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4 October 2011

Clerk to the Bills Committee,  
LegCo Secretariat,  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

(Attn: Ms Anita SIT)

Dear Ms SIT,

**Bills Committee on Lifts and Escalators Bill  
Views of Deputations and Individuals and  
Response of the Administration**

In response to the views of deputations and individuals given at the meeting of the Bills Committee on Lifts and Escalators Bills held on 17 July 2011, we provide herewith the following documents:

- Appendix 1 — List of deputations and individuals with views given at the meeting of 17 July 2011; and
- Appendix 2 — Summary of the views of deputations and individuals at the meeting of 17 July 2011 and the response of the Administration.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Jimmy PM Chan".

(Jimmy PM CHAN)  
for Secretary for Development

## Bills Committee on Lifts and Escalators Bill

## List of Deputations and Individuals with views given at the meeting of 17 July 2011

Deputations/Individuals	Title in Appendix 2	Written Submission (LegCo Paper No.)
The Hong Kong Institution of Surveyors	HKIS	CB(1)2724/10-11(01)
The Building Services Operation and Maintenance Executive Society	BSOMES	CB(1)2724/10-11(02)
The Hong Kong Association of Property Management Companies	HKAPMC	CB(1)2724/10-11(11)
The Construction Industry Council	CIC	CB(1)2748/10-11(03)
The Hong Kong Institution of Engineers	HKIE	CB(1)2748/10-11(02)
The International Association of Elevator Engineers	IAEE	CB(1)2724/10-11(04)
The Hong Kong General Union of Lift and Escalator Employees	HKGULEE	CB(1)2748/10-11(01)
The Federation of Hong Kong Electrical & Mechanical Industries Trade Union	FHKEMITU	CB(1)2774/10-11(01)
The Lift and Escalator Contractors Association	LECA	CB(1)2724/10-11(06)
The Hong Kong Federation of Electrical & Mechanical Contractors Limited	HKFEMCL	CB(1)2724/10-11(08)
The Registered Elevator and Escalator	REECAL	-

<b>Deputations/Individuals</b>	<b>Title in Appendix 2</b>	<b>Written Submission (LegCo Paper No.)</b>
Contractors Association Limited		
Mr YEUNG Wai-sing, MH, Eastern District Council Member	Mr YEUNG Wai-sing, Eastern DC Member	<i>CB(1)2724/10-11(12)</i>
Cheerwell Engineering Limited	Cheerwell (RC)	<i>CB(1)2724/10-11(03)</i>
Chevalier (HK) Limited	Chevalier (RC)	<i>CB(1)2724/10-11(05)</i>
Elevator Parts Engineering Company Limited	Elevator Parts (RC)	<i>CB(1)2724/10-11(07)</i>
Mitsubishi Elevator Hong Kong Company Limited.	Mitsubishi (RC)	<i>CB(1)2724/10-11(09)</i>
Schindler Lifts (HK) Limited	Schindler (RC)	<i>CB(1)2724/10-11(10)</i>
Otis Elevator Company (HK) Limited	Otis (RC)	<i>CB(1)2748/10-11(04)</i>
Eugene Engineering Co. Limited	Eugene (RC)	-
Chun Ming Elevator Company Limited	Chun Ming (RC)	-
Anlev Elex Elevator Limited.	Anlev Elex (RC)	-
Fujitec (HK) Company Limited.	Fujitec (RC)	-
Holake Hong Kong Lifts Limited	Holake (RC)	-
Ryoden Lift Services Ltd.	Ryoden (RC)	-
ThyssenKrupp Elevator (HK) Ltd.	ThyssenKrupp (RC)	-
Mr SZE Leung-man	Mr SZE Leung-man	<i>CB(1)2774/10-11(02)</i>

**Bills Committee on Lifts and Escalators Bill**

**Summary of the Views of Deputations and Individuals given at the meeting of 17 July 2011  
and the Response of the Administration**

**Contents**

<b>Part</b>	<b>Matters involved in the views</b>	<b>Clauses of the Bill involved in the views</b>	<b>Page</b>
1.	Overall contents of the Lifts and Escalators Bill (the Bill)	Not applicable	2-8
2.	Interpretation and meaning of the terms and expressions used in the Bill	Clauses 2, 8, 19, 21, 24, 25 and 28	9-18
3.	Prohibition matter	Clause 8	19
4.	Duties of responsible persons for lifts and escalators (responsible persons) and registered persons	Clauses 12, 14, 17, 18, 48 and 49	19-22
5.	Examination of lifts and escalators	Clauses 24, 25, 54 and 55	23-26
6.	Powers of Director of Electrical and Mechanical Services (DEMS)	Clauses 26, 28, 35, 36, 56, 58, 65 and 66	27-28
7.	Miscellaneous matters on lift and escalator safety	Clauses 38, 40, 68 and 70	29-31
8.	Registration of certain persons involved in lift and escalators works	Clauses 74 to 97	32-40
9.	Composition of disciplinary board and appeal board	Clauses 110 and 118	41-42
10.	Administration and enforcement	Clauses 126, 129 to 139 and 145 to 147	43-45
11.	General matters	Not applicable	46-50

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
HKIS	<ul style="list-style-type: none"> <li>■ HKIS welcomes the introduction of the Bill which HKIS considers would be beneficial to building owners in raising lift and escalator safety.</li> <li>■ The new legislation should provide with flexibility to enable the duties and responsibilities required by a responsible person for a lift or escalator (responsible person) to be delegated to a professional registered lift (or escalator) engineer or contractor.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration thanks HKIS for supporting the introduction of the Bill.</li> <li>■ The Administration has laid down the obligations of responsible persons in the Bill.</li> <li>■ Responsible persons may employ registered engineers or registered contractors to assist them to discharge their duties, but responsible persons cannot pass their statutory duties to other person, such as professional registered lift (or escalator) engineer or contractor. For instance, if the employed registered engineer or registered contractor stated that the suspension ropes of the lift were seriously worn out and replacement was required, the responsible persons for the lift would need to take appropriate measures, including the provision of funding for the concerned replacement works, to ensure that the lift is in safe working order. To safeguard responsible persons from committing an offence inadvertently, the Administration has incorporated appropriate statutory</li> </ul>

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<p>defence or requirement of proving that the offences are committed "without reasonable excuse" in the relevant provisions of the Bill. The Administration would take into account the evidence available with reference to the relevant legal provisions before taking prosecution actions against any person.</p> <ul style="list-style-type: none"> <li>■ DEMS will issue guidelines (tentatively titled as "Responsible Persons' Guidebook") to give responsible persons a better understanding of their statutory duties.</li> </ul>
	<ul style="list-style-type: none"> <li>■ In enable the owner 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 who performs the maintenance works.</li> </ul>	<ul style="list-style-type: none"> <li>■ Although the Bill does not mandate independence of registered engineer from the contractor undertaking the maintenance of the lift or escalator, the Bill allows a responsible person to arrange a registered engineer, who is independent from or being employed by the maintenance contractor, to conduct the required examinations. This arrangement is in line with the existing Lifts and Escalators (Safety) Ordinance (Cap. 327) (LESO) and other similar local engineering safety legislations.</li> </ul>
	<ul style="list-style-type: none"> <li>■ HKIS suggested establishing a list of accredited specialist inspectors/lift engineers so that owners can have a choice</li> </ul>	<ul style="list-style-type: none"> <li>■ According to the Bill, the registrar shall establish registers of lift engineers and escalator engineers, and shall provide the</li> </ul>

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	to appoint and pay for self-accreditation/certification.	registers for public inspection free of charge. The Administration considers that the registered engineers could adequately to provide examination and certification service for lifts and escalators. Therefore, there is no need to establish a post of accredited specialist inspector under the Bill.
BSOMES	<ul style="list-style-type: none"> <li>■ BSOMES, in principle, supported the objectives of the Bill, the new permit application system and the new registration system.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted BSOMES's support to the objectives of the Bill, the new permit application system and the new registration system.</li> </ul>
HKAPMC	<ul style="list-style-type: none"> <li>■ Property management companies have encountered problems in getting fund approval for works in keeping the lifts/escalators in proper state of repair and in safe working order. We would like to see some additional provision in this clause or some specification in the codes of practice to address this problem so that management companies can discharge their duties fully.</li> <li>■ HKAPMC would like to bring to your attention the technical problem of supervising the work of registered lift and escalator contractors by the responsible persons, and wish that limited duties shall</li> </ul>	<ul style="list-style-type: none"> <li>■ To safeguard responsible persons from committing an offence inadvertently, the Administration has incorporated appropriate statutory defence or requirement of proving that the offences are committed "without reasonable excuse" in the relevant provisions of the Bill. The Administration would take into account the evidence available with reference to the relevant legal provisions before taking prosecution actions against any person.</li> <li>■ DEMS will issue Responsible Persons' Guidebook to give the responsible persons and the public a better understanding of the statutory requirements and to raise their</li> </ul>

