

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1403/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/7/10/2

**Bills Committee on Lifts and Escalators Bill**

**Eighth meeting on**  
**Tuesday, 15 November 2011, at 10:45 am**  
**in Conference Room 2A of the Legislative Council Complex**

**Members present** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Chairman)  
Hon James TO  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, SBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Hon Alan LEONG Kah-kit, SC

**Members absent** : Hon CHEUNG Hok-ming, GBS, JP

**Public officers** : Mr Jimmy CHAN Pai-ming  
**Attending** Principle Assistant Secretary for Development (Works) 3  
  
Mr Jacky WU Kwok-yuen  
Assistant Secretary for Development (Works Policies) 7  
  
Mr Alfred SIT Wing-hang  
Deputy Director/Regulatory Services  
Electrical and Mechanical Services Department

Mr Harry LAI Hon-chung  
Assistant Director/Gas and General Legislation  
Electrical and Mechanical Services Department

Ms Frances HUI Hang-ka  
Senior Government Counsel  
Department of Justice

Ms Angie LI Sau-lee  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Anita SIT  
Chief Council Secretary (1)5

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Mr Hugo CHIU  
Council Secretary (1)5

---

**I Meeting with the Administration**

Follow-up to issues arising from previous meetings

(LC Paper No. CB(1)342/11-12(01) — Administration's response to  
issues raised at the meeting on  
8 November 2011

LC Paper No. CB(1)342/11-12(02) — List of follow-up actions arising  
from the discussion at the meeting  
on 8 November 2011)

Clauses-by-clause examination of the Bill (starting with clause 33)

(LC Paper No. CB(3)684/10-11 — The Bill

LC Paper No. CB(1)182/11-12(01) — Administration's paper on  
"Corresponding provisions of  
Lifts and Escalators Bill and Lifts  
and Escalators (Safety) Ordinance  
(Cap. 327)"

Discussion

2. The Committee deliberated (Index of proceedings attached at **Appendix**).

Admin

Follow-up actions to be taken by the Administration

3. The Administration was requested to provide the following information:

- (a) refine the drafting of the Chinese version of clause 34(1) to make it more readable;
- (b) refine the drafting of the Chinese version of clause 35(1)(b) by replacing the phrase "可取的" with a more appropriate alternative;
- (c) clarify the following matters in respect of the "responsible person" of a lift, particularly under the situation where the lift is not owned by the Owners' Corporation of the building concerned but the owner of a part of the building:-
  - (i) whether there is any procedure for the registration of owners of lifts; if so, what proofs are required for such registration; if there is no such procedure, how the Director of Electrical and Mechanical Services (the Director) would determine the ownership of a lift for the purposes of the proposed legislation;
  - (ii) how the Director would determine which person (e.g. the owner or the tenant) the use permit of a lift should be issued to;
  - (iii) whether a person who is not the owner of a lift can of his own accord render himself to be the responsible person of the lift;
  - (iv) whether the owner of a lift can absolve himself from the responsibilities of the lift through certain legal or administrative procedure; and
  - (v) given the definition of "responsible person" in the Bill, how the Director would determine whom (e.g. the owner, tenant, or management company) an enforcement action should be taken against.

- (d) in respect of clause 38, provide information on:-
  - (i) past cases of subcontracting of lift works to non-registered lift contractors approved by the Director, including the number and nature of works involved; and
  - (ii) the criteria adopted by EMSD for determining whether approval should be given to an application for subcontracting of lift works to non-registered lift contractors;
- (e) in respect of lift incidents, consider imposing a requirement on the registered lift contractor to post a notice at a suitable location with information about the lift incident (e.g. the nature of the incident and the follow-up actions that have been and are being undertaken by the contractor in respect of the incident);
- (f) in respect of lift passenger entrapments:-
  - (i) consider stepping up the examination requirements on the alarm, inter-communication, and ventilation systems of lifts, as the normal functioning of these systems is vital at times of lift passenger entrapments; and
  - (ii) consider broadcasting announcements in the public interest (APIs) to educate the public how they should handle lift passenger entrapments; and
- (g) in respect of energy-saving escalators which would automatically stop operation when not in use, consider requiring the relevant contractors and suppliers to display signs to inform users that the escalators are operational with sensors.

