

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2356/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/7/10/2

**Bills Committee on Lifts and Escalators Bill**

**Sixteenth meeting on**  
**Friday, 20 January 2012, at 10:45 am**  
**in Conference Room 3 of the Legislative Council Complex**

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

**Members absent** : Hon James TO  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP

**Public officers** : Mr Enoch LAM Tin-sing  
**Attending** Deputy Secretary for Development (Works) 2

Mr Jimmy CHAN Pai-ming  
Principle Assistant Secretary for Development (Works) 3

Mr Jacky WU Kwok-yuen  
Assistant Secretary for Development (Works Policies) 7

Mr Frank CHAN Fan  
Director of Electrical and Mechanical Services

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

Mr CHUI Wai-sing  
Chief Electrical and Mechanical Engineer/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 Confirmation of minutes of meetings**

(LC Paper No. CB(1)719/11-12 — Minutes of meeting on 11 October  
2011

LC Paper No. CB(1)821/11-12 — Minutes of meeting on 25 October  
2011)

The minutes of the meetings held on 11 and 25 October 2011 were confirmed.

## II Meeting with the Administration

### Submissions received

- (LC Paper No. CB(1)682/11-12(01) — Letter dated 7 December 2011 from the Lift and Escalator Contractors Association (English version only)
- LC Paper No. CB(1)907/11-12(01) — Administration's reply to the letter from the Lift and Escalator Contractors Association
- LC Paper No. CB(1)656/11-12(01) — Submission dated 12 August 2011 from the Hong Kong General Union of Lift and Escalator Employees (Chinese version only)
- LC Paper No. CB(1)656/11-12(02) — Submission dated and 9 December 2011 from the Hong Kong General Union of Lift and Escalator Employees (Chinese version only))

### Follow-up to issues arising from previous meetings and Committee Stage amendments proposed by the Administration

- (LC Paper No. CB(1)907/11-12(02) — List of follow-up actions arising from the discussion at the meeting on 20 December 2011
- LC Paper No. CB(1)907/11-12(03) — Administration's response to follow-up items and proposed Committee Stage amendments)

### Discussion

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

**III Any other business**

Date of next meeting

3. The Bills Committee agreed that an additional meeting would be held.
4. There being no other business, the meeting ended at 12:10 pm.

Council Business Division 1  
Legislative Council Secretariat  
11 July 2012

**Proceedings of the  
Bills Committee on Lifts and Escalators Bill  
Sixteenth meeting on Friday, 20 January 2012, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

| Time Marker        | Speaker                    | Subject(s)   | Action Required |
|--------------------|----------------------------|--|-----------------|
| 000552 –<br>000712 | Chairman                   | Confirmation of minutes of meetings on 11 October 2011 and 25 October 2011.  |                 |
| 000713 –<br>001436 | Administration<br>Chairman | Briefing by the Administration on its reply to the Lift and Escalator Contractors Association (LC Paper No. CB(1)907/11-12(01)), which was tabled at the meeting. The Administration added that the Chairman of the Lift and Escalator Contractors Association appreciated the Administration's responses set out in the letter.   |                 |
| 001437 –<br>001906 | Administration             | <p>The Administration verbally set out its responses to the two submissions of the Hong Kong General Union of Lift and Escalator Employees (HKGULEE) to the Bills Committee dated 12 August 2011 (LC Paper No. CB(1)656/11-12(01) and 9 December 2011 (LC Paper No. CB(1)656/11-12(02) respectively as follows:</p> <p>(a) Regarding the requirement for existing registered lift engineers or registered escalator engineers to renew their registration, the Bills Committee had already discussed the issue and the Administration's response was set out in LC Paper No. CB(1)157/11-12(02). The Administration had further liaised with HKGULEE, which appreciated the position of the Administration on the issue;</p> <p>(b) Regarding the demand to step up the control over subcontracting of lift or escalator works, the Bills Committee had already discussed the issue and the Administration's latest response was set out in LC Paper No. CB(1)907/11-12(03), which would be further discussed at the present meeting; and</p> <p>(c) Regarding the registration of lift and escalator contractors, the Administration advised that a set of registration requirements had already been imposed under the existing Lifts and Escalators (Safety) Ordinance (Cap. 327) which would be more clearly set out under the Bill.</p> |                 |