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	be specified in the codes of practice so that our members can discharge their limited duties reasonably.	awareness on lift and escalator safety.
CIC	<ul style="list-style-type: none"> <li>■ CIC supports in principle the package of measures proposed in the Bill to enhance the regulation of lift safety.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the support of CIC to the package of measures proposed in the Bill.</li> </ul>
Mr YEUNG Wai-sing, Eastern DC Member	<ul style="list-style-type: none"> <li>■ The multi-pronged approach to enhance regulatory control by the government to ensure the normal operation of lifts and escalators and reduce negligence is the key to safeguard public safety. The Bill has heeded the views of the parties concerned and taken them into full consideration. These include the introduction of a registration system for workers, raising the threshold for the registration of lift engineers, new registration renewal system for contractors, widening the scope of the Ordinance to cover persons responsible for the management of lifts and escalators and increasing the penalty level. These measures will invariably help enhance lift and escalator safety.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted Mr Yeung's support to the Bill.</li> </ul>
HKIE	<ul style="list-style-type: none"> <li>■ HKIE is of the view that in practice, the roles of registered lift contractors and registered lift engineers are confused and not distinct. Many registered lift engineers are employed under registered contractors</li> </ul>	<ul style="list-style-type: none"> <li>■ The Bill has clearly laid down the functions and duties of registered lift contractors and registered lift engineers.</li> </ul>

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<p>and hence it is concerned on whether they could act on independently.</p> <ul style="list-style-type: none"> <li>■ HKIE advocates the introduction of a quality assurance audit system (covering both technical audit on inspection method and system audit on lift companies) on top of the current registered lift contractors and registered lift engineers mechanism. This additional quality assurance check should be led and conducted by professional engineers to assure the overall lift safety performance.</li> <li>■ HKIE suggests the Administration to explore whether legislation could be established in mandating compulsory third party liability insurance cover by lift maintenance contractors in terms of lift safety. This could form an incentive in compelling the contractors to strictly observe the laws and codes of practice in lift safety.</li> </ul>	<ul style="list-style-type: none"> <li>■ Our proposal of setting up a 3-tier quality checking system (checking by registered workers, examination by registered engineers and risk-based sample check by the government) and increasing the penalty level should be able to deter malpractice and substandard works.</li> <li>■ The Bill has provided a penalty system for non-compliance and the Administration considers it more appropriate to handle civil claims under the existing law of contract. It is not a common practice to mandate a contractor to take out third party liability insurance in local engineering safety legislations.</li> </ul>
REECAL	<ul style="list-style-type: none"> <li>■ There should be appropriate regulatory control over the owners. As such, lift/escalator owners should also be registered.</li> </ul>	<ul style="list-style-type: none"> <li>■ Lift and escalator owners are under the regulatory control of the Bill. The Administration considers that the level of the proposed penalties is adequate to achieve the necessary punitive and deterrent effects.</li> </ul>

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<ul style="list-style-type: none"> <li>■ Apart from the anticipated huge demand of resources required for the establishment of the proposed register for lift and escalator owners, the Administration considers that the proposed register will cause nuisance to the public and its effectiveness in the enhancement of lift and escalator safety is very limited. Therefore, the Bill does not introduce a registration system for lift and escalator owners.</li> </ul>
HKGULEE	<ul style="list-style-type: none"> <li>■ The Bill has not set any criteria for lift suspension. Under the pressure of their companies, registered engineers may be forced to sign certificates, as after all registered engineers are one of their employees.</li> </ul>	<ul style="list-style-type: none"> <li>■ When conducting lift or escalator examination works, a registered engineer shall certify whether a lift or escalator is in safe working order. DEMS will issue codes of practice with practical guidelines on whether a lift or escalator is in safe working order.</li> <li>■ Because of the importance of lift and escalator safety, the engineer must conduct the examination according to the Bill's requirements and the engineer must be of the opinion that the lift or escalator and all its associated equipment or machinery are in safe working order before a registered engineer could issue a safety certificate.</li> </ul>

<b>1. Overall contents of the Bill</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		Based on past experience, the Administration has not received any report on registered engineer being compelled to issue a safety certificate unwillingly and under the pressure of the engineer's company.
Chun Ming (RC)	<ul style="list-style-type: none"> <li>■ The Bill will alleviate the pressure on increasing the insurance premium for running lift contracting business as it would further enhance lift and escalator safety.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of Chun Ming that the Bill can further enhance lift and escalator safety.</li> </ul>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ Schindler (RC) is of the view that the imposition of fines or penalty against individual workers will not enhance the objective of ensuring the good quality and competence of lift and escalator workers.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Bill introduces a registration system for workers in order to recognize their competence; promote continuous self-development; and replace the existing employment-tied competent worker arrangement. The proposal of imposing penalty against registered workers who committed offences under the Bill is in line with other safety related legislations.</li> </ul>
Mr SZE Leung-man	<ul style="list-style-type: none"> <li>■ The Bill has not taken into consideration the maintenance and examination of special lifts.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clause 148 of the Bill</b> empowers DEMS to grant, upon application, exemption to some of the provisions. Such exemption must be in consistent with the interest of safety. As far as special lifts are concerned, the arrangement is similar to that under section 44 of LESO.</li> </ul>

