



電梯工程有限公司

ELEVATOR PARTS ENGINEERING COMPANY LIMITED

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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
Elevator Parts Engineering Co., Ltd.

P C Chow
Director

Encl.

Comments on Lifts and Escalators Bill

New Bill		CAP.327		Remark / Comment
Part / Clause	Content	Section	Content	
Part 1 – Clause 2	Interpretation – Lift works includes any kind of work concerning the installation, commissioning, examination, maintenance, repair, alteration or demolition of a lift or any associated equipment or machinery of a lift;	2	Interpretation – “lift works” includes any kind of work, <u>not being building works,</u> connected with the installation, commissioning, testing, maintenance, repair, alteration or demolition of a lift or of the safety equipment	Please clarify or explain the reason for the deletion of the wordings, “not being building works” in the new bill. Please clarify that the lift works does not include any associated building work and decoration work.
Part 1 – Clause 2	Interpretation – Escalator works includes any kind of work concerning the installation, commissioning, examination, maintenance, repair, alteration or demolition of an escalator or any associated equipment or machinery of an escalator;	2	Interpretation – “escalator works” includes any kind of work, <u>not being building works,</u> connected with the installation, commissioning, testing, maintenance, repair, alteration or demolition of an escalator or of the safety equipment	Please clarify or explain the reason for the deletion of the wordings, “not being building works” in the new bill. Please clarify that the escalator works does not include any associated building work.
Part 1 – Clause 2	Interpretation – Qualified person – A registered lift/escalator worker who is qualified to carry out the works and who is a partner in the partnership that has undertaken the works in the capacity of a registered lift/escalator contractor;	Nil	Nil	Please clarify or elaborate the definition in details about “ <u>a partner in the partnership that has undertaken the works in the capacity of a registered lift/escalator contractor.</u> ”
Part 2 – Clause 25(1)	A registered lift engineer who undertakes to examine any affected part of a lift must ensure that <u>the lift and its associated equipment or machinery</u> 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.

New Bill		CAP.327		Remark / Comment
Part / Clause	Content	Section	Content	
Part 2 – Clause 55(1)	A registered escalator engineer who undertakes to examine any affected part of a lift must ensure that <u>the escalator and its associated equipment or machinery</u> 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 <u>as soon as reasonably practicable</u> 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 <u>within 14 days</u> 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.
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.

New Bill		CAP.327		Remark / Comment
Part / Clause	Content	Section	Content	
Part 2 – Clause 18 (1)	<p>Duties of registered lift workers to carry out lift works properly and safely, etc.</p> <p>A registered lift worker who engages in any lift works must ensure that –</p> <p>a) ...</p> <p>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</p> <p>c) ...</p>	Nil	Nil	The registered lift workers 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)	<p>Duties of registered escalator engineers to carry out escalator works properly and safely, etc.</p> <p>A registered escalator engineer who engages in any escalator works must ensure that –</p> <p>a) ...</p> <p>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</p> <p>c) ...</p>	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.
Part 3 – Clause 49 (1)	<p>Duties of registered escalator workers to carry out escalator works properly and safely, etc.</p> <p>A registered escalator workers who engages in any escalator works must ensure that –</p> <p>a) ...</p> <p>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</p> <p>c) ...</p>	Nil	Nil	The registered escalator workers 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.

New Bill		CAP.327		Remark / Comment
Part / Clause	Content	Section	Content	
Schedule 1 (1)(t)	Major alteration, in relation to a lift means any replacement, including any change in the type, of <u>any controller</u> of the lift;	4(i)	Without prejudice in relation to a lift, to be major alterations, namely – the replacement of a controller	Replacement of Printed Circuit Board (PCB) is common in repairing of lift and not practical to classify as an item of major alternation, otherwise, longer time for suspension and statutory procedures are required to resume the lift; thus please clarify that such work is not included in the scope of major alternation.
Schedule 1 (2)(d)	Any replacement, including any change in the type, of <u>any safety component</u> or safety equipment of the escalator Schedule 2 : Part 2 (Escalators) 1. A step for an escalator 2. A pallet for an escalator	Nil	Nil	Replacement of step / pallet due to normal wear and tear is common in repairing of escalator and not practical to classify as an item of major alternation, otherwise, longer time for suspension and statutory procedures is required to resume the escalator.