

CONSULTATION PAPER ON PROPOSED AMENDMENTS TO THE BUILDINGS ENERGY EFFICIENCY ORDINANCE (CAP. 610)

THE LAW SOCIETY'S SUBMISSION

The Electrical and Mechanical Services Department (“EMSD”) in late November 2023 issued a Consultation Paper on “Proposed Amendments to the Buildings Energy Efficiency Ordinance” (“Consultation Paper”).

In response, the Law Society provides this submission for some of the proposals put forward in the Consultation Paper (as identified). As for the other proposals of the EMSD which are not mentioned below, at this stage we do not have comments.

Paragraph 9(b): To require more types of buildings to conduct energy audits
(pages 10 and A-1 to A-2 of the Consultation Paper)

We agree to the proposal in the Consultation Paper to amend Schedule 4 of the Buildings Energy Efficiency Ordinance (Cap. 610) (“Ordinance”) to include 9 types of buildings to be required to conduct energy audits, namely

- 1) Building or part of the building that is occupied principally as data centre;
- 2) Hotel or guesthouse;
- 3) Building that is occupied principally for education purpose;
- 4) Building that is occupied principally as a community building;
- 5) Building that is occupied principally as a municipal service building;
- 6) Building that is occupied principally for medical health care services;
- 7) Building that is owned by the Government and used principally for the accommodation of people during the performance of any function of the Government;
- 8) Passenger terminal building of an airport; and
- 9) Railway station

In addition to the above, we suggest that the following types of buildings should also be included vis-à-vis the requirement for conducting energy audits:

- 10) Passenger terminal buildings for ferry or cruise;

- 11) Museum;
- 12) Auditorium;
- 13) Concert hall,

if they have been omitted from the proposal.

At this stage, we understand that the current proposal is only for directions on the way forward. The Government has not come up with an amendment bill to set out, for instance, precisely what types of buildings are to be included for energy audits. Clear definitions in the amendment bill on the above are required. In our views, at least the following should be clarified for the public.

- does the “community building” (p.A-2 of the Consultation Paper) cover buildings where religious, community recreational activities and community services and activities are carried out?
- are sports centres or buildings (where sports and other recreational activities are carried out) covered as “indoor games hall” under “municipal building” (p.A-2)?
- would “medical health care services” (p.A-2) include residential care homes?

Paragraph 9(c): To shorten the interval of energy audits

(pages 10 and A-2 to A-3, ditto)

We agree to the proposal as this is a global trend for a shorter interval for conducting energy audits. For example, in the United Kingdom, the mandatory energy audit must be carried out once every 4 years.

At this stage we hold no views on the proposal to add time schedules of the first energy audit of buildings without Certificate of Compliance Registrations, or the two schedules on page A-3 of the Consultation Paper, as to the period within which the first energy audit must be carried out.

Paragraph 9(e): To include professional engineer of energy discipline as one of the assessment criteria for the application for registration as Registered Energy Assessor, and include corporate member of the Hong Kong Institution of Engineers in the energy discipline as the compositions of Disciplinary Board Panel and Appeal Board Panel

(pages 11-12 and A-4, ditto)

- 1) We agree in principle to include professional engineer of energy discipline as one of the assessment criteria for the application for registration as Registered Energy Assessor, but we suggest that other qualified professionals may also be included in the assessment criteria, such as
 - (i) Member of the Energy Institute carrying the title of Chartered Energy Engineer;

- (ii) Member of the Chartered Institute of Building Services Engineers carrying the title of Chartered Building Services Engineers; and
 - (iii) Member of the Royal Institution of Chartered Surveyors carrying out the title of Chartered Building Surveyors.
- 2) We agree in principle to the inclusion of corporate members of the Hong Kong Institution of Engineers in the energy discipline in the composition of the Disciplinary Board Panel and Appeal Board Panel, but we suggest to also include other qualified professionals with diversity background to the panels, such as
- (i) Member of the Law Society of Hong Kong who has working knowledge in building energy efficiency and/or its assessment;
 - (ii) Member of the Energy Institute carrying the title of Chartered Energy Engineer;
 - (iii) Member of the Chartered Institute of Building Services Engineers carrying the title of Chartered Building Services Engineers; and
 - (iv) Member of the Royal Institution of Chartered Surveyors carrying out the title of Chartered Building Surveyors.

The Law Society of Hong Kong
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