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19 January 2012

Clerk to the Bills Committee,
LegCo Secretariat,
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

(Attn: Ms Anita SIT)

Dear Ms SIT,

**Bills Committee on Lifts and Escalators Bill
Administration's Response to Follow-up Items and
Proposed Committee Stage Amendments**

We would like to set out in the ensuing paragraphs our response to the remaining issues discussed at previous meetings of the Bills Committee on Lifts and Escalators Bill (the Bill) and our proposed Committee Stage Amendments (CSAs) to the Bill.

Follow up item for the meeting held on 8 November 2011

Penalty level

Further to LegCo paper ref. **CB(1)342/11-12(01)**, we have

carefully considered Members' comments on the penalty level for some of the offences. In view of Members' comment and without deviating from the principle that the proposed penalty level under the Bill should be compatible with offences of similar nature in other pieces of legislation, we now **propose** to raise the maximum penalty level of the offences in **21 clauses**¹ to fine at level 6 and 12 months imprisonment. The proposed change was made on the ground that contravention of the related provisions may lead directly to dangerous situations or hamper the safety of a lift/ escalator. Furthermore, to avoid disparity between the sanctions for other offences in the Bill, we also **propose** to remove the different penalties for first conviction and subsequent convictions of the offences under **eight other clauses**². A summary of the proposed amendments related to the issue of penalty level are at **Annex 1a**. Details of the related proposed CSAs are provided at **Annex 1**.

Follow up item for the meeting held on 24 November 2011

Composition of disciplinary board and appeal board

Further to LegCo paper ref. **CB(1)503/11-12(01)**, we have reviewed the composition of the disciplinary board panel, disciplinary board, appeal board panel and appeal board under the Bill.

Pursuant to schedules 11 and 12 of the Bill, a disciplinary board panel and a disciplinary board (with members selected from the panel) set up under the Bill shall consist of eight categories of persons, viz three from engineering professions, one from registered engineers, one from registered contractors, one from registered workers, one from persons carrying on the business of property management and one from management committee members or lift/escalator owners. To enhance the impartiality of the disciplinary board, we **propose** to introduce an

¹ The 21 clauses include clause no. 8(2), 8(3), 9(4), 10(3), 10(4), 11(2), 16(2), 16(3), 31(2), 32(3), 35(3), 38(2), 42(2), 42(3), 43(4), 47(2), 47(3), 61(2), 62(3), 65(3) and 68(2).

² The eight clauses include clause no 17(2), 17(3), 24(8), 25(6), 48(2), 48(3), 54(7) and 55(6).

additional requirement in **schedule 11** of the Bill that every person from the last two categories must be a layperson.

Schedules 13 and 14 of the Bill stipulate that an appeal board panel and an appeal board (with members selected from the board) set up under the Bill shall consist of three categories of persons, all from the engineering professions. To enhance the representative and impartiality of the appeal board, we **propose** to amend **schedules 13 and 14** of the Bill so as to make the composition of the appeal board panel and appeal board the same as that of the disciplinary board panel and disciplinary board respectively. The new membership could make the appeal board more able to look after the interests of all those whom might be affected by any of the decisions and orders listed in clause 115 of the Bill.

The proposed **CSAs** for the above proposals are provided at pages 50, 52, 55 to 60, 62 and 63 of **Annex 2**.

Follow up items for the meeting held on 29 November 2011

Strengthening the control of emergency devices such as alarm bell to ensure their proper functioning

As mentioned in LegCo paper ref. **CB(1)467/11-12(01)**, we concur with Members' view that the proper functioning of alarm bell, intercom system and ventilation fan of a lift are vital at times of lift passenger entrapments and elaborated in the above meeting of the Bills Committee the existing measures to ensure the proper functioning of these emergency devices as set out in LegCo paper ref. **CB(1)402/11-12(01)**. In view of the repeated concern raised by Member in the above meeting, we have further considered if more stringent requirements should be set in respect of the emergency devices.

After revisiting the issue in consultation with the Lifts and Escalators Contractors Association ("LECA"), we agree that there are rooms to enhance the existing control over the emergency devices. We **propose** to introduce an attendance and notification mechanism in the relevant **Regulation** to be made under clause 154 of the Bill (when

enacted). Under the proposed mechanism, a registered contractor responsible for maintenance of a lift is required to attend to any reported failure of the alarm system, emergency lighting, intercom system and ventilation fan of a lift within a specified period. If the registered contractor considers that the failed device cannot be reinstated within another specified period of the reported failure, the registered contractor is required to notify the Director of Electrical and Mechanical Services (the Director) in a specified form. With the proposed mechanism in place, the Director can effectively monitor the timeliness of reinstatement of the concerned emergency devices. Furthermore, if considered necessary, the Director may issue an order prohibiting the use of the lift.

Subcontracting restricted

As mentioned in LegCo paper ref. **CB(1)467/11-12(01)**, we share Members' view that it is necessary to exercise proper control over subcontracting of lift/ escalator works to ensure public safety. As such, clauses 38 and 68 of the Bill have set out the restrictions on the subcontracting of lift/ escalator works, including the need for registered lift/ escalator contractors to obtain approval of the Director before the works or any parts of the works (except installation or demolition of lift/ escalator) could be subcontracted to non-registered contractor. To impose further control over subcontracting works, including the lift/ escalator works subcontracted to any other registered contractors, we **propose** to adopt a series of enhanced measures, including the introduction of a notification mechanism regarding subcontracting in the relevant **Regulation** to be made under clause 154 of the Bill (when enacted) and other enforcement and administrative measures. Details of the proposed enhancement measures are set out at **Annex 3**.

Follow up item for the meeting held on 2 December 2011

Registered lift contractor to post lift incident notice

Further to LegCo paper ref. **CB(1)603/11-12(02)**, we have carefully considered Members' view relating to the posting of notice after the occurrence of certain incidents. As an enhancement measure in

relation to the incidents specified in schedule 7 of the Bill, we **propose** to introduce a regulatory scheme in the relevant **Regulation** to be made under clause 154 of the Bill (when enacted). Under the proposed regulatory scheme, a registered contractor responsible for the maintenance of a lift/escalator is required to post a notice to alert users that the service of a lift/escalator has been suspended and cannot be resumed within a specified period.

To cater for the incorporation of the proposed regulatory scheme in the relevant **Regulation**, we **propose** to amend **clause 154(2)** of the Bill regarding the provision to empower the Secretary in making regulation. The proposed **CSAs** are provided at page 34 and 35 of **Annex 2**.

Scope of works being classified as major alteration

Further to LegCo paper ref. **CE(1)503/11-12(04)**, 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 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 the Director is required before any of the safety components could be used in any lift/ escalator works. With the new requirement in place, we also **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. The proposed **CSAs** are provided at pages 5 to 8, 15 to 18 and 39 to 43 of **Annex 2**.

Follow up item for the meeting held on 20 December 2011

Clause 141 of the Bill on Offences Committed by Bodies Corporate

and Partners

We have explained the rationale for the provision under clause 141 of the Bill in LegCo paper ref. **CB(1)699/11-12(02)**. During the above meeting of the Bills Committee, Member expressed doubt on the appropriateness of using clause 43Q of the Employment Ordinance in the paper as an example and requested the Administration to provide examples of other pieces of legislation that had a provision providing for the criminal liabilities of certain persons connected with a body corporate or partnership in the case where the body corporate or partnership had committed an offence.

In response to Member's request, we would like to provide the following examples of other pieces of legislation including section 28 of the Building Management Ordinance (Cap. 344), sections 5 and 11 of the Building Management (Third Party Risks Insurance) Regulation (Cap. 344 sub. leg. B), clause 141, section 118 and 119B of the Copyright Ordinance (Cap. 528), section 60 of the Unsolicited Electronic Messages Ordinance (Cap 593), section 31 of the Lifts and Escalators (Safety) Ordinance (Cap.327) and section 56 of the Electricity Ordinance (Cap.406).

Other proposed amendments

In addition to the proposed amendments to the Bill as mentioned in the above paragraphs, we **propose** to make some other amendments to the Bills for the sake of consistency, better reflecting the original policy intention or rectifying typing errors. A summary of the proposed amendments are at **Annex 2a**. Details of the related proposed CSAs are provided at **Annex 2**.

Yours faithfully,



(Jimmy PM CHAN)
for Secretary for Development

Encl.

c.c. with encl.

Director of Electrical and Mechanical Services (Attn: Mr CHAN Fan)

Law Officer (Civil Law), Department of Justice (Attn: Ms Bonnie CHAU)

Law Draftsman, Department of Justice (Attn: Ms Frances HUI and Ms Angie LI)

Lifts and Escalators Bill
Proposed Committee Stage Amendments
Relating to the Issue of Penalty Level

8. 只有合資格人士或指明人士可親自進行升降機工程等
- (1) 除非屬以下情況，否則任何人不得親自進行升降機工程 —
 - (a) 該人是合資格人士或指明人士；或
 - (b) 該人在有關工程進行的地方，受合資格人士直接監督。
 - (2) 任何人違反第(1)款，即屬犯罪，一經定罪，可處~~第5級~~第6級罰款及監禁~~6個月~~12個月。
 - (3) 任何人明知而安排或准許其他人在違反第(1)款的情況下進行升降機工程，即屬犯罪，一經定罪，可處~~第5級~~第6級罰款及監禁~~6個月~~12個月。

8. Only qualified persons or specified persons to personally carry out lift works, etc.

- (1) A person must not personally carry out any lift works unless the person—
 - (a) is a qualified person or specified person; or
 - (b) is under the direct supervision of a qualified person at the place at which the works are carried out.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for ~~6 months~~12 months.
- (3) A person who knowingly causes or permits any other person to carry out any lift works in contravention of subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for ~~6 months~~12 months.

9. 禁止在若干情況下使用或操作升降機

- (1) 如有任何以下升降機工程已就某升降機展開，在該工程完成前，任何人不得使用或操作該升降機 —
 - (a) 關於安裝該升降機的升降機工程；
 - (b) 任何關於對該升降機作出主要更改的升降機工程；
 - (c) 關於拆卸該升降機的升降機工程；
 - (d) 相當可能影響該升降機的安全操作的升降機工程。
- (2) 如某升降機沒有屬有效的准用證，任何人不得使用或操作該升降機。
- (3) 在對升降機作出的任何主要更改完成後，除非復用證已就該更改發出，否則任何人不得使用或操作該升降機。
- (4) 任何人 —
 - (a) 明知而違反第(1)、(2)或(3)款；或
 - (b) 明知而安排或准許其他人在違反第(1)、(2)或(3)款的情況下，使用或操作任何升降機，即屬犯罪，一經定罪，可處第5級第6級罰款及監禁12個月。
- (5) 本條不適用於有關升降機的負責人。
- (6) 本條不適用於在影響任何人和財產的安全的緊急情況下使用或操作升降機。
- (7) 如在以下情況下使用或操作升降機，本條並不適用 —
 - (a) 使用或操作該升降機，是為了進行第(1)款描述的任何升降機工程，或與進行該等工程有關；或
 - (b) 使用或操作該升降機，是為了執行由或根據本條例授予或委予任何人的職能，包括為了遵從本部所指的署長的命令或施行該命令。

9. Prohibition against using or operating lifts in certain circumstances

- (1) If any of the following lift works have begun in respect of a lift, a person must not use or operate the lift before the works are completed—
 - (a) lift works concerning the installation of the lift;
 - (b) lift works concerning any major alteration of the lift;
 - (c) lift works concerning the demolition of the lift;
 - (d) lift works that are likely to affect the safe operation of the lift.
- (2) A person must not use or operate a lift if there is no use permit in force in respect of the lift.
- (3) A person must not use or operate a lift after the completion of any major alteration of the lift unless a resumption permit has been issued in relation to the alteration.
- (4) A person who—
 - (a) knowingly contravenes subsection (1), (2) or (3); or
 - (b) knowingly causes or permits any other person to use or operate a lift in contravention of subsection (1), (2) or (3),commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for 12 months.
- (5) This section does not apply to a responsible person for the lift.
- (6) This section does not apply to the use or operation of a lift in emergency circumstances affecting the safety of any person or property.
- (7) This section does not apply if the use or operation of the lift is—
 - (a) for the purposes of or in connection with the carrying out of any lift works described in subsection (1); or
 - (b) for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

10. 禁止附表 4 指明的升降機載人

- (1) 任何人不得乘搭附表 4 指明的升降機。
- (2) 任何人不得安排或准許使用附表 4 指明的升降機載人。
- (3) 任何人明知而違反第(1)款，即屬犯罪，一經定罪，可處~~第 5 級~~第 6 級罰款及監禁 12 個月。
- (4) 任何人明知而安排或准許在違反第(2)款的情況下使用升降機，即屬犯罪，一經定罪，可處~~第 5 級~~第 6 級罰款及監禁 12 個月。
- (5) 本條不適用於有關升降機的負責人。

10. Prohibition against carriage of persons in lifts specified in Schedule 4

- (1) A person must not travel in a lift specified in Schedule 4.
- (2) A person must not cause or permit a lift specified in Schedule 4 to be used for carrying any person.
- (3) A person who knowingly contravenes subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for 12 months.
- (4) A person who knowingly causes or permits a lift to be used in contravention of subsection (2) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for 12 months.
- (5) This section does not apply to a responsible person for the lift.

11. 禁止附表 4 指明的升降機超載

- (1) 任何人不得安排或准許使用附表 4 指明的升降機運載超過該升降機額定負載的任何負載。
- (2) 任何人明知而違反第(1)款，即屬犯罪，一經定罪，可處~~第 5 級~~第 6 級罰款及監禁 12 個月。
- (3) 本條不適用於有關升降機的負責人。
- (4) 如使用有關的升降機，是為了執行由或根據本條例授予或委予任何人的職能，包括為了遵從本部所指的署長的命令或施行該命令，本條並不適用。

11. Prohibition against overloading lifts specified in Schedule 4

- (1) A person must not cause or permit a lift specified in Schedule 4 to be used for carrying any load that exceeds the rated load of the lift.
- (2) A person who knowingly contravenes subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for 12 months.
- (3) This section does not apply to a responsible person for the lift.
- (4) This section does not apply if the use of the lift is for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

16. 註冊升降機承辦商有責任妥善和安全地進行升降機工程等

- (1) 承辦任何升降機工程的註冊升降機承辦商須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；
 - (c) 有足夠人手進行該工程；
 - (d) 有足夠設備及工具，以進行該工程；
 - (e) (如該工程關於升降機的安裝)除非有關升降機及其所有安全部件，均屬署長授予該承辦商的許可所關乎的種類，否則該工程不得進行；及
 - (f) (如該工程關於升降機的拆卸，而該升降機是安裝在建築物，或屬建築物的一部分)在合理地切實可行的範圍內採取措施，以減少該工程可能對該建築物的結構完整性的影響。
- ~~——(2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- ~~——(3) 任何人無合理辯解而違反第(1)(b)、(c)、(d)、(e)或(f)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- (2) 任何人無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 12 個月。

16. Duties of registered lift contractors to carry out lift works properly and safely, etc.

- (1) A registered lift contractor who undertakes any lift works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out;
 - (c) there is sufficient workforce to carry out the works;
 - (d) there are adequate equipment and tools for carrying out the works;
 - (e) if the works are works concerning the installation of a lift, the works are not to be carried out unless the lift and all the safety components for the lift are respectively of a type in respect of which the contractor has obtained approval from the Director; and
 - (f) if the works are works concerning the demolition of a lift, measures are in so far as reasonably practicable taken to minimize the impact the works may have on the structural integrity of the building in which the lift is installed, or of which the lift is or forms a part.

~~—(2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—~~

~~—(a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~—(b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.~~

~~—(3) A person who, without reasonable excuse, contravenes subsection (1)(b), (c), (d), (e) or (f) commits an offence and is liable—~~

~~—(a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and~~

~~—(b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

~~—(2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 12 months.~~

17. 註冊升降機工程師有責任妥善和安全地進行升降機工程等

- (1) 從事任何升降機工程的註冊升降機工程師須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；及
 - (c) (如該工程關於升降機的安裝)除非有關升降機及其所有安全部件，均屬署長授予承辦該工程的註冊升降機承辦商的許可所關乎的種類，否則該工程不得進行。

- ~~——(2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- ~~——(3) 任何人無合理辯解而違反第(1)(b)或(c)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- (2) 任何人無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。

註 —

亦參看第 2(4)條。

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

(1) A registered lift engineer who engages in any lift works must ensure that—

- (a) the works are carried out properly and safely;
- (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; and
- (c) if the works are works concerning the installation of a lift, the works are not to be carried out unless the lift and all the safety components for the lift are respectively of a type in respect of which the registered lift contractor who undertakes the works has obtained approval from the Director.

~~— (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—~~

~~— (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~— (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.~~

~~— (3) A person who, without reasonable excuse, contravenes subsection (1)(b) or (c) commits an offence and is liable—~~

~~— (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and~~

~~— (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

~~— (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~

Note—

See also section 2(4).