2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]		
Deputations/individuals	Summary of views	Administration's response
<b>A. Interpretation of "lift works" and "escalator works" [clause 2 of the Bill]</b>		
Cheerwell (RC) Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>Please explain the reason for the deletion of the wordings "not being building works" from the interpretation of lift works and escalator works in the Bill.</li> </ul>	<ul style="list-style-type: none"> <li>The kinds of lift and escalator works which the Bill intends to control have been clearly laid down in the interpretation of "lift works" and "escalator works" under <b>clause 2 of the Bill</b>. The Administration considers that building works have been clearly defined under the Buildings Ordinance (Cap. 123), and there is no need to elaborate in the interpretation of "lift works" and "escalator works" in <b>clause 2 of the Bill</b>.</li> <li>DEMS will issue codes of practice with practical guidelines on the coverage of "lift works" and "escalator works".</li> </ul>
LECA HKFEMCL Cheerwell (RC) Chevalier (RC) Elevator Parts (RC) Mitsubishi (RC) Ryoden (RC) Fujitec (RC) ThyssenKrupp (RC) Otis (RC)	<ul style="list-style-type: none"> <li>Lift works or escalator works shall exclude any associated building work and decoration work.</li> </ul>	<ul style="list-style-type: none"> <li>The kinds of lift and escalator works which the Bills intends to control have been laid down in the interpretation of the "lift works" and "escalator works" under <b>clause 2 of the Bill</b>. It is similar to the concerned interpretation under LESO.</li> <li>DEMS will issue codes of practice with practical guidelines on the interpretation of "lift works" and "escalator works".</li> </ul>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
Eugene (RC)	<ul style="list-style-type: none"> <li>■ In the demolition of a building over which a lift or escalator is also to be demolished, please advise whether the demolition of the lift or escalator be regarded as building works.</li> </ul>	<ul style="list-style-type: none"> <li>■ According to <b>clause 2 of the Bill</b>, demolition of a lift or an escalator, notwithstanding whether it is part of a building demolition project, is respectively regarded as “lift works” or “escalator works” under the Bill.</li> </ul>
<b>B. Interpretation of “responsible person” [clause 2 of the Bill]</b>		
HKIS	<ul style="list-style-type: none"> <li>■ HKIS considers “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.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Bill extends the statutory duties of owners to all other persons who have the management or control of lifts or escalators, which may include the relevant property managers. Since these persons are playing an important role in the normal operation of lifts, the Administration considers that such extension can better assure the safe operation of lifts and escalators; help preventing lift and escalator incidents; and meet the principle of shared responsibility.</li> <li>■ To safeguard responsible persons from committing an offence inadvertently, the Administration has incorporated appropriate statutory defence or requirement of proving that the offences are committed “without reasonable excuse” in the relevant provisions of the Bill.</li> </ul>
HKGULEE	<ul style="list-style-type: none"> <li>■ Without specifying which person is the</li> </ul>	<ul style="list-style-type: none"> <li>■ “Responsible person” is clearly defined in</li> </ul>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<p>“responsible person”, when an incident occurs, people will only pass the buck.</p>	<p><b>clause 2 of the Bill.</b> The definition is sufficient to identify which persons will be regarded as the responsible persons for a lift or escalator under the Bill.</p> <p>■ Subject to the passage of the Bill in the Legislative Council (LegCo), the Administration plans to launch a series of publicity and promotional activities to give the public and the concerned responsible persons a better understanding of the requirements under the proposed legislation and to raise their awareness on lift and escalator safety.</p>
<b>C. Interpretation and meaning of “major alteration”, “safety component” and “safety equipment” [clause 2 of the</b>		
HKGULEE	<p>■ The Bill points out that in the event of failure of “safety equipment”, DEMS has to be notified. But as the definition of “safety equipment” is “any thing of the lift”, confusion may arise in implementation.</p>	<p>■ “Safety equipment” does not mean “any thing of the lift”. It has been clearly defined in <b>clause 2 of the Bill</b> and listed in <b>schedule 3 of the Bill</b>. It may include “any thing” other than a component or device on the condition that such thing is specified in <b>schedule 3 of the Bill</b>.</p>
FHKEMITU	<p>■ The interpretation of “safety component” and “safety equipment” may cause misinterpretation that the concerned two terms mean “any other thing”.</p>	<p>■ “Safety component” and “safety equipment” do not mean “any other thing”. The two terms have been clearly defined in <b>clause 2 of the Bill</b> and listed in <b>schedule 2 and</b></p>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<b>schedule 3 of the Bill</b> respectively. Safety component and safety equipment may include “any thing” other than a component or device on the condition that such thing must be specified in <b>schedules 2 and 3 of the Bill</b> respectively.
Cheerwell (RC) Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>■ Please clarify that replacement of printed circuit board (PCB) is not included in the scope of “major alteration”.</li> </ul>	<ul style="list-style-type: none"> <li>■ According to <b>clause 2, schedule 1 and schedule 2 of the Bill</b>, the replacement of PCB is not regarded as “major alteration” unless the PCB is part of the safety circuit for the lift.</li> </ul>
LECA HKFEMCL Fujitec (RC) ThyssenKrupp (RC) Mitsubishi (RC) Ryoden (RC) Anlev Elex (RC) Cheerwell (RC) Chevalier (RC) Elevator Parts (RC) Otis (RC)	<ul style="list-style-type: none"> <li>■ It is not practicable to consider the works of printed circuit boards or step/pallet replacement as “major alteration”, otherwise, longer time for suspension is required before the operation of the lift or escalator resumes.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the views of LECA, HKFEMCL and the concerned registered contractors.</li> <li>■ If PCB is part of the safety circuit for a lift, its failure may directly affect the safe operation of the lift. It is therefore necessary to ensure the quality of PCB. Operation shall only be resumed after registered engineer's examination and EMSD's spot-check. Similarly, if the steps or pallets of an escalator are replaced by substandard products, this will be a potential hazard to passenger safety. As such, it is necessary to ensure the quality of the steps and pallets of an escalator. Operation cannot be resumed</li> </ul>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<p>until it has been confirmed that the working condition of the escalator has returned to normal after an examination.</p> <ul style="list-style-type: none"> <li>■ EMSD will review the process for granting resumption permits such that the operation of lift and escalator can be resumed as soon as possible.</li> </ul>
<p>LECA HKFEMCL Mitsubishi (RC) Ryoden (RC) Fujitec (RC) ThyssenKrupp (RC)</p>	<ul style="list-style-type: none"> <li>■ <b>Schedule 2 part 1 item 3 of the Bill</b> “a door locking device for a lift” should read as “a landing door locking device for a lift”.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Schedule 2 part 1 item 3 of the Bill</b> (i.e. a door locking device for a lift) is applicable to both lift car door locking device and landing door locking device. DEMS will issue codes of practice with practical guidelines on the interpretation of “a door locking device for a lift”.</li> </ul>
<p>LECA HKFEMCL Fujitec (RC) ThyssenKrupp (RC) Mitsubishi (RC) Ryoden (RC) Anlev Elex (RC) Cheerwell (RC) Chevalier (RC) Elevator Parts (RC) Otis (RC) Schindler (RC)</p>	<ul style="list-style-type: none"> <li>■ More new items of “safety equipment” added (e.g. driving machine brake/overload device (for lift), driving machine brake (for escalator)) and the uncertainty on administrative time on obtaining the resumption permit (<b>clauses 28 and 58 of the Bill</b>) will certainly increase lift/escalator service suspension time.</li> </ul>	<ul style="list-style-type: none"> <li>■ The proposed regulatory control of “safety equipment” under the Bill is to retain similar control as that under LESO. The replacement of the drive machine brake of a lift is regarded as major alteration under section 4(j) of LESO. The drive machine brake of an escalator, on the other hand, is of crucial characteristic and its replacement should be followed with an examination in the manner for major alteration according to section 3.7.2 of the codes of practice issued under LESO.</li> </ul>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<ul style="list-style-type: none"> <li>■ EMSD will review the process for granting resumption permits such that the operation of lift and escalator can be resumed as soon as possible.</li> </ul>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ Schindler (RC) support the intention to exclude “like for like” replacement from the coverage of Schedule 1 (Major Alterations).</li> </ul>	<ul style="list-style-type: none"> <li>■ For ensuring lift and escalator safety, the complexity and risk level are the major factors for deciding whether replacement or modification of a component or equipment should be regarded as “major alteration” under <b>schedule 1 of the Bill</b>.</li> </ul>
<b>D. Interpretation and meaning of other terms and expressions [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
Cheerwell (RC) Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>■ Regarding the interpretation of “qualified person” under clause 2 of the Bill, please clarify or elaborate the definition in details about “a partner in the partnership that has undertaken the works in the capacity of a registered lift/escalator contractor.”</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration proposes that “qualified person” includes a registered engineer or registered worker who is the registered contractor undertaking the concerned works. If a registered contractor is formed by partnership, its partners may become “qualified persons”. In this regard, the concerned phrase in <b>clause 2 of the Bill</b> is used such that a registered engineer or registered worker who is the above-mentioned partner is being regarded as a “qualified person”.</li> </ul>
FHKEMITU	<ul style="list-style-type: none"> <li>■ In the interpretation of “qualified person” under <b>clause 2 of the Bill</b>, the wordings</li> </ul>	<ul style="list-style-type: none"> <li>■ “Qualified person” is clearly defined in <b>clause 2 of the Bill</b> and without containing</li> </ul>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<p>“to be able to carry out those works competently and without supervision by any other person, and ...” in <b>sub-clause (c)(ii)(B)</b> may give rise to misinterpretation that the same requirement applies to <b>sub-clause (d)</b>.</p>	<p>the concerned wordings.</p>
Eugene (RC)	<ul style="list-style-type: none"> <li>■ The definitions of “building works”, “safety components”, and “safety equipment” should be placed in the Bill instead of the codes of practice.</li> </ul>	<ul style="list-style-type: none"> <li>■ “Safety component” and “safety equipment” have been clearly defined in <b>clause 2 of the Bill</b> and listed in <b>schedules 2 and 3 of the Bill</b> respectively.</li> <li>■ As the Bill does not make any reference to “building works”, there is no interpretation for such term in the Bill.</li> </ul>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ Regarding <b>clause 8 of the Bill</b>, it is necessary to have the meaning of “at the place at which the works are carried out” clarified.</li> </ul>	<ul style="list-style-type: none"> <li>■ According to the requirements under <b>clause 8 of the Bill</b>, any person may personally carry out any lift works provided that the person is under the direct supervision of a qualified person at the place at which the works are carried out. These requirements are in line with that under section 29A of LESO. Since the specific requirements of “at the place at which the works are carried out” will vary according to different situations, it is considered inappropriate to lay them down in the proposed legislation.</li> </ul>

2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]		
Deputations/individuals	Summary of views	Administration's response
		<ul style="list-style-type: none"> <li>■ DEMS will issue codes of practice with practical guidelines for satisfying “at the place at which the works are carried out”.</li> </ul>
	<ul style="list-style-type: none"> <li>■ For <b>clauses 21 and 25(1) of the Bill</b>, the definition and scope of “thoroughly examine” are not clear.</li> </ul>	<ul style="list-style-type: none"> <li>■ The use of “thoroughly examine” in <b>clause 21</b> and “thoroughly examined” in <b>25(1) of the Bill</b> is to regulate lift examination works and there are similar requirements under sections 13 and 21 of LESO. Since the specific requirements of “thoroughly examine” will vary according to different situations, it is considered inappropriate to lay them down in the proposed legislation.</li> <li>■ DEMS will issue codes of practice with practical guidelines for satisfying “thorough examination”.</li> </ul>
	<ul style="list-style-type: none"> <li>■ For <b>clause 24(6) of the Bill</b>, the phrase “not of good design and construction or is not in safe working condition” is not clearly defined or explained.</li> </ul>	<ul style="list-style-type: none"> <li>■ The use of the concerned phrase in <b>clause 24(6) of the Bill</b> is to stipulate the considerations that registered engineer must take into account before issuing a safety certificate. There are similar requirements under sections 12, 13 and 26 of LESO. Since the specific requirements of “good design and construction” and “safe working condition” will vary according to different situations, it is considered inappropriate to lay them down in the proposed legislation.</li> </ul>

