

政府總部

發展局

工務科

香港花園道美利大廈



Works Branch

**Development Bureau
Government Secretariat**

Murray Building, Garden Road,
Hong Kong

本局網址 Our Website: <http://www.devb.gov.hk>

本局檔號 Our Ref.: DEVB(CR)(W)1-55/119

來函檔號 Your Ref.: CB1/BC/7/10

電話 Tel No.: 2848 2704

傳真 Fax No.: 2536 9299

電郵 E-mail: jimmy_pm_chan@devb.gov.hk

21 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 15 November 2011, we provide the relevant information in the ensuing paragraphs.

Chinese version of Clauses 34(1) and 35(1)(b) of the Bill

We will take into account Members' views on the Chinese text of clauses 34(1) and 35(1)(b) of the Bill, and consider providing an alternative version with the original meaning maintained.

Responsible Person for a Lift

- (a) The Director of Electrical and Mechanical Services (the Director) does not maintain a register of lift owners. The ownership of a lift

is determined by the evidence of each case. When needed, the Director will collect relevant evidence including land ownership information.

- (b) To bring in more flexibility to the public, we have not imposed any restriction on the eligibility of a person to apply for the use permit of a lift. In this regard, a responsible person for a lift may cause any other person, such as a registered lift contractor or a property management company, to submit an application to the Director. The Director will process the application in accordance with clause 26 of the Bill and issue the use permit to the applicant as appropriate.
- (c) We consider that, in addition to lift owners, persons who have the management or control of lifts, such as the property management company of a building, should be brought under the jurisdiction of the control regime for lifts. To reflect this policy intention, the Bill has required a person who owns a lift or any other person who has the management or control of a lift to be the responsible person for the lift.
- (d) The owner of a lift, who is a responsible person under the Bill, is required to observe certain statutory duties imposed under the Bill. While responsible persons may call for the assistance of other persons when discharging their duties, they cannot pass such statutory duties to other persons. To protect an innocent responsible person from being caught under the Bill, it is inserted in certain provisions a requirement that the conduct complained of must be one which is "without reasonable excuse". We trust that the above is sufficient to safeguard the position of a responsible person who is not culpable in the matter.
- (e) In general, we would take into account all the evidence, including any information that the suspect may choose to provide to the authorities during investigation, with reference to the relevant legal provisions before taking enforcement actions against any person. In case there are more than one responsible person for the lift concerned, in determining the appropriate subjects against whom enforcement actions should be taken, one major consideration is the purpose of the proposed legislation, namely to ensure the safety of lifts and escalators, so that the enforcement actions, if and when taken, would be more efficient and effective way to carry out and

achieve the purpose of the legislation.

Subcontracting Restricted

- (a) In the past five years, the Director has approved a total of 174 applications for subcontracting lift works to non-registered lift contractors. All the applications are related to the maintenance of closed circuit televisions installed inside lift cars.
- (b) In the interest of public safety, the Director will only grant approval to applications for subcontracting lift works under special circumstances. In determining whether an approval should be granted, the Director will assess whether there is a genuine need for subcontracting the particular lift works or part of the lift works under application, such as the need to fulfill certain statutory or other specific requirements, or the availability of expertise normally within the lift trade.

Registered Lift Contractor to Post a Notice of Lift Incident

In attending to lift incidents, registered lift contractors are required to enter into log-book details of the incidents concerned and the corresponding actions taken or to be taken. The details to be entered into the log-book will be given in the relevant Code of Practice for compliance by the registered lift contractors.

In regard to posting of a notice pertaining to a lift incident, we agree that it is a good practice to notify affected users of the lift incident leading to suspension of the lift service. However, we consider that it will be more appropriate for the responsible person of the lift concerned to post such notification. To take this forward, the Electrical and Mechanical Services Department (EMSD) will consider issuing general guideline to encourage responsible person to adopt the concerned good practice.

Lift Passenger Entrapment

- (a) Registered lift contractors are required to confirm the proper functioning of the components of a lift, including the alarm, inter-communication and ventilation system during their monthly routine maintenance cycle. Separately, registered lift engineers are required to verify the functioning of these components when

conducting periodic examination. These requirements have already been laid down in the relevant Code of Practice issued under the Lifts and Escalators (Safety) Ordinance (Cap.327). An extract of relevant part of the Code of Practice is at **Appendix 1**.

- (b) EMSD has produced an announcement of public interest (API) entitled "Lift Safety - Trapped in Lift" for regular showing on television. The API is also available on EMSD's website. The relevant EMSD webpages showing the links to the API are at **Appendix 2**. EMSD will enhance the education and publicity on how the public should handle lift passenger entrapments through arranging seminars and talks targeting at property management companies and the general community.

