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Our reference 本署檔
EM(CR)/09/01/05 Pt.17

Your reference 來函檔
LECA/L1201/11

19 January 2012

The Lift and Escalator Contractors Association
22/F., Chevalier Commercial Centre
8 Wang Hoi Road
Kowloon Bay
Hong Kong

Attn.: Mr. H S KUOK, the President

Dear Mr. Kuok,

Concern on the New Lifts and Escalators Bill

Thank you for your letter dated 7 December 2011 expressing your concern on the Lifts and Escalators Bill (the Bill).

We subsequently met with you and other members of your association on 21 December 2011 to discuss the issues raised in your letter. We also took the opportunity to discuss several other subjects, including raising penalty levels for some of the offences, imposing statutory duties on registered contractors for posting suspension notices, and introducing measures to strengthen the control of emergency devices in lifts, etc. We believe that the discussion during the said meeting has been able to clear the doubts and address your concerns. Please find in Appendix I a summary of our response to the issues raised in your letter.

I would like to thank you once again for your continuous support throughout the legislative amendment exercise. We look

forward to work with you and your members in the implementation of the Bill upon its successful enactment to raise the safety standard of the industry.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Lai Hon-chung'. The signature is stylized, with a large 'L' and a 'i' that has a dot above it.

(LAI Hon-chung)
for Director of Electrical and
Mechanical Services

c.c Secretary for Development (Attn. Mr. Jimmy Chan)
Chairman, Bills Committee on the Lifts and Escalator Bill,
LegCo. (Attn. Ir Dr Hon Raymond Ho)

Appendix I

Comments from the Lift and Escalator Contractors Association (LECA) on the Lifts and Escalators Bill (the Bill) expressed in letter ref LECA/C1201/11 dated 7 December 2011

Comments from LECA	Administration's Response
1) Interpretation	
<p>Clause 2</p> <ul style="list-style-type: none"> ■ The wording “, not being building works,” in Clause 2 (interpretation) of Chapter 327 has been omitted. The wording “, not being building works,” is suggested to be kept in order not to lead any confusion on lift work coverage by clarifying that the lift works in new bill does not include any associated building work and decoration work. (Also similar comments on relevant Clause 2 for escalator works). 	<ul style="list-style-type: none"> ■ The kinds of lift and escalator works which the Bill intends to control have been laid down in the interpretation of “lift works” and “escalator works” under Clause 2 of the Bill. The Administration considers that building works have been clearly defined under the Buildings Ordinance (Cap. 123), and there is no need to elaborate in the interpretation of “lift works” and “escalator works” in clause 2 of the Bill. ■ The Director of Electrical and Mechanical Services (DEMS) will issue code of practice with practical guidelines on the coverage of “lift works” and “escalator works”.
2) Examination of lifts after major alterations	
<ul style="list-style-type: none"> ■ Clause “21(a) to thoroughly examine the lift and all its associated equipment or machinery; or” is suggested to be deleted because the Bill clause 	<ul style="list-style-type: none"> ■ The provision under clause 21(1)(a) of the Bill is to provide flexibility for the responsible person to cause a registered lift engineer, following major

<p>[21](b) already requires the affected part of the lift to be examined is sufficient. This Clause 21 gives selection options for whole lift or affected part only will introduce confusion for the responsible persons.</p> <ul style="list-style-type: none"> ■ On the other hand, for Clause 25(1), please also change the wording “the lift and its associated equipment or machinery” to “the affected part of the lift and its associated equipment or machinery” because the wording “the lift” implies the whole lift which is not in line with clause 21(b) which requires the affected part to be examined. (Also similar comments on relevant clause 52, 55 for escalators) 	<p>alteration, to conduct a thorough examination as the one required for periodic examination so that the responsible person could make use of the safety certificate issued by the registered lift engineer to apply for a resumption permit as well as a use permit. Satisfying either sub-clause (a) or (b) of Clause 21 will be considered as complying with the requirements.</p> <ul style="list-style-type: none"> ■ Clause 25(1) of the Bill specifies that upon major alteration, the registered lift engineer must ensure that the lift and its associated equipment or machinery are thoroughly examined, <u>in so far as is necessary</u> to determine whether the affected part is in safe working order. The requirement is in line with the existing requirements stipulated under section 13(1) of the Lifts and Escalators (Safety) Ordinance (Cap. 327) (LESO). Similar response applies to clause 52 and 55 of the Bill for escalators.
<p>3) Subcontracting restricted</p>	
<ul style="list-style-type: none"> ■ For the works of lift decoration or total lift replacement and also heavy material handling on-site, RCs are not of core competence in 	<ul style="list-style-type: none"> ■ Clauses 15 and 46 of the Bill require certain lift or escalator works be undertaken by registered contractors, and

this area and will employ a third party to undertake this kind of work. It is not practicable to have a limitation for RCs on subcontracting of those lift works. (Also similar comments on relevant Clause 68 for escalators).

- On the other hand, even though Clause 38/68 allow the subcontracting of installation/demolition works of lift/escalator to a contractor who is not a registered lift contractor, Clause 2 implied any registered/competent lift/escalator worker who is employed by a non-registered lift contractor is classified as not a qualified person. Furthermore, according to Clause 8 and 42 that subcontractor's registered/competent lift/escalator worker could not personally carry out any lift/escalator works unless under direct supervision of a qualified person. That means redundancy and wastage of workforce for registered/competent lift/escalator workers. As registration of lift/escalator workers will be administered under a more stringent new system, please consider that the registered lift/escalator worker can be regarded as a qualified person.

