



**屋宇設備運行及維修行政人員學會**  
**Building Services Operation and Maintenance Executives Society**

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Your Ref : CB1/BC/7/10

Date : 8 July 2011

Clerk to Bills Committee  
 Legislative Council Secretariat  
 3/F Citibank Tower  
 3 Garden Road  
 Central  
 Hong Kong

Fax. No: 28696794

Attn: Mr. Daniel Sin / Ms. Iris Cheung

Dear Sir/Madam

**BSOMES - Written Submission on Lifts and Escalators Bill ("the Bill")**

This refers to your letter dated 24 June 2011 regarding the Committee Meeting of Lifts and Escalators Bill to be held on 17 July 2011. We are pleased to make an oral presentation to the Bills Committee in the meeting. In order to facilitate the discussion, below is the brief summary of our views and concerns for your information and necessary arrangement.

**General**

1. The existing "Lifts & Escalators (Safety) Ordinance, Chapter 327" has been established over decades. It is appropriate to extensively review the clauses of the Ordinance in line with the current public expectation and social development.

**Supportive Areas**

2. BSOMES, in principle, strongly supported the objectives of the Bill to :
  - strengthen the registration regime of personnel engaged in lift and escalator works;
  - increase the penalty levels of offences;
  - extend the coverage of the legislative framework; and
  - enhance operational efficiency and enforcement effectiveness.
3. BSOMES supported to provide 2 months for examination period before the expiry of lift certificate, which can render sufficient time for lift owners & contractors to effectively resolve the current problem of frequent delay on lift certificate submission to EMSD for registration.

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4. BSOMES also supported the new registration system, which will particularly enhance the recognition of lift workers and engineers. It can promote the formal training of lift knowledge and skill so as to continuously improve the competence and accountability of the lift workers and engineers.

### **The Concerns**

#### Clear Explanation on the Duties of Responsible Persons for Lifts & Escalators

5. Under the current Ordinance and practices, the operation & maintenance (O&M) executives of property management companies have not played, in certain extent, an important role on the management of lift safety and operation. Lift owners or management companies mainly rely on the employed lift contractor to assure the lift safety and operation.
6. However, in the new Bill, it is introduced a new term of "Responsible Persons", which also include any person who has the management or control of the lifts, in addition to the lift owner. In that sense, the working practices of technical or management person will then be governed by the new Ordinance, which is a substantial change to the property O&M industry.
7. From the Clause 12 to 15 of the Bill, it lays down the duties of responsible persons for lifts, e.g. proper repair, maintenance, use and operation of lifts. In the Clause 12, the responsible persons must ensure that the lift and all its associated equipment or machinery are kept in a proper state of repair and in safe working order. In reality, what the responsible person may do to ensure the lift safety is to employ a registered and independent lift contractor.
8. Similarly, in the Clause 14, the responsible persons must ensure that the goods lift is not used for carrying any load that exceeds the rated load of the lift unless the persons had taken all reasonable steps to prevent the use. It may be unfair to the responsible person liable for the misuse of lift by the operator or transportation workers.

#### Guidelines, Training and Assistance to the Responsible Persons and their Working Teams

9. In view of the important role of responsible persons in the Bill, proper technical training and guidelines should be made available to them, such as:
- How to discharge the duties of responsible person in compliance with the new Ordinance.
  - How to select a proper lift contractor through tender exercise or negotiation.
  - How to properly monitor the standards of lift maintenance works.

#### Continuous Improvement on Operational Efficiency

10. For the implementation of new Bill, it may have some ambiguities when interpreting the new clauses and requirements. It may delay the lift work as well as extend the suspension period of lift operation, which will cause inconvenience to the lift users.

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**Recommendations**

11. It is necessary to clearly and precisely explain what actions the responsible persons should do or should not do, and what reasonable steps should be conducted by the responsible persons so as to comply with the statutory requirement.
12. It is believed that enhancing the transparency and understanding of lift maintenance work will help improve the lift safety and management. In addition to the lift owner manual, regular training courses or briefing sessions should be conducted to disseminate the good practices of lift management to the building owners as well as the responsible persons & their O&M teams.
13. It is proposed that under no compromise of lift safety, the administrative procedures on the implementation of new Ordinance should be kept efficient and made continuous improvement. Communication channel should be established to heed views from the related industries, including the representatives from the building O&M practitioners, so as to minimize the unnecessary suspension of lift operation.

Should you require further information, please feel free to contact me at 2128 7311.

Thank you for your attention.

Yours faithfully,

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Ir Jonathan Lee  
Vice President – Academic (2010 -2012)  
Building Services Operation and Maintenance Executives Society

Encl. – Reply Slip