2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]		
Deputations/individuals	Summary of views	Administration's response
		<ul style="list-style-type: none"> <li>■ DEMS will issue codes of practice with practical guidelines for satisfying “good design and construction” and “safe working condition”.</li> </ul>
Holake (RC)	<ul style="list-style-type: none"> <li>■ “Direct and proper supervision” in clause 19 of the Bill, “thorough examination” in <b>clauses 21 and 25 of the Bill</b>, and “as soon as reasonably practicable” in clause 28 of the Bill are not clear to us as practitioners.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clause 19 of the Bill</b> specifies the requirements for a person to personally carry out examination works. Since the specific requirements of “direct and proper supervision” will vary according to different situations, it is considered inappropriate to lay them down in the proposed legislation.</li> <li>■ The use of “thoroughly examine” in <b>clause 21</b> and “thoroughly examined” in <b>25(1) of the Bill</b> is to regulate lift examination works and there are similar requirements under sections 13 and 21 of LESO. Since the specific requirements of “thoroughly examine” will vary according to different situations, it is considered inappropriate to lay them down in the proposed legislation.</li> <li>■ DEMS will issue codes of practice with practical guidelines for satisfying “direct and proper supervision” and “thorough examination”.</li> </ul>

<b>2. Interpretation and meaning of the terms and expressions used in the Bill [clauses 2, 8, 19, 21, 24, 25 and 28 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<ul style="list-style-type: none"> <li>■ The use of the concerned phrase in <b>clause 28 of the Bill</b> is to require DEMS under the specified condition to notify the decision to the applicants the soonest. DEMS will process applications on the basis of the general criteria for public administration and will never cause a delay to the processing of and reply to applications without good reasons. Performance pledges will also be developed for reference.</li> </ul>

<b>3. Prohibition matter[Clause 8 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ For <b>clause 8 of the Bill</b>, non-competent workers can perform certain tasks satisfactorily in the industry provided that they receive proper process and safety training, e.g. light, indicator checking floor landing, etc. which do not require supervision of a qualified person at sight.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clause 8 of the Bill</b> prohibits a person who is not a qualified person nor under direct and proper supervision by a qualified person, to personally carry out lift works. There are similar prohibition requirements under section 29A of LESO. For the safety of workers and lifts, the Administration considers that it is inappropriate to relax such requirements.</li> </ul>

<b>4. Duties of responsible persons and registered persons[clauses 12, 14, 17, 18, 48 and 49 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
<b>A. Duties of responsible persons [clauses 12 and 14 of the Bill]</b>		
BSOMES	<ul style="list-style-type: none"> <li>■ Under <b>clause 12 of the Bill</b>, responsible persons must ensure that the lift and all its associated equipments or machineries 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.</li> <li>■ Similarly, in the <b>clause 14 of the Bill</b>, the responsible persons must ensure that goods lift is not used for carrying any load that exceeds the rated load of the lift unless the</li> </ul>	<ul style="list-style-type: none"> <li>■ Apart from engaging registered contractors, responsible persons are required to perform appropriate management (e.g. checking whether the contractor timely arranges workers to carry out periodic maintenance etc.) and assistance (e.g. arranging suspension of lift service for the execution of maintenance works, providing funding for the required maintenance works etc.) so as to ensure that the lift and all its associated equipments or machineries are kept in a proper state of repair and in safe working order.</li> </ul>

<b>4. Duties of responsible persons and registered persons[clauses 12, 14, 17, 18, 48 and 49 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<p>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 operator or transportation workers.</p> <ul style="list-style-type: none"> <li>■ 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration considers that the requirement under <b>clause 14 of the Bill</b> is reasonable as the responsible person for a goods lift has the ultimate responsibility for ensuring that the lift is not overloaded. Apart from the responsible person, <b>clause 11 of the Bill</b> prohibits any person overloading a goods lift.</li> <li>■ DEMS will issue Responsible Persons' Guidebook to give the responsible persons and the public a better understanding of the statutory requirements and to raise their awareness on lift and escalator safety.</li> </ul>
<b>B. The duty for registered engineers and registered workers to take adequate safety precautions [clauses 17, 18, 48 and 49 of the Bill]</b>		
<p>LECA HKFEMCL Cheerwell (RC) IAEE Chevalier (RC) Elevator Parts (RC) Mitsubishi (RC) Ryoden (RC) Fujitec (RC) ThyssenKrupp (RC)</p>	<ul style="list-style-type: none"> <li>■ Registered engineers and registered 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 (Cap. 59) (FIUO). Regulatory duplication may only cause complicated administration procedures, and not beneficial to any party.</li> </ul>	<ul style="list-style-type: none"> <li>■ To ensure lift and escalator safety, the Bill provides for regulatory control on the methods and measures prescribed for trade practitioners engaged in lift and escalator works. As such, one of the requirements for contractors, engineers and workers under <b>clauses 16 to 18 and clauses 47 to 49 of the Bill</b> is to ensure they take adequate safety precautions to prevent injury to any person or damage to any property in the course of work.</li> </ul>

<b>4. Duties of responsible persons and registered persons[clauses 12, 14, 17, 18, 48 and 49 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<ul style="list-style-type: none"> <li>■ FIUO on the other hand, has general provisions on liability, and has no requirement on the protection of property against damages. Hence, they are not of the same purpose as those under the Bill.</li> <li>■ DEMS will issue codes of practice with practical guidelines for satisfying adequate safety precautions when carrying out different types of lift and escalator works. Reference will also be made to the codes of practice and guidelines issued by other organisations and departments (such as the Labour Department) in the formulation of guidelines. Incompatibility or duplication with other legislation will be avoided.</li> </ul>
HKGULEE	<ul style="list-style-type: none"> <li>■ It is unreasonable for registered lift engineers and registered lift workers to be held responsible for the prevention of damage to any property. Since the lifts are owned by the owners, if there are any valuable and easily damaged items in the lifts, the responsible person should have them removed before the lift examination. Any damage to property during lift inspection should not be the responsibility of registered lift engineers or registered</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clauses 17, 18, 48 and 49 of the Bill</b> requires trade practitioners to take adequate safety precautions in carrying out lift and escalator works to prevent damage to any property. Since registered engineers and registered workers are the parties carrying out the works, the Administration considers that it is appropriate to require them to take adequate measures to ensure safety. The safety precautions that can be taken include requiring the responsible persons to remove,</li> </ul>

<b>4. Duties of responsible persons and registered persons[clauses 12, 14, 17, 18, 48 and 49 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	lift workers. Implementation of this legislation may give rise to a lot of legal actions.	before the lift examination, valuable and easily damaged items that may be affected.  ■ DEMS will issue codes of practice with practical guidelines for satisfying adequate safety precautions when carrying out different types of lift works.
	■ Having taken reasonable and practicable measures, registered lift engineers and registered lift workers should not be blamed if there is injury to any person. It is because during lift works, many unexpected things could happen, such as the removal of railing by passengers.	■ To protect practitioners from contravening the above requirement for unavoidable reasons or for non-human factors, appropriate provisions have been incorporated in <b>clauses 17, 18, 48 and 49 of the Bill</b> . The Administration would take into account the evidence available with reference to the relevant legal provisions before taking prosecution actions against any person.

<b>5. Examination of lift and escalator [clauses 24, 25, 54 and 55 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
<b>A. The scope of examination upon major alteration [clause 25 and 55 of the Bill]</b>		
LECA HKFEMCL Mitsubishi (RC) Ryoden (RC) Fujitec (RC) ThyssenKrupp (RC) Cheerwell (RC) IAEE Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>Referring to <b>clauses 25(1) and 55(1) of the Bill</b>, please confirm that only the affected part of the lift should be examined after major alteration.</li> </ul>	<ul style="list-style-type: none"> <li><b>Clauses 25(1) and 55(1) of the Bill</b> specify that upon major alteration, the registered engineer must ensure that the lift and its associated equipment or machinery are thoroughly examined, <u>in so far as is necessary</u> to determine whether the affected part is in safe working order. The requirement is in line with the one under section 13(1) of LESO.</li> </ul>
<b>B. Requiring registered engineers to notify responsible persons and to report to DEMS within 24 hours after examination under certain circumstances [clauses 24, 25, 54 and 55 of the Bill]</b>		
LECA HKFEMCL Mitsubishi (RC) Ryoden (RC) Fujitec (RC) ThyssenKrupp (RC) Schindler (RC) Otis (RC)	<ul style="list-style-type: none"> <li>For <b>clauses 24 and 54 of the Bill</b>, within 24 hours to complete all administration procedures for not issuing the certificate is not sufficient.</li> </ul>	<ul style="list-style-type: none"> <li>According to <b>clauses 24 and 54 of the Bill</b>, if on examination a registered engineer is of the opinion that the lift or escalator (as the case may be) is not in safe working order, the engineer must within 24 hours after the examination is completed notify the responsible person and make a report to DEMS.</li> <li>The notification and reporting requirements are necessary for lift and escalator safety. The responsible person, upon receipt of the concerned notification, must take necessary</li> </ul>

