Amendment Order, which is subject to positive vetting by LegCo, seeks to amend Part 1 of Schedule 1 to the Ordinance for the purpose of implementing the third phase of MEELS. The Amendment Order, if approved, will come into operation on a day to be appointed by SEN by notice published in the Gazette.

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7. If the Amendment Order is approved by LegCo, the Administration will table another amendment order, i.e. the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2017. This amendment order, which will be subject to negative vetting by LegCo, will set out the particular requirements in relation to energy labelling of the new prescribed products under the third phase of MEELS and the new requirements for the energy labels for room air conditioners of reverse cycle type.

Major views and concerns expressed by Members

8. The Panel on Environmental Affairs was briefed on the Administration's proposal to implement the second and third phases of MEELS at its meetings on 15 July 2009 and 25 January 2016 respectively. A subcommittee was formed in November 2009 to study the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 for the implementation of the second phase. Issues relating to MEELS were brought up when the Subcommittee on Issues Relating to Air, Noise and Light Pollution discussed the measures to control air pollution at its meeting on 16 April 2013, and during examination of Estimates of Expenditure in recent years. The major views and concerns raised by Members on issues relating to MEELS during these discussions are summarized in the ensuing paragraphs.

Coverage of the Mandatory Energy Efficiency Labelling Scheme

9. Members in general welcomed the proposal to implement the third phase of MEELS. They enquired about the Administration's plan, if any, to include other electrical/electronic appliances, particularly office equipment such as photocopiers, computers and fax machines, in the subsequent phases of MEELS. Some Members expressed concern about the Administration's passive approach to implement MEELS by merely following the available international standards and overseas practices instead of actively developing energy performance requirements and testing standards for potential products. Members considered it important for the Administration to convey clearly its

stance on the introduction and wider usage of energy efficient appliances in Hong Kong, with a view to driving the relevant trades towards manufacturing or importing more such products for the local market.

10. The Administration advised that the coverage of MEELS after implementation of the third phase would account for about 70% of the annual electricity consumption in the residential sector, which compared favourably to those of other advanced economies. The Administration would take into account factors including overseas practices, availability of testing standards and testing laboratories, as well as energy consumption and energy saving potential of the products, in considering the inclusion of additional types of products into MEELS in future. It would also explore and take the lead to implement new environmental initiatives in the region if practicable. For instance, Hong Kong was among the forerunners in the international arena to include induction cookers into MEELS as proposed for the third phase.

Classification of energy efficiency labels

11. There was a suggestion from some Members that each of the five energy efficiency grades under MEELS should include sub-grades to specify more precisely the energy consumption of an appliance, thereby facilitating the public in choosing energy efficient appliances. The Administration advised that it would consider how to refine MEELS when reviewing the scheme coverage and grading standards. In proposing any refinements to the scheme, the Administration would be mindful of the need to ensure that the public would understand the energy efficiency performance of the prescribed products.

Testing conditions

12. Members enquired whether local conditions (e.g. temperature and relative humidity) and practices were taken into account when testing the energy efficiency of electrical appliances such as dehumidifiers. The Administration advised that as with other prescribed products, the testing standard for dehumidifiers was in line with the international practice to enable consumers from other countries to assess the energy efficiency performance of these products sold in Hong Kong. The Administration pointed out that while the energy efficiency performance of dehumidifiers would vary depending on the relative humidity of the surrounding environment, their energy efficiency grading would not be affected as they were tested with the same standard.

Monitoring compliance with the Mandatory Energy Efficiency Labelling Scheme

13. Some Members had expressed concerns about how the Administration would monitor compliance with the energy efficiency levels displayed on the energy labels. The Administration advised that under MEELS, the prescribed products supplied in Hong Kong were required to be listed models with reference numbers and to bear energy labels. The manufacturer or importer must submit to the Electrical and Mechanical Services Department ("EMSD") a test report issued by an accredited laboratory for the product model when applying for the reference number, and indicate on the energy label the results measured. EMSD regularly selected samples of listed models for compliance monitoring testing by independent accredited laboratories to check whether the products conformed to the energy efficiency information submitted to EMSD.

Council questions

14. At the Council meeting of 27 May 2015, Hon Kenneth LEUNG raised a question on the use and collection of energy efficient lighting products. The question and the Administration's reply are hyperlinked in the **Appendix**.

Latest development

15. Members agreed at the House Committee meeting on 12 May 2017 to form a subcommittee to study the Amendment Order. At the request of the House Committee, SEN has withdrawn the notice to move the proposed motion mentioned in paragraph 6 above to allow time for the Subcommittee to study the Amendment Order in detail.

Relevant papers

16. A list of relevant papers is set out in the **Appendix**.

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List of relevant papers

Date of meeting	Event	Paper
15 July 2009	Meeting of the Panel on Environmental Affairs	Administration's paper (LC Paper No. CB(1)2197/08-09(05)) Background brief (LC Paper No. CB(1)2197/08-09(06)) Minutes (LC Paper No. CB(1)2779/08-09)
4 November 2009	Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 tabled before the Legislative Council	The Order Legislative Council Brief on Second Phase of the Mandatory Energy Efficiency Labelling Scheme (ENB 24/26/24 Pt.6) Legal Service Division report (LC Paper No. LS8/09-10)
November to December 2009	Subcommittee on Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009 examined the Order	Report of the Subcommittee (LC Paper No. CB(1)689/09-10)
21 March 2011	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2011-2012	Written question raised by Member and Administration's reply (Reply serial number: ENB212)
5 March 2012	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2012-2013	Written questions raised by Members and Administration's replies (Reply serial numbers: ENB031, 151 and 154)

Date of meeting	Event	Paper
9 April 2013	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2013-2014	Written questions raised by Members and Administration's replies (Reply serial numbers: ENB062 and 299)
16 April 2013	Meeting of the Subcommittee on Issues Relating to Air, Noise and Light Pollution	Administration's paper on "Current legislation and administrative measures on the control of air pollution and the associated public expenditure" (LC Paper No. CB(1)474/12-13(01)) Minutes of meeting (LC Paper No. CB(1)1471/12-13)
1 April 2014	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2014-2015	Written questions raised by Members and Administration's replies (Reply serial numbers: ENB319 and 335)
30 March 2015	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2015-2016	Written questions raised by Members and Administration's replies (Reply serial numbers: ENB036, 202, 379 and 390)
25 January 2016	Meeting of the Panel on Environmental Affairs	Administration's paper (LC Paper No. CB(1)459/15-16(04)) Background brief (LC Paper No. CB(1)459/15-16(05)) Minutes (LC Paper No. CB(1)739/15-16)
12 May 2017	Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017 considered by the House Committee	The Amendment Order Legislative Council Brief (ENB 24/26/24) Legal Service Division report (LC Paper No. LS64/16-17)

Hyperlink to relevant document:

Government department	Document
Electrical and Mechanical Services Department	Code of Practice on Energy Labelling of Products 2014

Hyperlink to relevant Council Question:

Date	Council Question
27 May 2015	Press release on Council question (written) raised by Hon Kenneth LEUNG