



8 July 2011

Clerk to Bills Committee
(Attn: Ms. Iris Cheung)
Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Central
Hong Kong

Dear Ms. Cheung,

Bills Committee on Lifts and Escalators Bill
Meeting to be held on Sunday, 17 July 2011

Thank you for your letter (Ref: CB1/BC/7/10) of 24 June 2011 notifying us the Bills Committee's Meeting.

The Hong Kong Institute of Surveyors welcomes the introduction of this new Lifts and Escalators Bill which we consider would be beneficial to building owners in raising lift and escalator safety. We will nominate representative to attend the Committee's Meeting on 17 July 2011 and would like to offer the following comments for consideration by the Committee.

1.0 Responsible Person

- 1.1 The new legislation defines a "Responsible Person" as any person who has the management or control of the lift and escalator in addition to a person who owns the lift or escalator. This will impose new statutory duties to a property manager who is only acting as the agent of the building owner. We consider "Responsible Person" should be the owner rather than the property manager as only the owner has the rights and privilege to decide whether to pay the cost of repair and maintenance of the lift and escalator.
- 1.2 The requirement of reporting by the "Responsible Person" within 24 hours after an incident is considered to be harsh. Besides, the "Responsible Person" may not be equipped with the technical know-how in deciding under which particular circumstances that reporting shall be made. For a small isolated building, such requirement may also impose technical difficulties for the owner and property manager as there may not be a full-time on-site management personnel appointed.
- 1.3 The new legislation should provide with flexibility to enable the duties and responsibilities required by a "Responsible Person" to be delegated to a professional registered lift (or escalator) engineer or contractor.



2.0 Service Quality

- 2.1 To enable the owner to enjoy better quality of services and to obtain an independent professional opinion, the government should consider separating the service provided by a registered lift (or escalator) engineer from that of a contractor. The current arrangement of a combined service whereby a registered lift (or escalator) engineer is employed by a registered lift (or escalator) contractor who performs the maintenance works is difficult to ensure an objective and independent view on supervision of works quality.
- 2.2 It is suggested to introduce Performance Pledges for various approvals, inspections and certifications responsible by EMSD. It is also suggested to establish a list of accredited specialist inspectors/ lift engineers so that owners can have a choice to appoint and pay for self-accreditation/ certification or to engage EMSD to carry out inspections/ certifications.

3.0 Disciplinary Arrangement

- 3.1 As the new legislation imposes extra duties and responsibilities on the registered lift (or escalator) engineer, worker or contractor and “Responsible Person”, and the new penalty system being tightened up, the decision of taking disciplinary actions should be carefully and thoroughly considered in parallel.
- 3.2 In order to derive a more objective view in considering disciplinary and appeal cases, it is suggested that more layman members representing the view of the general public should be appointed to the disciplinary and appeal board or panel instead of an overwhelming representation from the engineering profession.

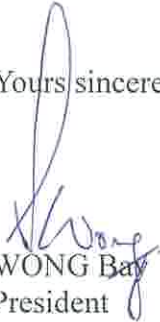
4.0 Codes of Practice and Guidelines

- 4.1 It is suggested that the relevant Codes of Practice of BD and EMSD on lifts and escalators be aligned so that they synchronize with each other. It is also suggested that flexibility should be allowed in A&A works in existing buildings or old buildings. Technology advancement may provide alternative solutions and performance-based requirements are more preferable than prescriptive-based requirements. More technical guidelines and circular letters in response to the latest technology advancement in lifts and escalators can also help the stakeholders to understand the most up-to-date requirements.
- 4.2 As the new legislation generates a significant impact on the building owners and property managers, it is suggested that the opinions from these personnel should also be fully considered during the drafting of the Codes of Practice and Guidelines in the future.



We hope that the above comments would help the Bills Committee in fine-tuning the new legislation. Should you have any further queries, please feel free to contact our Senior Manager, Ms. Margaret Yung at 2526 3679.

Yours sincerely,



WONG Bay
President

c.c. Ir Dr Hon Raymond HO Chung-tai – Chairman of Bills Committee
Hon Patrick LAU Sau-Shing