

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1592/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/7/10/2

**Bills Committee on Lifts and Escalators Bill**

**Tenth meeting on**  
**Thursday, 24 November 2011, at 2:30 pm**  
**in Conference Room 2A 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 CHEUNG Hok-ming, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon IP Kwok-him, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon IP Wai-ming, MH  
Hon James TO

**Members absent** : Hon LI Fung-ying, SBS, JP  
Hon Abraham SHEK Lai-him, SBS, 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

**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 Meeting with the Administration**

Clauses-by-clause examination of the Bill (starting with clause 82)

(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**).

Follow-up actions to be taken by the Administration

3. The Administration was requested to take follow-up actions as follows:

(a) provide a written response on the submission of MTR Corporation Limited;

- (b) consider adding lay members to the disciplinary board and appeal board provided in the Bill, having regard to the relevant arrangements of the disciplinary/appeal board panels provided in other comparable legislation; and
- (c) verify whether the levy imposed by the Construction Industry Council (CIC) on construction contracts covered lift/escalator works, and if so, consider appointing CIC to take up the registration of lift/escalator workers/engineers/contractors.

## **II Any other business**

### Date of next meeting

- 4. The Chairman reminded members that the next two meetings would be held on 29 November 2011 and 2 December 2011.
- 5. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
16 April 2012

**Proceedings of the  
Bills Committee on Lifts and Escalators Bill  
Tenth meeting on Thursday, 24 November 2011, at 2:30 pm  
in Conference Room 2A of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
000330 – 000430	Chairman	The Chairman informed members that the MTR Corporation Limited had sent a submission to the Bills Committee, and he requested the Administration to provide a written response on the submission.	The Administration to take action as per paragraph 3 of the minutes.
000431 – 001121	Administration	<p><b><u>Clause-by-clause examination of the Bill</u></b></p> <p><b>Subdivision 3 – Registration and Renewal of Registration of Lift Workers</b></p> <p><u>Clause 82 – Registration—lift workers</u></p> <p><i>Schedule 10 – Registration of Lift Workers and Escalator Workers (part 1)</i></p>	
001122 – 002049	Mr IP Wai-ming Administration Chairman	<p>Mr IP sought clarification on the kinds of lift works a registered lift worker registered under clause 82(1)(b) could perform.</p> <p>The Administration advised that the term "lift works" was defined under clause 2 and seven kinds of works were included in the definition. The Administration noted that some of the existing lift workers only possessed the knowledge and experience to perform some but not all kinds of lift works. In order that these existing lift workers could be qualified for registration under the new regime, clause 82(1)(b) allowed a lift worker to apply for registration for the kinds of lift works he was able to perform. In the long run, the Administration aimed at upgrading the knowledge and skills of lift workers so that registered lift workers would be able to perform all kinds of lift works.</p> <p>Mr IP enquired whether the certificate of registration and registration card of a registered lift worker would indicate the kinds of lift works for which he had registered. The Administration replied in the affirmative.</p> <p>In response to the enquiries of the Chairman and Mr IP, the Administration advised that after the</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>initial registration, a registered lift worker could subsequently register for more kinds of lift works after acquiring relevant knowledge and experience. A worker could acquire the relevant knowledge by taking specified training courses or on-the-job training provided by a registered lift contractor.</p>	
002050 – 002509	Prof Patrick LAU Administration	<p>Prof LAU enquired why the registration work was to be undertaken by the Registrar instead of the Construction Industry Council (CIC). The Administration advised that as provided in the Bill, the Registrar would be appointed by the Secretary for Development, and it was possible for CIC to be appointed as the Registrar.</p> <p>Prof LAU requested the Administration to verify whether the levy imposed under the Construction Industry Council Ordinance (Cap. 587) was applicable to lift/escalator works, and if so, consider appointing CIC to take up the registration of lift/escalator workers/engineers/contractors.</p>	The Administration to take action as per paragraph 3 of the minutes.
002510 – 002745	Administration	<p><u>Clause 83 – Renewal of registration—lift workers</u></p> <p><i>Schedule 10 – Registration of Lift Workers and Escalator Workers (Part 2)</i></p>	
002746 – 003356	Prof Patrick LAU Administration	<p>Prof LAU referred to the requirement of at least 30 hours of relevant training obtained within the 5-year period immediately before the date of submission of the application, and enquired which institutes would provide the training. The Administration responded that a flexible approach would be adopted. Courses provided by the Vocational Training Council (VTC) and internal training provided by registered lift contractors and recognized by the Director of Electrical and Mechanical Services ("the Director") would be acceptable .</p> <p>Prof LAU mentioned his experience in the Security and Guarding Services Industry Authority (SGSIA) and remarked that the training courses for security guards did not complement the registration requirements for security guards. He suggested the Administration make reference to SGSIA's experience and carefully plan and monitor the provision of training courses for lift and escalator workers. The Administration remarked that the Task Force for Legislative</p>	

