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政府總部
發展局
工務科

香港花園道美利大廈



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15 February 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
Proposed Committee Stage Amendments**

Regarding the proposed Committee Stage Amendments set out in LegCo paper ref. **CB(1)907/11-12(03)**, we now enclose herewith the draft Committee Stage Amendments for Members' reference.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jimmy PM Chan', written in a cursive style.

(Jimmy PM CHAN)
for Secretary for Development

Encl.

c.c. with encl.

Director of Electrical and Mechanical Services (Attn: Mr Alfred SIT)
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

Committee Stage

Amendments to be moved by the Secretary for Development

<u>Clause</u>	<u>Amendment Proposed</u>
2(1)	<p>(a) In the definition of <i>qualified person</i>, by deleting the Note and substituting—</p> <p>“Note— For paragraphs (a)(ii) and (iii)(A), (b)(ii) and (iii)(A), (c)(ii) and (iii)(A) and (d)(i) and (iii)(A)—see 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.”.</p> <p>(b) In the Chinese text, in the definition of <i>合資格人士</i>, in paragraph (d)(i), by adding “工程” after “而該”.</p> <p>(c) In the Chinese text, in the definition of <i>相聯設備或機械</i>, by deleting “連接” and substituting “相關”.</p>
8(2)	<p>(a) By deleting “level 5” and substituting “level 6”.</p> <p>(b) By deleting “6 months” and substituting “12 months”.</p>
8(3)	<p>(a) By deleting “level 5” and substituting “level 6”.</p> <p>(b) By deleting “6 months” and substituting “12 months”.</p>

- 9(4) By deleting “level 5” and substituting “level 6 and to imprisonment for 12 months”.
- 10(3) By deleting “level 5” and substituting “level 6 and to imprisonment for 12 months”.
- 10(4) By deleting “level 5” and substituting “level 6 and to imprisonment for 12 months”.
- 11(2) By deleting “level 5” and substituting “level 6 and to imprisonment for 12 months”.
- 16(1) (a) In paragraph (e), by deleting “; and” and substituting a semicolon.
- (b) By adding—
- “(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”.
- 16 By deleting subclauses (2) and (3) and substituting—
- “(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(1) (a) In paragraph (b), by deleting “; and” and substituting a

semicolon.

(b) In paragraph (c), by deleting the full stop and substituting “; and”.

(c) By adding—

“(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.”.

17 By deleting subclauses (2) and (3) and substituting—

“(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.”.

24 By deleting subclause (8) and substituting—

“(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.”.

25 By deleting subclause (6) and substituting—

“(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.”.

26(2) In the Chinese text, by deleting “如第23條就有關升降機而遭違反” and substituting “如任何人就第(1)款提述的升降機而違反第23條”.

- 26(3) In the Chinese text, by deleting “如第143條就有關升降機而遭違反” and substituting “如任何人就第(1)款提述的升降機而違反第143條”.
- 27(1)(b) In the Chinese text, by deleting “的有效期在完成該項檢驗的日期的首個周年日” and substituting “在完成該項檢驗的日期的首個周年日，即告有效期”.
- 27(2)(b) In the Chinese text, by deleting “的有效期在上一份准用證的屆滿日期的首個周年日” and substituting “在上一份准用證的屆滿日期的首個周年日，即告有效期”.
- 27(3)(b) In the Chinese text, by deleting “的有效期在完成該項檢驗的日期的首個周年日” and substituting “在完成該項檢驗的日期的首個周年日，即告有效期”.
- 28(2) In the Chinese text, by deleting “如第143條就有關升降機而遭違反” and substituting “如任何人就第(1)款提述的升降機而違反第143條”.
- 31(2) By deleting “level 3” and substituting “level 6 and to imprisonment for 12 months”.

- 31(4)(a) In the Chinese text, by deleting “(如被檢控的人是將電力供應重新接回有關升降機的人)” and substituting “如被檢控的人是重新接通有關升降機的電力供應的人，”.
- 32(3) (a) By deleting “level 4” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.
- 34(1) In the Chinese text, by deleting “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可取的，可作出該命令” and substituting “向升降機的負責人送達命令指示該人採取以下行動，為安全起見屬可取的，可送達該命令”.
- 35(1)(b) In the Chinese text, by deleting “作出該命令是可取的” and substituting “有需要作出該命令”.
- 35(3) (a) By deleting “level 4” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.
- 38(2) (a) By deleting “level 5” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.
- 42(2) (a) By deleting “level 5” and substituting “level 6”.

- (b) By deleting “6 months” and substituting “12 months”.
- 42(3) (a) By deleting “level 5” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.
- 43(4) By deleting “level 5” and substituting “level 6 and to imprisonment for 12 months”.
- 47(1) (a) In paragraph (e), by deleting “; and” and substituting a semicolon.
- (b) By adding—
- “(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”.
- 47 By deleting subclauses (2) and (3) and substituting—
- “(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(1) (a) In paragraph (b), by deleting “; and” and substituting a semicolon.
- (b) In paragraph (c), by deleting the full stop and substituting “; and”.
- (c) By adding—

“(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.”.

48 By deleting subclauses (2) and (3) and substituting—

“(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.”.

54 By deleting subclause (7) and substituting—

“(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.”.

55 By deleting subclause (6) and substituting—

“(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.”.

56(2) In the Chinese text, by deleting “如第143條就有關自動梯而遭違反” and substituting “如任何人就第(1)款提述的自動梯而違反第143條”.