24. 註冊升降機工程師發出安全證書

- (1) 除第(2)款另有規定外，承辦升降機檢驗的註冊升降機工程師，須確保該升降機由該工程師徹底檢驗。
- (2) 承辦有負載的升降機的檢驗的註冊升降機工程師，須確保該升降機 —
 - (a) 由該工程師徹底檢驗；及
 - (b) 由該工程師按照附表 6 檢驗。
- (3) 承辦升降機的相聯設備或機械的檢驗的註冊升降機工程師，須確保該等設備或機械由該工程師徹底檢驗。
- (4) 如註冊升降機工程師根據本條進行檢驗後，認為升降機及其所有相聯設備或機械的設計及構造屬良好，並處於安全操作狀況，該工程師可就該升降機向第(9)款指明的負責人發出證書，證明該升降機及其所有相聯設備或機械處於安全操作狀態。
- (5) 第(4)款提述的證書須採用指明表格，並須載有該表格指明的資料及詳情。
- (6) 如註冊升降機工程師根據本條進行檢驗後，認為升降機或其任何相聯設備或機械的設計及構造，並非屬良好，或並非處於安全操作狀況，則該工程師 —
 - (a) 不得根據第(4)款發出證書；及
 - (b) 須在完成該項檢驗後的 24 小時內 —
 - (i) 以書面將不發出證書的原因，通知第(10)款指明的負責人；及
 - (ii) 向署長報告檢驗結果，以及該工程師的意見。
- (7) 第(6)(b)(ii)款所指的報告須採用指明表格，並須載有該表格指明的資料及詳情。

~~——(8) 任何人無合理辯解而違反第(1)、(2)、(3)或(6)款，即屬犯罪——~~

~~——(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~

~~——(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~

(8) 任何人無合理辯解而違反第(1)、(2)、(3)或(6)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。

- (9) 就第(4)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關升降機的負責人。

- (10) 就第(6)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關升降機的負責人。

24. Issue of safety certificates by registered lift engineers

- (1) Subject to subsection (2), a registered lift engineer who undertakes to examine a lift must ensure that the lift is thoroughly examined by the engineer.
- (2) A registered lift engineer who undertakes to examine a lift with load must ensure that the lift—
 - (a) is thoroughly examined by the engineer; and
 - (b) is examined by the engineer in accordance with Schedule 6.
- (3) A registered lift engineer who undertakes to examine any associated equipment or machinery of a lift must ensure that the associated equipment or machinery is thoroughly examined by the engineer.
- (4) If on examination under this section, the registered lift engineer is of the opinion that the lift and all its associated equipment or machinery are of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (9) a certificate in respect of the lift certifying that the lift and all its associated equipment or machinery are in safe working order.
- (5) The certificate referred to in subsection (4) must be in the specified form and must contain the information and particulars specified in the form.
- (6) If on examination under this section the registered lift engineer is of the opinion that the lift or any of its associated equipment or machinery is not of good design and construction or is not in safe working condition, the engineer—
 - (a) must not issue a certificate under subsection (4); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (10) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.
- (7) The report under subsection (6)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.
- ~~(8) A person who, without reasonable excuse, contravenes subsection (1), (2), (3) or (6) commits an offence and is liable—~~
 - ~~(a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~
 - ~~(b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~
- ~~(8) A person who, without reasonable excuse, contravenes subsection (1), (2), (3) or (6) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~
- (9) For the purposes of subsection (4)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.
- (10) For the purposes of subsection (6)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

25. 在主要更改後註冊升降機工程師發出安全證書

- (1) 承辦升降機任何受影響部分的檢驗的註冊升降機工程師，須確保該升降機及其相聯設備或機械，是由該工程師在必要範圍內徹底檢驗，以斷定該受影響部分是否處於安全操作狀態。
- (2) 如註冊升降機工程師根據第(1)款進行檢驗後，認為受影響部分的設計及構造屬良好，並處於安全操作狀況，該工程師可就有關升降機向第(7)款指明的負責人發出證書，證明該受影響部分處於安全操作狀態。
- (3) 第(2)款提述的證書須採用指明表格，並須載有該表格指明的資料及詳情。
- (4) 如註冊升降機工程師根據第(1)款進行檢驗後，認為受影響部分並非處於安全操作狀態，則該工程師 —
 - (a) 不得根據第(2)款發出證書；及
 - (b) 須在完成該項檢驗後的 24 小時內 —
 - (i) 以書面將不發出證書的原因，通知第(8)款指明的負責人；及
 - (ii) 向署長報告檢驗結果，以及該工程師的意見。
- (5) 第(4)(b)(ii)款所指的報告須採用指明表格，並須載有該表格指明的資料及詳情。
- ~~(6) 任何人無合理辯解而違反第(1)或(4)款，即屬犯罪 —~~
 - ~~(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
 - ~~(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- ~~(6) 任何人無合理辯解而違反第(1)或(4)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。~~
- (7) 就第(2)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關升降機的負責人。
- (8) 就第(4)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關升降機的負責人。

25. Issue of safety certificates by registered lift engineers after major alterations

- (1) A registered lift engineer who undertakes to examine any affected part of a lift must ensure that the lift and its associated equipment or machinery are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.
- (2) If on examination under subsection (1), the registered lift engineer is of the opinion that the affected part is of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (7) a certificate in respect of the lift certifying that the affected part is in safe working order.
- (3) The certificate referred to in subsection (2) must be in the specified form and must contain the information and particulars specified in the form.
- (4) If on examination under subsection (1), the registered lift engineer is of the opinion that the affected part is not in safe working order, the engineer—
 - (a) must not issue a certificate under subsection (2); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (8) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.
- (5) The report under subsection (4)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.

~~(6) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable—~~

~~—(a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~—(b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

(6) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

- (7) For the purposes of subsection (2)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

- (8) For the purposes of subsection (4)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

31. 署長有權截電

- (1) 如署長有合理理由相信，某升降機正被人或相當可能會被人在違反根據第 30 條作出的命令的情況下使用或操作，署長 —
 - (a) 可截斷該升降機的電力供應，如該升降機的任何升降機工程，是由註冊升降機承辦商承辦，署長可藉送達該承辦商的命令，指示該承辦商截斷該升降機的電力供應；及
 - (b) 可進行任何必需的工作，以盡可能防止任何人在未獲署長書面准許重新接通該升降機的電力供應下，重新接通該升降機的電力供應，署長亦可藉向(a)段所述承辦商送達命令，指示該承辦商進行該等工作。
- (2) 根據第(1)款接獲命令的註冊升降機承辦商無合理辯解而違反該命令，即屬犯罪，一經定罪，可處~~第3級~~第6級罰款及監禁 12 個月。
- (3) 如升降機的電力供應已遭根據第(1)(a)款截斷，而任何人在未獲署長書面准許下重新接通該升降機的電力供應，則 —
 - (a) 該人；及
 - (b) 該升降機的負責人，均屬犯罪，一經定罪，可處罰款\$200,000 及監禁 12 個月。
- (4) 被控犯第(3)款所訂罪行的人如證明以下事項，即可以此作為免責辯護 —
 - (a) (如被檢控的人是將電力供應重新接回有關升降機的人)該人當時並不知道(且在盡了應有的努力後亦不會能夠發現)該升降機的電力供應已遭根據第(1)(a)款截斷；或
 - (b) 如被檢控的人並非重新接通有關升降機的電力供應的人，但是該人是該升降機的負責人 —
 - (i) 犯該罪行既不獲該負責人同意，亦不受其縱容；及
 - (ii) 該負責人已採取所有合理步驟，防止犯該項罪行。

31. Director's power to disconnect supply of electricity

- (1) If the Director has reasonable grounds to believe that a lift is being used or operated, or is likely to be used or operated, in contravention of an order made under section 30, the Director may—
 - (a) disconnect or, if any lift works of the lift are undertaken by a registered lift contractor, by order served on the contractor direct the contractor to disconnect, the supply of electricity to the lift; and
 - (b) carry out, or by order served on the contractor mentioned in paragraph (a) direct the contractor to carry out, any work that is necessary to prevent, as far as possible, any person from reconnecting the supply of electricity to the lift before written permission has been obtained from the Director to reconnect the supply.
- (2) If the registered lift contractor on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the contractor commits an offence and is liable on conviction to a fine at ~~level 3~~level 6 and to imprisonment for 12 months.
- (3) If, without the Director's written permission, the supply of electricity to a lift is reconnected by any person after it has been disconnected under subsection (1)(a)—
 - (a) that person; and
 - (b) the responsible person for the lift,each commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) It is a defence for a person charged under subsection (3) to prove that—
 - (a) if the person charged is the person who reconnected the supply of electricity to the lift, the person did not know and could not with due diligence have discovered that the supply of electricity to the lift was disconnected under subsection (1)(a); or
 - (b) if the person charged is not the person who reconnected the supply of electricity to the lift but is the responsible person for the lift—
 - (i) the offence was committed without the responsible person's consent or connivance; and
 - (ii) the responsible person had taken all reasonable steps to prevent the commission of the offence.

32. 關於升降機工程的停止令

- (1) 如署長有合理理由相信有以下情況，可藉向升降機的有關連人士送達命令，指示該人停止正就該升降機進行的任何升降機工程 —
 - (a) 該升降機工程正在違反第 8 條的情況下進行；
 - (b) 正在進行該升降機工程的方式，會導致或相當可能會導致任何人受傷或任何財產受損的風險；或
 - (c) 因其他理由，為安全起見，作出該命令是可取的。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明 —
 - (i) 作出該命令的原因；及
 - (ii) 該命令的生效日期；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 4 級第 6 級罰款及監禁 ~~6 個月~~ 12 個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。
- (4) 在本條中 —

有關連人士 (related person)就升降機而言，指 —

 - (a) 該升降機的負責人；或
 - (b) 承辦有關命令所關乎的升降機工程的註冊升降機承辦商(如有的話)。

32. Cessation orders in respect of lift works

- (1) The Director may by order served on the related person of a lift direct the person to cease any lift works that are being carried out in relation to the lift, if the Director has reasonable grounds to believe that—
 - (a) the lift works are being carried out in contravention of section 8;
 - (b) the lift works are being carried out in a manner that will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (c) it is otherwise desirable to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date on which the order is to take effect; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at ~~level 4~~ level 6 and to imprisonment for ~~6 months~~ 12 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.
- (4) In this section—

related person (有關連人士), in relation to a lift, means—

 - (a) the responsible person for the lift; or
 - (b) the registered lift contractor (if any) who undertakes the lift works to which the order relates.

35. 拆除令

- (1) 署長如有合理理由相信有以下情況，可藉向升降機的負責人送達命令，指示該人拆除該升降機或其部分，或該升降機的相聯設備或機械 —
 - (a) 如使用或操作(或繼續使用或操作)該升降機、該部分或該設備或機械，會導致或相當可能會導致任何人受傷或任何財產受損的風險；或
 - (b) 因其他理由，為安全起見，作出該命令是可取的。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明 —
 - (i) 作出該命令的原因；及
 - (ii) 須於何日之前拆除有關升降機或其部分，或有關相聯設備或機械；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第4級第6級罰款及監禁~~6個月~~12個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。

35. Removal orders

- (1) The Director may by order served on the responsible person for a lift direct the person to remove the lift or any part of the lift, or any associated equipment or machinery of the lift, if the Director has reasonable grounds to believe that—
 - (a) the lift or the part, or the associated equipment or machinery, if used or operated, or continued to be used or operated, will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (b) it is otherwise necessary to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date before which the lift or the part of the lift, or the associated equipment or machinery, is to be removed; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at ~~level 4~~ level 6 and to imprisonment for ~~6 months~~ 12 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

38. 限制分包工程

- (1) 除非獲署長書面批准，否則承辦升降機工程的註冊升降機承辦商，不得將該工程或該工程的任何部分，分包予並非註冊升降機承辦商的其他人。
- (2) 任何人違反第(1)款，即屬犯罪，一經定罪，可處~~第5級~~第6級罰款及監禁~~6個月~~12個月。
- (3) 本條不適用於關於升降機的安裝或拆卸的工程。

38. Subcontracting restricted

- (1) Except with the written approval of the Director, a registered lift contractor who undertakes any lift works must not subcontract the works or any part of the works to any other person who is not a registered lift contractor.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~ level 6 and to imprisonment for ~~6 months~~ 12 months.
- (3) This section does not apply to any works concerning the installation or demolition of a lift.

42. 只有合資格人士或指明人士可親自進行自動梯工程等

- (1) 除非屬以下情況，否則任何人不得親自進行自動梯工程 —
 - (a) 該人是合資格人士或指明人士；或
 - (b) 該人在有關工程進行的地方，受合資格人士直接監督。
- (2) 任何人違反第(1)款，即屬犯罪，一經定罪，可處~~第5級~~第6級罰款及監禁 ~~6個月~~12個月。
- (3) 任何人明知而安排或准許其他人在違反第(1)款的情況下進行自動梯工程，即屬犯罪，一經定罪，可處~~第5級~~第6級罰款及監禁 ~~6個月~~12個月。

42. Only qualified persons or specified persons to personally carry out escalator works, etc.

- (1) A person must not personally carry out any escalator works unless the person—
 - (a) is a qualified person or specified person; or
 - (b) is under the direct supervision of a qualified person at the place at which the works are carried out.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for ~~6 months~~12 months.
- (3) A person who knowingly causes or permits any other person to carry out any escalator works in contravention of subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for ~~6 months~~12 months.

43. 禁止在若干情況下使用或操作自動梯

- (1) 如有任何以下自動梯工程已就某自動梯展開，在該工程完成前，任何人不得使用或操作該自動梯 —
 - (a) 關於安裝該自動梯的自動梯工程；
 - (b) 任何關於對該自動梯作出主要更改的自動梯工程；
 - (c) 關於拆卸該自動梯的自動梯工程；
 - (d) 相當可能影響該自動梯的安全操作的自動梯工程。
- (2) 如某自動梯沒有屬有效的准用證，任何人不得使用或操作該自動梯。
- (3) 在對自動梯作出的任何主要更改完成後，除非復用證已就該更改發出，否則任何人不得使用或操作該自動梯。
- (4) 任何人 —
 - (a) 明知而違反第(1)、(2)或(3)款；或
 - (b) 明知而安排或准許其他人在違反第(1)、(2)或(3)款的情況下，使用或操作任何自動梯，即屬犯罪，一經定罪，可處第5級第6級罰款及監禁12個月。
- (5) 本條不適用於有關自動梯的負責人。
- (6) 本條不適用於在影響任何人和財產的安全的緊急情況下使用或操作自動梯。
- (7) 如在以下情況下使用或操作自動梯，本條並不適用 —
 - (a) 使用或操作該自動梯，是為了進行第(1)款描述的任何自動梯工程，或與進行該等工程有關；或
 - (b) 使用或操作該自動梯，是為了執行由或根據本條例授予或委予任何人的職能，包括為了遵從本部所指的署長的命令或施行該命令。

43. Prohibition against using or operating escalators in certain circumstances

- (1) If any of the following escalator works have begun in respect of an escalator, a person must not use or operate the escalator before the works are completed—
 - (a) escalator works concerning the installation of the escalator;
 - (b) escalator works concerning any major alteration of the escalator;
 - (c) escalator works concerning the demolition of the escalator;
 - (d) escalator works that are likely to affect the safe operation of the escalator.
- (2) A person must not use or operate an escalator if there is no use permit in force in respect of the escalator.
- (3) A person must not use or operate an escalator after the completion of any major alteration of the escalator unless a resumption permit has been issued in relation to the alteration.
- (4) A person who—
 - (a) knowingly contravenes subsection (1), (2) or (3); or
 - (b) knowingly causes or permits any other person to use or operate an escalator in contravention of subsection (1), (2) or (3),commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for 12 months.
- (5) This section does not apply to a responsible person for the escalator.
- (6) This section does not apply to the use or operation of an escalator in emergency circumstances affecting the safety of any person or property.
- (7) This section does not apply if the use or operation of the escalator is—
 - (a) for the purposes of or in connection with the carrying out of any escalator works described in subsection (1); or
 - (b) for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

47. 註冊自動梯承辦商有責任妥善和安全地進行自動梯工程等

- (1) 承辦任何自動梯工程的註冊自動梯承辦商須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；
 - (c) 有足夠人手進行該工程；
 - (d) 有足夠設備及工具，以進行該工程；
 - (e) (如該工程關於自動梯的安裝)除非有關自動梯及其所有安全部件，均屬署長授予該承辦商的許可所關乎的種類，否則該工程不得進行；及
 - (f) (如該工程關於自動梯的拆卸，而該自動梯是安裝在建築物，或屬建築物的一部分)在合理地切實可行的範圍內採取措施，以減少該工程可能對該建築物的結構完整性的影響。

- ~~——(2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- ~~(3) 任何人無合理辯解而違反第(1)(b)、(c)、(d)、(e)或(f)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- (2) 任何人無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 12 個月。

47. Duties of registered escalator contractors to carry out escalator works properly and safely, etc.

- (1) A registered escalator contractor who undertakes any escalator works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out;
 - (c) there is sufficient workforce to carry out the works;
 - (d) there are adequate equipment and tools for carrying out the works;
 - (e) if the works are works concerning the installation of an escalator, the works are not to be carried out unless the escalator and all the safety components for the escalator are respectively of a type in respect of which the contractor has obtained approval from the Director; and
 - (f) if the works are works concerning the demolition of an escalator, measures are in so far as reasonably practicable taken to minimize the impact the works may have on the structural integrity of the building in which the escalator is installed, or of which the escalator is or forms a part.

~~— (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—~~

~~— (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~— (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.~~

~~— (3) A person who, without reasonable excuse, contravenes subsection (1)(b), (c), (d), (e) or (f) commits an offence and is liable—~~

~~— (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and~~

~~— (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

~~— (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 12 months.~~

48. 註冊自動梯工程師有責任妥善和安全地進行自動梯工程等

- (1) 從事任何自動梯工程的註冊自動梯工程師須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；及
 - (c) (如該工程關於自動梯的安裝)除非有關自動梯及其所有安全部件，均屬署長授予承辦該工程的註冊自動梯承辦商的許可所關乎的種類，否則該工程不得進行。

- ~~——(2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- ~~——(3) 任何人無合理辯解而違反第(1)(b)或(c)款，即屬犯罪——~~
- ~~——(a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；~~
- ~~——(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- (2) 任何人無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。

註 —

亦參看第 2(4)條。

48. Duties of registered escalator engineers to carry out escalator works properly and safely, etc.

- (1) A registered escalator engineer who engages in any escalator works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; and
 - (c) if the works are works concerning the installation of an escalator, the works are not to be carried out unless the escalator and all the safety components for the escalator are respectively of a type in respect of which the registered escalator contractor who undertakes the works has obtained approval from the Director.

~~(2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—~~

~~—(a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~—(b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.~~

~~(3) A person who, without reasonable excuse, contravenes subsection (1)(b) or (c) commits an offence and is liable—~~

~~—(a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and~~

~~—(b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

~~(2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~

Note—

See also section 2(4).

54. 註冊自動梯工程師發出安全證書

- (1) 承辦自動梯檢驗的註冊自動梯工程師，須確保該自動梯由該工程師徹底檢驗。
- (2) 承辦自動梯的相聯設備或機械的檢驗的註冊自動梯工程師，須確保該等設備或機械由該工程師徹底檢驗。
- (3) 如註冊自動梯工程師根據本條進行檢驗後，認為自動梯及其所有相聯設備或機械的設計及構造屬良好，並處於安全操作狀況，該工程師可就該自動梯向第(8)款指明的負責人發出證書，證明該自動梯及其所有相聯設備或機械處於安全操作狀態。
- (4) 第(3)款提述的證書須採用指明表格，並須載有該表格指明的資料及詳情。
- (5) 如註冊自動梯工程師根據本條進行檢驗後，認為自動梯或其任何相聯設備或機械的設計及構造，並非屬良好，或並非處於安全操作狀況，則該工程師 —
 - (a) 不得根據第(3)款發出證書；及
 - (b) 須在完成該項檢驗後的 24 小時內 —
 - (i) 以書面將不發出證書的原因，通知該第(9)款指明的負責人；及
 - (ii) 向署長報告檢驗結果，以及該工程師的意見。
- (6) 第(5)(b)(ii)款所指的報告須採用指明表格，並須載有該表格指明的資料及詳情。
- ~~(7) 任何人無合理辯解而違反第(1)、(2)或(5)款，即屬犯罪 —
 - ~~(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
 - ~~(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~~~
- (7) 任何人無合理辯解而違反第(1)、(2)或(5)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。
- (8) 就第(3)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關自動梯的負責人。
- (9) 就第(5)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關自動梯的負責人。

54. Issue of safety certificates by registered escalator engineers

- (1) A registered escalator engineer who undertakes to examine an escalator must ensure that the escalator is thoroughly examined by the engineer.
- (2) A registered escalator engineer who undertakes to examine any associated equipment or machinery of an escalator must ensure that the associated equipment or machinery is thoroughly examined by the engineer.
- (3) If on examination under this section, the registered escalator engineer is of the opinion that the escalator and all its associated equipment or machinery are of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (8) a certificate in respect of the escalator certifying that the escalator and all its associated equipment or machinery are in safe working order.
- (4) The certificate referred to in subsection (3) must be in the specified form and must contain the information and particulars specified in the form.
- (5) If on examination under this section, the registered escalator engineer is of the opinion that the escalator or any of its associated equipment or machinery is not of good design and construction or is not in safe working condition, the engineer—
 - (a) must not issue a certificate under subsection (3); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (9) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.

- (6) The report under subsection (5)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.