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		Amendments to the Lifts and Escalators (Safety) Ordinance ("the Task Force") was aware of the training requirements and had discussed the issue.	
003357 – 003721	Mr Alan LEONG Administration	Mr LEONG enquired whether the Administration had made any planning regarding the establishment of the office of the Registrar. The Administration advised that at present, the Electrical and Mechanical Services Department (EMSD) was responsible for the registration of lift/escalator engineers and contractors. To ensure smooth transition to the new regime, EMSD would likely be appointed to undertake the registration work in the early stage of the implementation of the proposed Lifts and Escalators Ordinance. The Administration would consider appointing another party as the Registrar at a later stage.	
003722 – 004646	Prof Patrick LAU Mr Alan LEONG Administration Chairman	<p>Prof LAU asked whether the Administration would consider establishing a statutory body to handle the registration work. Pointing out there might be a number of disputes on registration in the early stage of implementation of the proposed legislation, Mr LEONG was concerned whether the Administration had the capacity to handle the registration work.</p> <p>The Administration advised that there would be around 5,300 lift or escalator workers/engineers/contractors to apply for registration in the first five years upon the enactment of the Bill. Thus, there would be on average around 1,000 (per year) and five to six (per day) cases of registration application. The existing manpower and resources of EMSD would be sufficient to handle this estimated workload. The Administration added that while it did foresee that there might be an influx of registration applications immediately after the enactment of the Ordinance, it was confident that EMSD, which possessed the relevant experience, had the capacity to handle this situation.</p> <p>Mr LEONG enquired how the Administration would stagger the registration applications in the first five-year period. The Administration responded that it had discussed this issue with the industry and would, upon the enactment of the Ordinance, proactively visit relevant companies to</p>	

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		<p>arrange for the registration of the lift or escalator workers/engineers/contractors so that the registration applications would not be highly clustered in certain periods. The Administration added that it forecasted that there would be around 20 registration applications per day in the peak seasons.</p> <p>Prof LAU pointed out that the number of registration predicted by the Government for the Minor Works Control System deviated from the actual figures significantly, and suggested the Administration learn a lesson from the experience. The Chairman concurred with Prof LAU's view and suggested that the Administration should make reference to the experience of other registration regimes.</p> <p>The Administration responded that it would pay attention to the issues mentioned by members. The registration situation under the proposed legislation would be different from that of the Minor Works Control System because the majority of the applicants would be the existing competent lift and escalator workers and engineers practicing in the field and EMSD would be able to contact most of them.</p>	
004647 – 011517	Administration	<p><u>Clause 84 – Expiry of registration and renewed registration</u></p> <p><u>Clause 85 – Decisions of Registrar to be in writing</u></p> <p><b>Subdivision 4 – Registration and Renewal of Registration of Escalator Contractors</b></p> <p><u>Clause 86 – Registration—escalator contractors</u></p> <p><u>Schedule 8 – Registration of Lift Contractors and Escalator Contractors (part 3)</u></p> <p><u>Clause 87 – Renewal of registration—escalator contractors</u></p> <p><u>Clause 88 – Expiry of registration and renewed registration</u></p> <p><u>Clause 89 – Decisions of Registrar to be in writing</u></p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p><b>Subdivision 5 – Registration and Renewal of Registration of Escalator Engineers</b></p> <p><u>Clause 90 – Registration—escalator engineers</u></p> <p><u>Schedule 9 – Registration of Lift Engineers and Escalator Engineers (part 4)</u></p> <p><u>Clause 91 – Renewal of registration—escalator engineers</u></p> <p><u>Schedule 9 – Registration of Lift Engineers and Escalator Engineers (part 5)</u></p> <p><u>Clause 92 – Expiry of registration and renewed registration</u></p> <p><u>Clause 93 – Decisions of Registrar to be in writing</u></p> <p><b>Subdivision 6 – Registration and Renewal of Registration of Escalator Workers</b></p> <p><u>Clause 94 – Registration—escalator workers</u></p> <p><u>Schedule10 – Registration of Lift Workers and Escalator Workers (part 3)</u></p> <p><u>Clause 95 – Renewal of registration—escalator workers</u></p> <p><u>Schedule10 – Registration of Lift Workers and Escalator Workers (part 4)</u></p> <p><u>Clause 96 – Expiry of registration and renewed registration</u></p> <p><u>Clause 97 – Decisions of Registrar to be in writing</u></p> <p><b>Division 3 – Certificates of Registration and Registration Cards</b></p> <p><u>Clause 98 – Issue of certificates of registration</u></p> <p><u>Clause 99 – Issue of registration cards on registration or renewal of registration</u></p> <p>Members raised no question on clauses 84 to 99.</p>	



