

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1419/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/7/10/2

**Bills Committee on Lifts and Escalators Bill**

**Ninth meeting on**  
**Tuesday, 22 November 2011, at 10:45 am**  
**in Conference Room 2B of the Legislative Council Complex**

**Members present** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Chairman)  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, SBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon IP Wai-ming, MH  
Hon Alan LEONG Kah-kit, SC

**Members absent** : Hon James TO  
Hon IP Kwok-him, GBS, JP

**Public officers** : Mr Jimmy CHAN Pai-ming  
**Attending** Principle Assistant Secretary for Development (Works) 3  
  
Mr Jacky WU Kwok-yuen  
Assistant Secretary for Development (Works Policies) 7  
  
Mr Alfred SIT Wing-hang  
Deputy Director/Regulatory Services  
Electrical and Mechanical Services Department

Mr Harry LAI Hon-chung  
Assistant Director/Gas and General Legislation  
Electrical and Mechanical Services Department

Ms Frances HUI Hang-ka  
Senior Government Counsel  
Department of Justice

Ms Angie LI Sau-lee  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Anita SIT  
Chief Council Secretary (1)5

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Mr Hugo CHIU  
Council Secretary (1)5

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**I Confirmation of minutes of meetings**

(LC Paper No. CB(1)369/11-12 — Minutes of meeting on 21 June 2011

LC Paper No. CB(1)370/11-12 — Minutes of meeting on 17 July 2011)

The minutes of the meetings held on 21 June 2011 and 17 July 2011 were confirmed.

**II Meeting with the Administration**

Follow-up to issues arising from previous meetings

(LC Paper No. CB(1)402/11-12(01) — Administration's response to issues raised at the meeting on 15 November 2011

LC Paper No. CB(1)402/11-12(02) — List of follow-up actions arising from the discussion at the meeting on 15 November 2011)

Clauses-by-clause examination of the Bill (starting with clause 72)

(LC Paper No. CB(3)684/10-11 — The Bill

LC Paper No. CB(1)182/11-12(01) — Administration's paper on "Corresponding provisions of Lifts and Escalators Bill and Lifts and Escalators (Safety) Ordinance (Cap. 327)"

Discussion

2. The Committee deliberated (Index of proceedings attached at **Appendix**).

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Follow-up actions to be taken by the Administration

3. The Administration was requested to provide the following information:
- (a) in respect of subcontracting of lift/escalator works, consider imposing restrictions in the legislation on multi-layered subcontracting of works even if all contractors involved are registered lift/escalator contractors;
  - (b) in respect of lift incidents, consider imposing a requirement in the legislation on the registered lift contractor concerned (instead of the responsible person) to post a notice to notify affected users about the nature of the relevant incident and the follow-up actions that have been and are being undertaken by the contractor;
  - (c) given the importance of the proper functioning of the alarm bell, intercom system, car ventilation at times of lift passenger entrapments, consider specifying these components in the relevant schedule(s) of the Bill such that responsible persons, registered lift contractors and registered lift engineers would give special attention to these components in performing their respective duties under the Bill; and
  - (d) provide the concrete criteria that would be adopted by the Registrar in determining whether a lift contractor has sufficient workforce to carry out lift works when applying for registration and for renewal of registration.

### **III Any other business**

#### Date of next meeting

4. The Chairman reminded members that the next two meetings would be held on 24 November 2011 and 29 November 2011.
5. There being no other business, the meeting ended at 12:52 pm.