~~(7) A person who, without reasonable excuse, contravenes subsection (1), (2) or (5) commits an offence and is liable—~~

~~(a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~(b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

(7) A person who, without reasonable excuse, contravenes subsection (1), (2) or (5) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

- (8) For the purposes of subsection (3)—

responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

- (9) For the purposes of subsection (5)—

responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

55. 在主要更改後註冊自動梯工程師發出安全證書

- (1) 承辦自動梯任何受影響部分的檢驗的註冊自動梯工程師，須確保該自動梯及其相聯設備或機械，是由該工程師在必要範圍內徹底檢驗，以斷定該受影響部分是否處於安全操作狀態。
- (2) 如註冊自動梯工程師根據第(1)款進行檢驗後，認為受影響部分的設計及構造屬良好，並處於安全操作狀況，該工程師可就有關自動梯向第(7)款指明的負責人發出證書，證明該受影響部分處於安全操作狀態。
- (3) 第(2)款提述的證書須採用指明表格，並須載有該表格指明的資料及詳情。
- (4) 如註冊自動梯工程師根據第(1)款進行檢驗後，認為受影響部分並非處於安全操作狀態，則該工程師 —
 - (a) 不得根據第(2)款發出證書；及
 - (b) 須在該項檢驗完成後的 24 小時內 —
 - (i) 以書面將不發出證書的原因，通知第(8)款指明的負責人；及
 - (ii) 向署長報告檢驗結果，以及該工程師的意見。
- (5) 第(4)(b)(ii)款所指的報告須採用指明表格，並須載有該表格指明的資料及詳情。
- ~~(6) 任何人無合理辯解而違反第(1)或(4)款，即屬犯罪 —~~
 - ~~(a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；~~
 - ~~(b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。~~
- (6) 任何人無合理辯解而違反第(1)或(4)款，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 6 個月。
- (7) 就第(2)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關自動梯的負責人。
- (8) 就第(4)款而言 —

負責人 (responsible person)指僱用或安排(不論是否通過其他人)該款提述的工程師進行有關檢驗的有關自動梯的負責人。

55. Issue of safety certificates by registered escalator engineers after major alterations

- (1) A registered escalator engineer who undertakes to examine any affected part of an escalator must ensure that the escalator and its associated equipment or machinery are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.
- (2) If on examination under subsection (1), the registered escalator engineer is of the opinion that the affected part is of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (7) a certificate in respect of the escalator certifying that the affected part is in safe working order.
- (3) The certificate referred to in subsection (2) must be in the specified form and must contain the information and particulars specified in the form.
- (4) If on examination under subsection (1), the registered escalator engineer is of the opinion that the affected part is not in safe working order, the engineer—
 - (a) must not issue a certificate under subsection (2); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (8) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.
- (5) The report under subsection (4)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.

~~(6) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable—~~

~~—(a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and~~

~~—(b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.~~

(6) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

- (7) For the purposes of subsection (2)—

responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

- (8) For the purposes of subsection (4)—

responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

61. 署長有權截電

- (1) 如署長有合理理由相信，某自動梯正被人或相當可能會被人在違反根據第 60 條作出的命令的情況下使用或操作，署長 —
 - (a) 可截斷該自動梯的電力供應，如該自動梯的任何自動梯工程，是由註冊自動梯承辦商承辦，署長可藉送達該承辦商的命令，指示該承辦商截斷該自動梯的電力供應；及
 - (b) 可進行任何必需的工作，以盡可能防止任何人在未獲署長書面准許重新接通該自動梯的電力供應下，重新接通該自動梯的電力供應，署長亦可藉向(a)段所述承辦商送達命令，指示該承辦商進行該等工作。
- (2) 根據第(1)款接獲命令的註冊自動梯承辦商無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第3級第6級罰款及監禁 12 個月。
- (3) 如自動梯的電力供應已遭根據第(1)(a)款截斷，而任何人在未獲署長書面准許下重新接通該自動梯的電力供應，則 —
 - (a) 該人；及
 - (b) 該自動梯的負責人，均屬犯罪，一經定罪，可處罰款\$200,000 及監禁 12 個月。
- (4) 被控犯第(3)款所訂罪行的人如證明以下事項，即可以此作為免責辯護 —
 - (a) (如被檢控的人是將電力供應重新接回有關自動梯的人)該人當時並不知道(且在盡了應有的努力後亦不會能夠發現)該自動梯的電力供應已遭根據第(1)(a)款截斷；或
 - (b) 如被檢控的人並非重新接通有關自動梯的電力供應的人，但是該人是該自動梯的負責人 —
 - (i) 犯該罪行既不獲該負責人同意，亦不受其縱容；及
 - (ii) 該負責人已採取所有合理步驟，防止犯該項罪行。

61. Director's power to disconnect supply of electricity

- (1) If the Director has reasonable grounds to believe that an escalator is being used or operated, or is likely to be used or operated, in contravention of an order made under section 60, the Director may—
 - (a) disconnect or, if any escalator works of the escalator are undertaken by a registered escalator contractor, by order served on the contractor direct the contractor to disconnect, the supply of electricity to the escalator; and
 - (b) carry out, or by order served on the contractor mentioned in paragraph (a) direct the contractor to carry out, any work that is necessary to prevent, as far as possible, any person from reconnecting the supply of electricity to the escalator before written permission has been obtained from the Director to reconnect the supply.
- (2) If the registered escalator contractor on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the contractor commits an offence and is liable on conviction to a fine at ~~level 3~~**level 6 and to imprisonment for 12 months**.
- (3) If, without the Director's written permission, the supply of electricity to an escalator is reconnected by any person after it has been disconnected under subsection (1)(a)—
 - (a) that person; and
 - (b) the responsible person for the escalator,each commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) It is a defence for a person charged under subsection (3) to prove that—
 - (a) if the person charged is the person who reconnected the supply of electricity to the escalator, the person did not know and could not with due diligence have discovered that the supply of electricity to the escalator was disconnected under subsection (1)(a); or
 - (b) if the person charged is not the person who reconnected the supply of electricity to the escalator but is the responsible person for the escalator—
 - (i) the offence was committed without the responsible person's consent or connivance; and
 - (ii) the responsible person had taken all reasonable steps to prevent the commission of the offence.

62. 關於自動梯工程的停止令

- (1) 如署長有合理理由相信有以下情況，可藉向自動梯的有關連人士送達命令，指示該人停止正就該自動梯進行的任何自動梯工程 —
 - (a) 該自動梯工程正在違反第 42 條的情況下進行；
 - (b) 正在進行該自動梯工程的方式，會導致或相當可能會導致任何人受傷或任何財產受損的風險；或
 - (c) 因其他理由，為安全起見，作出該命令是可取的。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明 —
 - (i) 作出該命令的原因；及
 - (ii) 該命令的生效日期；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 4 級第 6 級罰款及監禁 ~~6 個月~~ 12 個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。
- (4) 在本條中 —

有關連人士 (related person)就自動梯而言，指 —

 - (a) 該自動梯的負責人；或
 - (b) 承辦有關命令所關乎的自動梯工程的註冊自動梯承辦商(如有的話)。

62. Cessation orders in respect of escalator works

- (1) The Director may by order served on the related person of an escalator direct the person to cease any escalator works that are being carried out in relation to the escalator, if the Director has reasonable grounds to believe that—
 - (a) the escalator works are being carried out in contravention of section 42;
 - (b) the escalator works are being carried out in a manner that will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (c) it is otherwise desirable to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date on which the order is to take effect; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at ~~level 4~~ level 6 and to imprisonment for ~~6 months~~ 12 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.
- (4) In this section—

related person (有關連人士), in relation to an escalator, means—

 - (a) the responsible person for the escalator; or
 - (b) the registered escalator contractor (if any) who undertakes the escalator works to which the order relates.

65. 拆除令

- (1) 署長如有合理理由相信有以下情況，可藉向自動梯的負責人送達命令，指示該人拆除該自動梯或其部分，或該自動梯的相聯設備或機械 —
 - (a) 如使用或操作(或繼續使用或操作)該自動梯、該部分或該設備或機械，會導致或相當可能會導致任何人受傷或任何財產受損的風險；或
 - (b) 因其他理由，為安全起見，作出該命令是可取的。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明 —
 - (i) 作出該命令的原因；及
 - (ii) 須於何日之前拆除有關自動梯或其部分，或有關相聯設備或機械；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第4級第6級罰款及監禁 ~~6個月~~12個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。

65. Removal orders

- (1) The Director may by order served on the responsible person for an escalator direct the person to remove the escalator or any part of the escalator, or any associated equipment or machinery of the escalator, if the Director has reasonable grounds to believe that—
 - (a) the escalator or the part, or the associated equipment or machinery, if used or operated, or continued to be used or operated, will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (b) it is otherwise necessary to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date before which the escalator or the part of the escalator, or the associated equipment or machinery, is to be removed; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at ~~level 4~~ level 6 and to imprisonment for ~~6 months~~ 12 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

68. 限制分包工程

- (1) 除非獲署長書面批准，否則承辦自動梯工程的註冊自動梯承辦商，不得將該工程或該工程的任何部分，分包予並非註冊自動梯承辦商的其他人。
- (2) 任何人違反第(1)款，即屬犯罪，一經定罪，可處~~第5級~~第6級罰款及監禁 ~~6個月~~12個月。
- (3) 本條不適用於關於自動梯的安裝或拆卸的工程。

68. Subcontracting restricted

- (1) Except with the written approval of the Director, a registered escalator contractor who undertakes any escalator works must not subcontract the works or any part of the works to any other person who is not a registered escalator contractor.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at ~~level 5~~level 6 and to imprisonment for ~~6 months~~12 months.
- (3) This section does not apply to any works concerning the installation or demolition of an escalator.

Lifts and Escalators Bill
Summary of Proposed Committee Stage Amendments (CSAs)
Relating to the Issue of Penalty Level

I. List of the 21 provisions of the Bill in which the maximum penalty of the offences are proposed to be raised to fine at level 6 and 12 months imprisonment¹

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
Part 2 Safety of Lifts				
8(2)	Only qualified persons or specified persons to personally carry out lift works, etc.	Any person	Fine at level 5 and 6 months imprisonment	1 - 2
8(3)		Any person	Fine at level 5 and 6 months imprisonment	1 - 2
9(4)	Prohibition against using or operating lifts in certain circumstances	Any person	Fine at level 5	3 - 4
10(3)	Prohibition against carriage of persons in lifts specified in Schedule 4	Any person	Fine at level 5	5 - 6
10(4)		Any person	Fine at level 5	5 - 6
11(2)	Prohibition against overloading lifts specified in Schedule 4	Any person	Fine at level 5	7 - 8

¹ Penalty for continuing offences in clauses 32(3), 35(3), 62(3) and 65(3) of the Bill should be retained.

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
16(2)	Duties of registered lift contractors to carry out lift works properly and safely, etc.	Registered contractor	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	9 - 10
16(3)		Registered contractor	<u>First conviction</u> Fine at level 4 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	9 - 10
31(2)	Director's power to disconnect supply of electricity	Registered contractor	Fine at level 3	17 - 18
32(3)	Cessation orders in respect of lift works	Registered contractor and Responsible person	Fine at level 4 and 6 months imprisonment (if the offence is a continuing offence, a daily fine of \$2,000)	19 - 20

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
35(3)	Removal orders	Responsible person	Fine at level 4 and 6 months imprisonment (if the offence is a continuing offence, a daily fine of \$2,000)	21 - 22
38(2)	Subcontracting restricted	Registered contractor	Fine at level 5 and 6 months imprisonment	23 - 24
Part 3 Safety of Escalator				
42(2)	Only qualified persons or specified persons to personally carry out escalator works, etc.	Any person	Fine at level 5 and 6 months imprisonment	25 - 26
42(3)		Any person	Fine at level 5 and 6 months imprisonment	25 - 26
43(4)	Prohibition against using or operating escalators in certain circumstances	Any person	Fine at level 5	27 - 28
47(2)	Duties of registered lift contractors to carry out escalator works properly and safely, etc.	Registered contractor	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	29 - 30

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
47(3)	Duties of registered lift contractors to carry out escalator works properly and safely, etc.	Registered contractor	<u>First conviction</u> Fine at level 4 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	29 - 30
61(2)	Director's power to disconnect supply of electricity	Registered contractor	Fine at level 3	37 - 38
62(3)	Cessation orders in respect of escalator works	Registered contractor and Responsible person	Fine at level 4 and 6 months imprisonment (if the offence is continuing, a daily fine of \$2,000)	39 - 40
65(3)	Removal orders	Responsible person	Fine at level 4 and 6 months imprisonment (if the offence is continuing, a daily fine of \$2,000)	41 - 42
68(2)	Subcontracting restricted	Registered contractor	Fine at level 5 and 6 months imprisonment	43 - 44

II. List of the 8 provisions of the Bill in which the maximum penalty on first conviction is proposed to be raised to the same level as the maximum penalty for subsequent convictions

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
Part 2 Safety of Lifts				
17(2)	Duties of registered lift engineers to carry out lift works properly and safely, etc.	Registered engineer	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	11 - 12
17(3)	Duties of registered lift engineers to carry out lift works properly and safely, etc.	Registered engineer	<u>First conviction</u> Fine at level 4 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	11 - 12
24(8)	Issue of safety certificates by registered lift engineers	Registered engineer	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	13 - 14

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
25(6)	Issue of safety certificates by registered lift engineers after major alterations	Registered engineer	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	15 - 16
Part 3 Safety of Escalator				
48(2)	Duties of registered escalator engineers to carry out escalator works properly and safely, etc.	Registered engineer	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	31 - 32
48(3)		Registered engineer	<u>First conviction</u> Fine at level 4 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	31 - 32

Clauses	Title	Offences applying to	Current maximum penalty under the Bill	Proposed CSAs at Annex 1 (page)
54(7)	Issue of safety certificates by registered escalator engineers	Registered engineer	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	33 - 34
55(6)	Issue of safety certificates by registered escalator engineers after major alterations	Registered engineer	<u>First conviction</u> Fine at level 5 and 6 months imprisonment <u>Subsequent conviction</u> Fine at level 6 and 6 months imprisonment	35 - 36

Lifts and Escalators Bill
Proposed Committee Stage Amendments
Other than those relating to the Issue of Penalty Level

2. 釋義

(1) 在本條例中—

.....

合資格人士(qualified person) —

- (a) 就關於升降機或其部分或升降機的相聯設備或機械的試運行或檢驗的升降機工程而言，指—
 - (i) 註冊升降機工程師；
 - (ii) 具有進行該工程的資格的註冊升降機工程人員，而該人員—
 - (A) 根據僱傭合約，受僱於承辦該工程的註冊升降機承辦商；
 - (B) 以註冊升降機承辦商的身分，承辦該工程；或
 - (C) 是以註冊升降機承辦商的身分承辦該工程的合夥的合夥人；或
 - (iii) 合資格升降機工程人員，而該人員—
 - (A) 具有進行該工程的資格；及
 - (B) 根據僱傭合約，受僱於承辦該工程的註冊升降機承辦商；
- (b) 就任何其他升降機工程而言，指—
 - (i) 註冊升降機工程師，而該工程師—
 - (A) 根據僱傭合約，受僱於承辦該工程的註冊升降機承辦商；
 - (B) 以註冊升降機承辦商的身分，承辦該工程；或
 - (C) 是以註冊升降機承辦商的身分承辦該工程的合夥的合夥人；
 - (ii) 具有進行該工程的資格的註冊升降機工程人員，而該人員—
 - (A) 根據僱傭合約，受僱於承辦該工程的註冊升降機承辦商；
 - (B) 以註冊升降機承辦商的身分，承辦該工程；或
 - (C) 是以註冊升降機承辦商的身分承辦該工程的合夥的合夥人；或
 - (iii) 合資格升降機工程人員，而該人員—
 - (A) 具有進行該工程的資格；及
 - (B) 根據僱傭合約，受僱於承辦該工程的註冊升降機承辦商；
- (c) 就關於自動梯或其部分或自動梯的相聯設備或機械的試運行或檢驗的自動梯工程而言，指—
 - (i) 註冊自動梯工程師；
 - (ii) 具有進行該工程的資格的註冊自動梯工程人員，而該人員—

- (A) 根據僱傭合約，受僱於承辦該工程的註冊自動梯承辦商；
- (B) 以註冊自動梯承辦商的身分，承辦該工程；或
- (C) 是以註冊自動梯承辦商的身分承辦該工程的合夥的合夥人；或
- (iii) 合資格自動梯工程人員，而該人員—
 - (A) 具有進行該工程的資格；及
 - (B) 根據僱傭合約，受僱於承辦該工程的註冊自動梯承辦商；及
- (d) 就任何其他自動梯工程而言，指—
 - (i) 註冊自動梯工程師，而該工程師—
 - (A) 根據僱傭合約，受僱於承辦該工程的註冊自動梯承辦商；
 - (B) 以註冊自動梯承辦商的身分，承辦該工程；或
 - (C) 是以註冊自動梯承辦商的身分承辦該工程的合夥的合夥人；
 - (ii) 具有進行該工程的資格的註冊自動梯工程人員，而該人員—
 - (A) 根據僱傭合約，受僱於承辦該工程的註冊自動梯承辦商；
 - (B) 以註冊自動梯承辦商的身分，承辦該工程；或
 - (C) 是以註冊自動梯承辦商的身分承辦該工程的合夥的合夥人；或
 - (iii) 合資格自動梯工程人員，而該人員—
 - (A) 具有進行該工程的資格；及
 - (B) 根據僱傭合約，受僱於承辦該工程的註冊自動梯承辦商；

註—

亦參看第(2)款。就(a)(ii)及(iii)(A)、(b)(ii)及(iii)(A)、(c)(ii)及(iii)(A)及(d)(ii)及(iii)(A)段而言 — 參看第(2)款。該款列明準則，用以斷定註冊升降機工程人員、註冊自動梯工程人員、合資格升降機工程人員或合資格自動梯工程人員是否具有資格，進行特定種類升降機工程或自動梯工程。

.....

相聯設備或機械 (associated equipment or machinery)就升降機或自動梯而言，指為該升降機或自動梯而設的部件、裝置、設備或機械，或該升降機或自動梯的部件、裝置、設備或機械，或與該升降機或自動梯**連接相關**的部件、裝置、設備或機械，包括為該升降機或自動梯而設的安全部件及安全設備；

2. Interpretation

(1) In this Ordinance—

.....

qualified person (合資格人士)—

- (a) in relation to any lift works concerning the commissioning or examination of a lift or any part of a lift, or any associated equipment or machinery of the lift, means—
 - (i) a registered lift engineer;
 - (ii) a registered lift worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered lift contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered lift contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered lift contractor; or
 - (iii) a competent lift worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered lift contractor who undertakes the works;
- (b) in relation to any other lift works, means—
 - (i) a registered lift engineer who—
 - (A) is employed under a contract of employment by the registered lift contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered lift contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered lift contractor;
 - (ii) a registered lift worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered lift contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered lift contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered lift contractor; or
 - (iii) a competent lift worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered lift contractor who undertakes the works;

- (c) in relation to any escalator works concerning the commissioning or examination of an escalator or any part of an escalator, or any associated equipment or machinery of the escalator, means—
 - (i) a registered escalator engineer;
 - (ii) a registered escalator worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered escalator contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered escalator contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered escalator contractor; or
 - (iii) a competent escalator worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered escalator contractor who undertakes the works; and
- (d) in relation to any other escalator works, means—
 - (i) a registered escalator engineer who—
 - (A) is employed under a contract of employment by the registered escalator contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered escalator contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered escalator contractor;
 - (ii) a registered escalator worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered escalator contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered escalator contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered escalator contractor; or
 - (iii) a competent escalator worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered escalator contractor who undertakes the works;

Note—

For paragraphs (a)(ii) and (iii)(A), (b)(ii) and (iii)(A), (c)(ii) and (iii)(A) and (d)(ii) and (iii)(A)—See also subsection (2) which sets out the criteria for determining whether a registered lift worker, registered escalator worker, competent lift worker or competent escalator worker is qualified to carry out any particular lift works or escalator works.