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		<u>Clause 100 – Issue of duplicates of registration certificates and registration cards</u>	
011518 – 011719	Prof Patrick LAU Administration	Prof LAU enquired (a) whether the registered lift or escalator engineers/workers had to carry the registration cards when they conducted lift or escalator works; and (b) whether the registration card would contain a photo. The Administration replied both enquiries in the affirmative.	
011720 – 014204	Administration	<p><b>Division 4 – Cancellation or Suspension of Registration</b></p> <p><u>Clause 101 – Cancellation of registrations etc.</u></p> <p><u>Clause 102 – Suspension of registration etc.</u></p> <p><u>Clause 103 – Registrar to notify decisions under sections 101 and 102</u></p> <p><u>Clause 104 – Return of certificates of registration and registration cards to Registrar on cancellation or suspension, etc</u></p> <p><b>Division 5 – Registers</b></p> <p><u>Clause 105 – Registers</u></p> <p><u>Clause 106 – Registers available for public inspection</u></p> <p><b>Part 5</b></p> <p><b>Disciplinary Proceedings</b></p> <p><u>Clause 107 – What is a disciplinary offence</u></p> <p>Members raised no question on clauses 101 to 107.</p> <p><u>Clause 108 – Disciplinary board panel</u></p> <p><i>Schedule 11 – Disciplinary Board Panel</i></p>	
014205 – 014958	Prof Patrick LAU Administration	The Chairman and Prof LAU requested the Administration to consider adding lay members to the disciplinary board and the appeal board as provided in the Bill, having regard to the relevant arrangements in other comparable legislation.	The Administration to take action as per paragraph 3 of the minutes.

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		<p>The Administration responded that most members of the disciplinary board panel would be engineers because the issues to be tackled by the panel would be highly technical. The Chairman clarified that while he agreed that most members of the disciplinary board could be engineers, he considered that the board should include lay members to enhance its impartiality.</p> <p>The Administration pointed out that the persons specified under proposed sections 2(1)(g) and 2(1)(h) of Schedule 11 were non-engineers. The inclusion of these persons could enhance the disciplinary board's impartiality. Prof LAU pointed out that lay members should be persons totally unrelated to the area of matters handled by the board. The Chairman concurred with Prof LAU's view. The Administration agreed to consider the request of the Chairman and Prof LAU.</p>	
014959 – 015525	Administration	<p><u>Clause 109 – Referral of complaints to Secretary</u></p> <p>Members raised no question on clause 109.</p> <p><u>Clause 110 – Establishment, composition, meetings and proceedings of disciplinary board, etc.</u></p>	
015526 – 015708	Mr IP Kwok-him Administration	<p>Mr IP enquired whether the complaint mechanism set out in the Bill was consistent with those stipulated in other legislation. The Administration replied in the affirmative.</p>	
015709 – 015836	Chairman	<p>The Chairman remarked that the next two meetings would be held on 29 November 2011 and 2 December 2011.</p>	