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28 November 2011

Clerk to the Bills Committee,
LegCo Secretariat,
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

(Attn: Ms Anita SIT)

Dear Ms SIT,

**Bills Committee on Lifts and Escalators Bill
Administration's Response to Follow-up Items**

In response to Members' discussion at the meeting of the Bills Committee on Lifts and Escalators Bill on 22 November 2011, we provide the relevant information in the ensuing paragraphs.

Subcontracting Restricted

We shared with Members' view that it is necessary to impose proper control over the subcontracting of lift/ escalator works to ensure public safety. As such, clauses 38 and 68 of the Bill have set out the restrictions on the subcontracting of lift/ escalator works, including the need for registered lift/ escalator contractors to obtain approval of the Director of Electrical and Mechanical Services (the Director) before the works or any parts of the works (except installation or demolition of lift/ escalator) could be subcontracted to non-registered contractor. In the

interest of public safety, the Director will only grant such approval under special circumstances as detailed in LegCo Paper ref. **CB(1)402/11-12(01)**.

However, we consider that it should not be necessary to impose further restriction in the legislation on multi-layered subcontracting if the subcontracted works are to be undertaken by registered lift/ escalator contractors. This is because registered lift/ escalator contractors are subject to the same set of regulatory control provisions stipulated in the Bill, which shall be applicable to them when they are carrying out lift/ escalator works as a subcontractor. For example, a registered lift contractor, when carrying out lift works as a subcontractor, shall continue to ensure that the works are carried out properly and safely in accordance with clause 16 of the Bill, and shall be subject to the corresponding penalties and/or disciplinary actions in case of non-compliance. We therefore consider no further restriction should be imposed under the circumstances. Moreover, since registered lift/escalator contractors are by themselves eligible for carrying out lift/escalator works without being subcontracted under another registered contractor, there are indeed no incentives for registered contractors to carry out lift/escalator works in the form of subcontracts.

Registered Lift Contractor to Post a Notice of Lift Incident

We have carefully revisited, in respect of lift incidents, the need for imposing a statutory duty for a registered lift contractor (instead of responsible person) to post a notice to inform affected users of the nature of the relevant incident and the follow-up actions that have been and are being undertaken by the contractor. We are concerned that registered lift contractors might encounter practical difficulties in posting such a notice in premises not under their management or control in discharging the proposed statutory duty. We opine that the posting of the notice would serve an informative purpose which is a good practice that should best be undertaken by a responsible person of the lift concerned who has the management or control of the lift. To take this forward, the EMSD will consider issuing general guidelines for responsible persons to adopt the concerned good practice.

Not imposing the above statutory duty on registered lift contractors will not jeopardize public safety. If considered necessary, the Director will issue a prohibition order prohibiting the lift concerned from being used or operated pursuant to clause 30 of the Bill. The Director may post

the order in a conspicuous part of the building or the lift as appropriate stating the reasons for issuing the order.

Lift Components

We concur with Members' view that the alarm bell, intercom system and car ventilation are important components of a lift. A series of measures are in place to ensure the proper functioning of these components as detailed in LegCo Paper ref. **CB(1)402/11-12(01)**. Furthermore, EMSD has issued guidelines recommending responsible building management staff to regularly check the concerned components and to inform their registered lift contractor of any malfunctioning for immediate repair.

We have carefully revisited the need to specify these components in the relevant schedule(s) of the Bill such that responsible persons, registered lift contractors and registered lift engineers shall give specific attention to these components in performing their respective duties. We have reviewed the other lift components specified in the relevant schedules and found that, in specifying these components in the relevant schedule(s) of the Bill, it will not only require more resources to be allocated for attending to these components, but will also lead to inconvenience to lift users because of the longer lead time for resuming the lift to normal operation. After balancing the merits and demerits of the proposed requirement, we consider the existing arrangement has provided adequate assurance in the proper functioning of these components.

Registration and Renewal of Registration of Lift Contractor

In considering whether an applicant is suitable for registration as a registered lift contractor or for renewal of his registration, the Registrar must take into account, inter alia, whether the person has and is capable of maintaining the necessary workforce to carry out lift works. As far as maintenance of lift is concerned, it is understandable that the manpower demand for maintaining a lift serving a 30-storey modern high-rise building would be more than that for maintaining a stair-lift with the height of travel of four meters. It is therefore not possible to set a fixed standard on the level of workforce to be maintained by an applicant for registration as registered lift contractor. Instead, the Registrar has to conduct assessment on a case-by-case basis taking into account such factors as the number of lifts being maintained by the applicant as well as

the age, usage, design and construction of the lifts to be maintained.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jimmy PM Chan', written in a cursive style.

(Jimmy PM CHAN)
for Secretary for Development

c.c.

Director of Electrical and Mechanical Services (Attn: Mr Alfred SIT)
Law Officer (Civil Law), Department of Justice (Attn: Ms Bonnie CHAU)
Law Draftsman, Department of Justice (Attn: Ms Frances HUI and Ms Angie LI)