16. 註冊升降機承辦商有責任妥善和安全地進行升降機工程等

- (1) 承辦任何升降機工程的註冊升降機承辦商須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；
 - (c) 有足夠人手進行該工程；
 - (d) 有足夠設備及工具，以進行該工程；
 - (e) (如該工程關於升降機的安裝)除非有關升降機及其所有安全部件，均屬署長授予該承辦商的許可所關乎的種類，否則該工程不得進行；及
 - (ea) (如該工程不屬(e)段所指明者，而該工程需要任何安全部件)除非該安全部件屬署長授予該承辦商的許可所關乎的種類，否則該工程不得進行；及
 - (f) (如該工程關於升降機的拆卸，而該升降機是安裝在建築物，或屬建築物的一部分)在合理地切實可行的範圍內採取措施，以減少該工程可能對該建築物的結構完整性的影響。
- (2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；
 - (b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。
- (3) 任何人無合理辯解而違反第(1)(b)、(c)、(d)、(e)、(ea)或(f)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；
 - (b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。

16. Duties of registered lift contractors to carry out lift works properly and safely, etc.

- (1) A registered lift contractor who undertakes any lift works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out;
 - (c) there is sufficient workforce to carry out the works;
 - (d) there are adequate equipment and tools for carrying out the works;
 - (e) if the works are works concerning the installation of a lift, the works are not to be carried out unless the lift and all the safety components for the lift are respectively of a type in respect of which the contractor has obtained approval from the Director; ~~and~~
 - (ea) if the works are works other than those specified in paragraph (e) and any safety component is required for the works, the works are not to be carried out unless the safety component is of a type in respect of which the contractor has obtained approval from the Director; and
 - (f) if the works are works concerning the demolition of a lift, measures are in so far as reasonably practicable taken to minimize the impact the works may have on the structural integrity of the building in which the lift is installed, or of which the lift is or forms a part.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b), (c), (d), (e), (ea) or (f) commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

17. 註冊升降機工程師有責任妥善和安全地進行升降機工程等

- (1) 從事任何升降機工程的註冊升降機工程師須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；~~及~~
 - (c) (如該工程關於升降機的安裝)除非有關升降機及其所有安全部件，均屬署長授予承辦該工程的註冊升降機承辦商的許可所關乎的種類，否則該工程不得進行~~—；及~~
 - (d) (如該工程不屬(c)段所指明者，而該工程需要任何安全部件)除非該安全部件屬署長授予承辦該工程的註冊升降機承辦商的許可所關乎的種類，否則該工程不得進行。
- (2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；
 - (b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。
- (3) 任何人無合理辯解而違反第(1)(b)、(c)或(d)或(e)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；
 - (b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。

註 —

亦參看第 2(4)條。

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

- (1) A registered lift engineer who engages in any lift works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; ~~and~~
 - (c) if the works are works concerning the installation of a lift, the works are not to be carried out unless the lift and all the safety components for the lift are respectively of a type in respect of which the registered lift contractor who undertakes the works has obtained approval from the Director; ~~and~~
 - (d) if the works are works other than those specified in paragraph (c) and any safety component is required for the works, the works are not to be carried out unless the safety component is of a type in respect of which the registered lift contractor who undertakes the works has obtained approval from the Director.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b) ~~or (c), (d) or (e)~~ commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

Note—

See also section 2(4).

26. 准用證的發出等

- (1) 在符合第 150 條的規定下，署長可應申請，就升降機發出 —
 - (a) 採用指明表格的許可證，准許該升降機投入使用及操作；或
 - (b) 採用指明表格的許可證，准許繼續使用及操作該升降機。
- (2) 如任何人就第(1)款提述的升降機而違反第 23 條就有關升降機而遭違反，署長可拒絕根據第(1)款發出許可證。
- (3) 如任何人就第(1)款提述的升降機而違反第 143 條就有關升降機而遭違反，署長可拒絕根據第(1)款發出許可證。
- (4) 除非署長信納有關升降機及其所有相聯設備或機械處於安全操作狀態，否則不得根據第(1)款發出許可證。
- (5) 署長如決定拒絕申請或拒絕根據本條發出許可證，須在作出該決定後，在合理地切實可行的範圍內，盡快以書面將以下事宜通知申請人 —
 - (a) 該決定；
 - (b) 作出該決定的原因；及
 - (c) (如適用的話)署長認為為使有關升降機或其相聯設備或機械處於安全操作狀態而需要進行的工作。
- (6) 本條並不影響署長根據《釋義及通則條例》(第 1 章)第 41 及 46 條具有的一般權力。

27. 准用證的有效期

- (1) 根據第 26(1)(a)條發出的、關乎升降機的檢驗的許可證 —
 - (a) 在署長指明的日期生效；及
 - (b) 的有效期在完成該項檢驗的日期的首個周年日，即告有效期屆滿。
- (2) 根據第 26(1)(b)條發出的、關乎升降機的檢驗(該項檢驗是於該升降機上一份准用證的屆滿日期結束前的 2 個月內完成的)的許可證 —
 - (a) 在署長指明的日期生效；及
 - (b) 的有效期在上一份准用證的屆滿日期的首個周年日，即告有效期屆滿。
- (3) 根據第 26(1)(b)條發出的、關乎升降機的檢驗的其他許可證 —
 - (a) 在署長指明的日期生效；及
 - (b) 的有效期在完成該項檢驗的日期的首個周年日，即告有效期屆滿。

28. 復用證的發出等

- (1) 在符合第 150 條的規定下，署長可應申請，就升降機發出採用指明表格的許可證，准許在對該升降機作出主要更改後，恢復使用及操作該升降機。
- (2) 如任何人就第(1)款提述的升降機而違反第 143 條就有關升降機而遭違反，署長可拒絕根據第(1)款發出許可證。
- (3) 除非署長信納有關升降機的受影響部分正處於安全操作狀態，否則不得根據第(1)款發出許可證。
- (4) 署長如決定拒絕申請或拒絕根據本條發出許可證，須在作出該決定後，在合理地切實可行的範圍內，盡快以書面將以下事項通知申請人 —
 - (a) 該決定；
 - (b) 作出該決定的原因；及
 - (c) (如適用的話)署長認為為使有關升降機的受影響部分處於安全操作狀態而需要進行的工作。
- (5) 本條並不影響署長根據《釋義及通則條例》(第 1 章)第 41 及 46 條具有的一般權力。

31. 署長有權截電

- (1) 如署長有合理理由相信，某升降機正被人或相當可能會被人在違反根據第 30 條作出的命令的情況下使用或操作，署長 —
 - (a) 可截斷該升降機的電力供應，如該升降機的任何升降機工程，是由註冊升降機承辦商承辦，署長可藉送達該承辦商的命令，指示該承辦商截斷該升降機的電力供應；及
 - (b) 可進行任何必需的工作，以盡可能防止任何人在未獲署長書面准許重新接通該升降機的電力供應下，重新接通該升降機的電力供應，署長亦可藉向(a)段所述承辦商送達命令，指示該承辦商進行該等工作。
- (2) 根據第(1)款接獲命令的註冊升降機承辦商無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 3 級罰款。
- (3) 如升降機的電力供應已遭根據第(1)(a)款截斷，而任何人在未獲署長書面准許下重新接通該升降機的電力供應，則 —
 - (a) 該人；及
 - (b) 該升降機的負責人，均屬犯罪，一經定罪，可處罰款\$200,000 及監禁 12 個月。
- (4) 被控犯第(3)款所訂罪行的人如證明以下事項，即可以此作為免責辯護 —
 - (a) ~~(如被檢控的人是將電力供應重新接回通有關升降機的電力供應的人)~~，該人當時並不知道(且在盡了應有的努力後亦不會能夠發現)該升降機的電力供應已遭根據第(1)(a)款截斷；或
 - (b) 如被檢控的人並非重新接通有關升降機的電力供應的人，但是該人是該升降機的負責人 —
 - (i) 犯該罪行既不獲該負責人同意，亦不受其縱容；及
 - (ii) 該負責人已採取所有合理步驟，防止犯該項罪行。

34. 檢驗令

- (1) 署長如有合理理由相信，~~為安全起見~~，向升降機的負責人送達命令指示該人採取以下行動是，為安全起見屬可取的，可送達作出該命令 —
 - (a) 安排註冊升降機工程師以該命令指明的方式，在該命令指明的期間內，檢驗該升降機或其部分，或該升降機的相聯設備或機械；及
 - (b) 在該命令指明的期間內，提交由該工程師採用指明表格擬備的報告，述明該工程師是否信納，該升降機、該部分或該設備或機械正處於安全操作狀態。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明作出該命令的原因；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。

35. 拆除令

- (1) 署長如有合理理由相信有以下情況，可藉向升降機的負責人送達命令，指示該人拆除該升降機或其部分，或該升降機的相聯設備或機械 —
 - (a) 如使用或操作(或繼續使用或操作)該升降機、該部分或該設備或機械，會導致或相當可能會導致任何人受傷或任何財產受損的風險；或
 - (b) 因其他理由，為安全起見，有需要作出該命令是可取的。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明 —
 - (i) 作出該命令的原因；及
 - (ii) 須於何日之前拆除有關升降機或其部分，或有關相聯設備或機械；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。

47. 註冊自動梯承辦商有責任妥善和安全地進行自動梯工程等

- (1) 承辦任何自動梯工程的註冊自動梯承辦商須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；
 - (c) 有足夠人手進行該工程；
 - (d) 有足夠設備及工具，以進行該工程；
 - (e) (如該工程關於自動梯的安裝)除非有關自動梯及其所有安全部件，均屬署長授予該承辦商的許可所關乎的種類，否則該工程不得進行；~~及~~
 - (ea) (如該工程不屬(e)段所指明者，而該工程需要任何安全部件)除非該安全部件屬署長授予該承辦商的許可所關乎的種類，否則該工程不得進行；及
 - (f) (如該工程關於自動梯的拆卸，而該自動梯是安裝在建築物，或屬建築物的一部分)在合理地切實可行的範圍內採取措施，以減少該工程可能對該建築物的結構完整性的影響。
- (2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；
 - (b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。
- (3) 任何人無合理辯解而違反第(1)(b)、(c)、(d)、(e)、(ea)或(f)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；
 - (b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。

47. Duties of registered escalator contractors to carry out escalator works properly and safely, etc.

- (1) A registered escalator contractor who undertakes any escalator works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out;
 - (c) there is sufficient workforce to carry out the works;
 - (d) there are adequate equipment and tools for carrying out the works;
 - (e) if the works are works concerning the installation of an escalator, the works are not to be carried out unless the escalator and all the safety components for the escalator are respectively of a type in respect of which the contractor has obtained approval from the Director; **and**
 - (ea) if the works are works other than those specified in paragraph (e) and any safety component is required for the works, the works are not to be carried out unless the safety component is of a type in respect of which the contractor has obtained approval from the Director; and
 - (f) if the works are works concerning the demolition of an escalator, measures are in so far as reasonably practicable taken to minimize the impact the works may have on the structural integrity of the building in which the escalator is installed, or of which the escalator is or forms a part.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b), (c), (d), (e), (ea) or (f) commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

48. 註冊自動梯工程師有責任妥善和安全地進行自動梯工程等

- (1) 從事任何自動梯工程的註冊自動梯工程師須確保 —
- (a) 該工程妥善和安全地進行；
 - (b) 採取充分的安全措施，以防止該工程進行時任何人受傷或任何財產受損；~~及~~
 - (c) (如該工程關於自動梯的安裝)除非有關自動梯及其所有安全部件，均屬署長授予承辦該工程的註冊自動梯承辦商的許可所關乎的種類，否則該工程不得進行~~—；及~~
 - (d) (如該工程不屬(c)段所指明者，而該工程需要任何安全部件)除非該安全部件屬署長授予承辦該工程的註冊自動梯承辦商的許可所關乎的種類，否則該工程不得進行。
- (2) 任何人無合理辯解而違反第(1)(a)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 5 級罰款及監禁 6 個月；
 - (b) 如屬再次定罪，可處第 6 級罰款及監禁 6 個月。
- (3) 任何人無合理辯解而違反第(1)(b)、(c)或(d)或(e)款，即屬犯罪 —
- (a) 如屬首次定罪，可處第 4 級罰款及監禁 6 個月；
 - (b) 如屬就同一罪行再次定罪，可處第 6 級罰款及監禁 6 個月。

註 —

亦參看第 2(4)條。

48. Duties of registered escalator engineers to carry out escalator works properly and safely, etc.

- (1) A registered escalator engineer who engages in any escalator works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; ~~and~~
 - (c) if the works are works concerning the installation of an escalator, the works are not to be carried out unless the escalator and all the safety components for the escalator are respectively of a type in respect of which the registered escalator contractor who undertakes the works has obtained approval from the Director; and
 - (d) if the works are works other than those specified in paragraph (c) and any safety component is required for the works, the works are not to be carried out unless the safety component is of a type in respect of which the registered escalator contractor who undertakes the works has obtained approval from the Director.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b) ~~or (c), (d) or (e)~~ commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

Note—

See also section 2(4).

56. 准用證的發出等

- (1) 在符合第 150 條的規定下，署長可應申請，就自動梯發出 —
 - (a) 採用指明表格的許可證，准許該自動梯投入使用及操作；或
 - (b) 採用指明表格的許可證，准許繼續使用及操作該自動梯。
- (2) 如任何人就第(1)款提述的自動梯而違反第 143 條就有關自動梯而遭違反，署長可拒絕根據第(1)款發出許可證。
- (3) 除非署長信納有關自動梯及其所有相聯設備或機械處於安全操作狀態，否則不得根據第(1)款發出許可證。
- (4) 署長如決定拒絕申請或拒絕根據本條發出許可證，須在作出該決定後，在合理地切實可行的範圍內，盡快以書面將以下事項通知申請人 —
 - (a) 該決定；
 - (b) 作出該決定的原因；及
 - (c) (如適用的話)署長認為為使有關自動梯或其相聯設備或機械處於安全操作狀態而需要進行的工作。
- (5) 本條並不影響署長根據《釋義及通則條例》(第 1 章)第 41 及 46 條具有的一般權力。

57. 准用證的有效期

- (1) 根據第 56(1)(a)條發出的、關乎自動梯的檢驗許可證 —
 - (a) 在署長指明的日期生效；及
 - (b) 的有效期在完成該項檢驗的日期翌日開始的 6 個月期間的最後一日，即告有效期屆滿。
- (2) 根據第 56(1)(b)條發出的、關乎自動梯的檢驗(該項檢驗是於該自動梯上一份准用證的屆滿日期結束前的 2 個月內完成的)的許可證 —
 - (a) 在署長指明的日期生效；及
 - (b) 的有效期在上一份准用證的屆滿日期翌日開始的 6 個月期間的最後一日，即告有效期屆滿。
- (3) 根據第 56(1)(b)條發出的、關乎自動梯的檢驗的其他許可證 —
 - (a) 在署長指明的日期生效；及
 - (b) 的有效期在完成該項檢驗的日期翌日開始的 6 個月期間的最後一日，即告有效期屆滿。

58. 復用證的發出等

- (1) 在符合第 150 條的規定下，署長可應申請，就自動梯發出採用指明表格的許可證，准許在對該自動梯作出主要更改後，恢復使用及操作該自動梯。
- (2) 如任何人就第(1)款提述的自動梯而違反第 143 條就有關自動梯而遭違反，署長可拒絕根據第(1)款發出許可證。
- (3) 除非署長信納有關自動梯的受影響部分正處於安全操作狀態，否則不得根據第(1)款發出許可證。
- (4) 署長如決定拒絕申請或拒絕根據本條發出許可證，須在作出該決定後，在合理地切實可行的範圍內，盡快以書面將以下事項通知申請人 —
 - (a) 該決定；
 - (b) 作出該決定的原因；及
 - (c) (如適用的話)署長認為為使有關自動梯的受影響部分處於安全操作狀態而需要進行的工作。
- (5) 本條並不影響署長根據《釋義及通則條例》(第 1 章)第 41 及 46 條具有的一般權力。

61. 署長有權截電

- (1) 如署長有合理理由相信，某自動梯正被人或相當可能會被人在違反根據第 60 條作出的命令的情況下使用或操作，署長 —
 - (a) 可截斷該自動梯的電力供應，如該自動梯的任何自動梯工程，是由註冊自動梯承辦商承辦，署長可藉送達該承辦商的命令，指示該承辦商截斷該自動梯的電力供應；及
 - (b) 可進行任何必需的工作，以盡可能防止任何人在未獲署長書面准許重新接通該自動梯的電力供應下，重新接通該自動梯的電力供應，署長亦可藉向(a)段所述承辦商送達命令，指示該承辦商進行該等工作。
- (2) 根據第(1)款接獲命令的註冊自動梯承辦商無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 3 級罰款。
- (3) 如自動梯的電力供應已遭根據第(1)(a)款截斷，而任何人在未獲署長書面准許下重新接通該自動梯的電力供應，則 —
 - (a) 該人；及
 - (b) 該自動梯的負責人，均屬犯罪，一經定罪，可處罰款\$200,000 及監禁 12 個月。
- (4) 被控犯第(3)款所訂罪行的人如證明以下事項，即可以此作為免責辯護 —
 - (a) (如被檢控的人是將電力供應重新接回通有關自動梯的電力供應的人)，該人當時並不知道(且在盡了應有的努力後亦不會能夠發現)該自動梯的電力供應已遭根據第(1)(a)款截斷；或
 - (b) 如被檢控的人並非重新接通有關自動梯的電力供應的人，但是該人是該自動梯的負責人 —
 - (i) 犯該罪行既不獲該負責人同意，亦不受其縱容；及
 - (ii) 該負責人已採取所有合理步驟，防止犯該項罪行。

64. 檢驗令

- (1) 署長如有合理理由相信，~~為安全起見~~，向自動梯的負責人送達命令指示該人採取以下行動~~是，為安全起見屬~~可取的，可~~送達作出~~該命令 —
 - (a) 安排註冊自動梯工程師以該命令指明的方式，在該命令指明的期間內，檢驗該自動梯或其部分，或該自動梯的相聯設備或機械；及
 - (b) 在該命令指明的期間內，提交由該工程師採用指明表格擬備的報告，述明該工程師是否信納，該自動梯、該部分或該設備或機械正處於安全操作狀態。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明作出該命令的原因；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。