Council Business Division 1  
Legislative Council Secretariat  
26 March 2012

**Proceedings of the  
Bills Committee on Lifts and Escalators Bill  
Ninth meeting on Tuesday, 22 November 2011, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
000338 – 000456	Chairman	<p>Confirmation of minutes of the meetings on 21 June 2011 and 17 July 2011</p> <p>Introductory remarks</p>	
000457 – 001957	Administration Chairman	<p>Briefing by the Administration on LC Paper No. CB(1)402/11-12(01) ("the paper")</p> <p><i>(Post-meeting note: The paper was tabled at the meeting and circulated to members vide LC Paper No. CB(1)411/11-12 on 22 November 2011.)</i></p> <p>The Chairman asked whether it was a mandatory requirement to install visible signals to indicate whether a energy-saving escalator was available for use and its direction of travel. The Administration replied in the affirmative. The Administration also advised that it would step up publicity on energy-saving escalators.</p>	
001958 – 002451	Prof Patrick LAU Administration Chairman	<p>Prof LAU remarked that it was important to specify clearly the examination requirements with respect to alarm bell, intercom system, car ventilation as the proper functioning of these lift components was vital at times of lift passenger entrapments. He enquired about the arrangements to ensure that these lift components were properly maintained and examined.</p> <p>The Administration advised that registered lift contractors were required to inspect the proper functioning of the lift components, including alarm bell, intercom system and car ventilation, during monthly routine maintenance cycle. Registered lift engineers were required to verify the functioning of the concerned components when conducting periodic examinations. Details of the requirements were set out in the codes of practice ("CoPs") issued under the existing Lifts and Escalators (Safety) Ordinance (Cap. 327).</p> <p>Prof LAU remarked that residents of buildings should also be informed of the progress and results of the examination of lift components. For</p>	

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		<p>instance, the property management agency of a building should be required to post relevant notices at suitable locations. The Chairman added that information displayed inside the lift car should be precise and concise.</p> <p>The Administration remarked that it would compile relevant guidelines for responsible persons and would discuss with property management agencies on ways to enhance the dissemination of information on lift examination and maintenance to lift users.</p>	
002452 – 003538	Ms LI Fung-ying Administration Chairman	<p>Pointing out that some old buildings might not have formed owners' corporations (OCs), Ms LI enquired whether the flat owners of such old buildings would be the responsible persons of the lifts in the buildings and if so, whether the Administration would provide relevant education to them. Ms LI also remarked that the OCs of some buildings had delegated the management of the buildings' lifts to property management agencies and enquired whether under the Bill such OCs would still have liability in the event of a lift incident.</p> <p>The Administration replied as follows:</p> <p>(a) if a lift was the common part of a building without an OC, it might be possible that the flat owners of the building would be the responsible persons in respect of the lift. However, other relevant factors like the relevant provisions in the Deed of Mutual Covenant were also relevant in making such determination. The flat owners might arrange registered lift contractors to manage the lifts;</p> <p>(b) according to the definition of "responsible person" in the Bill, property management agencies responsible for the management of lifts in a building would likely be responsible persons for the lifts. In taking enforcement actions in each incident, the Government would take into account all relevant facts and circumstances; and</p> <p>(c) the Government would strengthen the publicity upon the passage of the Bill to</p>	

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		<p>educate the public and responsible persons on the requirements under the new legislation.</p> <p>Ms LI stressed that flat owners should be well-informed of their responsibilities under the Bill. She suggested that the Administration could co-operate with community organizations, such as the District Offices and District Councils, in its publicity work. The Chairman concurred with Ms LI.</p> <p>The Administration responded that the Electrical and Mechanical Services Department (EMSD) would prepare pamphlets and guidelines for flat owners and stakeholders. It would also leverage on the coming campaigns to educate property owners on lift safety matters.</p>	
003539 – 005002	Mr IP Wai-ming Administration Chairman	<p>Mr IP enquired (a) whether the approval of EMSD was required for the subcontracting of all kinds of lift works; and (b) whether the approval of EMSD was required for multi-layered subcontracting.</p> <p>The Administration responded that approval of EMSD was not required for (a) the subcontracting of lift works to registered lift contractors and (b) the subcontracting of works concerning the installation or demolition of a lift.</p> <p>Mr IP enquired whether the approval of EMSD was required for multi-layered subcontracting of lift works when all parties involved were registered lift contractors. The Administration replied in the negative.</p> <p>Mr IP enquired whether the CoPs would specify any restrictions on multi-layered subcontracting of lift works when all parties involved were registered lift contractors. The Administration replied in the negative and explained the reason that all registered lift contractors would be subject to the control under the new legislation.</p> <p>Mr IP pointed out that multi-layered subcontracting would give rise to risks affecting lift safety adversely. The Chairman concurred with Mr IP and remarked that past experience of the construction industry revealed that multi-layered subcontracting could give rise to serious problems.</p>	