### **III Any other business**

#### Date of next meeting

4. The Chairman reminded members that the next two meetings would be held on 22 November 2011 and 24 November 2011.

5. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 1  
Legislative Council Secretariat  
23 March 2012

**Proceedings of the  
Bills Committee on Lifts and Escalators Bill  
Eighth meeting on Tuesday, 15 November 2011, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000447 – 000526	Chairman	Introductory remarks	
000527 – 001051	Administration	Briefing by the Administration on the paper (LC Paper No. CB(1)342/11-12(01))	
001052 – 001349	Ms LI Fung-ying Chairman Mr IP Wai-ming	<p>Noting that the Administration had undertaken in its replies that for certain issues, it would provide detailed responses or draft Committee Stage amendments (CSAs) in due course, Ms LI enquired when such detailed responses or draft CSAs would be submitted to and examined by the Bills Committee.</p> <p>The Chairman suggested that subject to the availability of information from the Administration, the Bills Committee would examine the outstanding issues in two sessions (one session during and the other after the clause-by-clause examination of the Bill). The Chairman remarked that he would adopt a flexible approach in this regard. Ms LI requested the Secretariat to take stock of the outstanding issues.</p>	
001350 – 001514	Administration	<p><b><u>Clause-by-clause examination of the Bill</u></b></p> <p><u>Clause 33 – Application for cancellation of prohibition orders and cessation orders</u></p> <p>Members raised no question on clause 33.</p>	
001515 – 002007	Ms LI Fung-ying Administration Chairman	<p><u>Clause 34 – Examination orders</u></p> <p>Ms LI suggested that the Administration should refine the drafting of the Chinese version of clause 34(1) to make it more readable. The Chairman concurred with Ms LI's suggestion.</p>	The Administration to take action as per paragraph 3 of the minutes.
002008 – 002204	Chairman Administration Mr Alan LEONG	Referring to clause 34(2)(c), the Chairman sought confirmation on whether the Director of Electrical and Mechanical Services ("the Director") could impose conditions he deemed appropriate. The Administration replied in the affirmative.	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Mr LEONG suggested revising the Chinese version of the starting sentence of clause 34(1) to "署長如有合理理由相信，為安全起見，並認為可取時，向升降機的負責人送達命令指示該人採取以下行動—".</p>	
002205 – 002703	Administration Mr James TO Chairman	<p><u>Clause 35 – Removal orders</u></p> <p>Mr TO enquired how clause 35 was different from its corresponding provision in the Lifts and Escalators (Safety) Ordinance (Cap. 327) (LESO).</p> <p>The Administration advised that clause 35 of the Bill was similar to its corresponding provision in the LESO, with the addition of clause 35(2)(b)(i) requiring the Director to state the reason for making the removal order.</p> <p>The Chairman suggested that the Administration should refine the drafting of the Chinese version of clause 35(1)(b) by replacing the phrase "可取的" with a more appropriate alternative.</p>	The Administration to take action as per paragraph 3 of the minutes.
002704 – 003946	Mr James TO Administration Chairman	<p><u>Clause 36 – Improvement orders</u></p> <p>Mr TO requested the Administration to clarify the following matters in respect of the "responsible person" of a lift, particularly under the situation where the lift is not owned by the Owners' Corporation ("OC") of the building concerned but the owner of a part of the building:-</p> <p>(a) whether there was any procedure for the registration of owners of lifts; if so, what proofs were required for such registration; if there was no such procedure, how the Director would identify the ownership of a lift for the purposes of the proposed legislation;</p> <p>(b) how the Director would determine to whom (e.g. the owner or the tenant) the use permit of a lift should be issued to;</p> <p>(c) whether a person who was not the owner of a lift could of his own accord render himself to be the responsible person of the lift;</p>	The Administration to take action as per paragraph 3 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>(d) whether the owner of a lift could absolve himself from the responsibilities of the lift through certain legal or administrative procedure; and</p> <p>(e) given the definition of "responsible person" in the Bill, how the Director would determine whom (e.g. the owner, tenant, or management company) an enforcement action should be taken against.</p> <p>While undertaking to provide a written response, the Administration pointed out that the Electrical and Mechanical Services Department (EMSD) would identify the "responsible person" on a case-by-case basis. The Administration also pointed out that clause 5 set out the arrangement for a jointly owned lift or escalator.</p> <p>The Chairman reminded members that Prof. Patrick LAU had asked whether the definition of "responsible person" under clause 2 was sufficiently clear at a previous meeting, and ALA1 was preparing a paper on the issue.</p>	
003947 – 004259	Ms LI Fung-ying Administration	<p><u>Clause 37 – Director's power to remove lifts or to carry out other works, etc. in case of non-compliance with section 32 or 35</u></p> <p>In reply to Ms LI's enquiry, the Administration advised that clause 144 provided the Director with the power to recover the costs of any work carried out or service provided by the Director under clause 37, and other relevant provisions.</p>	
004300 – 005007	Mr IP Wai-ming Administration	<p><b>Division 5 –Miscellaneous</b></p> <p><u>Clause 38 – Subcontracting restricted</u></p> <p>In reply to Mr IP's enquiry, the Administration clarified that clause 38 did not apply to (i) any works concerning the installation and demolition of a lift; and (ii) the subcontracting of lift works to a registered lift contractor.</p> <p>Mr IP requested the Administration to provide examples where the Director might give approval for the subcontracting of lift works to non-registered lift contractors. The Administration advised that the Director might give approval for certain special cases such as the installation of a closed-circuit television (CCTV) inside a lift.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Mr IP requested the Administration to provide information on (i) past cases of subcontracting of lift works to non-registered lift contractors approved by the Director, including the number and nature of works involved; and (ii) the criteria adopted by EMSD for determining whether approval should be given to an application for subcontracting of lift works to non-registered lift contractors.</p>	<p>The Administration to take action as per paragraph 3 of the minutes.</p>
005008 – 005637	Mr Andrew CHENG ALA1 Administration	<p>Mr CHENG enquired whether the term "lift works" covered all kinds of lift works. ALA1 advised that the scope of the term was set out in clause 2 of the Bill.</p> <p>Mr CHENG was concerned that the coverage of lifts works under clause 38 might be too broad, and suggested the Administration consider specifying in the legislation the types of works the subcontracting of which to non-registered contractors would require the Director's approval.</p> <p>The Administration replied that clause 38 of the Bill had to adopt a comprehensive coverage to safeguard the safety of lifts, and practical guidelines on subcontracting would be set out in the codes of practice (CoPs) to be issued.</p>	
005638 – 010311	Prof Patrick LAU Administration	<p>Prof LAU enquired about the need to obtain the Director's approval for decorative works for a lift (like changing the lift's walls or floor). The Administration advised that some decorative works might involve technical adjustments to a lift. For instance, the addition of marble to the lift's floor or mirrors to the lift's walls might change the dead load of the lift and would thus require technical adjustment to the lift. EMSD's approval would be required for works of this nature to safeguard the safety of lifts.</p> <p>In view of the Administration's reply, Prof LAU remarked that the Administration should inform architects of the relevant requirements. The Administration pointed out that under the Bill, each lift would be maintained by a registered lift contractor, who would be knowledgeable about the relevant requirements. Architects might consult the registered lift contractors if necessary.</p>	