65. 拆除令

- (1) 署長如有合理理由相信有以下情況，可藉向自動梯的負責人送達命令，指示該人拆除該自動梯或其部分，或該自動梯的相聯設備或機械 —
 - (a) 如使用或操作(或繼續使用或操作)該自動梯、該部分或該設備或機械，會導致或相當可能會導致任何人受傷或任何財產受損的風險；或
 - (b) 因其他理由，為安全起見，有需要作出該命令是可取的。
- (2) 根據第(1)款作出的命令 —
 - (a) 須採用指明表格；
 - (b) 須述明 —
 - (i) 作出該命令的原因；及
 - (ii) 須於何日之前拆除有關自動梯或其部分，或有關相聯設備或機械；及
 - (c) 可載有署長可合理地施加的任何條件。
- (3) 根據第(1)款接獲命令的人無合理辯解而違反該命令，即屬犯罪，一經定罪，可處第4級罰款及監禁6個月，如屬持續的罪行，可就罪行持續期間的每一日，另處罰款\$2,000。

101. Cancellation of registrations etc.

- (1) Subject to subsections (2) and (3), the Registrar may cancel the registration of a registered person if—
 - (a) the person requests ~~for~~ the cancellation in writing;
 - (b) the Registrar is satisfied that—
 - (i) the person has died or, if the person has been registered under section 74 or 86, the person ceases to carry on business as a lift contractor or escalator contractor;
 - (ii) the person no longer complies with the applicable requirements for the registration or renewal of the registration;
 - (iii) the person was not at the time of the registration entitled to be so registered;
 - (iv) the person contravenes any provision of this Ordinance;
 - (v) the person contravenes any condition of the registration; or
 - (vi) the person is otherwise not fit and proper to continue to be registered under the relevant provision of this Ordinance.
- (2) If the Registrar intends to cancel the registration of a person on any of the grounds mentioned in subsection (1), the Registrar—
 - (a) must notify in writing the person of the intention and the reasons for the proposed cancellation; and
 - (b) must not cancel the registration before the end of the period of 14 days immediately after the date on which the person is notified under paragraph (a).
- (3) The Registrar must not cancel the registration of a person on any of the grounds mentioned in subsection (1), if before the end of the period referred to in subsection (2)(b)—
 - (a) in relation to subsection (1)(a), the person withdraws the request;
 - (b) in relation to subsection (1)(b)(i), the Registrar is satisfied that the person is not dead or, if the person has been registered under section 74 or 86, has not otherwise ceased to carry on business as a lift contractor or escalator contractor;
 - (c) in relation to subsection (1)(b)(ii), the Registrar is satisfied that the person complies with the applicable requirements for the registration or renewal of the registration;
 - (d) in relation to subsection (1)(b)(iii), the Registrar is satisfied that the person was at the time of the registration entitled to be so registered;
 - (e) in relation to subsection (1)(b)(iv), the Registrar is satisfied that the person has not contravened the provision concerned;
 - (f) in relation to subsection (1)(b)(v), the Registrar is satisfied that the person has not contravened the condition concerned; and
 - (g) in relation to subsection (1)(b)(vi), the Registrar is satisfied that the person is fit and proper to continue to be registered under the relevant provision of this Ordinance.

113. Publication of disciplinary orders

- (1) A disciplinary board that has decided (*original decision*) to make an order under section 112(1)(b) may after the relevant date order that its original decision and, if the original decision is appealed against under Part 6, the decision of the authority hearing the appeal be published ~~either~~ in the Gazette or in any other publication specified by the board, in the manner the board thinks fit.
- (2) An order made under subsection (1) may include any particulars the disciplinary board considers appropriate to acquaint a member of the public with the nature of the matter to which the original decision relates.
- (3) For the purposes of the law of defamation, a person does not incur any civil liability by reason only of publishing an order or other particulars permitted under this section.

- (4) In this section—

relevant date (有關日期) means—

- (a) if the original decision is not appealed against under section 115, the last day of the period within which a notice of appeal may be given under section 117(2);
- (b) if the original decision is appealed against under section 115—
 - (i) subject to subparagraph (ii), the date on which the appeal board makes its decision in respect of the appeal; or
 - (ii) if an appeal is made under section 122 to the Court of First Instance, the date on which the Court makes its decision in respect of the appeal.

115. 上訴

- (1) 任何人因以下任何決定及命令而感到受屈，可按照本部，針對該決定或命令向上訴委員會提出上訴 —
 - (a) 署長決定拒絕申請，或拒絕根據第 26、28、56 或 58 條發出許可證；
 - (b) 署長決定根據第 29 或 59 條拒絕許可證複本的申請，或拒絕根據該條發出許可證複本；
 - (c) 第 30、31、32、34、35、36、60、61、62、64、65 或 66 條所指的命令；
 - (d) 署長決定拒絕要求取消根據第 30、32、60 或 62 條作出的命令的申請；
 - (e) 署長決定拒絕根據第 38 或 68 條批予批准；
 - (f) 註冊主任決定拒絕根據第 74、75、78、79、82、83、86、87、90、91、94 或 95 條提出的申請，或拒絕根據第 74、75、78、79、82、83、86、87、90、91、94 或 95 條批予註冊或註冊續期；
 - (g) 註冊主任署長決定根據第 100 條拒絕證書複本或註冊證複本的申請，或拒絕根據該條發出證書複本或註冊證複本；
 - (h) 註冊主任決定根據第 101 或 102 條取消或暫時吊銷註冊；
 - (i) 署長決定拒絕根據第 109 條將投訴轉呈局長；
 - (j) 紀律審裁委員會根據第 112 條作出的命令；
 - (k) 署長決定拒絕根據第 148 條提出的申請，或拒絕根據該條批予豁免，或根據該條撤銷已批予的豁免；
 - (l) 任何人根據按第 154 條訂立的規例作出的決定，而該規例指明可根據本條針對該決定提出上訴。
- (2) 除非有關當局另有決定，否則根據第(1)款針對某決定或命令而提出的上訴，並不影響該決定或命令。
- (3) 在第(2)款中 —
有關當局 (relevant authority) —
 - (a) 就署長的決定或命令而言，指署長；
 - (b) 就註冊主任的決定而言，指註冊主任；
 - (c) 就紀律審裁委員會的決定或命令而言，指該委員會；及
 - (d) 就任何其他人的決定而言，指該其他人。

115. Appeals

- (1) A person aggrieved by any of the following decisions and orders may appeal to an appeal board against the decision or order in accordance with this Part—
 - (a) a decision of the Director to refuse an application, or to refuse to issue a permit under section 26, 28, 56 or 58;
 - (b) a decision of the Director under section 29 or 59 to refuse an application for a duplicate permit, or refuse to issue a duplicate permit under that section;
 - (c) an order under section 30, 31, 32, 34, 35, 36, 60, 61, 62, 64, 65 or 66;
 - (d) a decision of the Director to refuse an application to cancel an order made under section 30, 32, 60 or 62;
 - (e) a decision of the Director to refuse to grant approval under section 38 or 68;
 - (f) a decision of the Registrar to refuse an application, or to refuse to grant registration or renewal of registration, under section 74, 75, 78, 79, 82, 83, 86, 87, 90, 91, 94 or 95;
 - (g) a decision of the ~~Director~~ Registrar to refuse an application for a duplicate certificate or duplicate card under section 100, or refuse to issue a duplicate certificate or duplicate card under that section;
 - (h) a decision of the Registrar to cancel or suspend a registration under section 101 or 102;
 - (i) a decision of the Director to refuse to refer a complaint to the Secretary under section 109;
 - (j) an order of a disciplinary board under section 112;
 - (k) a decision of the Director to refuse an application under section 148, or to refuse to grant an exemption or to revoke an exemption granted under that section;
 - (l) a decision made by any person under any regulation made under section 154, which decision is specified in the regulation as a decision against which an appeal may be made under this section.
- (2) Unless the relevant authority decides otherwise, an appeal made under subsection (1) does not affect the decision or order that is the subject of the appeal.
- (3) In subsection (2)—

relevant authority (有關當局) means—

 - (a) in relation to a decision or order of the Director, the Director;
 - (b) in relation to a decision of the Registrar, the Registrar;
 - (c) in relation to a decision or order of a disciplinary board, the board; and
 - (d) in relation to a decision of any other person, that other person.

123. 署長有權授權他人親自進行升降機工程或自動梯工程

署長如在顧及個案的具體情況下，認為並非合資格人士的人親自進行升降機工程或自動梯工程，有利於安全並屬適當之舉，如署長在顧及個案的具體情況下，信納並非合資格人士的人親自進行升降機工程或自動梯工程，既符合安全方面的考慮，亦屬適當之舉，署長可用書面授權該人如此行事。

123. Director's power to authorize persons to personally carry out any lift works or escalator works

The Director may in writing authorize any person who is not a qualified person to personally carry out any lift works or escalator works if, having regard to the particular circumstances of the case, the Director ~~considers it appropriate and in the interests of safety~~ is satisfied that it is consistent with the interest of safety and is appropriate to do so.

124. 委任執法人員

署長可為本條例的施行，以書面委任隸屬機電工程署~~職級不低於助理電氣督察或助理機械督察~~的公職人員為執法人員。

124. Appointment of enforcement officers

The Director may in writing appoint any public officer attached to the Electrical and Mechanical Services Department ~~at or above the rank of Assistant Electrical Inspector or Assistant Mechanical Inspector~~ to be an enforcement officer for the purposes of this Ordinance.

147. 在法律程序中使用《實務守則》

- (1) 任何人沒有遵守《實務守則》的任何條文一事，本身並不令該人可被人循任何民事或刑事途徑起訴。
- (2) 儘管有第(1)款的規定，如在法律程序中，法院信納《實務守則》或其任何部分攸關該程序中受爭議的事宜的裁斷，則 —
 - (a) 該守則或部分可在該程序中獲接納為證據；及
 - (b) 關於有關的人違反或沒有違反該《實務守則》的有關條文的證明，可被該程序中的任何一方援引用於確立或否定該事宜。
- (3) 在本條中 —

法律程序 (legal proceedings)包括 —

- (a) 上訴委員會的法律程序；及
- (b) 紀律審裁委員會的法律程序；

法院 (court)指 —

- (a) 上訴委員會；
- (b) 《釋義及通則條例》(第 1 章)第 3 條所界定的法院、法庭；
- (c) 紀律審裁委員會；或
- (d) 裁判官。

154. 規例：一般條文

- (1) 局長可為更有效地施行本條例的條文而訂立規例。
- (2) 在不局限第(1)款的原則下，局長可藉規例 —
 - (a) 就以下事宜訂定條文：要求發出許可證的申請，包括須就該等申請提供的資料、詳情及文件，以及提出該等申請的限期；
 - (b) 就以下事宜訂定條文：要求發出許可證複本的申請，包括須就該等申請提供的資料、詳情及文件，以及提出該等申請的限期；
 - (c) 就以下事宜訂定條文：要求取消署長根據本條例作出的命令的申請；
 - (d) 就以下事宜訂定條文：要求註冊為註冊人士及將註冊人士的註冊續期的申請，包括須就該等申請提供的資料、詳情及文件，以及提出該等申請的限期；
 - (e) 就以下事宜訂定條文：要求發出註冊證書或註冊證複本或補發註冊證書或註冊證的申請，包括須就該等申請提供的資料、詳情及文件，以及提出該等申請的限期；
 - (f) 就尋求以下事宜的申請，訂定條文：豁免升降機、自動梯或任何人，使其不受本條例中的任何條文或所有條文管限；
 - (g) 就署長對(a)、(b)、(c)及(f)段提述的申請施加規定而訂定條文；
 - (h) 就註冊主任對(d)及(e)段提述的申請施加規定而訂定條文；
 - (i) 就負責人及註冊人士在與升降機或自動梯的安全有關連的情況下的責任訂定條文，包括負責人及註冊人士備存規例指明的某些文件、工作日誌及紀錄和將規例指明的事宜通知署長的責任；
 - (j) 就以下事宜訂定條文：根據第 40 或 70 條擬備和完成初步報告及詳盡報告，包括須在報告提供的資料、詳情及文件；
 - (ja) 就以下事宜訂定條文：展示規例指明的通告，包括禁止或規管移除該等通告，或妨礙展示該等通告；
 - (k) 規定須就(a)、(b)、(c)、(d)、(e)及(f)段提述的申請及本條例規定的任何其他事宜繳付的費用；
 - (l) 訂明須根據或可根據本條例訂立的規例訂明的事宜；及
 - (m) 訂立因該等規例而需要及適宜訂立的附帶條文、相應條文及過渡性條文。
- (3) 根據本條訂立的規例可訂明違反該等規例屬可判處罰款或監禁(或罰款兼監禁)的罪行。
- (4) 可就罪行訂明的最高罰款額為第 6 級罰款，最高監禁期為 6 個月；如屬持續罪行，則可就罪行持續期間的每一日，另訂明罰款不超過 \$5,000。
- (5) 在不局限《釋義及通則條例》(第 1 章)第 28(5)條的原則下，如根據本條訂立的任何規例的某條文須在憲報所公告的某日期生效 —
 - (a) 有關公告可為不同的目的就該條文訂定不同的生效日期；及
 - (b) 不同的公告可為不同的目的就該條文訂定不同的生效日期。

154. Regulations—General

- (1) The Secretary may make regulations for the better carrying out of the provisions of this Ordinance.
- (2) Without limiting subsection (1), the Secretary may by regulation—
 - (a) provide for applications for the issue of permits, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (b) provide for applications for duplicates of permits, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (c) provide for applications for cancellation of orders made by the Director made under this Ordinance;
 - (d) provide for applications for registration as registered persons and renewal of registration as registered persons, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (e) provide for applications for duplicates or replacement of certificates of registration or registration cards, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (f) provide for applications for exemptions of lifts, escalators or persons from any or all of the provisions of this Ordinance;
 - (g) provide for the imposition of requirements by the Director in relation to the applications referred to in paragraphs (a), (b), (c) and (f);
 - (h) provide for the imposition of requirements by the Registrar in relation to the applications referred to in paragraphs (d) and (e);
 - (i) provide for the duties of responsible persons and registered persons in relation to the safety of lifts or escalators, including duties of responsible persons and registered persons to keep certain documents, log-books and records specified in the regulations and to notify the Director of matters specified in the regulations;
 - (j) provide for the preparation and completion of a preliminary report or full report under section 40 or 70, including the information, particulars and documents to be provided in the report;
 - (ja) provide for the display of notices specified in the regulations, including prohibiting or regulating the removal of, or the obstruction of the display of, such notices;
 - (k) require fees to be paid in respect of the applications referred to in paragraphs (a), (b), (c), (d), (e) and (f) and any other matter provided for in this Ordinance;

- (l) prescribe anything that is to be or may be prescribed by a regulation made under this Ordinance; and
- (m) provide for incidental, consequential and transitional provisions that are necessary and expedient in consequence of the regulations.
- (3) Regulations made under this section may prescribe offences for contravention of the regulations, punishable by a fine, imprisonment or both.
- (4) The maximum fine that may be prescribed for an offence is level 6 and the maximum imprisonment is 6 months. In addition, in the case of a continuing offence, a further fine not exceeding \$5,000 for each day during which the offence continues may be prescribed.
- (5) Without limiting section 28(5) of the Interpretation and General Clauses Ordinance (Cap. 1), if a provision of any of the regulations made under this section is to commence on a day to be notified in the Gazette—
 - (a) the notice may fix different days for the provision to commence for different purposes; and
 - (b) different notices may fix different days for the provision to commence for different purposes.

158. 關乎於 1994 年 3 月 18 日或以前已安裝或於 1994 年 3 月 18 日正在安裝的升降機的過渡性條文

- (1) 儘管第 157 條廢除《升降機及自動梯(安全)條例》(第 327 章)，該條例第 50 條提述的~~已廢除的~~《建築物(升降機)規例》(第 123 章，附屬法例 E)(《~~升降機規例~~》)仍繼續適用於 1994 年 3 月 18 日或以前已安裝或在當日正在安裝的升降機，而 —
 - (a) 如本條例與《升降機規例》有衝突，則《升降機規例》適用於該升降機；及
 - (b) 署長可強制執行《升降機規例》，猶如該規例是根據本條例訂立一樣。
- (2) 如第(1)款提述的升降機的設計及構造符合《升降機規例》，則就本條例而言，該升降機的設計及構造須視為屬良好。

159. 關乎於 1994 年 3 月 18 日或以前已安裝或於 1994 年 3 月 18 日正在安裝的自動梯的過渡性條文

- (1) 儘管第 157 條廢除《升降機及自動梯(安全)條例》(第 327 章)，該條例第 50 條提述的~~已廢除的~~《建築物(自動梯)規例》(第 123 章，附屬法例 D)(《自動梯規例》)仍繼續適用於 1994 年 3 月 18 日或以前已安裝或在當日正在安裝的自動梯，而 —
 - (a) 如本條例與《自動梯規例》有衝突，則《自動梯規例》適用於該自動梯；及
 - (b) 署長可強制執行《自動梯規例》，猶如該規例是根據本條例訂立一樣。
- (2) 如第(1)款提述的自動梯的設計及構造符合《自動梯規例》，則就本條例而言，該自動梯的設計及構造須視為屬良好。

主要更改

1. 就本條例而言，**主要更改** (major alteration)就升降機而言，指 —
- (a) 增設用以操作升降通道的門(**升降機通道門**)或升降機機廂的門(**升降機機廂門**)的自動裝置；
 - (b) 為升降機增設輔助纜索固定裝置；
 - (c) 為升降機增設機廂調平裝置；
 - (d) 增設裝置，以令升降機可在其機廂頂部操作；
 - (e) 為升降機增設升降機通道的門，或拆除或更換升降機通道門；
 - (f) 為升降機通道門或升降機機廂門，增設電接點；
 - (g) 為升降機通道門或升降機機廂門，增設聯鎖裝置；
 - (h) 為升降機增設一組或多於一組滾輪導軌；
 - (i) 為升降機增設一組或多於一組纜索平衡器；
 - (j) 為升降機增設安全部件或安全設備；
 - (k) 增設操控掣，以便進入升降機升降通道；
 - (l) 支承升降機運載裝置的纜索，或支承升降機的對重裝置的纜索，在數目或大小方面的任何改變；
 - (m) 改變升降機導軌的大小或種類；
 - (n) 改變任何(g)段所述的聯鎖裝置的種類；
 - (o) 改變升降機的控制或操作方式；
 - (p) 導致升降機運載裝置的自重增加的任何改裝；
 - (q) 導致升降機運載裝置的升降行程減少或增加的任何改裝；
 - (r) 導致升降機的額定負載增加的任何改裝；
 - (s) 導致升降機的額定速度增加的任何改裝；
 - (t) 更換升降機的控制器，包括其類型的任何變更；
 - (u) 更換升降機的驅動機制動器，包括其類型的任何變更；
 - (v) 更換升降機的驅動機，包括其類型的任何變更；**及或**
 - (w) 更換為升降機而設的安全部件(**包含任何電子部件的安全電路除外**)或安全設備，包括其類型的任何變更。

2. 就本條例而言，**主要更改** (major alteration)就自動梯而言，指 —
- (a) 為自動梯增設安全部件或安全設備；
 - (b) 改變自動梯的控制或操作方式；
 - (c) 導致自動梯的速度增加的任何改裝；
 - (d) 更換為自動梯而設的**安全部件或**安全設備，包括其類型的任何變更；
 - (e) 更換自動梯的驅動裝置，包括其類型的任何變更；
 - (f) 更換自動梯的制動系統，包括其類型的任何變更；
 - (g) 更換自動梯的防逆轉裝置，包括其類型的任何變更；**或及**
 - (h) 更換自動梯的限速保護裝置，包括其類型的任何變更。

Major Alterations

1. For the purposes of this Ordinance, **major alteration** (主要更改), in relation to a lift means—
 - (a) the addition of any automatic device to operate the door of the lift-way (**lift-way door**) or the door of the car (**car door**) of the lift;
 - (b) the addition of auxiliary rope-fastening devices for the lift;
 - (c) the addition of car-levelling devices for the lift;
 - (d) the addition of any device to enable the lift to be operated at the top of the car of the lift;
 - (e) the addition of any door to the lift-way, or removal or replacement of any lift-way door, of the lift;
 - (f) the addition of electrical contacts to the lift-way door or the car door of the lift;
 - (g) the addition of any interlocking device to the lift-way door or the car door of the lift;
 - (h) the addition of one or more than one set of roller guide shoes for the lift;
 - (i) the addition of one or more than one set of rope equalizers for the lift;
 - (j) the addition of any safety component or safety equipment for the lift;
 - (k) the addition of any switch to enable access to the lift-way of the lift;
 - (l) any change in the number or size of the ropes for supporting the carrier of the lift or its counterweight;
 - (m) any change in the size or type of any guide rail of the lift;
 - (n) any change in the type of any interlocking device mentioned in paragraph (g);
 - (o) any change in the type of control or operation of the lift;
 - (p) any modification resulting in an increase in the dead weight of the carrier of the lift;
 - (q) any modification resulting in a decrease or increase in the distance that the carrier of the lift travels;
 - (r) any modification resulting in an increase in the rated load of the lift;
 - (s) any modification resulting in an increase in the rated speed of the lift;
 - (t) any replacement, including any change in the type, of any controller of the lift;
 - (u) any replacement, including any change in the type, of any driving-machine brake of the lift;
 - (v) any replacement, including any change in the type, of the driving-machine of the lift; and/or

- (w) any replacement, including any change in the type, of any safety component (other than a safety circuit that contains any electronic component) or safety equipment for the lift.