57(1)(b) In the Chinese text, by deleting “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” and substituting “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”.

- 57(2)(b) In the Chinese text, by deleting “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” and substituting “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”.
- 57(3)(b) In the Chinese text, by deleting “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” and substituting “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”.
- 58(2) In the Chinese text, by deleting “如第143條就有關自動梯而遭違反” and substituting “如任何人就第(1)款提述的自動梯而違反第143條”.
- 61(2) By deleting “level 3” and substituting “level 6 and to imprisonment for 12 months”.
- 61(4)(a) In the Chinese text, by deleting “(如被檢控的人是將電力供應重新接回有關自動梯的人)” and substituting “如被檢控的人是重新接通有關自動梯的電力供應的人，”.
- 62(3) (a) By deleting “level 4” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.

- 64(1) In the Chinese text, by deleting “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可取的，可作出該命令” and substituting “向自動梯的負責人送達命令指示該人採取以下行動，為安全起見屬可取的，可送達該命令”.
- 65(1)(b) In the Chinese text, by deleting “作出該命令是可取的” and substituting “有需要作出該命令”.
- 65(3) (a) By deleting “level 4” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.
- 68(2) (a) By deleting “level 5” and substituting “level 6”.
- (b) By deleting “6 months” and substituting “12 months”.
- 101(1)(a) In the English text, by deleting “for”.
- 113(1) In the English text, by deleting “either”.
- 115(1)(g) By deleting “Director” and substituting “Registrar”.
- 123 By deleting “considers it appropriate and in the interests of safety” and

substituting “is satisfied that it is consistent with the interest of safety and is appropriate to do so”.

- 124 By deleting “at or above the rank of Assistant Electrical Inspector or Assistant Mechanical Inspector”.
- 147(3) In the Chinese text, in the definition of 法院, in paragraph (b), by adding “、法庭” after “法院”.
- 154(2) By adding—
“(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;”.
- 158(1) In the Chinese text, by adding “已廢除的” after “提述的”.
- 159(1) In the Chinese text, by adding “已廢除的” after “提述的”.
- Schedule 1, section 1 (a) In paragraph (v), by deleting “and” and substituting “or”.
(b) In paragraph (w), by adding “(other than a safety circuit that contains any electronic component)” before “or safety equipment for the lift”.
- Schedule 1, section 2 (a) In paragraph (d), by deleting “safety component or”.

(b) In paragraph (g), by deleting “and” and substituting “or”.

Schedule 7, By adding “, safety component” after “device”.
Part 1, item 4

Schedule 7, By adding “, safety component” after “drive chain”.
Part 2, item 3

Schedule 8, In the Chinese text, in the definition of 香港工程師學會, by deleting
Part 1,
section 1 “Institute” and substituting “Institution”.

Schedule 11, In the definition of *panel*, by deleting “section 109” and substituting
section 1 “section 108”.

Schedule 11, (a) In paragraph (g), by deleting “5 persons” and substituting “5
section 2(1) laypersons”.

(b) In paragraph (h), by deleting “5 persons” and substituting “5
laypersons”.

Schedule 12, In the Chinese text, by deleting “聆訴” and substituting “聆訊”.
section 7(4)

Schedule 13, By deleting subsection (1) and substituting—
section 2

“(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.”.

Schedule 14, By deleting “4 members” and substituting “8 members”.
section 2(1)

Schedule 14, By deleting “3 board members” and substituting “5 board members”.
section 3(1)

Schedule 14, By deleting subsection (1) and substituting—
section 7

- “(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)(1), the person who made the decision.”.

Schedule 15, section 2(5)(b) By adding “unless cancelled or suspended,” before “expires”.

Schedule 15, section 4(3) In the Chinese text, in the definition of *訂明工程*, in paragraphs (a) and (b), by deleting “連接” and substituting “相關”.

Schedule 15, section 5(4) (a) In the definition of *prescribed period*, in paragraph (a), by deleting “the date immediately after”.

(b) In the Chinese text, in the definition of *有負載訂明檢驗*, in paragraphs (a) and (b), by deleting “連接” and substituting “相關”.

(c) In the Chinese text, in the definition of *訂明檢驗*, in paragraphs (a)(i) and (ii) and (b)(i) and (ii), by deleting “連接” and substituting “相關”.

(d) In the Chinese text, in the definition of *訂明證明書*, in paragraph (f), by deleting “連接” and substituting “相關”.

Schedule 15, section 6(3) (a) In paragraph (a)(ii)—

(i) in sub-subparagraph (B), in the Chinese text, by deleting “連接” and substituting “相關”;

(ii) in sub-subparagraph (C), by deleting “engineer” and

substituting “person”.

- (b) In paragraph (b)(ii)—
- (i) in sub-subparagraph (B), in the Chinese text, by deleting “連接” and substituting “相關”;
- (ii) in sub-subparagraph (C), by deleting “engineer” and substituting “person”.

Schedule 15, In the Chinese text, in the definition of *訂明檢驗*, in paragraphs (a) section 15(3) and (b), by deleting “連接” and substituting “相關”.

Schedule 16, (a) By deleting “At the end of Schedule 1” and substituting section 4 “Schedule 1, after item 115”.

(b) By renumbering the proposed item 117 as item 116.

(c) By renumbering the proposed item 118 as item 117.

Schedule 16, By adding— section 13

“(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.”.

Schedule 16 By adding—

“13A. Section 2 amended (Interpretation)

Section 2(1)—

Repeal the definition of *technical institution*.”.