| Time Marker     | Speaker                                       | Subject(s)   | Action Required |
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| 001907 – 004206 | Mr Andrew CHENG<br>Administration<br>Chairman | <p>Mr CHENG referred to LC Paper No. CB(1)907/11-12(03). Regarding the issues of (i) strengthening the control of emergency devices; and (ii) requiring registered lift contractors to post lift incident notices, he said that while he agreed with the proposed approach, the Administration should let the Bills Committee know the relevant details. He was particularly concerned about the time periods allowed for performance of the relevant requirements by the contractors.</p> <p>The Administration further elaborated the proposal as follows:</p> <p>(a) At present, a registered lift contractor was required to, in its routine checking and maintenance, check the emergency devices of a lift and record the results in the log-book of the lift. The Electrical and Mechanical Services Department (EMSD) would conduct spot checks on lifts in Hong Kong. Should irregularities be found, EMSD would deduct performance monitoring points of the registered lift contractor concerned under the contractor's performance rating scheme and would release the information pertaining to contractors' performance to the public.</p> <p>(b) Under the current proposal, a registered lift contractor responsible for the maintenance of a lift would be required to attend to any reported failure of the relevant emergency devices within a specified period.</p> <p>(c) The exact period allowed for compliance with the relevant requirements would be determined having regard to practicality and the views of the industry and the public expectation. The preliminary thinking subject to consultation with the industry was to require the contractor to attend to any reported failure of the emergency devices, including alarm system, emergency lighting, intercom system and ventilation fan of a lift in four hours; and to reinstate the failed device in 24 hours or to notify the Director if and when more time was required to reinstate the failed device.</p> |                 |

| Time Marker        | Speaker                          | Subject(s)   | Action Required |
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|                    |                                  | <p>(d) Regarding the posting of notice to alert users of the suspension of lift/escalator service, the preliminary thinking subject to consultation with the industry was to require the contractor to post the notice in not more than 10 hours upon its knowledge of the occurrence of an incident specified in Schedule 7 of the Bill.</p> <p>The Chairman enquired whether the time periods would be specified in the codes of practice (CoPs) and could be revised through administrative means without the need to amend the legislation. The Administration replied both enquiries in the affirmative.</p> <p><i>(Post meeting note of the Administration: Having regard to the latter part of the discussion at this meeting on the specification of the time period for the proposed notification mechanism regarding subcontracting (please refer to the minutes of discussion from 005155 to 005923 below), the Administration would also consider the need to specify the time periods for the proposals regarding emergency devices and posting of incident-related notice in the relevant Regulation.]</i></p> |                 |
| 004207 –<br>005154 | Mr IP Wai-ming<br>Administration | <p>Mr IP related the dissatisfaction of some registered lift and escalator engineers in relation to the proposed requirement of renewing registration to be imposed on them. He pointed out that when the Lifts and Escalators (Safety) (Amendment) Bill was scrutinized by the Legislative Council in 1987, the Administration promised that the registration of the registered lift or escalator engineers would be life-long. The present proposal of renewing registration was therefore not fair to the lifts and escalators engineers.</p> <p>Mr IP remarked that some registered lift/escalator engineers considered that while they were willing to attend relevant professional development courses, they did not see the necessity nor consider it fair to require them to subject to the registration renewal requirement.</p> <p>The Administration noted the concern of the registered lift/escalator engineers about the proposed registration renewal requirement. However, one of the objectives of the Bill was to</p>  |                 |