2. For the purposes of this Ordinance, **major alteration** (主要更改), in relation to an escalator, means—
- (a) the addition of any safety component or safety equipment for the escalator;
 - (b) any change in the type of control or operation of the escalator;
 - (c) any modification resulting in an increase in the speed of the escalator;
 - (d) any replacement, including any change in the type, of any ~~safety component or~~ safety equipment for the escalator;
 - (e) any replacement, including any change in the type, of the drive of the escalator;
 - (f) any replacement, including any change in the type, of the braking system of the escalator;
 - (g) any replacement, including any change in the type, of the non-reversal device of the escalator; ~~and; or~~
 - (h) any replacement, including any change in the type, of the overspeed protection device of the escalator.

須向署長報告的事故

第 1 部

升降機

1. 有人受傷或死亡，而傷亡涉及升降機或其任何相聯設備或機械。
2. 升降機的主要驅動系統發生故障，而該故障的肇因，並非該升降機的主電源系統故障。
3. 升降機的任何懸吊纜索斷裂。
4. 升降機的任何制動器、超載裝置、安全部件或安全設備發生故障。
5. 升降機升降通道的門所設有的聯鎖裝置發生故障，而該故障的肇因，並非安全電接點不能接通電路。
6. 升降機運載裝置的門所設有的聯鎖裝置發生故障，而該故障的肇因，並非安全電接點不能接通電路。

第 2 部

自動梯

1. 有人受傷或死亡，而該傷亡涉及自動梯或其任何相聯設備或機械。
2. 自動梯的主要驅動系統發生故障，而該故障的肇因，並非該自動梯的主電源系統故障。
3. 自動梯的任何制動器、梯級鏈、驅動鏈、安全部件或安全設備發生故障。

Incidents to be Reported to Director

Part 1

Lifts

1. A person dies or is injured and the death or injury involves a lift or any associated equipment or machinery of a lift.
2. A failure of the main drive system of a lift occurs other than by reason of the failure of the main power system of the lift.
3. A breakage of any suspension rope of a lift.
4. A failure of any brake, overload device, safety component or safety equipment of a lift.
5. A failure of any interlocking device for any door of the lift-way of a lift occurs other than by reason of a failure of the making of electrical contact of safety contacts.
6. A failure of any interlocking device for any door of the carrier of a lift occurs other than by reason of a failure of the making of electrical contact of safety contacts.

Part 2

Escalators

1. A person dies or is injured and the death or injury involves an escalator or any associated equipment or machinery of an escalator.
2. A failure of the main drive system of an escalator occurs other than by reason of the failure of the main power system of the escalator.
3. A failure of any brake, step chain, drive chain, safety component or safety equipment of an escalator.

附表 8

[第 74、75、86、87 及
156 條]

升降機承辦商及自動梯承辦商的註冊

第 1 部

釋義

1. 在本附表中 —
香港工程師學會 (Hong Kong ~~Institute~~ Institution of Engineers)指根據《香港工程師學會條例》(第 1105 章)設立的香港工程師學會；
僱員 (employee)就申請人而言，指申請人根據僱傭合約僱用的人。

附表 11

[第 108 及 156 條及
附表 12]

紀律審裁委員團

1. 釋義

在本附表中 —

委員團 (panel)指按第108條~~第109條~~規定須設立的紀律審裁委員團；

委員團成員 (panel member)指根據本附表第 2 條委任的人；

香港工程師學會 (Hong Kong Institution of Engineers)指根據《香港工程師學會條例》(第 1105 章)設立的香港工程師學會；

註冊專業工程師 (registered professional engineer)指《工程師註冊條例》(第 409 章)第 2 條所界定的註冊專業工程師。

2. 委員團的組成

- (1) 委員團由以下數目及組別的、由局長委任的人士組成 —
 - (a) 不超過 5 名由香港工程師學會提名的人，而其中每人均屬 —
 - (i) 香港工程師學會的會員；及
 - (ii) 屋宇裝備工程、機械工程或輪機及造船工程界別的註冊專業工程師；
 - (b) 不超過 5 名由香港工程師學會提名的人，而其中每人均屬 —
 - (i) 香港工程師學會的會員；及
 - (ii) 控制、自動化及儀器儀表工程、電機工程或電子工程界別的註冊專業工程師；
 - (c) 不超過 5 名屬以下組別的人士 —
 - (i) 註冊升降機工程師，而該工程師是由獲局長認為代表升降機工程師權益的組織提名的；或
 - (ii) 註冊自動梯工程師，而該工程師是由獲局長認為代表自動梯工程師權益的組織提名的；
 - (d) 不超過 5 名由香港工程師學會提名的人，而其中每人均屬香港工程師學會的會員，並名列根據《建築物條例》(第 123 章)第 3(2)(b)或(3)條備存的名冊的工程師名單；
 - (e) 不超過 5 名由獲局長認為代表升降機承辦商或自動梯承辦商權益的組織提名的人；
 - (f) 不超過 5 名屬以下組別的人士 —
 - (i) 就所有升降機工程種類註冊的註冊升降機工程人員，而該人員是由獲局長認為代表升降機工程人員權益的組織提名的；或
 - (ii) 就所有自動梯工程種類註冊的註冊自動梯工程人員，而該人員是由獲局長認為代表自動梯工程人員權益的組織提名的；
 - (g) 不超過 5 名由獲局長認為代表經營物業管理業務的人的權益的組織提名的人業外人士，而該等人士是由獲局長認為代表物業管理業務經營者權益的組織提名的；及
 - (h) 不超過 5 名屬以下組別的業外人士 —
 - (i) 《建築物管理條例》(第 344 章)所指的管理委員會(或新管理委員會)的委員；或
 - (ii) 擁有升降機或自動梯的人。
- (2) 公職人員並無資格獲委任為委員團的成員。
- (3) 局長須在憲報刊登關於委任委員團成員的公告。

Schedule 11

[ss. 108 & 156 & Sch. 12]

Disciplinary Board Panel

1. Interpretation

In this Schedule—

Hong Kong Institution of Engineers (香港工程師學會) means The Hong Kong Institution of Engineers established under The Hong Kong Institution of Engineers Ordinance (Cap. 1105);

panel (委員團) means the disciplinary board panel required to be established under ~~section 109~~section 108;

panel member (委員團成員) means a person appointed under section 2 of this Schedule;

registered professional engineer (註冊專業工程師) means a registered professional engineer as defined by section 2 of the Engineers Registration Ordinance (Cap. 409).

2. Composition of panel

- (1) The panel is to consist of the following numbers and categories of persons appointed by the Secretary—
 - (a) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is both—
 - (i) a member of the Institution; and
 - (ii) a registered professional engineer within the discipline of building services engineering, mechanical engineering, or marine and naval architecture engineering;
 - (b) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is both—
 - (i) a member of the Institution; and
 - (ii) a registered professional engineer within the discipline of control, automation and instrumentation engineering, electrical engineering or electronic engineering;
 - (c) not more than 5 persons each of whom is—
 - (i) a registered lift engineer nominated by an organization which, in the opinion of the Secretary, represents the interests of lift engineers; or
 - (ii) a registered escalator engineer nominated by an organization which, in the opinion of the Secretary, represents the interests of escalator engineers;
 - (d) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is a member of the Institution whose name is in the list of engineers contained in the register kept under section 3(2)(b) or (3) of the Buildings Ordinance (Cap. 123);
 - (e) not more than 5 persons each of whom is nominated by an organization which, in the opinion of the Secretary, represents the interests of lift contractors or escalator contractors;
 - (f) not more than 5 persons each of whom is—
 - (i) a registered lift worker for all kinds of lift works nominated by an organization which, in the opinion of the Secretary, represents the interests of lift workers; or
 - (ii) a registered escalator worker for all kinds of escalator works nominated by an organization which, in the opinion of the Secretary, represents the interests of escalator workers;
 - (g) not more than ~~5 persons~~ 5 laypersons each of whom is nominated by an organization which, in the opinion of the Secretary, represents the interests of persons carrying on the business of property management; and
 - (h) not more than ~~5 persons~~ 5 laypersons each of whom is—
 - (i) a member of a management committee, or a new management committee, within the meaning of the Building Management Ordinance (Cap. 344); or

- (ii) a person who owns a lift or escalator.
- (2) A public officer is not eligible for appointment to the panel.
- (3) The Secretary is to give notice in the Gazette of the appointment of a panel member.

紀律審裁委員會的組成、會議及程序等

7. 在紀律審裁委員會席前進行的程序

- (1) 在紀律審裁委員會席前的聆訊的各方為 —
 - (a) 遭投訴的註冊人士；及
 - (b) 署長。
- (2) 紀律審裁委員會的主席須 —
 - (a) 指定聆訊的時間及地點；及
 - (b) 將該時間及地點以書面通知各方。
- (3) 聆訊各方可 —
 - (a) 於聆訊中親自作出申述；或
 - (b) 由大律師或律師或該方以書面授權的任何其他人士代表。
- (4) 聆訊各方可在委員會席前進行的任何程序中提交證據。

上訴委員團

2. 委員團的組成

- ~~(1) 委員團由以下數目及組別的、由局長委任的人士組成——~~
- ~~——(a) 不超過 10 名由香港工程師學會提名的人，而其中每人均屬——~~
- ~~——(i) 香港工程師學會的會員；及~~
- ~~——(ii) 控制、自動化及儀器儀表工程、電機工程或電子工程界別的註冊專業工程師；~~
- ~~——(b) 不超過 10 名由香港工程師學會提名的人，而其中每人均屬——~~
- ~~——(i) 香港工程師學會的會員；及~~
- ~~——(ii) 機械工程、屋宇裝備工程或輪機及造船工程界別的註冊專業工程師；~~
- ~~——(c) 不超過 10 名由香港工程師學會提名的人，而其中每人均屬香港工程師學會的會員，並名列根據《建築物條例》(第 123 章)第 3(2)(b)或(3)條備存的名冊的工程師名單。~~
- (1) 委員團由以下數目及組別的、由局長委任的人士組成 —
- (a) 不超過 5 名由香港工程師學會提名的人，而其中每人均屬 —
- (i) 香港工程師學會的會員；及
- (ii) 屋宇裝備工程、機械工程、或輪機及造船工程界別的註冊專業工程師；
- (b) 不超過 5 名由香港工程師學會提名的人，而其中每人均屬 —
- (i) 香港工程師學會的會員；及
- (ii) 控制、自動化及儀器儀表工程、電機工程或電子工程界別的註冊專業工程師；
- (c) 不超過 5 名屬以下組別的人士 —
- (i) 註冊升降機工程師，而該工程師是由獲局長認為代表升降機工程師權益的組織提名的；或
- (ii) 註冊自動梯工程師，而該工程師是由獲局長認為代表自動梯工程師權益的組織提名的；
- (d) 不超過 5 名由香港工程師學會提名的人，而其中每人均屬香港工程師學會的會員，並名列根據《建築物條例》(第 123 章)第 3(2)(b)或(3)條備存的名冊的工程師名單；
- (e) 不超過 5 名由獲局長認為代表升降機承辦商或自動梯承辦商權益的組織提名的人；
- (f) 不超過 5 名屬以下組別的人士 —
- (i) 就所有升降機工程種類註冊的註冊升降機工程人員，而該人員是由獲局長認為代表升降機工程人員權益的組織提名的；或
- (ii) 就所有自動梯工程種類註冊的註冊自動梯工程人員，而該人員是由獲局長認為代表自動梯工程人員權益的組織提名的；

- (g) 不超過 5 名業外人士，而該等人士是由獲局長認為代表物業管理業務經營者權益的組織提名的；及
 - (h) 不超過 5 名屬以下組別的業外人士 —
 - (i) 《建築物管理條例》(第 344 章)所指的管理委員會(或新管理委員會)的委員；或
 - (ii) 擁有升降機或自動梯的人。
- (2) 公職人員並無資格獲委任為委員團的成員。
- (3) 局長須在憲報刊登關於委任委員團成員的公告。

Appeal Board Panel**2. Composition of panel**

- ~~(1) The panel is to consist of the following numbers and categories of persons appointed by the Secretary—~~
- ~~(a) not more than 10 persons nominated by the Hong Kong Institution of Engineers, each of whom is—~~
- ~~(i) a member of the Institution; and~~
- ~~(ii) a registered professional engineer within the discipline of control, automation and instrumentation engineering, electrical engineering, or electronic engineering;~~
- ~~(b) not more than 10 persons nominated by the Hong Kong Institution of Engineers, each of whom is—~~
- ~~(i) a member of the Institution; and~~
- ~~(ii) a registered professional engineer within the discipline of mechanical engineering, building services engineering, or marine and naval architecture engineering;~~
- ~~(c) not more than 10 persons nominated by the Hong Kong Institution of Engineers, each of whom is a member of the Institution whose name is in the list of engineers contained in the register kept under section 3(2)(b) or (3) of the Buildings Ordinance (Cap. 123).~~
- (1) The panel is to consist of the following numbers and categories of persons appointed by the Secretary—
- (a) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is both—
- (i) a member of the Institution; and
- (ii) a registered professional engineer within the discipline of building services engineering, mechanical engineering, or marine and naval architecture engineering;
- (b) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is both—
- (i) a member of the Institution; and
- (ii) a registered professional engineer within the discipline of control, automation and instrumentation engineering, electrical engineering or electronic engineering;
- (c) not more than 5 persons each of whom is—
- (i) a registered lift engineer nominated by an organization which, in the opinion of the Secretary, represents the interests of lift engineers; or

- (ii) a registered escalator engineer nominated by an organization which, in the opinion of the Secretary, represents the interests of escalator engineers;
- (d) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is a member of the Institution whose name is in the list of engineers contained in the register kept under section 3(2)(b) or (3) of the Buildings Ordinance (Cap. 123);
- (e) not more than 5 persons each of whom is nominated by an organization which, in the opinion of the Secretary, represents the interests of lift contractors or escalator contractors;
- (f) not more than 5 persons each of whom is—
 - (i) a registered lift worker for all kinds of lift works nominated by an organization which, in the opinion of the Secretary, represents the interests of lift workers; or
 - (ii) a registered escalator worker for all kinds of escalator works nominated by an organization which, in the opinion of the Secretary, represents the interests of escalator workers;
- (g) not more than 5 laypersons each of whom is nominated by an organization which, in the opinion of the Secretary, represents the interests of persons carrying on the business of property management; and
- (h) not more than 5 laypersons each of whom is—
 - (i) a member of a management committee, or a new management committee, within the meaning of the Building Management Ordinance (Cap. 344); or
 - (ii) a person who owns a lift or escalator.
- (2) A public officer is not eligible for appointment to the panel.
- (3) The Secretary is to give notice in the Gazette of the appointment of a panel member.

上訴委員會的組成、會議及程序等

2. 上訴委員會的組成

- (1) 上訴委員會由局長從根據第 116 條設立的上訴委員團中委任的 ~~4 名~~ 8 名 成員組成。
- (2) 組成委員團的每一組別，均須有最少一名成員在委員會成員內。
- (3) 如某上訴委員團成員是或曾經是紀律審裁委員會成員，而該紀律審裁委員會的決定，是上訴委員會將要考慮的上訴的標的，則局長不得委任該成員為該上訴委員會的成員。
- (4) 如在考慮某上訴時，為考慮該上訴而組成的上訴委員會的某委員會成員不再是上訴委員團成員(根據附表 13 第 5 條的原因除外)，該委員會成員可繼續以上訴委員會成員身分行事，直至委員會就該上訴作出決定為止。

3. 法定人數

- (1) 上訴委員會會議的法定人數為 ~~3~~ 5 名委員會成員。
- (2) 如有委員會成員根據本附表第 8 條被取消就某事宜參與作出決定或商議的資格，則在計算決定或商議該事宜的法定人數時，不得將該成員計算在內。

7. 在上訴委員會席前進行的程序

- ~~(1) 在上訴委員會席前的上訴的為上訴人，及——~~
 - ~~(a) (如屬針對署長的決定的上訴)署長；~~
 - ~~(b) (如屬針對註冊主任的決定的上訴)註冊主任；及~~
 - ~~(c) (如屬針對紀律審裁委員會的命令的上訴)紀律審裁委員會。~~
- (1) 在上訴委員會席前的上訴的各方為上訴人，以及 ——
 - (a) (如屬針對署長的決定的上訴)署長；
 - (b) (如屬針對註冊主任的決定的上訴)註冊主任；
 - (c) (如屬針對紀律審裁委員會的命令的上訴)紀律審裁委員會；及
 - (d) (如屬針對第 115(1)(I)條所述的決定的上訴)作出該決定的人。
- (2) 上訴委員會的主席須 ——
 - (a) 指定聆訊上訴的時間及地點；及
 - (b) 將該時間及地點以書面通知各方。
- (3) 上訴各方可 ——
 - (a) 於聆訊中親自作出申述；或
 - (b) 由大律師或律師或該方以書面授權的任何其他人士代表。
- (4) 上訴各方可在上訴委員會席前進行的任何程序中提交證據。
- (5) 除非上訴委員會裁定有良好理由以非公開形式進行聆訊，否則聆訊須公開進行。

Composition, Meetings and Proceedings of Appeal Board, etc.