Time Marker	Speaker	Subject(s)	Action Required
010312 – 010423	Administration	<p><u>Clause 39 – Display of use permits</u></p> <p>Members raised no question on clause 39</p>	
010424 – 011716	Mr Andrew CHENG Administration	<p><u>Clause 40 – Incidents to be reported to Director</u></p> <p><u>Schedule 7 – Incidents to be Reported to Director (part 1 and part 2)</u></p> <p>Mr CHENG remarked that clause 40 was very important and the maximum penalty (i.e. a fine at level 3) stipulated in clause 40(4) should be reviewed.</p> <p>Mr CHENG enquired whether in a lift incident, the registered lift contractor concerned was required to post a notice at a suitable location to inform affected users of the nature of the lift incident and the follow-up actions taken in respect of the incident.</p> <p>The Administration advised that when a lift incident occurred, the registered lift contractor concerned would be required to submit an incident investigation report to the Director. If considered appropriate, the Director would issue a prohibition order and the order would be displayed at a suitable location.</p> <p>Mr CHENG clarified that his main concern was that the public should be well informed of a lift incident so that they would not speculate about it. As such, he suggested that the Administration should consider imposing a requirement on the registered lift contractor to post a notice at a suitable location with information about the lift incident (e.g. the nature of the incident and the follow-up actions that had been and were being undertaken by the contractor in respect of the incident).</p> <p>The Chairman referred to clause 40(3)(b)(ii) and enquired whether the granting of 14 days for the preparation and completion of the full report of the investigation would be too long. The Administration responded that some investigations might take a long time. The Chairman considered that the time for preparation and completion of the full report should be shortened if possible.</p>	<p>The Administration to take action as per paragraph 3 of the minutes.</p>