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		<p>The Administration responded that there were at present about 40-odd registered lift contractors. Since all registered lift contractors could undertake lift works at their own capacity and so they should be able to bid for lift works contracts, there was little incentive for them to take up lift works as subcontractors.</p> <p>Both the Chairman and Mr IP disagreed with the Administration's view. They pointed out that the number of registered lift contractors could increase substantially in future and multi-layered contracting of lifts might become common. They requested the Administration to consider imposing restrictions in the legislation on multi-layered subcontracting of works even if all contractors involved were registered lift/escalator contractors.</p>	<p>The Administration to take action as per paragraph 3 of the minutes.</p>
005003 – 005547	Andrew CHENG Administration Chairman	<p>Mr CHENG referred to the section on "Registered Lift Contractor to Post a Notice of Lift Incident" of the paper, and remarked that he did not agree that the notice of lift incident should be posted by responsible persons concerned because responsible persons had to rely on information provided by the relevant registered lift contractor to prepare the notice. Mr CHENG requested the Administration to consider moving a Committee Stage amendment (CSA) to impose a requirement in the legislation on the registered lift contractor concerned (instead of responsible persons) to post a notice to notify affected users about the nature of the relevant incident and the follow-up actions that had been and were being undertaken by the contractor. Otherwise, he would move a CSA himself.</p> <p>The Administration responded that the posting of notice of lift incident was a property management matter. Given that responsible persons possessed the necessary authority to post such notice, it would be more appropriate for responsible persons to post the notice while the registered lift contractor concerned would carry out the lift works. The Administration added that EMSD might issue a prohibition order if the lift concerned was unsafe to use and responsible persons would be required to post it at a suitable location. In this way, the public would not inadvertently use a lift that was unsafe to use.</p>	<p>The Administration to take action as per paragraph 3 of the minutes.</p>



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		<p>The Chairman pointed out that the Administration should take into account the fact that responsible persons were not subject to the registration requirement while registered lift contractors were. Mr CHENG concurred with the Chairman's view. Both the Chairman and Mr CHENG requested the Administration to re-examine its position on the issue.</p>	
005548 – 010248	Prof Patrick LAU Chairman Administration Mr IP Wai-ming	<p>Prof LAU pointed out that the Hong Kong Housing Authority (HKHA) did not allow multi-layered subcontracting and required the names of sub-contractors to be properly recorded. Prof LAU remarked that the approval of EMSD should be required for multi-layered subcontracting even if all the parties involved were registered lift contractors. The Chairman concurred with Prof LAU's view and remarked that the Administration might make reference to HKHA's experience.</p> <p>The Administration undertook to discuss the issue with the Task Force for Legislative Amendments to the Lifts and Escalators (Safety) Ordinance ("the Task Force"). Mr IP requested the Administration to provide a concrete timeframe for its reply. Otherwise, he would move a relevant CSA. The Chairman remarked that while the Administration should discuss the issue with the Task Force, the progress of the scrutiny of the Bill should not be delayed.</p>	
010249 – 011732	Mr Andrew CHENG Administration Chairman	<p>Mr CHENG referred to the section on "Lift Passenger Entrapment" of the paper and suggested that the examination of the alarm bell, intercom system and car ventilation should be added to relevant schedule of the Bill instead of CoPs. The Chairman concurred with Mr CHENG's suggestion.</p> <p>In reply, the Administration advised that the lift components stipulated in the relevant schedules of the Bill were directly related to lift safety. Periodic maintenance of alarm bell, intercom system and car ventilation could ensure their proper functioning. A registered lift contractor's rating in the "Registered Lift Contractors' Performance Rating" scheme would be adversely affected if the contractor did not properly conduct</p>	