2. Composition of appeal board

- (1) An appeal board is to consist of ~~4 members~~ 8 members appointed by the Secretary from the members of the appeal board panel established under section 116.
- (2) The board members must include at least one member from each category constituting the panel.
- (3) The Secretary may not appoint a member of the appeal board panel to be a member of an appeal board if the member of the panel is or has been a member of the disciplinary board the decision of which is the subject of an appeal to be considered by the appeal board.
- (4) If, at the time of considering an appeal, a board member of the appeal board established to consider the appeal ceases to be a member of the appeal board panel other than for any of the reasons under section 5 of Schedule 13, the board member may continue to act as a member of the appeal board until a decision is made by the board in respect of the appeal.

3. Quorum

- (1) At a meeting of an appeal board, the quorum is ~~3 board members~~ 5 board members.
- (2) If a board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 8 of this Schedule, the member must be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

7. Proceedings before appeal board

- ~~— (1) The parties to an appeal before an appeal board are the appellant and—~~
 - ~~— (a) if the appeal is an appeal against a decision of the Director, the Director;—~~
 - ~~— (b) if the appeal is an appeal against a decision of the Registrar, the Registrar; and~~
 - ~~— (c) if the appeal is an appeal against an order of a disciplinary board, the disciplinary board.~~
- (1) The parties to an appeal before an appeal board are the appellant and—
 - (a) if the appeal is an appeal against a decision of the Director, the Director;
 - (b) if the appeal is an appeal against a decision of the Registrar, the Registrar;
 - (c) if the appeal is an appeal against an order of a disciplinary board, the disciplinary board; and
 - (d) if the appeal is an appeal against a decision mentioned in section 115(1)(l), the person who made the decision.
- (2) The chairperson of the appeal board is to—
 - (a) appoint the time and place of the hearing of the appeal; and
 - (b) notify in writing the parties of that time and place.
- (3) A party to the appeal may—
 - (a) make a representation in person at the hearing; or
 - (b) be represented at the hearing by a counsel or a solicitor or any other person authorized by the party in writing.
- (4) A party to the appeal may adduce evidence at any proceedings before the appeal board.
- (5) A hearing is to be open to the public unless the appeal board determines that there is a good reason for it to be held in camera.

過渡性及保留條文

第 2 部

若干人士視為條例所指的註冊人士

2. 若干人士根據《已廢除條例》註冊視為根據本條例註冊

- (1) 如在緊接有關日期前，任何人屬《已廢除條例》所指的註冊升降機承建商，而若非第 157 條實施，其註冊在有關日期本屬繼續有效的，則該人屬本條例所指的註冊升降機承辦商，猶如該人是於有關日期根據第 74(1)條獲註冊，而第 98 條亦據此適用。
- (2) 如在緊接有關日期前，任何人屬《已廢除條例》所指的註冊升降機工程師，而若非第 157 條實施，其註冊在有關日期本屬繼續有效的，則該人屬本條例所指的註冊升降機工程師，猶如該人是於有關日期根據第 78(1)條獲註冊，而第 98 及 99 條亦據此適用。
- (3) 如在緊接有關日期前，任何人屬《已廢除條例》所指的註冊自動梯承建商，而若非第 157 條實施，其註冊在有關日期本屬繼續有效的，則該人屬本條例所指的註冊自動梯承辦商，猶如該人是於有關日期根據第 86(1)條獲註冊，而第 98 條亦據此適用。
- (4) 如在緊接有關日期前，任何人屬《已廢除條例》所指的註冊自動梯工程師，而若非第 157 條實施，其註冊在有關日期本屬繼續有效的，則該人屬本條例所指的註冊自動梯工程師，猶如該人是於有關日期根據第 90(1)條獲註冊，而第 98 及 99 條亦據此適用。
- (5) 本條所指的註冊人士的註冊 —
 - (a) 於有關日期生效；及
 - (b) 除非被取消或暫時吊銷，否則於緊接該日期的 5 周年當日之前一日不再有效。

第 4 部

若干工程等視為條例所指的定期保養工程等

4. 若干工程就第 15(2)(b)或 46(2)(b)條而言視為定期保養工程等

(1) 就第 15(2)(b)條而言 —

- (a) 如若非第 157 條實施，《已廢除條例》第 19 條本就某升降機適用，則上次在訂明期間內按照該第 19 條就該升降機進行的訂明工程，須視為就該升降機進行的定期保養工程；及
- (b) 就任何其他升降機而言，定期保養工程須視為在有關日期第一次就該升降機進行。

(2) 就第 46(2)(b)條而言 —

- (a) 如若非第 157 條實施，《已廢除條例》第 19 條本就某自動梯適用，則上次在訂明期間內按照該第 19 條就該自動梯進行的訂明工程，須視為就該自動梯進行的定期保養工程；及
- (b) 就任何其他自動梯而言，定期保養工程須視為在有關日期第一次就該自動梯進行。

(3) 在本條中 —

訂明工程 (prescribed works) —

- (a) 就升降機而言，指檢查、清潔及調校該升降機，以及為該升降機上機油，包括檢查、清潔及調校與該升降機**連接相關**的所有機械及設備，及該升降機設有的安全設備，以及為該等機械及設備上機油；及
- (b) 就自動梯而言，指檢查、清潔及調校該自動梯，以及為該自動梯上機油，包括檢查、清潔及調校與該自動梯**連接相關**的所有機械及設備，及該自動梯設有的安全設備，以及為該等機械及設備上機油；

訂明期間 (prescribed period)指緊接有關日期前的一個月的期間。

5. 若干檢驗及測試就第 22、23 或 53 條而言視為徹底檢驗

- (1) 就第 22 條而言，對上一次在有關日期前就有關的升降機進行的訂明檢驗，須視為註冊升降機工程師就該升降機及其所有相聯設備或機械進行的徹底檢驗。
- (2) 就第 23 條而言，對上一次在有關日期前就有關的升降機按照《已廢除條例》進行的有負載訂明檢驗，須視為註冊升降機工程師按照第 24(2)及(3)條就該升降機及其所有相聯設備或機械進行的檢驗。
- (3) 就第 53 條而言，對上一次在有關日期前就有關的自動梯進行的訂明檢驗，須視為註冊自動梯工程師就該自動梯及其所有相聯設備或機械進行的徹底檢驗。
- (4) 在本條中 —

有負載訂明檢驗 (prescribed examination with load)就第(2)款而言 —

- (a) (如若非第 157 條實施，《已廢除條例》第 39(3)條本就某升降機適用)指在訂明期間就該升降機進行的檢驗，包括檢驗與該升降機**連接相關**的所有機械及設備，及在有負載的情況下測試該升降機設有的安全設備，而有訂明證明書已就該項檢驗發出；及
- (b) 就任何其他升降機而言，指在訂明期間就該升降機進行的檢驗，包括檢驗與該升降機**連接相關**的所有機械及設備，及在有負載的情況下測試該升降機設有的安全設備，而有訂明證明書已就該項檢驗發出；

訂明人士 (prescribed person)就**訂明證明書**的定義的(f)段而言，指《已廢除條例》第 2(1)條所界定的註冊升降機工程師；

訂明期間 (prescribed period)就**有負載訂明檢驗**的定義而言，指符合以下說明的期間 —

- (a) 始於某日而該日的 5 周年日是有關日期的**翌日**；及
- (b) 終於緊接有關日期之前一日；

訂明檢驗 (prescribed examination) —

- (a) 就第(1)款而言 —
 - (i) (如若非第 157 條實施，《已廢除條例》第 39(3)條本就某升降機適用)指該升降機的檢驗，包括檢驗與該升降機**連接相關**的所有機械及設備，及測試該升降機設有的安全設備，而有訂明證明書已就該項檢驗發出；及
 - (ii) 就任何其他升降機而言，指該升降機的檢驗，包括檢驗與該升降機**連接相關**的所有機械及設備，及測試該升降機設有的安全設備，而有訂明證明書已就該項檢驗發出；及
- (b) 就第(3)款而言 —
 - (i) (如若非第 157 條實施，《已廢除條例》第 39(3)條本就某自動梯適用)指該自動梯的檢驗，包括檢驗與該自動梯**連接相關**的所有機械及設備，而有訂明證明書已就該項檢驗發出；及
 - (ii) 就任何其他自動梯而言，指該自動梯的檢驗，包括檢驗與該自動梯**連接相關**的所有機械及設備，而有訂明證明書已就該項檢驗發出；

訂明證明書 (prescribed certificate) —

- (a) 就**訂明檢驗**的定義的(a)(i)段而言，指本附表第 6(3)(a)(i)條所界定的訂明證明書；
- (b) 就**訂明檢驗**的定義的(a)(ii)段而言，指本附表第 6(3)(a)(ii)條所界定的訂明證明書；
- (c) 就**訂明檢驗**的定義的(b)(i)段而言，指本附表第 6(3)(b)(i)條所界定的訂明證明書；
- (d) 就**訂明檢驗**的定義的(b)(ii)段而言，指本附表第 6(3)(b)(ii)條所界定的訂明證明書；
- (e) 就**有負載訂明檢驗**的定義的(a)段而言，指署長根據《已廢除條例》第 39 條交付的證明書的文本；
- (f) 就**有負載訂明檢驗**的定義的(b)段而言，指訂明人士就該升降機由有關的人進行的檢驗(包括檢驗與該升降機**連接相關**的所有機械及設備，及測試該升降機設有的安全設備)發出的證明書，而該證明書載有該人的一項陳述，表明該人信納在檢驗當日該升降機處於安全操作狀態。

6. 若干證明書視為根據第 26 或 56 條發出的准用證

(1) 在第(2)款的規限下 —

- (a) 升降機的訂明證明書視為該升降機的准用證；及
- (b) 自動梯的訂明證明書視為該自動梯的准用證。

(2) 儘管有第 27 及 57 條的規定 —

(a) 根據第(1)(a)款視為升降機的准用證的該升降機的證明書 —

(i) 就第(3)(a)(i)款所指的文件而言 —

- (A) 在有關日期開始作為准用證有效；及
- (B) 在以下日期的午夜不再作為准用證有效：該證明書指明的日期，而該日期屬如此指明為就該升降機進行下次定期檢驗的限期的最後一日；及

(ii) 就第(3)(a)(ii)款所指的文件而言 —

- (A) 在有關日期開始作為准用證有效；及
- (B) 在緊接有關檢驗進行的日期的 1 周年日之前一日的午夜，不再作為准用證有效；及

(b) 根據第(1)(b)款視為自動梯的准用證的該自動梯的證明書 —

(i) 就第(3)(b)(i)款所指的文件而言 —

- (A) 在有關日期開始作為准用證有效；及
- (B) 在以下日期的午夜不再作為准用證有效：該證明書指明的日期，而該日期屬如此指明為就該自動梯進行下次定期檢驗的限期的最後一日；及

(ii) 就第(3)(b)(ii)款所指的文件而言 —

- (A) 在有關日期開始作為准用證有效；及
- (B) 在進行有關檢驗的日期翌日開始的 6 個月的期間的最後一日的午夜，不再作為准用證有效。

(3) 就本條而言 —

(a) 如有以下情況，文件即屬升降機的訂明證明書 —

(i) 就某升降機(如若非第 157 條實施，《已廢除條例》第 39(3)條本就該升降機適用)而言 —

- (A) 該文件是署長根據《已廢除條例》第 39 條交付的證明書的文本；及
- (B) 該文件指明須在某日期或之前就該升降機進行下次定期檢驗，而該日期是有關日期當日或之後；及

(ii) 就任何其他升降機而言 —

- (A) 該文件是訂明人士發出的證書；
- (B) 該文件是在有關日期前就該升降機的檢驗(包括檢驗與該升降機連接相關的所有機械及設備，及測試該升降機設有的安全設備)發出的，而該項檢驗是由該人按照《已廢除條例》在某日期或之後進行，而該日期的周年日是緊接有關日期之後；及
- (C) 該文件載有該人的一項陳述，表明有關工程師該人信納在檢驗當日該升降機處於安全操作狀態；及

- (b) 如有以下情況，文件即屬自動梯的訂明證明書 —
- (i) 就某自動梯(如若非第 157 條實施，《已廢除條例》第 39(3) 條本就該自動梯適用)而言 —
 - (A) 該文件是署長根據《已廢除條例》第 39 條交付的證明書的文本；及
 - (B) 該文件指明須在某日期或之前就該自動梯進行下次定期檢驗，而該日期是有關日期當日或之後；及
 - (ii) 就任何其他自動梯而言 —
 - (A) 該文件是訂明人士發出的證書；
 - (B) 該文件是在有關日期前就該自動梯的檢驗(包括檢驗與該自動梯連接相關的所有機械及設備)發出的，而該項檢驗是由該人按照《已廢除條例》在緊接有關日期前的 6 個月的期間內進行的；及
 - (C) 該文件載有該人的一項陳述，表明有關工程師該人信納在檢驗當日該自動梯處於安全操作狀態。

(4) 在第(3)款中 —

訂明人士 (prescribed person) —

- (a) 就升降機而言，指《已廢除條例》第 2(1)條所界定的註冊升降機工程師；
- (b) 就自動梯而言，指《已廢除條例》第 2(1)條所界定的註冊自動梯工程師。

第 9 部

其他事宜

15. 根據第 39 或 69 條展示准用證

- (1) 如有訂明檢驗就某升降機進行，第 39 條在指明日期前並不就該升降機適用，但如若非第 157 條實施《已廢除條例》第 39(3)條本就其適用的升降機除外。
- (2) 如有訂明檢驗就某自動梯進行，第 69 條在指明日期前並不就該自動梯適用，但如若非第 157 條實施《已廢除條例》第 39(3)條本就其適用的自動梯除外。
- (3) 在本條中 —

上次訂明檢驗 (last prescribed examination) —

- (a) 就升降機而言，指對上一次在有關日期前就該升降機進行的訂明檢驗；及
- (b) 就自動梯而言，指對上一次在有關日期前就該自動梯進行的訂明檢驗；

指明日期 (specified date) —

- (a) 就升降機而言，指就該升降機進行上次訂明檢驗的日期的周年日；及
- (b) 就自動梯而言，指於就該自動梯進行上次訂明檢驗的日期翌日開始的 6 個月的期間的最後一日；

訂明檢驗 (prescribed examination) —

- (a) 就升降機而言，指該升降機的檢驗，包括檢驗與該升降機連接相關的所有機械及設備，及測試該升降機設有的安全設備，而有本附表第 6(3)(a)(ii)條所界定的訂明證明書已就該項檢驗發出；及
- (b) 就自動梯而言，指該自動梯的檢驗，包括檢驗與該自動梯連接相關的所有機械及設備，及測試該自動梯設有的安全設備，而有本附表第 6(3)(b)(ii)條所界定的訂明證明書已就該項檢驗發出。

Transitional and Savings Provisions

Part 2

Certain Persons Regarded as Registered Persons under Ordinance

2. Registration of certain persons under repealed Ordinance to be regarded as registration under this Ordinance

- (1) A person who, immediately before the relevant date, was a registered lift contractor under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered lift contractor under this Ordinance as if the person were registered under section 74(1) on the relevant date, and section 98 applies accordingly.
- (2) A person who, immediately before the relevant date, was a registered lift engineer under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered lift engineer under this Ordinance as if the person were registered under section 78(1) on the relevant date, and sections 98 and 99 apply accordingly.
- (3) A person who, immediately before the relevant date, was a registered escalator contractor under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered escalator contractor under this Ordinance as if the person were registered under section 86(1) on the relevant date, and section 98 applies accordingly.
- (4) A person who, immediately before the relevant date, was a registered escalator engineer under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered escalator engineer under this Ordinance as if the person were registered under section 90(1) on the relevant date, and sections 98 and 99 apply accordingly.
- (5) The registration of a registered person under this section—
 - (a) takes effect on the relevant date; and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of that date.

Part 4

Certain Works, etc. Regarded as Periodic Maintenance Works, etc. under Ordinance

5. Certain examinations and testing to be regarded as thorough examinations for purposes of section 22, 23 or 53

- (1) For the purposes of section 22, the prescribed examination last carried out in respect of a lift before the relevant date is to be regarded as a thorough examination carried out in respect of the lift and all its associated equipment or machinery by a registered lift engineer.
- (2) For the purposes of section 23, the prescribed examination with load last carried out in respect of a lift before the relevant date (in accordance with the repealed Ordinance) is to be regarded as an examination carried out in respect of the lift and all its associated equipment or machinery by a registered lift engineer in accordance with section 24(2) and (3).
- (3) For the purposes of section 53, the prescribed examination last carried out in respect of an escalator before the relevant date is to be regarded as a thorough examination carried out in respect of the escalator and all its associated equipment or machinery by a registered escalator engineer.
- (4) In this section—

prescribed certificate (訂明證明書) means—

- (a) for the purposes of paragraph (a)(i) of the definition of ***prescribed examination***, a prescribed certificate as defined by section 6(3)(a)(i) of this Schedule;
- (b) for the purposes of paragraph (a)(ii) of the definition of ***prescribed examination***, a prescribed certificate as defined by section 6(3)(a)(ii) of this Schedule;
- (c) for the purposes of paragraph (b)(i) of the definition of ***prescribed examination***, a prescribed certificate as defined by section 6(3)(b)(i) of this Schedule;
- (d) for the purposes of paragraph (b)(ii) of the definition of ***prescribed examination***, a prescribed certificate as defined by section 6(3)(b)(ii) of this Schedule;
- (e) for the purposes of paragraph (a) of the definition of ***prescribed examination with load***, a copy of a certificate delivered by the Director under section 39 of the repealed Ordinance;
- (f) for the purposes of paragraph (b) of the definition of ***prescribed examination with load***, a certificate that is issued by a prescribed person relating to an examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, carried out by the person and that contains a statement of the person to the effect that the person is satisfied that on the date of the examination, the lift was in safe working order;

prescribed examination (訂明檢驗) means—

- (a) for the purposes of subsection (1)—
 - (i) in relation to a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, in respect of which a prescribed certificate has been issued; and
 - (ii) in relation to any other lift, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, in respect of which a prescribed certificate has been issued; and
- (b) for the purposes of subsection (3)—
 - (i) in relation to an escalator to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, examination of the escalator, including examination of all machinery and equipment connected with the escalator, in respect of which a prescribed certificate has been issued; and
 - (ii) in relation to any other escalator, examination of the escalator, including examination of all machinery and equipment connected with the escalator, in respect of which a prescribed certificate has been issued;

prescribed examination with load (有負載訂明檢驗), for the purposes of subsection (2), means—

- (a) in relation to a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift with load, carried out within the prescribed period and in respect of which a prescribed certificate has been issued; and
- (b) in relation to any other lift, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift with load, carried out within the prescribed period and in respect of which a prescribed certificate has been issued;

prescribed period (訂明期間), for the purposes of the definition of ***prescribed examination with load***, means the period—

- (a) beginning on the date the 5th anniversary of which is ~~the date~~ ***immediately after*** the relevant date; and
- (b) ending immediately before the relevant date;

prescribed person (訂明人士), for the purposes of paragraph (f) of the definition of ***prescribed certificate***, means a registered lift engineer as defined by section 2(1) of the repealed Ordinance.