<b>5. Examination of lift and escalator [clauses 24, 25, 54 and 55 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<p>action to ensure that the lift or escalator is kept in safe working order in accordance with <b>clause 12 or 44 of the Bill</b> respectively. On the other hand, DEMS, upon receipt of the concerned report, shall consider taking appropriate actions, including the issuance of prohibition order in accordance with <b>clause 30 or 60 of the Bill</b>.</p> <ul style="list-style-type: none"> <li>■ In view of the importance of lift and escalator safety, we consider that the proposed time frame for the registered engineer to submit the required report and notification is reasonably practicable, especially when comparing with the similar requirements under section 26(2)(a) of LESO.</li> <li>■ DEMS will issue codes of practice and Responsible Persons' Guidebook with a concise notification form, and with recommendation for establishing emergency contact between registered engineers and responsible persons.</li> </ul>
HKGULEE Schindler (RC)	<ul style="list-style-type: none"> <li>■ If anything unsatisfactory is found by the registered lift engineer during annual examination, the responsible person and EMSD must be notified within 24 hours</li> </ul>	<ul style="list-style-type: none"> <li>■ Under <b>clause 24 of the Bill</b>, if on annual examination, the registered lift engineer is of the opinion that the lift or any of its associated equipment or machinery is <u>not in</u></li> </ul>

5. Examination of lift and escalator [clauses 24, 25, 54 and 55 of the Bill]		
Deputations/individuals	Summary of views	Administration's response
	<p>after the examination. It is known within the trade that usually there will be follow-up actions after the annual examination. With the implementation of this arrangement, the registered lift engineer will stop the lift immediately on finding anything unsatisfactory so as to avoid taking greater responsibility and this will cause inconvenience to the public. LESO is to allow a grace period of 14 days for "finishing the job" if there is no immediate danger.</p>	<p><u>safe working order</u>, only then will the engineer be required to notify the responsible person and make a report to DEMS within 24 hours after the examination.</p> <ul style="list-style-type: none"> <li>■ According to the corresponding requirements in section 26(2)(a) of LESO, the engineer is required to <u>forthwith</u> report to DEMS.</li> </ul>
HKGULEE	<ul style="list-style-type: none"> <li>■ If anything unsatisfactory is found by the registered lift engineer during examination after major alteration, the responsible person and EMSD must be notified within 24 hours after the examination. There is no such requirement in LESO. After the examination by a registered lift engineer following alteration, the lift service will be suspended, no matter whether the result is satisfactory or not, and if there is anything left to be done, it will be followed up by the technicians. HKGULEE cannot understand why the responsible person and EMSD have to be notified.</li> </ul>	<ul style="list-style-type: none"> <li>■ Under <b>clause 25 of the Bill</b>, if on examination after major alteration, the registered lift engineer is of the opinion that the affect part is <u>not in safe working order</u>, only then will the engineer be required to notify the responsible person and make a report to DEMS within 24 hours after the examination.</li> <li>■ The notification and reporting requirements are necessary for lift and escalator safety. The responsible person, upon receipt of the concerned notification, must take necessary action to ensure that the lift or escalator is kept in safe working order in accordance with <b>clause 12 or 44 of the Bill</b> respectively.</li> </ul>

<b>5. Examination of lift and escalator [clauses 24, 25, 54 and 55 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		On the other hand, DEMS, upon receipt of the concerned report, shall consider taking appropriate actions, including the investigation of whether the incident involves the use of substandard components and whether the problem will affect other lifts.
LECA HKFEMCL Fujitec (RC) ThyssenKrupp (RC)	<ul style="list-style-type: none"> <li>■ For <b>clauses 25 and 55 of the Bill</b>, the lift has already been suspended for major alteration works. Please clarify what registered engineers should do if a notification concerning the affected part not in safe working has been served to EMSD.</li> </ul>	<ul style="list-style-type: none"> <li>■ In addition to reporting to DEMS, if a registered lift engineer on examination of a lift upon major alteration is of the opinion that the affected parts are not in safe working order, the engineer shall according to <b>clauses 25 and 55 of the Bill</b> notify the responsible person and not issuing safety certificate.</li> </ul>

<b>6. Powers of DEMS [clauses 26, 28, 35, 36, 56, 58, 65 and 66 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
HKAPMC	<ul style="list-style-type: none"> <li>■ In specifying time limit in the order for repair/improvement, DEMS should consider the requirements under relevant legislations and codes of practices, such as the Codes of Practice under the Building Management Ordinance Cap 344 whereby work with value &gt;\$200,000 shall be put up for tender, and work with value &gt;20% of annual budget shall be resolved in owners meeting, while 14 days advance notice is also required for holding an owners' meeting.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the comment of the HKAPMC on the issue of removal order (under <b>clauses 35 and 65 of the Bill</b>) and improvement orders (under <b>clauses 36 and 66 of the Bill</b>).</li> </ul>
Cheerwell (RC) IAEE Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>■ 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.</li> <li>■ We are also concerned that in certain cases there are no definite timelines given to DEMS to act on an application which might cause considerable downtime or equipment.</li> <li>■ We noticed that certain powers to be afforded to the DEMS under this Bill do not come with the appropriate checks and</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clauses 26, 28, 56 and 58 of the Bill</b> empower DEMS to issue or refuse to issue use permit and resumption permit.</li> <li>■ DEMS will process applications on the basis of the general criteria for public administration and will never cause a delay to the processing of and reply to applications without good reasons. DEMS will also consider developing performance pledges for reference.</li> <li>■ Under <b>clause 115 of the Bill</b>, a person aggrieved by DEMS's decisions (including refusing an application) and orders</li> </ul>

6. Powers of DEMS [clauses 26, 28, 35, 36, 56, 58, 65 and 66 of the Bill]		
Deputations/individuals	Summary of views	Administration's response
	balances.	<p>(including issuing improvement order) may appeal to an appeal board.</p> <ul style="list-style-type: none"> <li>■ To ensure the views of stakeholders are properly addressed in the Bill, the Administration will maintain close communication with stakeholders through a "Task Force for Legislative Amendments to the Lifts and Escalators (Safety) Ordinance" (Task Force) and other channels to discuss the various issues relating to the Bill.</li> </ul>
	<ul style="list-style-type: none"> <li>■ The Improvement Orders issued pursuant to <b>clause 36(1) of the Bill</b> should be addressed to responsible people (as defined in the Bill) only. To order a registered contractor to work on the Owner's property is unreasonable and it may cause much disputes between the registered contractor and the Owner.</li> </ul>	<ul style="list-style-type: none"> <li>■ In case any of the issues specified in <b>clause 36(1) of the Bill</b> has happened, and the situation is in relation to the work of a registered contractor (e.g. the works are being carried out in a manner that will cause a risk of injury to any person), it would be reasonable for DEMS to issue improvement order to rectify the situation.</li> </ul>

7. Miscellaneous matters on lift and escalator safety [clauses 38, 40, 68 and 70 of the Bill]		
Deputations/individuals	Summary of views	Administration's response
<b>A. Subcontracting restricted [clauses 38 and 68 of the Bill]</b>		
LECA HKFEMCL Mitsubishi (RC) Ryoden (RC) Fujitec (RC) ThyssenKrupp (RC) Schindler (RC)	<ul style="list-style-type: none"> <li>■ For the works of lift/escalator decoration, we are not competent in this area and will employ a third party to undertake this work. In addition, most of the registered contractors subcontract the works of lift total replacement to other parties. It is not practicable to have a limitation for RCs on subcontracting of lift/escalator total replacement works.</li> <li>■ On the other hand, even though <b>clause 38 and 68 of the Bill</b> allow the subcontracting of installation/ demolition works of lift/escalator to not a registered lift contractor, but <b>clause 2 of the Bill</b> implied any registered/competent lift/escalator worker not employed by a registered lift/escalator contractor is not classified as a qualified person. And further according to <b>clauses 8 and 42 of the Bill</b> that subcontractor's registered/competent lift/escalator worker could not personally carry out any lift/escalator works unless under direct supervision of a qualified person. That means redundancy and wastage of</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clauses 15 and 46 of the Bill</b> require certain lift or escalator works be undertaken by registered contractors, and <b>clauses 16 and 47 of the Bill</b> require registered contractors to ensure, among other things, that the works are carried out properly and safely; adequate safety precautions are taken; sufficient workforce are deployed; and adequate equipment and tools are provided for carrying out the works. If the concerned decoration works do not involve "lift works" or "escalator works", there will have no need to have them undertaken by registered contractors.</li> <li>■ In view of the importance of lift and escalator safety, the Bill proposes to impose restriction on subcontracting. <b>Clauses 38 and 68 of the Bill</b> have specified the kinds of works subject to the restriction and other relevant requirements. In addition, according to <b>clauses 8 and 42 of the Bill</b>, registered contractors shall arrange registered workers who are having the capacity of the registered contractors or their employees to personally carry out or direct and properly supervise</li> </ul>