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		<p>maintenance works for those components and this would motivate them to properly maintain the components.</p> <p>The Chairman did not agree with the Administration's view that only those lift components directly related to lift safety (as classified by the Administration) should be included into the relevant schedules of the Bill. Mr CHENG opined that the proposed legislation should inspire confidence among lift users that the lifts they used were safe so long as the legislative requirements were complied. As such, the Administration should pay attention not only to the lift hardware but also the proper functioning of all complementary systems including the alarm bell, intercom system and car ventilation. Mr CHENG suggested the Administration consider specifying the lift components in the relevant schedule(s) of the Bill such that responsible persons, registered lift contractors and registered lift engineers would give special attention to these components in performing their respective duties under the Bill.</p> <p>In reply, the Administration remarked that it accorded high priority to the proper functioning of those lift components and reiterated that this could be achieved by setting relevant requirements in CoPs and according due weighting to the relevant maintenance and repair works under the "Registered Lift Contractors' Performance Rating" scheme.</p> <p>Mr CHENG remarked that he received a number of complaints from the public concerning the malfunctioning of the alarm bell, intercom system and car ventilation of lifts, and he might move a CSA on the issue. The Chairman remarked that given the grave concern of both the members and the public over the subject, the Administration should review its position on the issue.</p>	<p>The Administration to take action as per paragraph 3 of the minutes.</p>
011733 – 012710	Administration	<p><b><u>Clause-by-clause examination of the Bill</u></b></p> <p><b>Part 4</b></p> <p><b>Registration of Persons Involved in Lift Works or Escalator Works</b></p> <p><b>Division 1 – Administration</b></p>	

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		<p><u>Clause 72 – Appointment of Registrar</u></p> <p><u>Clause 73 – General functions of Registrar</u></p> <p>Members raised no question on clauses 72 and 73.</p> <p><b>Division 2 – Registration and Renewal of Registration of Contractors, Engineers and Workers</b></p> <p><b>Subdivision 1 – Registration and Renewal of Registration of Lift Contractors</b></p> <p><u>Clause 74 – Registration—lift contractors</u></p> <p><i>Schedule 8 – Registration of Lift Contractors and Escalator Contractors</i> (part 1 and part 2)</p>	
012711 – 013824	Mr IP Wai-ming Administration Chairman	<p>Referring to clause 74(3)(a) and 74(3)(b), Mr IP requested the Administration to provide the concrete criteria that would be adopted by the Registrar in determining whether a lift contractor had sufficient workforce to carry out lift works when applying for registration and for renewal of registration.</p> <p>The Administration remarked that EMSD would maintain close monitoring to ascertain whether the registered lift contractors had sufficient workforce to carry out lift works. Registered lift contractors were required to submit relevant workforce information to EMSD regularly. EMSD would assess whether the contractor had maintained a reasonable level of workforce and might conduct investigation on suspected cases. Clause 16 of the Bill stipulated that a registered lift contractor undertaking any lift works must ensure that there was sufficient workforce to carry out the works, and the CoPs would specify that certain lift works should be conducted by two lift workers together. If a registered lift contractor failed to comply with such requirements, EMSD would consider whether its registration should be revoked. Furthermore, if the quality of works of a registered lift contractor was not satisfactory, EMSD would take actions as necessary.</p>	The Administration to take action as per paragraph 3 of the minutes.

