



Our Ref: LECA/L1201/11

December 07, 2011

Mr. SIT Wing Hang, Alfred, JP  
Dep Dir of Electrical & Mechanical Services/Regulatory Services  
Dir of Electrical & Mechanical Services  
Electrical & Mechanical Services Department  
7/F, 3 Kai Shing Street  
Kowloon  
Hong Kong

Dear Mr Sit

**Re: Concern on the New Lifts and Escalator Bill**

With reference to letter Ref: DEVB(CR)(W)1-55/119 dated 4 October 2011 from Secretary for Development sent to LegCo Secretariat for response to the views given at the meeting of the Bills Committee on Lifts and Escalators Bills held on 17 July 2011 and our subsequent bill taskforce and working group meetings, we are aware that not all of our comments to the bill voiced through written submission letter Ref: LECA/L0701/11 dated 8 July 2011 and subsequent bill taskforce and working group meetings have duly been studied or considered by the Administration. Therefore, we would like to take this final chance to express our utmost concern as follows:

**1) Interpretation**

Clause 2

Lift works includes any kind of work concerning the installation, commissioning, examination, maintenance, repair, alteration or demolition of a lift or any associated equipment or machinery of a lift.

- *Comment: The wording “,not being building works,” in clause 2 (interpretation) of Chapter 327 has been omitted. The wording “,not being building works,” is*

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*suggested to be kept in order not to lead any confusion on lift work coverage by clarifying that the lift works in new bill does not include any associated building work and decoration work. (Also similar comments on relevant Clause 2 for escalator works).*

2) **Examination of lifts after major alterations**

Clause 21

If any major alteration has been made in respect of a lift, before the normal use and operation of the lift is resumed, the responsible person for the lift must cause a registered lift engineer –

- (a) to thoroughly examine the lift and all its associated equipment or machinery; or
- (b) to examine the affected part of the lift in accordance with Clause 25(1).

Clause 25 (Issue of safety certificates by registered lift engineers after major alterations)

- (1) A registered lift engineer who undertakes to examine any affected part of a lift must ensure that the lift and its associated equipment or machinery are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.

- *Comment: Clause “(a) to thoroughly examine the lift and all its associated equipment or machinery; or” is suggested to be deleted because the bill clause (b) already requires the affected parts of the lift to be examined is sufficient. This clause 21 gives selection options for whole lift or affected part only will introduce confusion for the responsible persons.*

*On the other hand, for Clause 25(1), please also change the wording “the lift and its associated equipment or machinery” to “the affected part of the lift and its associated equipment or machinery” because the wording “the lift” implies the whole lift which is not in line with clause 21(b) which requires the affected parts to be examined. (Also similar comments on relevant Clause 52, 55 for escalators)*

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**3) Subcontracting restricted**

**Clause 38**

- (1) Except with the written approval of the Director, a registered lift contractor who undertakes any lift works must not subcontract the works or any part of the works to any other person who is not a registered lift contractor.
- (2) .....
- (3) This section does not apply to any works concerning the installation or demolition of a lift.

- *Comment: For the works of lift decoration or total lift replacement and also heavy material handling on-site, RCs are not of core competence in this area and will employ a third party to undertake this kind of work. It is not practicable to have a limitation for RCs on subcontracting of those lift works. (Also similar comments on relevant Section 68 for escalators).*

*On the other hand, even though Clause 38/68 allow the subcontracting of installation/demolition works of lift/escalator to a contractor who is not a registered lift contractor, Clause 2 implied any registered/competent lift/escalator worker who is employed by a non-registered lift contractor is classified as not a qualified person. Furthermore, according to Clause 8 and 42 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 workforce for registered/competent lift/escalator workers. As registration of lift/escalator workers will be administered under a more stringent new system, please consider that the registered lift/escalator worker can be regarded as a qualified person.*

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4) **Duties of registered lift engineers to carry out lift works properly and safely, etc.**

Clause 17

(1) A registered lift engineer who engages in any lift works must ensure that –

(a) ...