Clauses 16 and 47 of the Bill require registered contractors to ensure, among other things, that the works are carried out properly and safely; adequate safety precautions are taken; sufficient workforce are deployed; and adequate equipment and tools are provided for carrying out the works. If the said works do not involve "lift works" or "escalator works", it will not be necessary for them to be undertaken by registered contractors.

- To ensure lift and escalator safety, we consider that it is necessary to require registered contractors to arrange qualified persons to supervise directly the subcontracted works to ensure that the lift works are carried out in accordance with the requirements of the Bill.
- DEMS will issue codes of practice with practical guidelines on the application of written permission for subcontracting works.

4) Duties of registered lift engineers to carry out lift works properly and safely, etc.

- We suggest to delete the Clause 17(1)(b) because every engineer or worker has the general duty of care for their own safety at work as well as for other members working nearby (Clause 6B of FIUO). We believe that the main objective of this Bill is to enhance passenger safety, overlapping control will only cause complicated administration procedures and confusion to the partners working in the front-line.
- In addition, damage to any property shall not be addressed in the Bill. (Also similar comments on relevant Section 48 for escalators and Clause 16(1)(b) and 47(1)(b) for registered lift/escalator contractors.)
- To ensure lift and escalator safety, the Bill provides for regulatory control on the methods and measures prescribed for trade practitioners engaged in lift and escalator works. As such, one of the requirements for contractors, engineers and workers under **Clauses 16 to 18 and Clauses 47 to 49 of the Bill** is to ensure that they will take adequate safety precautions to prevent injury to any person or damage to any property in the course of work.
- The Factories and Industrial Undertakings Ordinance (Cap. 59) (FIUO) on the other hand, has general provisions on liability, and has no requirement on the protection of property against damages. Hence, they are not of the same purpose as those under the Bill.
- DEMS will issue codes of practice with practical guidelines on the provision of adequate safety precautions when carrying out different types of lift and escalator works.

5) Issue of safety certificates by registered lift engineers

■ Within 24 hours to complete all administration procedures for not issuing the certificate is not sufficient. This clause 24(6)(b) may not be complied as emergency contact of some buildings' responsible persons could not be reached, especially during holiday or the day before/after holiday. Within 72 hours is more practicable and reasonable which we therefore recommend. (Also similar comments on relevant Section 54 for escalators)

■ The notification and reporting requirements are necessary for ensuring lift and escalator safety. The responsible person, upon receipt of the concerned notification, must take necessary action to ensure that the lift or escalator is kept in safe working order in accordance with **Clause 12 or 44 of the Bill** respectively. On the other hand, DEMS, upon receipt of the concerned report, shall consider taking appropriate actions, including the issuance of prohibition order in accordance with **Clause 30 or 60 of the Bill**.

■ In view of the importance of lift and escalator safety, we consider that the proposed time frame for the registered engineer to submit the required report and notification is reasonable and practicable.

6) Schedule 1 – Major Alterations

■ It is not practicable to consider the works of electronic safety circuit (PCBs) or step/pallet replacement as the major alteration because it will certainly increase administrative time and hence the lift/escalator service suspension

■ We have reconsidered the concern raised by the LECA and other stakeholders regarding the possible delay in resumption of the lift and escalator service should the replacement of a step or pallet of an escalator and the

<p>time.</p> <ul style="list-style-type: none"> ■ Also, the replacement with original type of electronic safety circuit for a lift or step/pallet of an escalator/conveyor is not a crucial safety issue. ■ We recommend any change in the type of electronic safety circuit for a lift or in the type of step/pallet of an escalator/conveyor to be regarded as the major alteration under the new bill. ■ Moreover, some new items of safety equipment added (e.g. Overload device for lift) may not be of crucial safety concerns and the uncertainty on administrative time on obtaining the resumption permit (Clause 28, 58) will certainly be a big concern on lift/escalator service suspension time. 	<p>replacement of a safety circuit that contains any electronic component of a lift be classified as major alteration. On balancing between ensuring public safety and causing undue inconvenience to users, we propose to introduce a new measure by amending Clauses 16, 17, 47 and 48 of the Bill. Under the new measure, type approval of safety components (including step/pallet of an escalator and safety circuit of a lift) by DEMS is required before any of the safety components could be used in any lift/escalator works. With the new requirement in place, we propose to amend Schedule 1 of the Bill to exclude the replacement of a step or pallet of an escalator and the replacement of a safety circuit that contains any electronic component of a lift from the scope of works being classified as major alteration.</p>
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7) Schedule 2 – Safety Components for Lifts and Escalators

<ul style="list-style-type: none"> ■ The item 3 should read as “a landing door locking device for a lift” because according to international standard EN81 the car door lock type test certificate are not specified as mandatory. Some car door lock manufacturers in the industries 	<ul style="list-style-type: none"> ■ Schedule 2 part 1 item 3 of the Bill (i.e. a door locking device for a lift) is applicable to both lift car door locking device and landing door locking device. DEMS will issue codes of practice with practical guidelines on the interpretation
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do not normally have acquired type test certificate. We suggest not to include the car door lock into safety components at this stage until this requirement has been adopted internationally.

of “a door locking device for a lift”.