6. Certain certificates to be regarded as use permits issued under section 26 or 56

- (1) Subject to subsection (2)—
 - (a) a prescribed certificate of a lift is to be regarded as a use permit of the lift; and
 - (b) a prescribed certificate of an escalator is to be regarded as a use permit of the escalator.
- (2) Despite sections 27 and 57—
 - (a) a certificate of a lift that is to be regarded as a use permit of the lift under subsection (1)(a)—
 - (i) in relation to a document under subsection (3)(a)(i)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the date specified in the certificate to be the date on or before which the next periodic examination of the lift is required to be carried out; and
 - (ii) in relation to a document under subsection (3)(a)(ii)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the date immediately before the 1st anniversary of the date on which the examination was carried out; and
 - (b) a certificate of an escalator that is to be regarded as a use permit of the escalator under subsection (1)(b)—
 - (i) in relation to a document under subsection (3)(b)(i)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the date specified in the certificate to be the date on or before which the next periodic examination of the escalator is required to be carried out; and
 - (ii) in relation to a document under subsection (3)(b)(ii)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the last day of the 6-month period beginning on the date immediately after the date on which the examination was carried out.
- (3) For the purposes of this section—
 - (a) a document is a prescribed certificate of a lift if—

- (i) in relation to a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157—
 - (A) the document is a copy of a certificate delivered by the Director under section 39 of the repealed Ordinance; and
 - (B) the date specified in the document to be the date on or before which the next periodic examination of the lift is required to be carried out is a date on or after the relevant date; and
- (ii) in relation to any other lift—
 - (A) the document is a certificate issued by a prescribed person;
 - (B) the document was issued before the relevant date relating to an examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, carried out by the person in accordance with the repealed Ordinance on a date not earlier than the date the 1st anniversary of which is the date immediately after the relevant date; and
 - (C) the document contains a statement of the person to the effect that the engineer-person is satisfied that on the date of the examination, the lift was in safe working order; and
- (b) a document is a prescribed certificate of an escalator if—
 - (i) in relation to an escalator to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157—
 - (A) the document is a copy of a certificate delivered by the Director under section 39 of the repealed Ordinance; and
 - (B) the date specified in the document to be the date on or before which the next periodic examination of the escalator is required to be carried out is a date on or after the relevant date; and
 - (ii) in relation to any other escalator—
 - (A) the document is a certificate issued by a prescribed person;
 - (B) the document was issued before the relevant date relating to an examination of the escalator, including examination of all machinery and equipment connected with the escalator, carried out by the person in accordance with the repealed Ordinance within the 6-month period immediately before the relevant date; and
 - (C) the document contains a statement of the person to the effect that the engineer-person is satisfied that on the date of the examination, the escalator was in safe working order.
- (4) In subsection (3)—
prescribed person (訂明人士) means—

- (a) in relation to a lift, a registered lift engineer as defined by section 2(1) of the repealed Ordinance;
- (b) in relation to an escalator, a registered escalator engineer as defined by section 2(1) of the repealed Ordinance.

附表 16

[第 156 及 160 條]

相應及相關修訂

第 3 部

對《防止賄賂條例》(第 201 章)的修訂

4. 修訂附表 1(公共機構)

在附表 1 的末處附表 1，在第 115 項之後 —
加入

~~“117~~116. 根據《升降機及自動梯條例》(2011 年第 號)第 108 條設立的紀律審裁委員團，包括根據該條例第 110 條設立的紀律審裁委員會。

~~118~~117. 根據《升降機及自動梯條例》(2011 年第 號)第 116 條設立的上訴委員團，包括根據該條例第 118 條設立的上訴委員會。”。

第 9 部

對《升降機及自動梯條例》(2011 年第 號)的修訂

13. 修訂第 2 條(釋義)

- (1) 第 2(1)條，**合資格人士**的定義，(a)(i)段 —
廢除
“工程師；”
代以
“工程師；或”。
- (2) 第 2(1)條，**合資格人士**的定義，(a)(ii)(C)段 —
廢除
“合夥人；或”
代以
“合夥人；”。
- (3) 第 2(1)條，**合資格人士**的定義，(a)段 —
廢除第(iii)節。
- (4) 第 2(1)條，**合資格人士**的定義，(b)(i)(C)段 —
廢除
“合夥人；”
代以
“合夥人；或”。
- (5) 第 2(1)條，**合資格人士**的定義，(b)(ii)(C)段 —
廢除
“合夥人；或”
代以
“合夥人；”。
- (6) 第 2(1)條，**合資格人士**的定義，(b)段 —
廢除第(iii)節。
- (7) 第 2(1)條，**合資格人士**的定義，(c)(i)段 —
廢除
“工程師；”
代以
“工程師；或”。
- (8) 第 2(1)條，**合資格人士**的定義，(c)(ii)(C)段 —
廢除
“合夥人；或”
代以
“合夥人；及”。
- (9) 第 2(1)條，**合資格人士**的定義，(c)段 —

廢除第(iii)節。

- (10) 第 2(1)條，合資格人士的定義，(d)(i)(C)段 —
廢除

“合夥人；”

代以

“合夥人；或”。

- (11) 第 2(1)條，合資格人士的定義，(d)(ii)(C)段 —
廢除

“合夥人；或”

代以

“合夥人；”。

- (12) 第 2(1)條，合資格人士的定義，(d)段 —
廢除第(iii)節。

- (13) 第 2(1)條，在合資格人士的定義中—

廢除註

代以

“註 —

就(a)(ii)、(b)(ii)、(c)(ii)及(d)(ii)段而言 — 參看第(2)款。該款列明準則，用以
斷定註冊升降機工程人員或註冊自動梯工程人員是否具有資格，進行特定種類
升降機工程或自動梯工程。

13A. 修訂第 2 條(釋義)

第 2(1)條 —

廢除技術院校的定義。

Schedule 16

[ss. 156 & 160]

Consequential and Related Amendments

Part 3

Amendment to Prevention of Bribery Ordinance (Cap. 201)

4. Schedule 1 amended (Public bodies)

~~At the end of Schedule 1~~Schedule 1, after item 115—

Add

- ~~117~~116. The disciplinary board panel established under section 108 of the Lifts and Escalators Ordinance (of 2011), including a disciplinary board established under section 110 of that Ordinance.
- ~~118~~117. The appeal board panel established under section 116 of the Lifts and Escalators Ordinance (of 2011), including an appeal board established under section 118 of that Ordinance.”.

Part 9

Amendments to Lifts and Escalators Ordinance (of 2011)

13. Section 2 amended (Interpretation)

- (1) Section 2(1), definition of *qualified person*, paragraph (a)(i)—
Repeal
“engineer;”
Substitute
“engineer; or”.
- (2) Section 2(1), definition of *qualified person*, paragraph (a)(ii)(C)—
Repeal
“contractor; or”
Substitute
“contractor;”.
- (3) Section 2(1), definition of *qualified person*, paragraph (a)—
Repeal subparagraph (iii).
- (4) Section 2(1), definition of *qualified person*, paragraph (b)(i)(C)—
Repeal
“contractor;”
Substitute
“contractor; or”.
- (5) Section 2(1), definition of *qualified person*, paragraph (b)(ii)(C)—
Repeal
“contractor; or”
Substitute
“contractor;”.
- (6) Section 2(1), definition of *qualified person*, paragraph (b)—
Repeal subparagraph (iii).
- (7) Section 2(1), definition of *qualified person*, paragraph (c)(i)—
Repeal
“engineer;”
Substitute
“engineer; or”.
- (8) Section 2(1), definition of *qualified person*, paragraph (c)(ii)(C)—
Repeal
“contractor; or”
Substitute
“contractor; and”.

- (9) Section 2(1), definition of *qualified person*, paragraph (c)—
Repeal subparagraph (iii).
- (10) Section 2(1), definition of *qualified person*, paragraph (d)(i)(C)—
Repeal
“contractor;”
Substitute
“contractor; or”.
- (11) Section 2(1), definition of *qualified person*, paragraph (d)(ii)(C)—
Repeal
“contractor; or”
Substitute
“contractor;”.
- (12) Section 2(1), definition of *qualified person*, paragraph (d)—
Repeal subparagraph (iii).

(13) Section 2(1), definition of *qualified person*—

Repeal the Note

Substitute

“Note—

For paragraphs (a)(ii), (b)(ii), (c)(ii) and (d)(ii)—see subsection (2) which sets out the criteria for determining whether a registered lift worker or registered escalator worker is qualified to carry out any particular lift works or escalator works.”.

13A. Section 2 amended (Interpretation)

Section 2(1)—

Repeal the definition of *technical institution*.

Lifts and Escalators Bill

Proposed Amendments to the Bill Other than those relating to the Issues of Penalty Level, Composition of Disciplinary Board and Appeal Board, Posting of Incident Notice and Scope of Works being classified as Major Alteration

Clauses	Proposed Amendments	Proposed CSAs at Annex 2 (page)
2(1)	In the Chinese text of the definition of 合資格人士 (qualified person), paragraph (d), replace “該師” by “該工程師” — technical amendment	2
	Amend the notes to the definition of <i>qualified person</i> (合資格人士) to make clearer the relationship between the definition of “qualified person” and clause 2(2) of the Bill (<i>the proposed amendment has been given at Appendix 3 of LegCo paper CB(1)669/11-12(02)</i>)	2 and 4
	In the Chinese text of the definition of 相聯設備或機械 (associated equipment or machinery), replace “連接” by “相關” to reflect the policy intention	2
26, 27, 28, 31, 34, 35, 56, 57, 58, 61, 64 and 65	Amend the Chinese text with the original meaning maintained (<i>the proposed amendments have been given at Appendix 3 of LegCo paper CB(1)669/11-12(02)</i>)	9 - 14 and 19 - 24
101(1)	In the English text, replace “requests for” by “requests” — technical amendment	25
113	In English text, omit “either” after “published”	26
115(1)(g)	Replace “Director” by “Registrar” — technical amendment	27 and 28
123	Replace “considers it appropriate and in the interests of safety” by “is satisfied that it is consistent with the interest of safety and is appropriate to do so” to reflect the original policy intention	29 and 30

Note: “CSAs” means “Committee Stage Amendments”

Clauses	Proposed Amendments	Proposed CSAs at Annex 2 (page)
124	Omit “at or above the rank of Assistant Electrical Inspector or Assistant Mechanical Inspector” to eliminate unnecessary constraint in appointing enforcement officer	31 - 32
147(3)	In the Chinese text of the definition of “court”, add “、法庭” after “法院” — technical amendment	33
158(1)	In the Chinese text, add “已廢除的” before “《建築物(升降機)規例》” — technical amendment	37
159(1)	In the Chinese text, add “已廢除的” before “《建築物(升降機)規例》” — technical amendment	38
Schedule 1 Sections 1(v) and 2((g))	Replace “and” by “or” — technical amendment	39 - 42
Schedule 7, Part 1, Section 4	Add “, safety component” after “overload device” to properly extend the scope of incidents that are required to be reported to the Director	44 and 46
Schedule 7, Part 2, Section 3	Add “, safety component” after “drive chain” to properly extend the scope of incidents that are required to be reported to the Director	45 and 47
Schedule 8, Part 1, Section 1	Chinese text, replace “香港工程師學會 (Hong Kong Institute of Engineers)” by “香港工程師學會 (Hong Kong Institution of Engineers)” to rectify a typing error	48
Schedule 11, Section 1	Replace “section 108” by “section 109” to rectify a typing error	49 and 51
Schedule 12, Section 7(4)	Chinese text, replace “聆訴” by “聆訊” to rectify a typing error	54
Schedule 14, Section 7(1)	Add “(d) if the appeal is an appeal against a decision mentioned in section 115(1)(i), the person who made the decision” for consistency with Clause 115(3) of the Bill	61 and 64

Note: “CSAs” means “Committee Stage Amendments”

Clauses	Proposed Amendments	Proposed CSAs at Annex 2 (page)
Schedule 15, Part 2, Section 2(5)(b)	Add “unless cancelled or suspended,” before “expires” for consistency with other provisions (including Clause 76) in the Bill	65 and 72
Schedule 15, Part 4, Section 4(3)	In the Chinese text of the definition of 訂明工程 (prescribed works), paragraphs (a) and (b), replace “連接” by “相關” to reflect the policy intention	66
Schedule 15, Part 4, Section 5(4)	In the Chinese text of the definition of 有負載訂明檢驗 (prescribed examination with load), paragraphs (a) and (b), replace “連接” by “相關” to reflect the policy intention	67
	Definition of <i>prescribed period</i> (訂明期間), paragraph (a), omit the words “the date immediately after” to reflect the original policy intention (<i>the proposed amendment is the same as that shown at Appendix 3 of LegCo paper CB(1)669/11-12(02)</i>)	67 and 74
	In the Chinese text of the definition of 訂明檢驗 (prescribed examination), subparagraphs (a)(i), (a)(ii), (b)(i) and (b)(ii), replace “連接” by “相關” to reflect the policy intention	67
	In the Chinese text of the definition of 訂明證明書 (prescribed certificate), paragraph (f), replace “連接” by “相關” to reflect the policy intention	68
Schedule 15, Part 4, Sections 6(3)(a)(ii)(B) and 6(3)(b)(ii)(B)	Chinese text, replace “連接” by “相關” to reflect the policy intention	69 and 70
Schedule 15, Part 4, Sections 6(3)(a)(ii)(C) and 6(3)(b)(ii)(C)	Replace “engineer” by “person” — technical amendment	69, 70 and 76

Note: “CSAs” means “Committee Stage Amendments”

Clauses	Proposed Amendments	Proposed CSAs at Annex 2 (page)
Schedule 15, Part 9, Section 15(3)	Chinese text of the definition of 訂明檢驗 (prescribed examination), paragraphs (a) and (b), replace “連接” by “相關” to reflect the policy intention	71
Schedule 16, Part 3, Section 4	Renumbering of item 117 and item 118 as item 116 and item 117 respectively — technical amendment	78 and 81
Schedule 16, Part 9	Add a new section 13(13) to that Part for the amendment required to be made to the note to the definition of <i>qualified person</i> (合資格人士) under Clause 2(1) of the Bill at the time when the provisions under the Bill relating to “competent lift worker” and “competent escalator worker” are to be repealed.	80 and 83
Schedule 16, Part 9	Add a new section 13A to that Part for the repeal of the definition of <i>technical institution</i> (技術院校) in Clause 2 of the Bill at the time when all the provisions under the Bill containing “technical institution” are repealed	80 and 83

Note: “CSAs” means “Committee Stage Amendments”

Lifts and Escalators Bill
Enhanced Control Measures
for Subcontracting of Lift/ Escalator Works

Background

Pursuant to the Lifts and Escalators (Safety) Ordinance (“the LESO”), unless with written approval of the Director of Electrical and Mechanical Services (“the Director”), registered lift/ escalator contractors (“RCs”) shall not subcontract lift/ escalator works, other than installation/ demolition works, to any other person who is not an RC. Such regulatory control has been implemented effectively and there was only one contravention involving subcontracting of lift/ escalator works in the last 10 years. As RCs can undertake any lift/ escalator works, the LESO does not impose any restriction on subcontracting to another RC.

2. The Lifts and Escalators Bill (“the Bill”) has not proposed change to the current regulatory regime. Stringent regulatory measures in respect of lift/ escalator safety have been introduced in other aspects.

3. During the deliberations of the Bill in the Bills Committee, some Members expressed the concern that subcontracting of lift/ escalator works might bring about adverse impacts on the works.

Enhanced control measures

4. We share Members’ view that strengthening the control over subcontracting of lift/escalator works, including subcontracting lift/escalator works to other RCs, could further enhance lift/escalator safety. We therefore propose to adopt the following set of control measures -

- (i) **Enhancing transparency by introducing notification mechanism of subcontracting works** — We propose to introduce a notification mechanism regarding subcontracting in the

relevant **Regulation** to be made under clause 154 of the Bill (when enacted). Under the proposed notification mechanism, all RCs are required to notify the Director in the specified form within a specified period or time in respect of the undertaking any lift/escalator works from any person or subcontracting any lift/escalator works to any person. This arrangement will enable the Electrical and Mechanical Services Department (“EMSD”) to effectively monitor subcontracting of works by RCs and the respective subcontracting arrangements. Any RC who without reasonable excuse contravenes the requirement will be liable for criminal sanction.

- (ii) **Shared criminal liability of RCs in the subcontracting arrangement** — For any lift/ escalator works involving subcontracting, all RCs undertaking such works, whether serving as principal contractors or subcontractors at various tiers, will all be subjected to the regulatory control of the Bill. It includes compliance with the requirements stipulated under clause 16(1)(a) or 47(1)(a) of the Bill to ensure that the works are carried out properly and safely as well as complying with clause 8 or 42 of the Bill to cause qualified persons to personally carry out lift/ escalator works or directly supervise other persons to carry out the works. Also, according to clause 16(1)(c) or 47(1)(c) of the Bill, it is the duty of RCs to ensure that there is sufficient workforce to carry out the works. Any RC who without reasonable excuse contravenes the above requirement will be liable for criminal sanction. EMSD will issue circulars to RCs to remind them of their related duties.
- (iii) **Stepping up inspections and taking timely enforcement actions** — EMSD will adopt a risk based approach to conduct sampling/ surprise inspections to check whether lift/ escalator works are in compliance with the legislative requirements. The performance of RCs will also be assessed during the inspections. EMSD has further proposed to enhance the “Contractors’ Performance Rating” (“the CPR”) Scheme so that if lift/ escalators maintained by a RC in its capacity as a subcontractor is found not up to the requirement,

the performance points to be accorded under the CPR Scheme will also be applicable to the RC who has subcontracted the works to the RC. In the meantime, EMSD will step up the inspections of subcontracted works.

- (iv) **Auditing of RCs to scrutinize operations for pre-empting problems** — EMSD will regularly conduct audits on RCs to scrutinize such factors which would impact their performance as their organizational structure, operations, manpower arrangement, work schedule, subcontracting policy and arrangement etc. Advisory or warning letters will be issued timely if any inadequacies are found. If the RC concerned should fail to make any improvements as required, EMSD may consider lodging a complaint so as to initiate disciplinary actions.
- (v) **Cancellation of registration for failure to rectify shortfall in resources** — If it is revealed through inspections or audit inspections that an RC, including those serving as subcontractor, does not have adequate resources to carry out the lift/ escalator works safely and properly, EMSD will require the RC to increase its resources to ensure that the services provided by the RC would be up to the required safety standard. EMSD may consider advising the Registrar to consider canceling or suspending the registration of the RC in accordance with Clause 101(1)(b)(ii),(v) or (vi) or Clause 102(1)(c) or (d) of the Bill if no improvement has been made by the RC concerned.
- (vi) **Refusal of registration renewal in case of non-compliance** — In processing registration renewal applications¹ of an RC, the Registrar would take into consideration whether the RC has adequate resources to undertake its lift/ escalator works. If the Registrar has reason to believe that a RC has not fully discharge its duties, the Registrar may refuse to renew the registration for the contractor for the reason that it is not a “fit and proper” person to

¹ See clauses 75 and 78 of the Bill.

continue to be registered.

- (vii) **Enhancing publicity and public awareness for monitoring of contractors' performance** — EMSD will enhance publicity and education to facilitate the public to make informed choice in selecting their lift/escalator contractors and monitor the services provided by RCs, including those serving as subcontractors. EMSD will also issue circulars and guidelines to RCs explaining its concerns on subcontracting of repair and maintenance works, and the objectives of the aforementioned measures.