<b>7. Miscellaneous matters on lift and escalator safety [clauses 38, 40, 68 and 70 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	workforce for registered/competent lift/escalator workers.	<p>other workers to carry out the works. There are similar requirements under sections 29A and 29B of LESO.</p> <ul style="list-style-type: none"> <li>■ DEMS will issue codes of practice with practical guidelines on the application of written permission for subcontracting works.</li> </ul>
Otis (RC)	<ul style="list-style-type: none"> <li>■ Otis (RC) suggest one more item to be added into <b>clauses 38 and 68 of the Bill</b> as below: “This section does not apply to any associated building works, decoration works and transportation works.”</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration is of the view that the concerned provisions have adequately reflected the scope of the proposed restriction and there is no need to supplement the kinds of works which are outside the scope of the proposed restriction.</li> </ul>
<b>B. Incidents to be reported to DEMS [Clauses 40 and 70 of the Bill]</b>		
HKIS HKAPMC	<ul style="list-style-type: none"> <li>■ HKIS and HKAPMC consider that the requirement of reporting by the responsible person within 24 hours after an incident should be relaxed.</li> <li>■ HKAPMC suggests that the incidents may be reported either by the responsible person or lift or escalator contractors with 48 hours.</li> </ul>	<ul style="list-style-type: none"> <li>■ According to <b>clauses 40 and 70 of the Bill</b>, a responsible person is required to notify DEMS and the specified registered contractor within 24 hours after any of the incidents listed in <b>schedule 7 of the Bill</b> comes to the person's knowledge.</li> <li>■ The reporting requirement is important for EMSD and the concerned contractor to promptly conduct incident investigation. In view of the importance of lift and escalator safety, the Administration considers that the 24-hour requirement is reasonably practicable.</li> </ul>

<b>7. Miscellaneous matters on lift and escalator safety [clauses 38, 40, 68 and 70 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<ul style="list-style-type: none"> <li>■ There are similar requirements under section 27A of LESO which require the owner to immediately notify DEMS and the concerned contractor.</li> <li>■ DEMS will issue Responsible Persons' Guidebook with concise incident notification form for reference of responsible persons.</li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
<b>A. Renewal of registration of contractors [clauses 75 and 87 of the Bill]</b>		
Mr YEUNG Wai-sing, Eastern DC Member	<ul style="list-style-type: none"> <li>Mr Yeung thinks that it should be linked to the performance rating of existing maintenance contractors. Contractors will increase fees as cost will increase following the rise in administrative cost. But the customers will not mind paying more if they feel more secure. The renewal has to be linked to maintenance performance rating and only this can press the contractors to maintain their quality service. Otherwise, if contractors with poor performance are allowed to renew their registration, how can public safety be protected?</li> </ul>	<ul style="list-style-type: none"> <li><b>Clause 75 and clause 87 and schedule 8 of the Bill</b> specify a five-year registration renewal system for lift and escalator contractors as a mechanism to check the registered contractors' continual compliance with the facilities, resources and manpower etc required.</li> <li>The "Registered Lift Contractors' Performance Rating" system and "Registered Escalator Contractors' Performance Rating" system are classified as administrative measures taken by EMSD. Their designs are to make use of a simple and easily understood rating to reflect the overall performance of the contractors in the past year in maintenance and safety aspects. Owners or their property management agents may make reference to the performance ratings regularly published by EMSD in choosing the appropriate contractors to maintain and repair the lifts and escalators installed in their premises.</li> </ul>
HKIE	<ul style="list-style-type: none"> <li>If registered professional engineers were to take up the role of registered lift</li> </ul>	<ul style="list-style-type: none"> <li>According to <b>clauses 16 and 47 of the Bill</b>, it is the duty of registered contractors to</li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	engineers, there would be a need to strengthen the personnel requirements of the registered contractors to ensure that lift maintenance and inspections of the Registered Contractors be supported by qualified staff.	ensure the provision of adequate workforce to carry out the works that they are undertaken in a proper and safe manner.
<b>B. Registration and renewal of registration of engineers [clauses 78 to 81 and 90 to 93 of the Bill]</b>		
Mr YEUNG Wai-sing, Eastern DC Member	<ul style="list-style-type: none"> <li>■ It is a pragmatic requirement that only those applicants who are registered professional engineers of relevant disciplines and have at least two years' experience will be considered for registration as lift engineers and escalator engineers.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the support of Mr YEUNG to the Bill on uplifting qualification requirements for registration as lift and escalator engineer.</li> </ul>
Holake (RC)	<ul style="list-style-type: none"> <li>■ Upgrading of the qualification requirements to registered professional engineer for registration as engineers is unrealistic, the requirements of relevant engineering degree, five years' experience,</li> </ul>	<ul style="list-style-type: none"> <li>■ To bring the qualification of engineering professionals responsible for lift and escalator works up to a level compatible with other legislation for building safety control<sup>1</sup>, the Bill requires them to be</li> </ul>

<sup>1</sup> For example, under the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470), the registered examiner for carrying out periodic examination of builders' lifts or tower platforms needs to be a registered professional engineer of relevant discipline registered under the Engineers Registration Ordinance (Cap. 409).

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	and stringent assessment should be sufficient.	<p>registered professional engineers of stipulated disciplines<sup>2</sup> and with at least two years' relevant working experience before they may be considered for registration as lift or escalator engineers.</p> <p>■ Please refer to Appendix E of the Administration's paper LegCo Paper CB(1)2528/10-11(01) for the transitional arrangements set up under the Bill for practicing lift and escalator engineers.</p>
CIC	<p>■ CIC agrees with the importance of keeping lift engineers up to date with safety requirements and technology. In promoting continuing education, the Government may consider taking up with the trade the formulation of more specific requirements and proposals for continuing education for training institutions, and lift practitioners to follow, where appropriate, so as to ensure practitioners keep abreast</p>	<p>■ <b>Schedule 9 of the Bill</b> has specified that registered workers applying for renewal should have completed relevant training of not less than 90 hours within the 5 years prior to their submission of application for renewal. The Administration is deliberating the content and form of training etc. with the Task Force. The Administration is to formulate guidelines on the content and form of training acceptable to the industry after</p>

<sup>2</sup> Under the Engineers' Registration Ordinance (Cap. 409), a person may be registered as a registered professional engineer if, among other requirements, he is a member of the HKIE or equivalent, has had at least one year of relevant professional experience in Hong Kong before the date of his application for registration, and is ordinarily resident in Hong Kong.