Time Marker	Speaker	Subject(s)	Action Required
011717 – 012549	Prof Patrick LAU Chairman Administration Mr IP Wai-ming	<p>Pointing out that the proper functioning of certain systems like the alarm bell, intercom system and car ventilation was vital at times of lift passenger entrapments, Prof LAU considered that the failure of such systems should be included in Schedule 7 to the Bill. The Chairman agreed that the examination and testing requirements of those systems should be stepped up and added that the Administration might consider broadcasting announcements in the public interest (APIs) to educate the public how they should handle lift passenger entrapments.</p> <p>In response, the Administration remarked that Schedule 7 to the Bill covered incidents that had already occurred and suggested that it might be more appropriate to highlight the requirements on proper maintenance and periodic examination of such components in the CoPs.</p> <p>The Chairman remarked that the CoPs should also specify that when a lift passenger entrapment happened, the relevant rescue parties like the Police and the Fire Services Department must be promptly notified.</p> <p>Mr IP concurred with the remarks of the Chairman and Prof LAU. The Administration replied as follows:</p> <p>(a) One of the objectives of the Bill was to ensure proper maintenance of lifts. In this regard, a number of requirements like periodic examination of lifts had been included in the Bill; and</p> <p>(b) when a lift incident occurred, the responsible registered lift contractor would be required to cause registered lift engineer to investigate the incident and submit a full incident investigation report to the Director and EMSD would take appropriate actions like devising measures to prevent the recurrence of similar incidents.</p>	The Administration to take action as per paragraph 3 of the minutes.
012550 – 012932	Administration	<p><u>Clause 41 – Investigation of incidents by Director</u></p> <p><b>Part 3</b></p> <p><b>Safety of Escalators</b></p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p><b>Division 1 –Prohibitions</b></p> <p><u>Clause 42 – Only qualified persons or specified persons to personally carry out escalator works, etc.</u></p> <p><u>Clause 43 – Prohibition against using or operating escalators in certain circumstances</u></p> <p><b>Division 2 – Duties of Responsible Persons and Registered Persons</b></p> <p><b>Subdivision 1 – Responsible Persons for Escalators</b></p> <p><u>Clause 44 – Duties of responsible persons to ensure that escalators are in proper state of repair and in safe working order</u></p> <p><u>Clause 45 – Duties of responsible persons in respect of use and operation of escalators</u></p> <p><u>Clause 46 – Duties of responsible persons to ensure that registered escalator contractors undertake maintenance works and certain other escalator works</u></p> <p>Members raised no question on clauses 41 to 46.</p>	
012933 – 013439	Prof Patrick LAU Chairman Administration	<p>Prof LAU pointed out that certain energy-saving escalators would automatically stop operation when not in use, and the public might be confused if no proper signs were displayed. The Chairman requested the Administration to consider requiring the relevant contractors and suppliers to display signs to inform users that the escalators concerned were operational with sensors. The Administration undertook to explore the issue.</p> <p>Prof LAU pointed out that very often, when an escalator was not in operation, there was no notification to users about the reason(s) for the suspension of service.</p> <p>In reply, the Administration advised that if an escalator was under repair or maintenance works, the registered contractor concerned was required to ensure that adequate safety precautions were taken to prevent injury to any person.</p>	The Administration to take action as per paragraph 3 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
013440 – 014158	Administration	<p><u>Schedule 5 – Periodic Examinations and Maintenance of Lifts and Escalators</u> (part 4 to 6)</p> <p><b>Subdivision 2 – Registered Escalator Contractors</b></p> <p><u>Clause 47 – Duties of registered escalator contractors to carry out escalator works properly and safely, etc.</u></p> <p><b>Subdivision 3 – Registered Escalator Engineers</b></p> <p><u>Clause 48 – Duties of registered escalator engineers to carry out escalator works properly and safely, etc.</u></p> <p><b>Subdivision 4 – Registered Escalator Workers</b></p> <p><u>Clause 49 – Duties of registered escalator workers to carry out escalator works properly and safely, etc.</u></p> <p><b>Division 3 – Examination of Escalators</b></p> <p><u>Clause 50 – Interpretation</u></p> <p><u>Clause 51 – Examination of escalators before putting into use and operation</u></p> <p><u>Clause 52 – Examination of escalators after major alterations</u></p> <p><u>Clause 53 – Periodic examination of escalators</u></p> <p><u>Clause 54 – Issue of safety certificates by registered escalator engineers</u></p> <p>Members raised no question on Schedule 5 and clauses 47 to 54.</p>	
014159 – 014440	Prof Patrick LAU Administration	<p>Prof LAU enquired whether the prior approval of EMSD was mandatory for the operation of lifts and escalators in construction sites. The Administration confirmed that the acquisition of use permits was also required for passenger lifts or escalators in construction sites, and pointed out that the acquisition of an occupation permit was not equivalent to the acquisition of a use permit.</p>	

