

政府總部

發展局

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1 December 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 the Submission from
MTR Corporation Limited**

I refer to the submission of the MTR Corporation Limited (MTRC) dated 21 November 2011 (LegCo Paper ref. **CB(1)446/11-12(01)**) addressed to the Clerk to Bills Committee regarding the Lifts and Escalators Bill (the Bill). We would like to provide in the ensuing paragraphs our response to MTRC's views as stated in the submission.

Rescue of Passengers Trapped in Lifts

The definition of lift works under the Bill is similar to that under the existing Lifts and Escalators (Safety) Ordinance (Cap. 327). Under the Bill, lift works include 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. The rescue works as described in MTRC's submission, prima facie, do not fall into the definition of lift works under section 2 of the Bill. Nevertheless, MTRC may like to seek independent legal advice if in

doubt.

Report of Lift/Escalator Incident by Responsible Person within 24 hours

According to clauses 40 and 70 of the Bill, a responsible person is required to notify the Director of Electrical and Mechanical Services and the specified registered contractor within 24 hours after any of the incidents listed in schedule 7 of the Bill comes to the responsible person's knowledge. The responsible person is only required to state the known type or types of the incident(s) as listed under schedule 7 of the Bill and provide such other basic information as the date, time and place of occurrence of the incident(s). The responsible person will not be required to provide details of the cause or investigation of the incident(s) in the notification. As such, the requirement should not lead to the release of inaccurate or inconsistent information.

Requirement of Resumption Order by EMSD after Major Alteration

The concern over the possible delay in resumption of the lift and escalator service should the replacement of a step or pallet of an escalator and the specified electronic component of a lift be classified as major alteration is noted. We have received similar views from other stakeholders after the introduction of the Bill to the Legislative Council.

In light of the above, we are prepared to revisit the scope of major alteration with a view to striking a proper balance between ensuring public safety and causing undue inconvenience to users.

Yours sincerely,



(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)