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	of the latest technological development and safety measures.	having taken into consideration the views of the Task Force.
HKIE	<ul style="list-style-type: none"> <li>■ It is proposed that in addition to the existing registered professional engineer disciplines (Mechanical, Electrical, Electronics and Building, Services), Building, Marine &amp; Naval Architecture and Materials engineering disciplines should also be included as the relevant disciplines for registered lift engineers.</li> </ul>	<ul style="list-style-type: none"> <li>■ Having considered the relevance to lift and escalator engineering, the two disciplines proposed by HKIE have been included in <b>schedule 9 of the Bill</b> as the acceptable disciplines for applying registration as registered lift and escalator engineer.</li> </ul>
HKGULEE	<ul style="list-style-type: none"> <li>■ The registration of lift or escalator engineers under LESO is a life-long registration. Although the new legislation will ensure smooth transition for registered engineers, they will under the new legislation, shoulder huge responsibilities and aged registered engineers may wish to quit out of great pressure. Therefore, the Administration should offer them other alternatives, such as compensation for returning their licence.</li> </ul>	<ul style="list-style-type: none"> <li>■ The main duty of registered engineers under the proposed legislation is similar to that under LESO, viz. to examine and certify whether a lift or escalator is in safe working order. The Administration is of the view that the proposed legislation will not seriously affect the current works carried out by registered engineers. To ensure that there are sufficient registered engineers in the trade, the Administration considers that it is inappropriate to establish a practice of providing compensation for returning one's registration.</li> <li>■ Any registered person may under Clause 101 of the Bill submit written request to cancel the person's registration, but it will not involve any monetary compensation.</li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
<b>C. Registration and renewal of registration of workers [clauses 82 to 85 and 94 to 97 of the Bill]</b>		
Mr YEUNG Wai-sing, Eastern DC Member	<ul style="list-style-type: none"> <li>■ The new legislation will introduce a registration system for lift and escalator workers, so as to allow competent workers to apply for registration as registered lift and escalator workers on the basis of their qualification, training and experience. This is a reasonable arrangement.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the support of Mr YEUNG to the introduction of a registration system for lift and escalator workers. The concerned requirements are laid down in <b>clauses 82 to 85 and clause 94 to 97 and schedule 10 of the Bill.</b></li> </ul>
CIC	<ul style="list-style-type: none"> <li>■ CIC agrees with the importance of keeping lift workers up to date with safety requirements and technology. In promoting continuing education, the Government may consider taking up with the trade the formulation of more specific requirements and proposals for continuing education for training institutions, and lift practitioners to follow, where appropriate, so as to ensure practitioners keep abreast of the latest technological development and safety measures.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Schedule 10 of the Bill</b> has specified that registered workers applying for renewal should have completed relevant training of not less than 30 hours within the 5 years prior to their submission of application for renewal. The Administration is deliberating the content and form of training etc. with the Task Force. The Administration will formulate guidelines on the content and form of training acceptable to the industry after having taken into consideration the views of the Task Force.</li> </ul>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ The rigid qualification requirements for competent workers may serve as a barrier for good and qualified lift and escalator workers to work for registered contractors. The specific details and mechanics of achieving those objectives should be embodied in the relevant Codes of Practice (COP) or guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>■ The competency of trade practitioners is of paramount importance in ensuring lift and escalator safety. The Administration thus states the registration requirements for workers in <b>clause 82, clause 94 and schedule 10 of the Bill.</b></li> <li>■ According to <b>clause 82, clause 94 and</b></li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<ul style="list-style-type: none"> <li>■ Referring to <b>Part 1 of Schedule 10 of the Bill</b>, there list 6 different requirements for a person to be qualified as registered lift worker. But it will limit the possible option of allowing candidates with higher qualification, e.g. degree holder or equivalent, with proper &amp; sufficient training as well as practical experience in the 2-3 years' service in the company, which enable them to carry out different kinds of lift works independently.</li> </ul>	<p><b>schedule 10 of the Bill</b>, candidates with higher qualification are allowed to apply for registration as registered lift workers. However, all candidates must have at least 4 years' relevant working experience.</p>
HKGULEE	<ul style="list-style-type: none"> <li>■ To encourage low-wage lift and escalator workers and competent workers who have changed to other engineering disciplines earlier to apply for registration, HKGULEE hopes that a one-off subsidy can be granted so that more competent workers will apply. (Similar to the remission of registration fee for the "Registered Minor Works Contractors (Individual)", the provision of such subsidy mainly aims at attracting more people to register.)</li> </ul>	<ul style="list-style-type: none"> <li>■ It is the Government's established policy that fees should in general be set at levels sufficient to recover the full cost of providing the items or services. Besides, we will consider carefully the various factors, including impartiality and the needs and views of the practitioners.</li> <li>■ The Administration will introduce to the LegCo regulations on relevant fees following the enactment of the Bill. For the preliminary estimate of fees for applications for registration and renewal of registration as lift and escalator workers and engineers, please see Appendix D of LegCo paper CB(1)2528/10-11(01) submitted to the</li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		Bills Committee on Lifts and Escalators Bill on 17 June 2011.
FHKEMITU	<ul style="list-style-type: none"> <li>■ For ensuring the safe operation and maintenance of lifts and escalators, the Government shall bear the major portion of fees. Hence, the Government shall not take “user pays” as an excuse for setting the registration fee level to recover the administrative cost. Besides, the administrative cost for processing renewal shall be significantly lower than that for processing new registration application, and thus the registration renewal fee level shall be lower than that of new registration application.</li> </ul>	<ul style="list-style-type: none"> <li>■ It is the Government's established policy that fees should in general be set at levels sufficient to recover the full cost of providing the items or services. Besides, we will consider carefully the various factors, including impartiality and the needs and views of the practitioners.</li> <li>■ The Administration will introduce to the LegCo regulations on relevant fees following the enactment of the Bill. For the preliminary estimate of fees for applications for registration and renewal of registration as lift and escalator workers and engineers, please see Appendix D of LegCo paper CB(1)2528/10-11(01) submitted to the Bills Committee on Lifts and Escalators Bill on 17 June 2011. Under the preliminary estimate, the fees for applications for registration are lower than that for renewal of registration.</li> </ul>
	<ul style="list-style-type: none"> <li>■ All existing competent workers shall be registered under the new legislation without any additional requirements on qualification or training.</li> </ul>	<ul style="list-style-type: none"> <li>■ To ensure the availability of adequate manpower readily available for services and to avoid affecting the livelihood of existing lift and escalator workers, the</li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<ul style="list-style-type: none"> <li>■ The existing “competent worker” arrangement shall be temporarily retained so as to allow adequate time for the practitioners to adapt the proposed worker registration system.</li> </ul>	<p>Administration has provided some transitional arrangements in the Bill. The transitional arrangements were set out at Appendix F to LegCo Paper CB(1)2528/10-11(01) submitted to Bills Committee on 17 June 2011.</p>
	<ul style="list-style-type: none"> <li>■ Regarding the trade test, which party will provide such test? How to ensure the fee level be retained at an affordable level to workers? Is 8 year relevant working experience be the requisite requirement for attending the test?</li> </ul>	<ul style="list-style-type: none"> <li>■ The Bill provides a route for those who, without the requisite academic qualification, but have not less than 8 years’ relevant work experience and have passed the approved trade test to apply for registration as registered lift workers or registered escalator workers. The Vocational Training Council agreed to organise the trade tests for lift and escalator workers, and invited the major industry stakeholders, including EMSD, trade associations and labour union to launch the preparatory work.</li> </ul>
	<ul style="list-style-type: none"> <li>■ Some workers may possess “practical experience and relevant training” but fail to acquire verification from their employers. Thus, the Administration shall consider accepting such verification by other parties so as to facilitate the concerned workers applying for registration and renew their registration under the proposed legislation.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of HKEMITU.</li> <li>■ EMSD will take into account the views of the Task Force and then provide relevant guidelines and “How to Apply” for reference of the trade and the applicants.</li> </ul>

<b>8. Registration of certain persons involved in lift and escalators works [clauses 74 to 97 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<ul style="list-style-type: none"> <li>■ As for the training required for registration renewal, it shall not be limited to a single course or practical training.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration is deliberating the content and form of training etc. with the Task Force. The proposed acceptable content of training under consideration includes relevant technology and technical knowhow; general occupational health, and knowledge on safety and environmental protection and work management etc. The proposed form of training includes training arranged by registered lift and escalator contractors, courses organised by the Vocational Training Council, worker unions, professional bodies and government departments (e.g. the Labour Department or EMSD etc.), career talks and seminars etc. The Administration will formulate guidelines on the acceptable content and form of training after having taken into consideration the views of the Task Force.</li> </ul>

<b>9. Composition of disciplinary board and appeal board [clauses 110 and 118 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
HKIS	<ul style="list-style-type: none"> <li>■ The decision of taking disciplinary actions should be carefully and thoroughly considered in parallel. 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Schedule 12 of the Bill</b> sets out the composition of disciplinary board panel and disciplinary board respectively. Comparing with LESO, there are three new categories of persons in the disciplinary board who are (i) representing the interests of registered workers, (ii) representing the interests of persons carrying out the business of property management and (iii) lift and escalator owners. In considering the function of the appeal board for assessing the propriety of decisions or actions by DEMS or the Registrar, which is mainly of technical nature, the Administration retains the arrangement under LESO with the appeal board to be made up of professional engineers from different relevant disciplines.</li> </ul>
REECAL	<ul style="list-style-type: none"> <li>■ One more lift and escalator engineer should be drawn among nominations from HKIE under LESO Section 8A as a member of the disciplinary board for engineers.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of REECAL on the composition of disciplinary board.</li> <li>■ <b>Schedule 12 of the Bill</b> sets out the composition of disciplinary board panel and disciplinary board respectively. Comparing with LESO, there are three new categories of persons in the disciplinary board who are (i)</li> </ul>

<b>9. Composition of disciplinary board and appeal board [clauses 110 and 118 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<p>representing the interests of registered workers, (ii) representing the interests of persons carrying out the business of property management and (iii) lift and escalator owners. The proposed composition with representatives from different categories is to provide balanced views for dealing with disciplinary cases.</p> <p>■ The proposed composition with representatives from different categories is to provide balanced views for dealing with disciplinary cases. The Administration considers that the disciplinary board panel has been made up of adequate numbers of engineer representatives.</p>