Time Marker	Speaker	Subject(s)	Action Required
014441 – 015232	Administration	<p><u>Clause 55 – Issue of safety certificates by registered escalator engineers after major alterations</u></p> <p><b>Division 4 – Powers of Director</b></p> <p><u>Clause 56 – Issue etc. of use permits</u></p> <p><u>Clause 57 – Validity period of use permits</u></p> <p><u>Clause 58 – Issue etc. of resumption permits</u></p> <p><u>Clause 59 – Issue of duplicates of use permits and resumption permits</u></p> <p><u>Clause 60 – Prohibition orders</u></p> <p><u>Clause 61 – Director's power to disconnect supply of electricity</u></p> <p><u>Clause 62 – Cessation orders in respect of escalator works</u></p> <p><u>Clause 63 – Application for cancellation of prohibition orders and cessation orders</u></p> <p><u>Clause 64 – Examination orders</u></p> <p><u>Clause 65 – Removal orders</u></p> <p><u>Clause 66 – Improvement orders</u></p> <p><u>Clause 67 – Director's power to remove escalators or to carry out other works, etc. in case of non-compliance with section 62 or 65</u></p> <p><b>Division 5 – Miscellaneous</b></p> <p><u>Clause 68 – Subcontracting restricted</u></p> <p><u>Clause 69 – Display of use permits</u></p> <p><u>Clause 70 – Incidents to be reported to Director</u></p> <p><u>Clause 71 – Investigation of incidents by Director</u></p> <p>Members raised no question on clauses 55 to 71.</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
015233 – 015434	Mr IP Wai-ming Administration	Mr IP referred to clause 70 and enquired whether there would be a schedule setting out the scope of incidents to be reported. The Administration advised that such information was set out in Part 2 of Schedule 7. The Administration then briefed members on Part 2 of Schedule 7.	
015435 – 015632	Prof Patrick LAU Administration	<p>Prof LAU enquired whether requirements on facilitating the use of lifts and escalators by people with disabilities ("PWDs") were covered by the Bill. The Administration replied that the Bill only provided for the safety of lifts and escalators and the issue mentioned by Prof LAU was dealt with in other pieces of legislation.</p> <p>Prof LAU pointed out that some lifts and escalators were designed and built with certain equipment to facilitate the use by PWDs, and enquired whether such equipment was subject to the requirements under the Bill. The Administration replied that if the relevant equipment formed part of the lift/escalator, the requirements under the Bill would apply.</p>	
015633 – 015710	Chairman	The Chairman remarked that the next two meetings would be held on 22 November 2011 and 24 November 2011.	