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		<p>In response to Mr IP's enquiry, the Administration advised that EMSD would make reference to a general work gang/lifts ratio of 1/50, but given the wide variety of lift works, the adequacy of the workforce would be determined on a case-by-case basis.</p> <p>In view of the Administration's reply, Mr IP requested the Administration to provide information on the basis for determining the work gang/lifts ratio and relevant reference figures. The Chairman enquired whether the height of a building would be considered by the Administration in determining the work gang/lifts ratio, and the Administration replied in the affirmative.</p>	
013825 – 014316	Administration	<p><u>Clause 75 – Renewal of registration—lift contractors</u></p> <p><u>Clause 76 – Expiry of registration and renewed registration</u></p> <p>Members raised no question on clauses 75 and 76.</p> <p><u>Clause 77 – Decisions of Registrar to be in writing</u></p>	
014317 – 014655	Ms LI Fung-ying Administration	<p>Referring to clause 77(1), Ms LI pointed out that it might take up to 90 days for the Registrar to process a registration application and suggested specifying in the Bill that an applicant must submit an application for registration renewal at least three months before the date of expiry of the registration to prevent the occurrence of a "window period".</p> <p>The Administration advised that it would remind registered lift or escalator contractors/engineers/workers about one year before the date of expiry of their registration to submit the registration renewal application.</p>	
014656 – 015036	Mr IP Wai-ming Administration ALA1	<p>Mr IP considered that the Bill should specify that a registered lift contractor/engineer/worker must submit the registration renewal application at a certain time, say six months, before the date of expiry of the registration.</p>	

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		<p>In reply, the Administration advised that the Registrar could specify an earlier period for a registered person to submit the registration renewal application. ALA1 also pointed out that according to clause 75(2), a registered lift contractor should submit the registration renewal application within the period specified by the Registrar. The Administration added that the Registrar could suitably specify the period so as to prevent the occurrence of a "window period".</p>	
015037 – 020005	Administration	<p><b>Subdivision 2 – Registration and Renewal of Registration of Lift Engineers</b></p> <p><u>Clause 78 – Registration—lift engineers</u></p> <p><u>Clause 79 – Renewal of registration—lift engineers</u></p> <p><u>Clause 80 – Expiry of registration and renewed registration</u></p> <p><u>Clause 81 – Decisions of Registrar to be in writing</u></p> <p>Members raised no question on clauses 78 to 81.</p> <p><i>Schedule 9 – Registration of Lift Engineers and Escalator Engineers (part 1 and part 2)</i></p>	
020006 – 020405	Mr Alan LEONG Administration Chairman	<p>Mr LEONG enquired whether the terms "relevant working experience" and "practical experience" were defined in the Bill.</p> <p>In reply, the Administration clarified that the term "practical experience" referred to practical experience in lift works while the term "relevant working experience" covered a wider scope of working experience.</p> <p>Mr LEONG enquired whether there would be objective criteria for the determination of "relevant working experience" and "practical experience" and, if so, whether such criteria would be clearly specified. The Administration advised that it was currently discussing with the Task Force on the subject and there would be explanation on the terms in the future registration application forms. Guidelines would be issued in this respect.</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
020406 – 020636	Prof Patrick LAU Administration	Prof LAU enquired whether the Bill had taken the Qualifications Framework into account. The Administration advised that the academic requirements for registered lift engineers were set out in part 2 of Schedule 9 and the academic requirements for registered lift workers were set out in another part of the schedule.	
020637 – 020808	Administration	<i>Schedule 9 – Registration of Lift Engineers and Escalator Engineers (part 3)</i>  Members raised no question on part 3 of Schedule 9.	
020809 – 021030	Mr IP Wai-ming Clerk Chairman	Mr IP remarked that the Administration had yet to provide its substantive response on some outstanding issues and enquired when the response would be available. The Clerk recapped that at the last meeting, the Chairman had suggested handling this in a flexible manner. The Chairman remarked that the Administration had to discuss some of the outstanding issues with the Task Force.	
021031 – 021155	Chairman	The Chairman remarked that the next two meetings would be held on 24 November 2011 and 29 November 2011.	