Notice for Escalators Starting Automatically

In respect of energy-saving escalators which will start or stop automatically or vary their running speed in response to the presence of users, there are already requirements stipulated in the existing Code of Practice. These requirements include specific design features such as clearly visible signals for providing necessary indication to users on whether the escalator is available for use, and its direction of travel. An example of the implementation of such a signal system is shown at **Appendix 3**. Registered escalator engineers responsible for examining energy-saving escalators are required to check for compliance with the requirements and proper functioning of the operating mode. Likewise, registered escalator contractors are required to check that the signal system is in place for energy-saving escalators.

Yours sincerely,



(Jimmy PM CHAN)
for Secretary for Development

Encl.

c.c. w/encl.

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)

Appendix 1

Extract of Existing Code of Practice regarding Maintenance of the Alarm, Inter-communication, and Ventilation Systems of Lifts

4.5 Periodic Maintenance on Lifts

4.5.1 For keeping the lift and accessories in good working order, at least the following applicable items are to be checked for proper condition, and attended to if necessary, in accordance with a schedule recommended by the manufacturer.

a) lift machine gearbox and bearings

.
. .

o) car controls, car door switches, safety edges, emergency stop, alarm bell and intercom system; condition of car body fixing, car interior and floor covering; car lighting, car ventilation and levelling accuracy

.
.

.

Appendix 2

Links to API “Lift Safety- Trapped in Lift”

The screenshot shows the EMSD website in Internet Explorer. The browser window title is "Welcome - Windows Internet Explorer". The address bar shows "http://www.emsd.gov.hk/emsd/eng/welcome/index.shtml". The website header includes the EMSD logo, the text "Electrical and Mechanical Services Department", and "The Government of the Hong Kong Special Administrative Region". There is a search bar and a "SITE MAP" link. The main navigation menu on the left includes: Home, What's New, About Us, Protecting Public Safety, Our Engineering Services, Promoting Energy Efficiency and Conservation, Supporting Government Initiatives, Consultants/ Contractors/ Suppliers' Corner, Tender Notices, Electronic Submissions, Access to Information, Public Forms, Links, and Contact Us. The "Protecting Public Safety" menu is expanded, showing a sub-menu with: Electricity, Gas, Lifts and Escalators, Builders' Lifts & Tower Working Platforms, Railway, Tramways & Peak Tramway, Aerial Ropeways, Amusement Rides, Oil Supplies, and Other Areas. The "Lifts and Escalators" sub-menu is further expanded, showing: Lifts and Escalators (Safety) Ordinance, Publications, Registers, How to Apply, Statutory / Advisory Bodies, Safe Rider, and TV Announcements. The "TV Announcements" link is highlighted with a blue box. Below the navigation menu, there is a "Highlight" section titled "Adjustment of Auto-LPG Ceiling Prices in November 2011". The text states: "The auto-LPG ceiling prices for dedicated LPG filling stations in November 2011 are in the range from \$4.22 to \$4.64 per litre, representing a decrease of \$0.22 to". To the right of the text is a small image of a red LPG filling station. On the right side of the website, there are several links and logos, including "Corporate Publication", "Daily Living Tips & Games", "Register", "Energy Label", "HK Sustainable Technology Net", "E&M Safety", "E&M Young", "ENERGY LAND", and "Greening".

Protecting Public Safety : Lifts and Escalators : TV Announcements - Windows Internet Exp

http://www.emsd.gov.hk/emsd/eng/pps/le_tva.shtml

File Edit View Favorites Tools Help

★ Favorites Protecting Public Safety : Lifts and Escalators...

機電工程署 EMSD Electrical and Mechanical Services Department The Government of the Hong Kong Special Administrative Region HONG KONG

GovHK 香港政府一站通 繁體版 简体版 SEARCH SITE MAP

Lifts and Escalators : TV Announcements

Home

What's New

About Us

Protecting Public Safety

Our Engineering Services

Promoting Energy Efficiency and Conservation

Supporting Government Initiatives

Consultants/ Contractors/ Suppliers' Corner

Tender Notices

Electronic Submissions

Access to Information

Public Forms

Links

Contact Us

[Test and Examine Lifts Regularly](#)

[Lift Safety - Trapped in Lift](#)

[Escalator Safety](#)

* Only Chinese version is available

[Lift Safety](#)

Appendix 3

An Example of Signals of an Energy Saving Escalator



Energy saving escalator signal - the green arrow lighting signal indicates that the escalator is ready for use and its direction of travel.



The red “no-entry” lighting signal indicates that users should not enter.