| Time Marker        | Speaker                          | Subject(s)  | Action Required |
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|                    |                                  | <p>enhance both the registration regime and performance of lift/escalator engineers. In view of the technological advancements in the industry, the imposition of the registration renewal requirement would be conducive to both the continual professional development of lift/escalator engineers and public safety. During the process of drawing up the registration renewal requirements, discussions had been made with the industry which expressed general support. The Task Force on Legislative Amendments to the Lifts and Escalators (Safety) Ordinance had also expressed their support for the relevant requirements.</p>  |                 |
| 005155 –<br>005923 | Mr IP Wai-ming<br>Administration | <p>Regarding the proposed enhanced control measures over registered lift contractors and registered escalator contractors in the subcontracting of lift/escalator works, the Administration replied to Mr IP's enquiries as follows –</p> <p>(a) Both the contractors subcontracting the lift or escalator works and the contractors undertaking such works would be required to notify the Director before the commencement of the subcontracting works; and</p> <p>(b) the notification had to be made before commencement of the subcontracting works. However, the Administration had to consult the industry before finalizing the "specified time period" for such notification, which would be specified in the CoP to be issued in due course.</p> <p>Mr IP suggested specifying the time period for the notification in the Regulation to be made under clause 154. Mr IP also expressed his concern in regard to whether registered lift/escalator contractors' subcontracting information could be made accessible to responsible persons and users.</p> <p>The Administration replied that it would consider Mr IP's suggestions in consultation with the registered lift/escalator contractors and revert to the Legislative Council on the matters.</p> |                 |

| Time Marker        | Speaker                                       | Subject(s)  | Action Required |
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| 005924 –<br>011004 | Administration<br>Ms LI Fung-ying<br>Chairman | <p>Ms LI enquired about the Administration's present position regarding clause 141 of the Bill.</p> <p>At the Chairman's request, the Administration took members through LC Paper No. CB(1)907/11-12(03) regarding the Administration's response to the issues (including the issue regarding clause 141 of the Bill) discussed at previous meetings of the Bills Committee and the proposed Committee Stage Amendments to the Bill.</p>   |                 |
| 011005 –<br>011421 | Ms LI Fung-ying<br>Chairman<br>Administration | <p>Ms LI made the following comments:</p> <p>(a) Under clause 141, a person concerned in the management of a body cooperate or partnership might bear criminal liabilities for an offence committed by the body corporate or partnership under the Bill. The Administration should therefore ensure that the public would be fully aware of the potential liabilities they would be subjected to when they joined certain bodies corporate such as owners' corporations and mutual aid committees.</p> <p>(b) The Administration should maintain consistency in both the formulation and enforcement of legislation on building management matters among different bureaux/departments.</p> <p>The Chairman concurred with Ms LI and remarked that these were common issues which should be dealt with at the Panel on Home Affairs.</p> <p>The Administration remarked that in order to raise the awareness of the public on the new requirements under the Bill, it would conduct publicity programmes and public education, including organizing briefing sessions for property management agencies and property owners.</p> |                 |
| 011422 –<br>011702 | Chairman<br>Administration                    | <p>The Chairman sought clarification on the meaning of the term "layperson".</p> <p>The Administration responded that a "layperson" was a person unrelated to the lift and escalator industry. In reply to the Chairman's enquiry, the Administration advised that whilst the term would be adopted in the Bill to reflect the policy, internal</p>   |                 |

| <b>Time Marker</b> | <b>Speaker</b>                                | <b>Subject(s)</b>   | <b>Action Required</b> |
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|                    |   | guidelines would be made to set out the meaning of the term "layperson".  |                        |
| 011703 –<br>011950 | Administration<br>Mr IP Wai-ming              | The Administration clarified that for the purpose of controlling subcontracting of lift and escalator works, the proposed notification requirement stated at Annex 3 of LC Paper No. CB(1)907/11-12(03) did not apply to registered contractors undertaking lift/escalator works directly from responsible persons.   |                        |
| 011951 –<br>012021 | Chairman<br>ALA1                              | ALA1 remarked that no problem had been identified in the drafting of the English version of the Bill.   |                        |
| 012022 –<br>012306 | Mr LI Fung-ying<br>Mr IP Wai-ming<br>Chairman | In view of the volume of the proposed Committee Stage Amendments (CSAs) at Annexes 1 and 2 of LC Paper No. CB(1)907/11-12(03), the Bills Committee agreed to hold one more meeting to consider the CSAs proposed by the Administration clause-by-clause.  |                        |
| 012307 –<br>012424 | Administration<br>Chairman                    | <p>The Administration remarked that there was a typo in the English version of LC Paper No. CB(1)907/11-12(03). The typo was that in the second paragraph of the section on "Clause 141 of the Bill on Offences Committed by Bodies Corporate and Partners", the phrase "clause 141," should be removed.</p> <p>The Chairman requested the Administration to provide a paper to set out the typo and any other amendments to LC Paper No. CB(1)907/11-12(03).</p> |                        |