

立法會
Legislative Council

LC Paper No. LS26/17-18

**Paper for the House Committee Meeting
on 26 January 2018**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 19 January 2018**

Tabling in LegCo : Council meeting of 24 January 2018

Amendment to be made by : Council meeting of 7 February 2018 (or that of 21 March 2018 if extended by resolution)

**Accreditation of Academic and Vocational Qualifications
Ordinance (Amendment of Schedules 2 and 3) Order 2018 (L.N. 3)**

The Education University of Hong Kong ("EdUHK") is one of the self-accrediting operators¹ listed in Schedule 2 to the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592). Under section 2 of Schedule 3 to Cap. 592, a self-accrediting operator may determine that its own learning programmes meet the required standards under the Qualification Framework ("QF").² At present, EdUHK's self-accrediting status is limited to learning programmes in teacher education.

2. L.N. 3 is made by the Secretary for Education to amend Schedules 2 and 3 to Cap. 592. The effect of L.N. 3 is that EdUHK is granted full self-accrediting status. This means that EdUHK may determine if its learning programmes (whether in teacher education or otherwise) meet the required standard under QF.

¹ Self-accrediting operators listed in Schedule 2 to Cap. 592 include The Chinese University of Hong Kong, City University of Hong Kong, Hong Kong Baptist University, EdUHK (excluding learning programmes which are not learning programmes in teacher education), The Hong Kong Polytechnic University, The Hong Kong University of Science and Technology, Lingnan University, The Open University of Hong Kong, and University of Hong Kong.

² QF means the framework, which contains a structure of levels of qualifications, established and maintained by the Secretary for Education under section 3(1) of Cap. 592.

3. According to the Legislative Council ("LegCo") Brief (File Ref: EDB(HE)CR 4/2041/07) issued by the Education Bureau ("EDB") on 17 January 2018, L.N. 3 is made following the award of Programme Area Accreditation ("PAA") status³ by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications ("HKCAAVQ") to EdUHK for its two remaining programme areas⁴, namely "Psychology" and "Visual Arts & Music" (renamed from "Creative Arts & Culture") in October 2017. According to the Administration, the award of PAA status in the two remaining programme areas would provide ample assurance that EdUHK has the ability to assume responsibility for accrediting all of its own programmes and is in a position to be granted full self-accrediting status under Cap. 592.

4. As advised by the Clerk to the Panel on Education, the Panel was briefed on the development and change of title of The Hong Kong Institute of Education (now retitled as EdUHK) at its meeting on 1 February 2016. The Administration in its paper (File Ref: EDB(HE)CR 4/2041/07) issued in January 2016 mentioned the proposal to grant EdUHK full self-accrediting status upon obtaining PAA status in "Psychology" and "Creative Arts & Culture". Members did not raise any concern about the proposal of granting full self-accrediting status to EdUHK at the meeting.

5. L.N. 3 comes into operation on 1 April 2018.

Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2018

(L.N. 4)

Background

6. The Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) was enacted in 2008 to implement the Mandatory Energy Efficiency Labelling Scheme ("MEELS"), under which importers and manufacturers of specified energy-using products ("prescribed products") that are supplied in Hong Kong are required to submit specified information on the prescribed products to the Director of Electrical and Mechanical Services ("DEMS") and to attach or affix energy labels on the prescribed products. The prescribed products are specified in Part 1 of Schedule 1 to Cap. 598. Under sections 4 and 5 of Cap. 598, the supply of prescribed products without reference numbers assigned by DEMS and without bearing appropriate energy labels is prohibited.

³ According to paragraph 6 of the LegCo Brief (File Ref: EDB(HE)CR 4/2041/07) issued by EDB in January 2016, a PAA status is equivalent to self-accrediting status, but is limited in scope, duration and subject to periodic reviews by HKCAAVQ.

⁴ EdUHK had obtained PAA status from HKCAAVQ in Chinese Studies, English Studies and Environmental Studies before October 2017.

