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16 January 2017

Ms Shirley Chan
Clerk to Panel (Economic Development)
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Chan,

**Panel on Economic Development
Follow-up to meeting on 13 December 2016**

We would like to provide our reply below in response to your letter of 16 December 2016.

- (a) The Electricity Ordinance (the Ordinance) aims to ensure the safety of electrical installation and products as well as the safety and reliability of electricity supply. The Ordinance provides for the registration of electrical workers and contractors, and stipulates the safety requirements for electricity supply, electrical wiring and products. It also provides powers for electricity suppliers and the Government in respect of electrical accidents and enforcement of the Ordinance. Regarding the issues on the supply of electricity obtained from the power companies by customers with any third party, the installation of individual meters for customers and the collection of electricity charges by the power companies involve arrangements between the two power companies and their customers. All these matters are not within the regulatory scope of the Ordinance.

Regarding the mandatory provision of individual meters for tenants of sub-divided units, the power companies will install individual meters for customers if prior consent from landlords and building

management has been obtained, and that the units concerned comply with the relevant prerequisites and safety standards such as installation of an individual door, and the separate electrical installations and other facilities can meet the safety standards stipulated in the Electricity Ordinance (Cap. 406) (the Ordinance) and requirements of the Supply Rules of the power companies. If the rental premises are sub-divided units equipped with electrical installations and separate meters, landlords' consent will be required to modify the existing electrical installations to meet the safety standards stipulated in the Ordinance and the requirements of the Supply Rules before individual meters can be installed. In addition, meters must be connected to the riser which supplies electricity in a building and be installed in the common areas to facilitate meter reading by the staff of the power companies. Therefore, before applying for individual meters, tenants of sub-divided units should identify suitable locations in the common areas of the buildings for installing meters and obtain the consent of building management for allocation of space for meter installation. Given the various site constraints and safety considerations, it would not be practicable to mandate by statute the provision of individual meters for tenants of sub-divided units.

- (b) We have liaised with the two power companies on the question raised by the Panel, and their replies are summarised below.

According to the power companies' Supply Rules, a customer should not resell electricity obtained from the power companies to any third party other than with the prior consent of the power companies. The power companies may disconnect the supply if the customer fails to comply. However, before taking action, the power companies will also consider if disconnection would jeopardise tenants of sub-divided units ultimately and deprive them of electricity supply.

CLP Power Hong Kong Limited considers that any suggestion for imposing penalty charges for resale of electricity to a third party requires thorough consideration of the implications, effectiveness and fairness of the scheme imposed, e.g. whether the scheme could help resolve the issue of sub-divided unit and whether the "penalty" suggested, if imposed, may add undue financial burden on end-users.

The Hongkong Electric Company, Limited (HKE) also considers that as the relationship between HKE and any individual customer is one governed by contract, HKE could only collect money from customers

for services rendered or as remedy against proven damages due to breach of the contract. It would be legally difficult and costly to go through litigations or small claims tribunal to prove material damages suffered by HKE due to any resale of electricity to third parties such as sub-divided units. Even if there is a court ruling in favour of HKE for a breach case, the main remedy still lies in disconnection of electricity supply which also does not help the affected tenants. Hence HKE considers it inappropriate to unilaterally impose any arbitrary penalty on a breach of contract for resale of electricity to third parties.

Yours sincerely,



PP (Ms Esther Wang)
for Secretary for the Environment