<b>10. Administration and enforcement [clauses 126, 129 to 139 and 145 to 147 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
<b>A. Confidentiality [clause 126]</b>		
Cheerwell (RC) IAEE Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>■ <b>Clause 126(3)(a) of the Bill</b> regarding confidentiality is too broad that it might defeat subsection (2) which protects confidentiality of the information.</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Clause 126(3)(a) of the Bill</b> allows enforcement officers to disclose or give information while performing any function under the proposed legislation. The concerned provision is to ensure that enforcement officers can properly perform their functions. The provision is modeled on the relevant provision in section 41(2)(a) of the Food Safety Ordinance (Cap. 612).</li> </ul>
<b>B. Power to enter premises [clauses 129 to 139 of the Bill]</b>		
Cheerwell (RC) IAEE Chevalier (RC) Elevator Parts (RC)	<ul style="list-style-type: none"> <li>■ Regarding <b>clauses 129(2)(e), 131(2)(f), 132(2)(e) &amp; 135(4)(g) of the Bill</b>, warrant is usually required for enforcement officers to seize, remove and detain anything from the premises. Legal advice confirming the authority of the EMSD to seize, remove or detain things without warrant should be obtained.</li> </ul>	<ul style="list-style-type: none"> <li>■ To achieve a balance between effective implementation of regulatory and enforcement actions for ensuring public safety and avoidance of unnecessary nuisance to the public, the Bill clearly defined the requirements for entering premises and performing enforcement actions.</li> <li>■ <b>Clauses 129 to 131 of the Bill</b> provide for the requirements for entering non-residential premises for the various kinds of purposes including conducting investigation of lift or escalator incidents, executing the order of disciplinary board or appeal board, routine inspection, examination of documents,</li> </ul>

<b>10. Administration and enforcement [clauses 126, 129 to 139 and 145 to 147 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
		<p>seizing, removing or detaining anything etc. <b>Clauses 132 to 135 of the Bill</b> set out the need for DEMS and the enforcement officers to obtain a warrant before entering certain premises (including residential buildings) to perform the relevant enforcement action. Comparing with section 37 of LESO, the concerned requirements are more stringent.</p> <ul style="list-style-type: none"> <li>■ On the other hand, the Bill also provides for additional protection. <b>Clause 138 of the Bill</b> provides for the requirements to return and forfeit the seized things, while <b>clause 139 of the Bill</b> provides for compensation of seizure etc. In the drafting process, the Department of Justice provided legal advice on the provisions of the Bill.</li> </ul>
<b>C. Codes of practice [clauses 145 to 147 of the Bill]</b>		
HKIS	<ul style="list-style-type: none"> <li>■ 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&amp;A works in existing buildings or old buildings. Technology advancement may provide alternative solutions and performance-based requirements are more preferable than</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted and would seriously consider HKIS's view on codes of practice.</li> </ul>

<b>10. Administration and enforcement [clauses 126, 129 to 139 and 145 to 147 of the Bill]</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<p>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.</p>	
<p>Cheerwell (RC) IAEE Chevalier (RC) Elevator Parts (RC) Holake (RC)</p>	<ul style="list-style-type: none"> <li>■ In LESO, codes of practice is the baseline that adopted by the trade. However, in the new bill, codes 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ The change is to follow prevailing practices in using codes of practice to give guidance. Any contractor can adopt work practices differing from the guidance given in the codes of practice so long as it can demonstrate that the work practices are of equal or better safety standard than the guidance given in the codes.</li> <li>■ On the other hand, instead of writing all the codes by DEMS himself, DEMS may also approve codes or part of a code written or to be issued by another body to give guidance. Therefore, new codes can be introduced more readily.</li> </ul>

<b>11. General matters</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
<b>A Publicity and public education</b>		
BSOMES	<ul style="list-style-type: none"> <li>■ 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 and their operation and maintenance teams.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the recommendation of BSOMES on publicity and public education.</li> <li>■ Subject to the passage of the Bill in the LegCo, the Administration plan to launch a series of publicity and promotional activities to give the public and the responsible persons a better understanding of the requirements under the proposed legislation and to raise their awareness on lift and escalator safety.</li> </ul>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ The public at large (including the building owners, lifts owners, property managers, etc. with whom the registered lift contractors have contracts with) have to be made aware of their duties and responsibilities under the new law.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of Schindler (RC) on publicity and public education.</li> </ul>
<b>B Communication with stakeholders</b>		
HKIS	<ul style="list-style-type: none"> <li>■ 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</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of HKIS on communication with stakeholders.</li> <li>■ To ensure the views of stakeholders are properly addressed in the Bill, the Administration will maintain close</li> </ul>

<b>11. General matters</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	Guidelines in the future.	communication with stakeholders through the Task Force and other channels to discuss the various issues relating to the Bill.
HKAPMC	<ul style="list-style-type: none"> <li>■ Apart from other parties if any, HKAPMC suggest that EMSD should consult HKAPMC in producing the codes of practice.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of HKAPMC on communication with stakeholders.</li> </ul>
BSOMES	<ul style="list-style-type: none"> <li>■ Communication channel should be established to heed views from the related industries, including the representatives from the building operation and maintenance practitioners, so as to minimize the unnecessary suspension of lift operation.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of BSOMES on communication with stakeholders.</li> </ul>
Cheerwell (RC)	<ul style="list-style-type: none"> <li>■ In respect of the legislative amendment, the Administration is requested to listen to the views of the trade for the better development of the trade and to attract more young people to join the trade.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of Cheerwell (RC) on communication with stakeholders.</li> </ul>
Schindler (RC)	<ul style="list-style-type: none"> <li>■ Schindler (RC) would strongly recommend that the codes of practice or any subsequent amendment / revision thereof also undergo a proper consultation process involving all the relevant parties.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of Schindler (RC) on communication with stakeholders.</li> </ul>
<b>C. Administrative processes</b>		
HKIS	<ul style="list-style-type: none"> <li>■ It is suggested to introduce performance pledges for various approvals, inspections and certifications responsible by EMSD.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of the HKIS. Appropriate performance pledges will be introduced.</li> </ul>

<b>11. General matters</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	<ul style="list-style-type: none"> <li>■ If EMSD has difficulty in completing the certification processes within performance pledges, it is recommended that EMSD can consider outsourcing the certification services independent consultants or checking bodies in order to shorten the process time.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of the HKIS and is confident in meeting the pledged performance.</li> </ul>
BSOMES	<ul style="list-style-type: none"> <li>■ 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of BSOMES on administrative procedures.</li> <li>■ EMSD will regularly review its administrative procedures to process applications with a view to improving efficiency so as to avoid unnecessary suspension of lift and escalator services.</li> </ul>
Eugene (RC)	<ul style="list-style-type: none"> <li>■ The Administration is requested to streamline certification processes in order to shorten the duration of suspension as far as possible.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of Eugene (RC) on administrative procedures and would make an effort to shorten the suspension time.</li> </ul>
<b>D. Manpower resources</b>		
CIC	<ul style="list-style-type: none"> <li>■ In preparing for the implementation of the proposed regulatory system, the Government should adequately consult the trade and the training institutions concerned to ensure there is enough supply of competent engineers and workers in the market within a certain timeframe so as to</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration is of the view that there should have adequate number of lift and escalator engineers and competent workers for the industry in the short-term.</li> <li>■ There are trade practitioners relaying to the Administration the potential manpower</li> </ul>

<b>11. General matters</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
	tie in with the measures proposed by the Bill and to avoid any shortage of manpower.	resource problems in the trade which include lack of newcomers joining the industry and the ageing of the existing workforce. For ensuring sufficient manpower could be deployed in the trade to provide services and to avoid jeopardizing the livelihood of lift and escalator practitioners, transitional arrangements <sup>3</sup> have been set up under the Bill. Furthermore, the Administration will continue to monitor the manpower situation of the industry with other major stakeholders and will enhance manpower training and publicity etc. where necessary to address the manpower need.
FHKEMITU	<ul style="list-style-type: none"> <li>■ For healthy development of the industry, the Administration should open up trade-specific training to be organized by public institution or other appropriate organizations.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of FHKEMITU on manpower resources.</li> <li>■ For ensuring sufficient manpower could be deployed in the trade to provide services, the Administration will continue to monitor the manpower situation of the industry with other major stakeholders and will enhance manpower training and publicity etc. where necessary to address the manpower need.</li> </ul>

<sup>3</sup> Transitional arrangements were set out at Appendices E and F to LegCo Paper CB(1)2528/10-11(01) submitted to Bills Committee on Lifts and Escalators Bill on 17 June 2011.

<b>11. General matters</b>		
<b>Deputations/individuals</b>	<b>Summary of views</b>	<b>Administration's response</b>
Chun Ming (RC)	<ul style="list-style-type: none"> <li>■ Concerning workforce in the trade, the Administration is recommended to consider establishing specific training centre to train up mechanics to work in the trade.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Administration noted the view of Chun Ming (RC) on manpower resources.</li> <li>■ At present, the Vocational Training Centre has provided training courses for lift and escalator apprentices and workers. For ensuring sufficient manpower could be deployed in the trade to provide services, the Administration will continue to monitor the manpower situation of the industry with other major stakeholders and will enhance manpower training and publicity etc. where necessary to address the manpower need.</li> </ul>