7. The first and second phases of MEELS were implemented in 2009 and 2011 to cover five types of products, namely, room air conditioners (only in respect of cooling function), refrigerating appliances, compact fluorescent lamps, washing machines (with rated washing capacity not exceeding 7 kg), and dehumidifiers. As a first step for the implementation of the third phase of MEELS, the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017 (L.N. 183 of 2017) was made to add televisions, storage type electric water heaters and induction cookers ("new prescribed products") to Part 1 of Schedule 1 to Cap. 598. However, the descriptions of the new prescribed products were not provided in L.N. 183 of 2017. L.N. 4 is made for completing the implementation of the third phase of MEELS.

L.N. 4

8. L.N. 4 is made by the Secretary for the Environment ("SEN") under section 54 of Cap. 598 to amend Schedules 1, 2 and 3 to Cap. 598 to:

- (a) add the descriptions of the new prescribed products in Part 2 of Schedule 1;
- (b) make amendments to the description of washing machine⁵ so that washing machines with rated washing capacity exceeding 7 kg but not exceeding 10 kg are included as prescribed products ("specified washing machine");
- (c) add the requirements for energy labels for the new prescribed products;
- (d) provide for new requirements for energy labels for room air conditioners of reverse cycle type requiring the energy labels to show the energy performance in respect of both the cooling and heating functions; and
- (e) make technical and textual amendments to the descriptions of existing prescribed products.

L.N. 4 also provides for transitional arrangements for specified washing machines and reverse cycle air conditioners.

⁵ Currently, by virtue of section 1 of Division 4 of Part 2 of Schedule 1 to Cap. 598, washing machines that have a rated washing capacity not exceeding 7 kg are included as prescribed products under Cap. 598.

Consultation

9. According to paragraph 10 of Appendix A to the LegCo Brief issued by the Environment Bureau on 18 January 2018 (File Ref: ENB 24/26/24 Pt. 20), the Electrical and Mechanical Services Department has conducted a three-month consultation exercise on the proposed third phase of MEELS in 2015. Stakeholders, including trade associations, product manufacturers, importers and suppliers, and the Consumer Council are generally supportive of the proposal. The Energy Efficiency and Conservation Sub-committee under the Energy Advisory Committee has also been consulted and indicated support for the proposal.

10. As advised by the Clerk to the Panel on Environmental Affairs, the Panel was consulted on the proposed third phase of MEELS at its meeting on 25 January 2016. Members in general supported the proposal and various issues were discussed, including the Administration's approach in implementing MEELS, as well as the possibility of including more products in MEELS in the future.

Commencement

11. L.N. 4 comes into operation on a day to be appointed by SEN by notice published in the Gazette.

Legal Aid in Criminal Cases (Amendment) Rules 2017 (Commencement) Notice

(L.N. 5)

12. L.N. 5 is made by the Secretary for Home Affairs under rule 1 of the Legal Aid in Criminal Cases (Amendment) Rules 2017 (L.N. 185 of 2017) ("the Amendment Rules") to appoint 3 April 2018 as the day on which the Amendment Rules come into operation.

13. The Amendment Rules, made by the Criminal Procedure Rules Committee under section 9A of the Criminal Procedure Ordinance (Cap. 221) on 2 May 2017, were passed by LegCo on 30 November 2017 and published in the Gazette on 1 December 2017 (L.N. 185 of 2017). They increase the fees payable to solicitors or counsel in private practice engaged to undertake criminal litigation work on behalf of the Legal Aid Department by approximately 4% to reflect the accumulated increase in the Consumer Price Index (C) during the reference period from July 2014 to July 2016.

14. No LegCo Brief has been issued in respect of L.N. 5.

15. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel has not been consulted on L.N. 5.

Concluding observations

16. The Legal Service Division is scrutinizing L.N. 4 and a further report will be made if necessary. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 3 and L.N. 5.

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