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The International Association of Elevator Engineers  
(HK-China Branch)

國際電梯工程師協會(香港-中國分會)

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July 8, 2011

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

**By Fax & Email**

Dear Ms Cheung

**Re: Lifts and Escalators Bill**

Reference is made to your letter dated on 24 June 2011 regarding the captioned subject. Enclosed please find our duly completed reply slip and written views for your kind information and consideration.

Thank you for your kind attention.

Yours sincerely  
The International Association of Elevator Engineers  
(HK-China Branch)

  
H S Kuok  
Vice Chairman

Encl.



## Comments on Lifts and Escalators Bill

New Bill		CAP.327		Remark / Comment
Part / Clause	Content	Section	Content	
Part 2 – Clause 25(1)	A registered lift engineer who undertakes to examine any affected part of a lift must ensure that <b><u>the lift and its associated equipment or machinery</u></b> are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.	13(1)	.... the lift or escalator to be examined and tested by a registered lift engineer or a registered escalator engineer, as the case may be, so far as may be necessary to determine that those parts of the lift or escalator affected by such lift works or escalator works are in safe working order.	According to the requirement stipulated in the new bill, it is required to examine the lift and its associated equipment or machinery by the registered lift engineer. Such circumstance may induce a relatively longer suspension time and higher cost for examination. For example, a replacement of a piece of landing door lock due to normal wear or tear may tend to examine a whole lift.
Part 2 – Clause 55(1)	A registered escalator engineer who undertakes to examine any affected part of a lift must ensure that <b><u>the escalator and its associated equipment or machinery</u></b> are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.	13(1)	.... the lift or escalator to be examined and tested by a registered lift engineer or a registered escalator engineer, as the case may be, so far as may be necessary to determine that those parts of the lift or escalator affected by such lift works or escalator works are in safe working order.	According to the requirement stipulated in the new bill, it is required to examine the escalator and its associated equipment or machinery by the registered escalator engineer. Such circumstances may induce a relatively longer suspension time and higher cost for examination. For example, a replacement of an escalator step due to normal wear or tear may tend to examine a whole escalator.
Part 2 – Clause 28 (4)	If the Director decides to refuse an application or refuse to issue a permit, the Director must <b><u>as soon as reasonably practicable</u></b> after making the decision ....	14	...., the Director refuses to permit a lift or escalator to be used or operated or refuses to permit the use or operation of a lift or escalator to be resumed, he shall, in writing <b><u>within 14 days</u></b> of the receipt by him of the certificate .....	According to the requirement stipulated in the new bill, no time frame restriction for the Director to refuse an application or refuse to issue a permit. It may lead to the circumstance of lacking the performance indication.

New Bill		CAP.327		Remark / Comment
Part / Clause	Content	Section	Content	
Part 7 – Clause 145	The Director may issue any <u>code of practice</u> that in the Director’s opinion is suitable for providing <u>practical guidance</u> .....	27(H)	All lift works and escalator works shall be carried out to the satisfaction of the Director.... in accordance with the relevant portions of <u>codes of practice established under this Part, he shall be deemed to have carried them out to the satisfaction of the Director.</u>	In Cap. 327, code of practice is the baseline that adopted by the trade. However, in the new bill, code of practice is served as a practical guidance and being not compulsory. Please explain or clarify if there is any positive impact and/or negative impact for such significant change.
Part 7 – Clause 147(1)	A failure by person to observe a provision of a code of practice <u>does not of itself make the person liable</u> to any civil or criminal proceedings.			
Part 2 – Clause 17 (1)	Duties of registered lift engineers to carry out lift works properly and safely, etc.  A registered lift engineer who engages in any lift works must ensure that – a) ... 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) ...	Nil	Nil	The registered lift engineers have the general duty of care for their own safety at work as well as for other persons at the workplace which governed by the Section 6B of the Factories and Industrial Undertakings Ordinance (FIUO), Chapter 59. Regulatory duplication may only cause complicated administration procedures, and not beneficial to any party.
Part 3 – Clause 48 (1)	Duties of registered escalator engineers to carry out escalator works properly and safely, etc.  A registered escalator engineer who engages in any escalator works must ensure that – a) ... 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) ...	Nil	Nil	The registered escalator engineers have the general duty of care for their own safety at work as well as for other persons at the workplace which governed by the Section 6B of the Factories and Industrial Undertakings Ordinance (FIUO), Chapter 59. Regulatory duplication may only cause complicated administration procedures, and not beneficial to any party.