(b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; and

(c) ...

- *Comment: We suggest to delete the Clause 17(1)(b) because every engineer or worker has the general duty of care for their own safety at work as well as for other members working nearby (Clause 6B of FIUO). We believe that the main objective of this bill is to enhance passenger safety, overlapping control will only cause complicated administration procedures and confusion to the partners working in the front-line.*

*In addition, damage to any property shall not be addressed in the bill. (Also similar comments on relevant Clause 48 for escalators and Clause 16(1)(b) and 47(1)(b) for registered lift/escalator contractors)*

5) **Issue of safety certificates by registered lift engineers**

Clause 24

(6) If on examination under this section, the registered lift engineer is of the opinion that the lift or any of its associated equipment or machinery is not of good design and construction or is not in safe working condition, the engineer –

(a) must not issue a certificate under subsection (4); and

(b) must within 24 hours after the examination is completed –

(i) notify in writing the responsible person specified in subsection (10) of the reasons for not issuing the certificate; and

(ii) report to the Director the result of the examination and the opinion of the engineer.

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- *Comment: Within 24 hours to complete all administration procedures for not issuing the certificate is not sufficient. This clause 24(6)(b)(i) may not be complied as emergency contact of some buildings' responsible persons could not be reached, especially during holiday or the day before/after holiday. Within 72 hours is more practicable and reasonable which we therefore recommend. (Also similar comments on relevant Clause 54 for escalators)*

6) **Schedule 1 – Major Alterations**

Item 1 – For the purposes of this Ordinance, major alteration, in relation to a lift, means –

a).....

w) any replacement, including any change in the type, of any safety component or safety equipment of the lift.

Item 2 – For the purposes of this Ordinance, major alteration, in relation to an escalator, means –

a).....

d) any replacement, including any change in the type of any safety component or safety equipment for the escalator

**Schedule 2**

Part 1 – Lifts

7) Any safety circuit for a lift that contains any electronic component.

Part 2 – Escalators

1) A step/pallet of an escalator/conveyor

- *Comment: It is not practicable to consider the works of electronic safety circuit (PCBs) or step/pallet replacement as the major alteration because it will certainly increase administrative time and hence the lift/escalator service suspension time.*

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*Also, the replacement with original type of electronic safety circuit for a lift or step/pallet of an escalator/conveyor is not a crucial safety issue.*

*We recommend any change in the type of electronic safety circuit for a lift or in the type of step/pallet of an escalator/conveyor to be regarded as the major alteration under the new bill.*

*Moreover, some new items of safety equipment added (e.g. Overload device for lift) may not be of crucial safety concerns and the uncertainty on administrative time on obtaining the resumption permit (Clause 28, 58) will certainly be a big concern on lift/escalator service suspension time.*

7). Schedule 2 – Safety Components for Lifts and Escalators

3) A door locking device for a lift

- *Comment: The item 3 should be specified as “a landing door locking device for a lift” because according to international standard EN81 the car door lock type test certificate are not specified as mandatory. Some car door lock manufacturers in the industries do not normally have acquired type test certificate. We suggest not to include the car door lock into safety components at this stage until this requirement has been adopted internationally.*

We sincerely hope the Administration and the Bill Committee could consider our concerns and suggestions mentioned above so that the confusions on the bill could be cleared without compromising public safety and prolonging the lifts/escalators suspension time. We are looking forward to hearing any open-mind decisions on the bill.

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Should you require any elaboration of our suggestions, please feel free to contact us.

Thank you for your kind attention.

Yours sincerely  
The Lift and Escalator Contractors Association



H.S. Kuok  
President

cc Mr Jimmy CHAN (Prin AS (Works) 3 - Development Bureau)  
Ir Dr Hon Raymond HO (Chairman - Bills Committee on Lifts and Escalators Bill,  
LegCo)